

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-NINTH LEGISLATURE

OF THE

## STATE OF MAINE.

1860.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1860.

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## Chapter 465.

An act to incorporate the Somerset Railroad Company.

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

**Corporators.** SECT. 1. George C. Getchell, William R. Flint, Franklin Smith, S. W. Hapgood, Bradbury T. Dinsmore, O. R. Batchelder, Edmund Coolidge, Thaddeus Boothby, Edgar Hilton, Benjamin Hilton, Jonas M. Hilton, Nathan Wood, Nathan Weston, Rufus Bixby, John S. Abbott, Dennis Moore, David Danforth, Edmund Rowe, Stephen D. Lindsey, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the Somerset Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoined; and to prevent all invasions thereof or interruptions in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, alter, keep in repair, a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point in the county of Somerset, at or near Carritunk falls, on either side of the Kennebec river; thence down the valley of the Kennebec river through either of the towns adjacent to said river, passing through the villages in the towns of Anson and Norridgewock, and through Fairfield to the town of Waterville, in the county of Kennebec, with the right to connect with the Androscoggin and Kennebec or Somerset and Kennebec Railroads in the town of Waterville. And said corporation shall be and hereby are invested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth. And for this purpose, said corporation shall have the right to purchase or to take and hold so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction, and convenient operation of said railroad; and they shall also have the right to take, remove and use, for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials on or from the land so taken; *provided however*, that said land so taken, shall not exceed six rods in width, except where greater width is necessary for the purposes of excavation or embankment; *and provided, also*, that in all cases said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree on; and in case said

**Corporate name. General powers and duties.**

**Authorized to locate and construct railroad.**

**Location.**

**Powers, privileges, &c.**

**May hold real estate.**

**Proviso.**

**Further proviso. Prices of materials, &c., how determined.**

parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways. And the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application to said commissioners to estimate said damages shall be sustained, unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any wood lands or forests, the said company shall have a right to fell or remove any trees standing therein, within four rods of such road which by their liability to be blown down or from their natural falling, might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as provided for the recovery of other damages in this act.

Application for damages, when made.

Right to fell and remove trees.

SECR. 2. The capital stock of said corporation shall consist of not less than one thousand nor more than six thousand shares, and the immediate government and direction of the affairs of said corporation shall be vested in nine, eleven or thirteen directors who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their office until others shall have been duly elected and qualified to take their place, 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 the corporation and 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 bonds to the corporation with sureties to the satisfaction of the directors in a sum not less than ten thousand dollars for the faithful discharge of his trust. And for the purpose of receiving subscription to the said stock, books shall be opened under the direction of the persons named in the first section of this act at such time as they may determine in the towns of Solon, Anson, Madison and Norridgewock and elsewhere as they shall appoint to remain open for five successive days at least, of which time and place of subscription public notice shall be given in one or more of the newspapers printed in the county of Somerset, ten days before the opening of such subscription. And any seven of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation for the choice of directors and organization, by giving notice in one or more newspapers published as above named, of the time and place and the purposes of such meeting at least fourteen days before the time mentioned in such notice.

Capital stock.

Government to be vested in a board of directors.

President.

Clerk.

Treasurer.

Books to be opened for subscription to stock, &c.

Notice, how given.  
First meeting, how called.

## CHAP. 465.

Lands taken from persons under guardianship, &c., damages, how adjusted.

SECT. 3. When said corporation shall take any land or other estate as aforesaid of any infant, person non compos mentis, or feme covert whose husband is under guardianship, the guardian of such infant or person non compos mentis and such feme covert with the guardian of her husband shall have full power and authority to agree and settle with said corporation for damages or claims for damages by reason of taking such land and estate as aforesaid and give good and valid releases and discharges therefor.

President and directors, powers and duties of.

SECT. 4. The president and directors for the time being are hereby authorized and empowered by themselves or their agents to exercise all the powers herein granted to the corporation for the purpose of locating, constructing and completing said railroad and for the transportation of persons, goods and property of all descriptions, and all such powers and authority for the management of the affairs of the corporation as may be necessary and proper to carry

—may purchase land, &c.

into effect the objects of this grant, to purchase and hold land, materials, engines and cars, and other necessary things in the name of the corporation for the use of said road, and for the transportation of persons, goods and property of all descriptions; to make such equal assessment from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give

Assessments, how made.

notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may

Notice, how given.

order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation 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 with interest and costs of sale; *provided however*, that no assessment shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

Shares of delinquent subscribers, how disposed of.

Proviso.

Toll.

