

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1849.



Augusta:

WM. T. JOHNSON;.....PRINTER TO THE STATE.

1850.

TWENTY-NINTH LEGISLATURE.

No. 34.]

[SENATE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-NINE.

AN ACT to establish the Lewiston Falls and Rumford
Falls Railroad Company.

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

SECTION 1. Job Prince, Timothy Ludden, Philo
2 Clark, John Blake, William B. Bray, Asa Bradford,
3 Isaac Gross, William Bradford, H. B. Bradford,
4 William Bradford, 2d, Hiram Clark, J. B. Walker,
5 Thomas Beede, Stephen Bray, Abijah Gorham, Phillip
6 Bradford, Hiram Dunham, Isaac Strickland, Essec
7 Fuller, Charles Torrey, William Bray, Alden Blossom,
8 Isaac Chase, Wm. H. Brettun, George W. Springer,
9 Lee Strickland, Nathaniel Norcross, William Child,

10 Jefferson Coolidge, — Gibbs, William Thompson,
11 John M. Deshon, Otis Hayford, Andrew Barrows,
12 Benjamin H. Swasey, Ira Reynolds, Edmond Phiney,
13 E. G. Harlow, Cornelius Holland, John Hersey,
14 C. P. Holland, Samuel Holmes, Thomas J. D. Mer-
15 ritt, Cyrus Wormwell, William H. Ripley, David F.
16 Brown, William Tucker, Samuel Burgess, Lyman
17 Bolster, Charles L. Eustis, Samuel Morrill, Isaac
18 Park, I. N. Stanley, J. B. Marrow, C. T. Chase, Levi
19 Ludden, Freeman Griffith, Isaac Randall, John M.
20 Eustis, Peter Trask, C. P. Howe, C. W. Walton,
21 Ebenezer Harlow, Alvan Bolster, Rufus Virgin, and
22 John Reed, their associates, successors and assigns, are
23 hereby made and constituted a body politic and cor-
24 porate, by the name of the Lewiston Falls and Rum-
25 ford Falls Railroad Company, and by that name
26 may sue and be sued, plead and be impleaded, and
27 shall have and enjoy all proper remedies at law and
28 in equity to secure and protect them in the exercise
29 and use of the rights and privileges and in the
30 performance of the duties hereinafter granted and
31 enjoined, and to prevent all invasion thereof or
32 interruption in performing the same. And the said
33 corporation are hereby empowered and authorized to

34 locate, construct, and finally complete, alter and keep
35 in repair a railroad with one or more sets of rails or
36 tracks, with all suitable bridges, tunnels and viaducts,
37 turnouts, culverts, drains, and all other necessary
38 appendages, from some point or place in the line of
39 the Androscoggin and Kennebec Railroad in the town
40 of Auburn, and thence running northerly through
41 the towns of Auburn, Turner and Livermore, to
42 Brettun's mills, in such a route as the directors of said
43 corporation in the exercise of their best judgment or
44 discretion shall judge most favorable and best calcu-
45 lated to promote the public convenience and carry
46 into effect the intentions and purposes of this act.
47 And said corporation are hereby invested with all the
48 powers, privileges and immunities which are or may
49 be necessary to carry into effect the purposes and
50 objects of this act as herein set forth. And for this
51 purpose said corporation shall have the right to pur-
52 chase or to take and hold so much of the land and
53 other real estate of private persons and corporations
54 as may be necessary for the location, construction and
55 convenient operation of said rail road ; and they shall
56 also have the right to take, remove and use, for the
57 construction and repair of said railroad and appurte-

58 nances, any earth, gravel, stone, timber or other ma-
59 terials on or from the land so taken ; *provided however,*
60 that said land so taken, shall not exceed six rods in
61 width except where greater width is necessary for the
62 purpose of excavation or embankment ; and *provided*
63 *also,* that in all cases said corporation shall pay for said
64 lands, estate or material so taken and used, such price
65 as they and the owner or respective owners thereof may
66 agree on ; and in case said party shall not otherwise
67 agree, then said corporation shall pay such damages as
68 shall be ascertained and determined by the county com-
69 missioners for the county where such land or other pro-
70 perty may be situated in the same manner and under
71 the same conditions and limitations as are by law
72 provided in the case of damages by the laying out of
73 highways. And the land so taken by said corpora-
74 tion shall be held as lands taken and appropriated for
75 public highways. And no application to said com-
76 missioners to estimate said damages shall be sustained
77 unless made within three years from the time of taking
78 such land or other property ; and in case such rail-
89 road shall pass through any wood lands or forests the
80 said company shall have a right to fell or remove any
81 trees standing therein within four rods of said road,

82 which by their liability to be blown down or by their
83 natural falling might obstruct or impair said railroad,
84 by paying a just compensation therefor to be recovered
85 in the same manner as is provided for the recovery of
86 other damages in this act. And furthermore, said
87 corporation shall have all the powers, privileges and
88 immunities and be subject to all the duties and liabilities
89 provided and prescribed respecting railroads in
90 chapter eighty-one of the revised statutes not inconsistent
91 with the express provisions of this charter.

