

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE

EXTRA SESSION OF 1853, AND SESSION OF 1854.



Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

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# THIRTY-THIRD LEGISLATURE.

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SENATE.

No. 18.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FIFTY-FOUR.

---

AN ACT to establish the Kennebec and Sheepscot Rail-  
road Company.

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

SECTION 1. Thomas J. Southard, Marshall S.  
2 Hagar, Daniel Witham, John B. Stuart, Ezra Abbott,  
3 James M. Hagar, C. B. Foster, T. R. Theobald, J.  
4 C. Boynton, George W. Chase, Benjamin F. Tall-  
5 man, Elias Colby, William H. Sturtevant, Abiel  
6 Avery, George H. Hatch, James Carney, jr., J. R.  
7 Blanchard, Libby Plummer, Samuel Toothaker, Ed-  
8 ward E. Houdlett, Cavalier Houdlett, Franklin Clark,  
9 Wilmot Wood, Alexander Johnston, Richard H.  
10 Tucker, Henry Clark, Patrick Lennox, Alex. John-  
11 ston, jr., Dan'l Stone, Elisha J. Taylor, E. B. Bowman,  
12 Wales Hubbard, Joseph K. Clark, John C. Harriman,

13 Thomas B. Johnston, James Stinson, James Lowell,  
14 William Stacy, Silas L. Young, Samuel P. Baker,  
15 Richard Sanders, Thomas Cunningham, James Tay-  
16 lor, Elbridge G. Webber, George B. Wood, William  
17 P. Lennox, Elisha McKenney, John Babson, Henry  
18 Ingalls, Daniel Carr, David G. Stinson, their asso-  
19 ciates, successors and assigns, are hereby made and  
20 constituted a body politic and corporate by the name  
21 of the "Kennebec and Sheepscot Railroad Company,"  
22 and by that name may sue and be sued, plead and be  
23 impleaded, and shall have and enjoy all proper reme-  
24 dies at law and in equity, to secure and protect them  
25 in the exercise and use of the rights and privileges  
26 and in the performance of the duties hereinafter en-  
27 joined ; and to prevent all invasion thereof or inter-  
28 ruption in exercising the same. And the said corpo-  
29 ration are hereby authorized and empowered to  
30 locate, construct and finally complete, alter, and keep  
31 in repair, a railroad with one or more sets of rails or  
32 tracks, with all suitable bridges, tunnels, viaducts,  
33 turnouts, culverts, drains and other necessary appen-  
34 dages, from some point on the Kennebec river in the  
35 town of Pittston or Dresden to some point on the  
36 Sheepscot river in the town of Wiscasset. Said  
37 railroad to be located and constructed on such route

38 as the directors of said corporation in their best judg-  
39 ment shall judge most favorable and best calculated  
40 to promote the public convenience and to carry into  
41 effect the purposes of this act; and the said corpora-  
42 tion shall be and are hereby invested with all the  
43 powers, privileges and immunities which are or may  
44 be necessary to carry into effect the purposes and  
45 objects of this act as herein set forth; and for this  
46 purpose said corporation shall have the right to pur-  
47 chase, or take and hold so much of the land and  
48 other real estate of private persons and corporations  
49 as may be necessary for the location, construction  
50 and convenient operation of said railroad; and they  
51 shall also have the right to take, remove and use for  
52 the construction and repair of said railroad and ap-  
53 purtenances any earth, gravel, stone, timber, or other  
54 materials on or from the lands so taken; *provided,*  
55 *however,* that the said lands so taken shall not exceed  
56 six rods in width except where greater width is neces-  
57 sary for the purpose of excavation or embankment;  
58 *and provided also,* that in all cases said corporation  
59 shall pay for such estate or materials so taken and  
60 used such price as they and the owners thereof shall  
61 mutually agree upon; and in case said parties shall  
62 not otherwise agree then said corporation shall pay

63 such damages as shall be ascertained and determined  
64 by the county commissioners for the county in which  
65 such land or other property may be situated, in the  
66 same manner and under the same conditions and  
67 limitations as are by law provided in the case of  
68 damages by laying out highways; and the land so  
69 taken by said corporation shall be held as land taken  
70 and appropriated for public highways; and no appli-  
71 cation to said commissioners to estimate said dam-  
72 ages shall be sustained unless made within two years  
73 from the time of taking such land or other property;  
74 and in case such railroad shall pass through any  
75 woodlands or forests, the said company shall have the  
76 right to fell or remove any trees standing therein,  
77 within four rods of said railroad, which by their liabil-  
78 ity to be blown down or by their natural falling might  
79 obstruct or impair said railroad, by paying a just com-  
80 pensation therefor, to be recovered in the same man-  
81 ner as is provided for the recovery of other damages  
82 in this act; and furthermore, said corporation shall  
83 have all the powers and immunities and be subject to  
84 all the duties and liabilities provided and prescribed  
85 respecting railroads in chapter eighty-one of the  
86 revised statutes not inconsistent with the express  
87 provisions of this act.

