

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1853.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
Feb. 26, 1840, and March 16, 1842.

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1853.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1853.

Chapter 173.

CHAP. 173.

An act to incorporate the Vassalborough and China Railroad Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. Alfred Marshall, Artemas Libbey, Ebenezer Shaw, John F. Hunnewell, Alexander Hatch, Timothy F. Hanscom, James H. Brainerd, Allen Brackett, James H. Brackett, Thomas B. Lincoln, Amasa Taylor, Reuben Hamlen, Thomas Ward, David Hanscom, Henry Baker, John Wellington, Ralph Baker, D. B. Fuller, Joseph Bowman, Jacob Butterfield, Zechariah Butterfield, and John Mower, are hereby made a body politic and corporate by the name of the Vassalborough and China Railroad Company; and the said corporation is hereby authorized and empowered to locate, construct, alter and keep in repair a railroad, with one or more sets of rails or tracks, and all necessary appendages from some point in the city of Augusta, or the town of Vassalborough, in the county of Kennebec, north-easterly through Vassalborough, to such point in the town of China, as the directors of said corporation shall judge most favorable and best calculated to promote public convenience; and said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities provided and prescribed respecting railroads, in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this charter.

Corporators.

Corporate name.

Authorized to locate and construct railroad.

Line of road.

Powers, privileges, &c.

SECT. 2. The capital stock of said corporation shall consist of not less than four thousand nor more than twelve thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in five, seven or nine directors, who shall be chosen in the manner herein provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of their board, who shall also be president of the corporation. They shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer who shall be sworn and also give bond to the corporation with sureties to the satisfaction of the directors in a sum not less than twenty thousand dollars, conditioned for the faithful discharge of his trust.

Capital stock.

Affairs of the company, how vested.

Directors.

President.

Clerk.

Treasurer.

—bond of.

SECT. 3. For the purpose of receiving subscriptions to the said stock, books shall be opened at such time and in such

Subscription books.

CHAP. 173.

If subscription exceed the number of shares, how disposed of, &c.

places as shall be deemed expedient by the persons named in the first section of this act; and in case the amount subscribed shall exceed the number of shares authorized by this act, the same shall be distributed among all the subscribers according to such regulations as the persons aforesaid shall prescribe before the opening of said books.

By-laws.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations consistent with the constitution and laws of the state, for their own government and for the due and orderly conducting of their affairs, and the management of their property.

Powers of president and directors.

SECT. 5. The president and directors, for the time being, are authorized by themselves or their agents to exercise all the powers herein granted to the corporation for the purposes of

Location, construction and transportation.

locating and constructing said railroad, and for the transportation of persons and property, and all such power as may be necessary and proper to carry into effect the objects of this grant, and to make equal assessments from time to time on all

Assessments.

the shares subscribed as they may deem expedient in the prosecution and progress of the work, and direct the same to be

Notice of assessments.

paid to the treasurer of the corporation. The treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share

Shares of delinquent subscribers, how disposed of.

or shares for the space of thirty days after such notice is given as shall be provided by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction after giving such notice as may be prescribed by the by-laws to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent stockholder or subscriber shall be held accountable for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale, and shall be entitled to the overplus if his share or shares shall sell for more than the assessments due thereon with interest and costs of sale; *provided, however,* that no assessment shall be laid upon any shares of a greater amount in the whole than fifty dollars.

Proviso.

Toll.

SECT. 6. A toll is hereby granted for the sole benefit of said corporation upon all persons and property which may be conveyed upon said road at such rate as may be established from time to time by the directors. The transportation of persons and property shall be in conformity with the rules and regulations to be prescribed by the directors.

Transportation of persons, &c.

SECT. 7. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation; and said corporation shall receive and transport all persons and property which may be conveyed to their railroad on such other railroad as may be hereafter authorized to connect therewith, at the same rates of toll as may be prescribed by said corporation, so that the rates of toll on the persons and property received from such other railroads shall not exceed the general rates of toll on persons and property received at any of the depots of said corporation.

Connection with other roads.

Transportation of persons and property from other roads.

SECT. 8. Said corporation shall erect and maintain substantial and sufficient fences on each side of the land taken by them for their railroad when the same passes through enclosed or improved lands, and for neglect to erect and maintain such fence such corporation shall be liable to be indicted in the district court for the county where such fence shall be insufficient and to be fined in such sum as shall be adjudged necessary to erect or repair the same, and such fine shall be expended for the erection or repair of said fence under the direction of an agent appointed by said court.

Fences.

Neglect, &c., penalty of.

SECT. 9. The said corporation shall at all times, when the post master general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as required, for a fair and reasonable compensation, and in case the corporation and the post master general shall be unable to agree upon the compensation aforesaid, the legislature of the state shall determine the same; and said corporation, after they shall commence the receiving of tolls, shall be bound to have said road in good repair, and a sufficient number of suitable engines, cars and carriages for the transportation of persons and property, and be obliged to receive, at all proper times and places, and convey the same, when the established tolls shall be paid or tendered, and a lien is hereby created on all property for the tolls.

Mail, transportation of.

Compensation, how determined.

Bound to keep road in good repair, &c.

Lien for payment of toll.

SECT. 10. The annual meeting of members of said corporation shall be holden on the first Monday of June, or such other day as shall be determined by the by-laws, at such hour and place as the directors shall appoint; at which meeting the directors shall be chosen by ballot, each stockholder by himself or proxy being entitled to as many votes as he holds shares; and the directors are authorized to call special meetings of the stockholders whenever they shall deem it expedient, giving such notice as the corporation by their by-laws shall direct.

Annual meeting.

Officers, when chosen.

Special meetings.

CHAP. 173.

Legislature
right of
jurisdiction
of said road.

Charter not to
be altered
without
consent of
corporation.

First meeting.

Sections of
road, when to
be put under
contract.

Company,
organization
of. Location
and construc-
tion of road
limited.

SECT. 11. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties hereinbefore enjoined, but not to impose any further duties, liabilities or obligations; and this charter shall not be annulled, revoked, altered, limited or restrained without the consent of the corporation, except by due process of law. But this corporation shall be subject to all general laws regulating said roads now upon the statute book or which may hereafter be passed by the legislature of this state.

SECT. 12. Any five of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in the city of Augusta of the time and place and purposes of said meeting at least twenty days before the time mentioned in such notice.

SECT. 13. No section or sections of said road shall be put under contract to be built until three-quarters at least of the estimated cost (by a competent engineer) of building said section or sections shall be subscribed by responsible persons.

SECT. 14. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the county or counties through which all or any part of the same shall pass, on or before the thirty-first day of December, eighteen hundred and fifty-eight, or if the said corporation shall fail to complete said road to China on or before the thirty-first day of December, in the year eighteen hundred and sixty-three, in either of the above named cases this act shall be null and void.

[Approved March 30, 1867]