SEC. 2. When said corporation shall take any land
2 or other estate as aforesaid of any infant, person non
3 compos mentis or feme covert whose husband is under
4 guardianship, the guardian of such infant or person
5 non compos mentis and such feme covert, with the
6 guardian of her husband shall have full power and
7 authority to agree and settle with said corporation for
8 damages or claims for damages, by reason of taking
9 such land or estate aforementioned and give good
10 and valid releases and discharge therefor.

SEC. 3. The capital stock of said corporation shall
2 consist of not less than one thousand nor more than
3 five thousand shares, and the immediate government
4 and direction of the affairs of said corporation shall

5 be vested in seven, nine or eleven directors, who
6 shall be chosen by the members of said corporation
7 in manner hereinafter provided, and shall hold their
8 offices until others shall have been duly elected and
9 qualified to take their places, a majority of whom
10 shall form a quorum for the transaction of business,
11 and they shall elect one of their number to be presi-
12 dent of the board who shall also be president of the
13 corporation, and they shall have authority to choose
14 a clerk who shall be sworn to the faithful discharge
15 of his duty ; and a treasurer who shall be sworn and
16 who shall likewise give bonds to the corporation with
17 sureties to the satisfaction of the directors in a sum
18 not less than ten thousand dollars for the faithful dis-
19 charge of his trust. And for the purpose of receiving
20 subscription to the said stock, books shall be opened
21 under the direction of the persons named in the first
22 section of this act, at such time as they may determine
23 in the towns of Turner, Livermore, Canton, Dixfield,
24 Peru, Farmington, Auburn, and elsewhere as they
25 shall appoint, to remain open for ten successive days,
26 of which time and place of subscription public notice
27 shall be given in some newspaper printed in Paris,
28 Lewiston and Portland, twenty days at least previous

29 to the opening of said subscription, and in case the
30 amount subscribed shall exceed five thousand shares,
31 the same shall be distributed among all the subscribers
32 according to such regulations as the persons having
33 charge of the opening of the subscription books shall
34 prescribe before the opening of said books. And
35 any seven of the persons named in the first section
36 of this act are hereby authorized to call the first
37 meeting of said corporation by giving notice in one
38 or more newspapers published in the towns and cities
39 last above named, and of the time and place and the
40 purpose of such meeting at least twenty days before
41 the time mentioned in such notice.

SEC. 4. Said corporation shall have power to make,
2 ordain and establish all necessary by-laws and regu-
3 lations consistent with the laws and constitution of
4 this state, for their own government and for the due
5 and orderly conducting of their affairs and the man-
6 agement of their property.

SEC. 5. The president and directors for the time
2 being are hereby authorized and empowered by them-
3 selves or their agents to exercise all the powers herein
4 granted to the corporation for the purpose of locating,
5 constructing, and completing said railroad and for the

6 transportation of persons, goods and property of all
7 descriptions, and all such power and authority for the
8 management of the affairs of the corporation as may
9 be necessary and proper to carry into effect the ob-
10 jects of this grant, to purchase and hold land, ma-
11 terials, engines and cars, and other necessary things
12 in the name of the corporation for the use of said
13 road and for the transportation of persons, goods and
14 property of all descriptions, to make such equal as-
15 sessment from time to time on all the shares in said
16 corporation as they may deem expedient and neces-
17 sary in the execution and the progress of the work,
18 and direct the same to be paid to the treasurer of the
19 corporation. And the treasurer shall give notice of
20 all such assessments, and in case any subscriber or
21 stockholder shall neglect to pay any assessment on
22 his share or shares for the space of thirty days after
23 such notice is given as shall be prescribed by the by-
24 laws of the corporation, the directors may order the
25 treasurer to sell such share or shares at public auction
26 after giving such notice as may be prescribed as afore-
27 said to the highest bidder, and the same shall be trans-
28 ferred to the purchaser, and such delinquent subscriber
29 or stockholder shall be held accountable to the cor-

30 poration for the balance, if his share or shares shall
31 sell for less than the amount of the assessment due
32 thereon with the interest and costs of sale, and shall
33 be entitled to the overplus, if his share or shares shall
34 sell for more than the assessment due with in-
35 terest and cost of sale; *provided however*, that no
36 assessment shall be laid upon any shares in said cor-
37 poration of a greater amount in the whole than fifty
38 dollars.