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

SECT. 3. The capital stock of said corporation  
2 shall consist of not less than one thousand shares  
3 and not more than five thousand shares, of fifty dol-  
4 lars each ; and the immediate government and direc-  
5 tion of the affairs of said corporation, shall be vested  
6 in seven directors, who shall be chosen by the mem-  
7 bers of said corporation, in the manner hereinafter  
8 provided ; and shall hold their offices till others shall  
9 have been duly elected and qualified to take their  
10 places, a majority of whom shall form a quorum for  
11 the transaction of business ; and they shall elect one  
12 of their number to be president of the board, who shall  
13 also be president of the corporation ; and shall have  
14 authority to choose a clerk, who shall be sworn to a  
15 faithful discharge of his duty ; and a treasurer, who

16 shall be sworn, and also give bond to the corporation,  
17 with sureties to the acceptance and satisfaction of the  
18 directors, in a sum not less than ten thousand dollars  
19 for the faithful discharge of his trust.

SECT. 4. Said corporation shall have power to  
2 make, ordain, and establish all necessary by-laws,  
3 rules and regulations, not incónsistent with the con-  
4 stitution and laws of this state, for their own govern-  
5 ment, and for the due and orderly conducting of their  
6 affairs, and the management of their property.

SECT. 5. The president and directors, for the time  
2 being, are hereby authorized and empowered by  
3 themselves or their agents, to exercise all the powers  
4 herein granted to the corporation, for the purpose of  
5 locating, constructing, and completing said road,  
6 and for the transportation of persons, goods and pro-  
7 perty, of all descriptions; and all such power and  
8 authority for the management of the affairs of the  
9 corporation, as may be necessary and proper to  
10 carry into effect the objects of this grant; to pur-  
11 chase and hold land, materials, engines and cars, and  
12 all other necessary things, in the name of the corpo-  
13 ration, for the use of said railroad, and for the trans-  
14 portation of persons, goods and property, of all  
15 descriptions; to make such equal assessments, from



16 time to time, on all the shares in said corporation, as  
17 they may deem expedient and necessary, in the exe-  
18 cution and progress of the work, and direct the same  
19 to be paid to the treasurer of the corporation. And  
20 the treasurer shall give notice of all such assessments ;  
21 and in case any subscriber or stockholder shall neg-  
22 lect to pay any assessment on his share or shares, for  
23 the space of thirty days, after such notice is given, as  
24 shall be prescribed by the by-laws of said corporation,  
25 the directors may order the treasurer to sell such share  
26 or shares, after giving such notice as may be pre-  
27 scribed as aforesaid, to the highest bidder, and the  
28 same shall be transferred to the purchaser ; and such  
29 delinquent subscriber or stockholder, shall be held  
30 accountable to the corporation for the balance, if his  
31 share or shares shall sell for less than the assessments  
32 due thereon, with the interest and costs of sale ; and  
33 shall be entitled to the overplus, if his share or shares  
34 shall sell for more than the assessments due, with in-  
35 terest and costs 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 one  
38 hundred dollars.

SECT. 6. A toll is hereby granted and established,  
2 for the sole benefit of said corporation, upon all pas-

3 sengers and property, of all descriptions, which may  
4 be conveyed or transported upon said road, at such  
5 rates as may be agreed upon and established, from  
6 time to time, by the directors of said corporation ;  
7 the transportation of persons and property, the con-  
8 struction of wheels, the forms of cars and carriages,  
9 the weights of loads, and all other matters and things,  
10 in relation to the use and operation of said road, shall  
11 be in conformity with such rules, regulations and  
12 provisions, as the directors shall, from time to time,  
13 prescribe, order and direct.

SECT. 7. Said corporation shall receive and trans-  
2 port all persons, goods and property of all descriptions  
3 which may be carried or transported by the railroad  
4 of said corporation, or such other railroads as may be  
5 authorized to be connected therewith, at the same  
6 rates of toll and freight as may be prescribed by said  
7 corporation, so that the rates of toll and freight on  
8 such passengers, goods and other property as may be  
9 received from such other railroads, so connected with  
10 said railroad as aforesaid, shall not exceed the general  
11 rates of freight and toll on said railroad received for  
12 freight and passengers, at any of the depots of said  
13 corporation.