SECT. 5. A toll is hereby granted and established, for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weights of loads, and all other matters

Transportation, construction, &c.

and things in relation to said road, shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

SECT. 6. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation at any points on the route of said railroad. And said corporation shall receive and transport all persons, goods and property of all descriptions which may be carried and transported to the railroad of said corporation on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll of such passengers, goods and other property as may be received from such other railroads so connected with said road as aforesaid shall not exceed the general rates of freight and toll on said railroad received for freight and passengers at any of the deposits of said corporation.

Connection with other roads, &c.

—transportation of persons, goods, &c., from other roads.

SECT. 7. If said railroad in the course thereof shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if said railroad shall in the course thereof cross any canal, railroad, or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal or highway; and the said corporation shall have power to raise or lower such highway or private way, so that the said railroad if necessary may conveniently pass over or under the same, and erect such gate or gates thereon as may be necessary for the safety of travelers on said railroad, highway or private way, and shall keep all bridges and embankments necessary for the same in good repair.

Private ways, crossing of.

—canals, turn-pikes, &c., crossing of.

SECT. 8. Said railroad corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands, or lands that may be hereafter improved.

Fences.

SECT. 9. The said corporation shall at all times when the postmaster 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 may be required for a fair and reasonable compensation. And in case the corporation and the postmaster 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 at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages and vehicles for transportation of persons and articles, and be obliged to receive at all proper times and places and convey the same when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported

Mail, transportation of.

In case of disagreement, how determined.

Duty and obligation of company to keep road in repair, &c.

Lien for tolls.

## CHAP. 465.

Not bound to allow any engine, &c., other than their own to pass over said railroad.

Proviso.

Malicious mischief, trespass, &c.

Forfeitures, penalty, &c.

Account of disbursements, &c., how kept.

Annual exhibit.

Real estate, how and when taxable.

for said tolls. And said corporation fulfilling on its part all and singular, the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicles for the transportation of persons or merchandise to pass over said railroad, other than its own furnished and provided for that purpose as herein enjoined and required; *provided however*, that said corporation shall be under obligations to transport over said road the passenger and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the fifth and sixth sections of this act as to rates of toll and all other particulars enumerated in said sections.

SECT. 10. If any person shall willfully and maliciously or wantonly and contrary to law obstruct the passage of any carriages on such railroad, or in any way spoil, injure or destroy said railroad or any part thereof or anything belonging thereto or any materials or implements to be employed in the construction of or for the use of said road, he, she, or they, or any person or persons assisting, aiding or abetting such trespass shall forfeit and pay to said corporation for every such offence treble such damages as shall be proved before the justice court or jury, before whom the trial shall be had to be sued for before any justice or in any court proper to try the same by the treasurer of the corporation or other officer whom they may direct to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand jury of the county within which trespass shall have been committed for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same shall pay a fine not exceeding five hundred dollars to the use of the state or may be imprisoned for a term not exceeding five years at the discretion of the court before whom such conviction may be had.

SECT. 11. Said corporation shall keep in a book for that purpose a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature, and at the expiration of every year the treasurer of said corporation shall make an exhibit under oath to the legislature of the profits derived from the income of said railroad.

SECT. 12. All real estate purchased by said corporation for the use of the same under the fourth section of this act shall be taxable to said corporation by the several cities, towns and plantations in which said land lies in the same manner as lands owned by private



persons and shall in the valuation list be estimated the same as other adjacent lands of the same quality in such city town or plantation and not otherwise, and the shares owned by the respective stockholders shall be deemed personal estate and be taxable as such to the owners thereof in the places where they reside and have their homes. And whenever the net income of said corporation shall have amounted to ten per cent. per annum upon the cost of the road and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature, from and after which time one moiety or such other portion as the legislature may from time to time determine of the net income of said railroad accruing thereafter over and above ten per cent. per annum first to be paid to the stockholders shall annually be paid over to the treasurer of said corporation as a tax in the treasury of the state for the use of the state; and the state may have and maintain an action against said corporation therefor to recover the same; but no other tax than herein is provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

Shares shall be deemed personal estate, &c.

Net income over ten per cent., how disposed of, &c.

SECT. 13. The annual meeting of the members of said corporation shall be holden on the first Monday in January, or such other day as shall be determined by the by-laws at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares, and the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Annual meetings.

Directors, how chosen.

Special meetings.

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 counties through which the same shall pass on or before the first day of January, in the year of our Lord one thousand eight hundred and sixty-five, or if the said corporation shall fail to complete said railroad to Anson on or before the first day of January, in the year of our Lord one thousand eight hundred and sixty-nine, in either of the above mentioned cases this act shall be null and void.

Organization, time of limited.

Railroad, completion of limited.