SEC. 6. A toll is hereby granted and established for
2 the sole benefit of said corporation upon all passen-
3 gers and property of all descriptions which may be
4 conveyed or transported by them upon said road at
5 such rate as may be agreed upon and established
6 from time to time by the directors of said corpora-
7 tion. The transportation of persons and property,
8 the construction of wheels, the forms of cars and
9 carriages, the weights of loads, and all other matters
10 and things in relation to said road, shall be in con-
11 formity with such rules, regulations, and provisions as
12 the directors shall from time to time prescribe and
13 direct.

SEC. 7. Said corporation is hereby authorized and
2 empowered to connect, if it shall elect so to do,

3 with the Androscoggin and Kennebec railroad at
4 some point in the town of Auburn which the di-
5 rectors of said corporation may select; and said
6 Androscoggin and Kennebec railroad shall receive
7 and transport all persons, goods and property of
8 all descriptions which may be carried and trans-
9 ported to its railroad on said Lewiston Falls and
10 Rumford Falls railroad at the same rate of freight
11 and toll on such passengers and goods and other
12 property as may be prescribed by said Androscoggin
13 and Kennebec railroad company, so that the rates of
14 freight and toll on such passengers, goods and other
15 property, as may be so received from said Lewiston
16 Falls and Rumford Falls railroad shall not exceed the
17 general rates of freight and toll on its road received
18 for freight and passengers at any of the deposits of
19 said corporation; *provided also*, that the Androscoggin
20 and Kennebec railroad, if they shall elect so to do,
21 are hereby authorized to connect with the said Lew-
22 iston Falls and Rumford Falls railroad subject to the
23 provisions of an act relating to railroads, approved
24 March seventh, one thousand eight hundred and forty-
25 two.

SEC. 8. If the said railroad in the course thereof

2 shall cross any private way, the said corporation shall
3 so construct said railroad as not to obstruct the safe
4 and convenient use of such private way, and if the
5 said railroad shall in the course thereof cross any
6 canal, turnpike, railroad, or other highway, the said
7 railroad shall be so constructed as not to obstruct the
8 safe and convenient use of such canal, turnpike, or
9 other highway, and the said corporation shall have
10 power to raise or lower such turnpike, highway, or
11 private way, so that said railroad, if necessary, may
12 conveniently pass under or over the same, and erect
13 such gate or gates thereon as may be necessary for
14 the safety of travelers on said turnpike, railroad, high-
15 way, or private way.

SEC. 9. Said railroad corporation shall constantly
2 maintain in good repair all bridges with their abut-
3 ments, and embankments, which they may construct
4 for the purpose of conducting their railroad over any
5 canal, turnpike, highway, or private way, or for con-
6 structing such private way or turnpike over said rail-
7 road.

SEC. 10. If said railroad shall cross any lakes, ponds,
2 rivers, or streams, the said corporation are hereby
3 authorized and empowered to erect for the safe and

4 exclusive travel on the said railroad, a bridge across
5 each of said rivers, lakes, ponds or streams.

SEC. 11. Said railroad corporation shall erect and
2 maintain legal and sufficient fences on each side of
3 the land taken by them for their railroad when the
4 same passes through enclosed land or lands im-
5 proved, or lands that may be improved hereafter, and
6 for neglect to erect and maintain such fence, said
7 corporation shall be liable to be indicted in the district
8 court for the county where such fence shall be insuffi-
9 cient, and be fined in such sum as shall be adjudged
10 necessary to repair the same, and such fine shall be
11 expended for the erection or repair of said fence under
12 the direction of an agent appointed by the court as in
13 cases of fines imposed upon towns for deficiency of
14 highways.

SEC. 12. The said corporation shall at all times
2 when the post master general shall require it be
3 holden to transport the mail of the United States from
4 and to such place and places on said road as required,
5 for a fair and reasonable compensation. And in case
6 the corporation and post master general shall be una-
7 ble to agree upon the compensation aforesaid the
8 legislature of the state shall determine the same. And

9 said corporation after they shall commence receiv-
10 ing of tolls, shall be bound at all times to have
11 said railroad in good repair and a suitable num-
12 ber of suitable engines, carriages and vehicles for
13 the transportation of persons and articles and be
14 obliged to receive at all proper times and places and
15 convey the same when the appropriate tolls therefor
16 shall be paid and tendered ; and a lien is hereby cre-
17 ated on all articles transported for said tolls. And
18 the said corporation fulfilling on its part all and sing-
19 ular the obligations and duties by this section enjoined
20 and imposed upon it, shall not be held or bound to
21 allow any engine, locomotive, cars, carriages, or other
22 vehicles for the transportation of persons or merchan-
23 dise to pass over said railroad, other than its own,
24 furnished and provided for that purpose as herein
25 enjoined and required ; *provided however*, that said
26 corporation shall be under obligations to transport over
27 said road the passenger and other cars of any other
28 incorporated company that may hereafter construct a
29 railroad connecting with that hereby authorized, such
30 other company being subject to all the provisions of
31 the sixth and seventh sections of this act as to rates of

32 tolls and all other particulars enumerated in said
33 sections.