SECT. 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, said rail-  
7 road shall be so constructed as not to obstruct the  
8 safe and convenient use of such canal, turnpike or  
9 other highway ; and said corporation shall have power  
10 to raise or lower such turnpike, highway or private  
11 way, so that the railroad, if necessary, may conven-  
12 iently pass under or over the same, and erect such  
13 gate or gates as may be necessary for the safety of  
14 travelers thereon ; and said corporation shall con-  
15 stantly maintain in good repair, all bridges with their  
16 abutments and embankments which they may con-  
17 struct for the purpose of conducting their railroad  
18 over any canal, turnpike, highway or private way or  
19 for conducting such turnpike, highway or private way  
20 over said railroad.

SECT. 9. If said road shall, in the course thereof,  
2 cross any tide waters, navigable rivers, streams or  
3 ponds, the said corporation are hereby authorized and  
4 empowered to erect for the sole and exclusive travel  
5 on their railroad, a bridge or bridges across each of  
6 said rivers, streams, ponds or any such tide waters ;

7 *provided* said bridge or bridges shall be so constructed  
8 as not unnecessarily to obstruct or impede the navi-  
9 gation of said waters.

SECT. 10. Said corporation shall erect and maintain  
2 substantial, legal and sufficient fences on each side of  
3 the land taken by them for their railroad when the  
4 same passes through enclosed or improved lands ;  
5 and for any unreasonable neglect or failure to erect  
6 and maintain such fence, said corporation shall be  
7 liable to be indicted by the grand jury in the county  
8 where such fence shall be insufficient, and be fined in  
9 such sum as may be adjudged necessary to erect or  
10 repair the same ; and such fine shall be expended for  
11 the erection or repair of said fence under the direction  
12 of an agent appointed by the court in which the in-  
13 dictment shall be found as in the case of fines imposed  
14 upon towns for deficiency of highways.

SECT. 11. Said corporation, after they shall com-  
2 mence receiving tolls, shall be bound at all times  
3 to have said railroad in good repair, and a suitable  
4 number of carriages and vehicles, for the transporta-  
5 tion of persons and property, together with the neces-  
6 sary locomotives or engines therefor, and shall be  
7 obliged to receive, at all proper times and places, and  
8 convey the same when the appropriate tolls therefor

9 shall be paid and tendered; and a lien is hereby  
10 created on all articles transported for said tolls. And  
11 the said corporation, fulfilling on its part all and sin-  
12 gular the several obligations and duties by this section  
13 imposed and enjoined upon it, shall not be held or  
14 bound to allow any engine, locomotive, cars, carriages,  
15 or other vehicle, for the transportation of persons or  
16 property, to pass over said railroad, other than its  
17 own, furnished and provided for that purpose, as here-  
18 inafter enjoined and required. *Provided, however,*  
19 that said corporation shall be under obligations to  
20 transport over said road, the passenger and other  
21 cars of any other incorporated company, whose road  
22 may be connected with that hereby authorized, such  
23 other company being subject to all the provisions of  
24 the sixth and seventh sections of this act, as to rates  
25 of toll and all other things enumerated, provided, and  
26 enjoined in said sections.

SECT. 12. The said corporation shall, at all times,  
2 when the postmaster general shall require it, be holden  
3 to transport the United States mails from and to such  
4 places on said road as required, for a fair and reason-  
5 able compensation; and in case the corporation and  
6 postmaster general shall be unable to agree upon the

7 compensation aforesaid, the legislature of the state  
8 shall determine the same, and the said corporation  
9 shall be bound thereby.

SECT. 13. If any person shall willfully and mali-  
2 ciously, or wantonly and contrary to law, obstruct the  
3 passage of any carriage, car, locomotive, engine, or  
4 other vehicle, on said railroad, or in any way spoil,  
5 injure, or destroy said railroad, or any part thereof,  
6 or anything belonging thereto, or any materials or  
7 implements to be employed in the construction, or  
8 for the use of said road, he, she or they, or any person  
9 or persons, aiding, assisting, or abetting such trespass,  
10 shall forfeit and pay to said corporation, for any such  
11 offence, treble such damages as shall be proved be-  
12 fore the justice, court or jury, before whom the trial  
13 shall be had; to be sued for before any justice, or  
14 any court of competent jurisdiction, by the treasurer  
15 of the corporation, or other officer whom they may  
16 direct, for the use of said corporation; and such  
17 offender or offenders, shall be liable to indictment by  
18 the grand jury of the county within which such tres-  
19 pass shall have been committed, for any offence or  
20 offences, contrary to the above provisions; and upon  
21 conviction thereof, before any court competent to try

22 the same, shall pay a fine not exceeding five hundred  
23 dollars, or may be imprisoned not exceeding five  
24 years, at the discretion of said court.

SECT. 14. Said corporation shall keep in a book  
2 for that purpose, a regular account of all their dis-  
3 bursements, expenditures and receipts ; and the books  
4 of said corporation shall be open to the inspection at  
5 all times, of the governor and council, and any com-  
6 mittee duly authorized by the legislature, and at the  
7 expiration of every year, the treasurer of said corpo-  
8 ration shall make an exhibit under oath, to the legis-  
9 lature of the net profits derived from the income of  
10 said road.

SECT. 15. All the real and personal estate purchased  
2 by said corporation for the use of the same, shall be  
3 deemed personal estate, and the shares owned by the  
4 respective stockholders in said corporation, shall be  
5 taxable as such to the owners thereof in the places  
6 where they reside and have their home. And when-  
7 ever the net income of said corporation shall have  
8 amounted to twelve per cent. per annum upon the  
9 cost of the road and its appendages and incidental  
10 expenses, the directors shall make a special report of  
11 the fact to the legislature, and from and after which  
12 time one moiety, or such other portion as the legisla-

13 ture may from time to time determine, of the net in-  
14 come of the railroad accruing thereafter, over and above  
15 twelve per cent. per annum, first to be paid to the  
16 stockholders, shall annually be paid over by the treas-  
17 urer of said corporation as a tax into the treasury of  
18 the state for the use of said state ; and the state may  
19 have and maintain an action against said corporation  
20 therefor, to recover the same, but no other tax than  
21 herein is provided shall be levied or assessed on said  
22 corporation or any of their privileges, property or  
23 franchises.

SECT. 16. The annual meeting of the members of  
2 said corporation shall be holden on the first Monday  
3 of September, or on such other day as shall be deter-  
4 mined by the by-laws, at such time and place as the  
5 directors for the time being shall appoint ; at which  
6 meeting the directors shall be chosen by ballot, each  
7 proprietor by himself or proxy being entitled to as  
8 many votes as he holds shares ; and the directors are  
9 hereby authorized to call special meetings of the  
10 stockholders whenever they shall deem it expedient  
11 and proper by giving such notice as the corporation  
12 by their by-laws shall direct.

SECT. 17. The legislature shall at all times have  
2 the 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  
5 used and employed by said corporation ; and to cor-  
6 rect and prevent all abuses of the same, and to pass  
7 any laws imposing fines and penalties upon said cor-  
8 poration, which may be necessary more effectually to  
9 compel a compliance with the provisions, liabilities  
10 and duties hereinbefore set forth and enjoined, but  
11 not to impose any other or further duties, liabilities  
12 or obligations.

SECT. 18. If the said corporation shall not have  
2 been organized and the location of the route of said  
3 railroad, according to actual survey, filed with the  
4 county commissioners of the counties through which  
5 said road may pass, on or before the thirty-first day  
6 of December, in the year eighteen hundred and fifty-  
7 seven, or if said corporation shall fail to complete  
8 said railroad on or before the thirty-first day of De-  
9 cember, in the year eighteen hundred and sixty-four,  
10 in either of the above mentioned cases this act shall  
11 be null and void.

SECT. 19. Any seven of the persons named in the  
2 first section of this act, are hereby authorized to call  
3 the first meeting of said corporation, by giving notice  
4 in the Lincoln Democrat, of the time, place and pur-

5 poses of said meeting, at least twenty days before the  
6 time named in said notice.

SECT. 20. And for the purpose of receiving sub-  
2 scriptions to the capital stock of said railroad, books  
3 shall be opened under the direction of persons named  
4 in the first section of this act, at such time and places  
5 as they may determine and appoint, to remain open  
6 at least ten successive days, of which times and pla-  
7 ces of subscription, public notice shall be given in the  
8 Lincoln Democrat, twenty days at least, previous to  
9 the opening of said books of subscription; and in  
10 case the amount subscribed shall exceed five thousand  
11 shares, the same shall be distributed among all the  
12 subscribers according to such regulations as the per-  
13 sons having the charge of the opening of the books,  
14 shall, before the opening thereof, prescribe and deter-  
15 mine.

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## STATE OF MAINE.

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IN SENATE, April 11, 1854.

THIS Bill, by leave of the Senate, was laid upon the table by Mr. Farwell, and  
ORDERED, That 350 copies of the same be printed for the use of the Legislature.

WILLIAM TRAFTON, *Secretary.*