SEC. 13. If any person shall willfully and mali-
2 ciously, or wantonly and contrary to law obstruct the
3 passage of any carriage on said railroad, or in any
4 way spoil, injure or destroy said railroad or any part
5 thereof, or any thing belonging thereto, or any mate-
6 rials or implements to be employed in the construction
7 of or for the use of said road, he, she or they or any
8 person or persons assisting, aiding or abetting such
9 trespass, shall forfeit and pay to said corporation for
10 every such offense treble such damages as shall be
11 proved before the justice, court or jury, before whom
12 the trial shall be had, to be sued for before any justices
13 in any court proper to try the same, by the treasurer
14 of the corporation or other officer whom they may
15 direct to the use of said corporation. And such offen-
16 der or offenders shall be liable to indictment by the
17 grand jury of the county within which trespass has
18 been committed for any offense or offenses contrary
19 to the above provisions, and upon conviction thereof
20 before any court competent to try the same, shall pay
21 a fine not exceeding five hundred dollars, to the use

22 of the state or may be imprisoned for a term not ex-
23 ceeding five years at the discretion of the court before
24 whom such conviction may be had.

SEC. 14. Said corporation shall keep in a book for
2 that purpose, a regular account of all their disburse-
3 ments, expenditures and receipts, and the books of
4 said corporation shall at all times be opened to the
5 inspection of the governor and council, and of any
6 committee duly authorized by the legislature. And at
7 the expiration of every year, the treasurer of said cor-
8 poration shall make an exhibit under oath to the leg-
9 islature of the net profits derived from the income of
10 said railroad.

SEC. 15. All real estate purchased by said corpora-
2 tion for the use of the same under the fifth section of
3 this act shall be taxable to said corporation by the
4 several towns, cities and plantations in which said land
5 lies, in the same manner as lands owned by private
6 persons. And shall in the valuation list be estimated
7 the same as other real estate of the same quality, in
8 such city, town or plantation and not otherwise. And
9 the shares owned by the respective stockholders, shall
10 be deemed personal estate and be taxable as such to
11 the owners thereof in the places where they reside

12 and have their homes. And whenever the net income
13 of said corporation shall have amounted to ten per
14 centum per annum upon the cost of the road and its
15 appendages and incidental expenses, the directors shall
16 make a special report of the fact to the legislature,
17 from and after which time one moiety of such other por-
18 tion as the legislature may from time to time determine
19 of the net income of said railroad accruing thereafter
20 over and above ten per centum per annum, first to be
21 paid to the stockholders, shall annually be paid over
22 by the treasurer of said corporation as a tax into the
23 treasury of the state, for the use of the state. And
24 the state may have and maintain an action against
25 said corporation therefor to recover the same. But
26 no other tax, than herein is provided, shall ever be
27 levied or assessed on said corporation or any of their
28 privileges or franchises.

SEC. 16. The annual meeting of the members of
2 said corporation shall be holden on the first Monday
3 of August or such other day as shall be determined
4 by the by-laws, at such time and place as the direc-
5 tors for the time being shall appoint, at which meeting
6 the directors shall be chosen by ballot, each proprietor
7 by himself or proxy being entitled to as many votes

8 as he holds shares. And the directors are hereby au-
 9 thorized to call special meetings of the stockholders
 10 whenever they shall deem it expedient and proper,
 11 giving such notice as the corporation by their by-laws
 12 shall direct.

SEC. 17. The legislature shall at all times have the
 2 right to inquire into the doings of the corporation,
 3 and into the manner in which the privileges and fran-
 4 chises herein and hereby granted may have been used
 5 and employed by said corporation, and to correct and
 6 prevent all abuses of the same and to pass any laws
 7 imposing fines and penalties upon said corporation,
 8 which may be necessary more effectually to compel
 9 a compliance with the provisions, liabilities and duties
 10 hereinbefore set forth and enjoined, but not to impose
 11 any other or further duties, liabilities or obligations.

SEC. 18. If the said corporation shall not have
 2 been organized and the location according to actual
 3 survey of the route filed with the county commission-
 4 ers of the county or counties through which the same
 5 shall pass on or before the first day of December, in
 6 year of our Lord one thousand eight hundred and
 7 fifty-four, or if said corporation shall fail to complete
 8 said railroad on or before the first day of December,

9 in the year of our Lord one thousand eight hundred
10 and fifty nine, in either of the abovementioned cases,
11 this act shall be null and void.

STATE OF MAINE.

IN SENATE, August 1, 1849.

ORDERED, That 350 copies of the foregoing Bill, (reported from the committee on railroads and bridges,) be printed for the use of the Legislature.

DANIEL T. PIKE, *Secretary.*