

MAINE STATE LEGISLATURE

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DOCUMENTS

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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.

THIRTY-THIRD LEGISLATURE.

HOUSE.

No. 13.

STATE OF MAINE.

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

AN ACT to incorporate the Cobbossee Contee Rail-
road Company.

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

SECTION 1. Parker Sheldon, Folliot T. Lally,
2 Francis Richards, Robert H. Gardiner, Edward
3 Swan, Robert Thompson, Gideon S. Palmer, Noah
4 Woods, Nathaniel Kimball, Sifama Bowman, George
5 Plaisted, William S. Grant, William Stone, John
6 Dennis, John Neal, Woodman True, John Wood-
7 bury, William G. Brown, John Safford, Charles T.
8 Fox, John B. Fogg, Allen Haines, John M. Wood,
9 Charles Millett, Alonzo Garcelon, William Small,

10 Giddings Lane, and Isaac S. Small, their associates,
11 successors and assigns, are hereby made a body
12 politic and corporate, by the name of the Cobbossee
13 Contee Railroad Company ; and the said corporation
14 is hereby authorized and empowered to locate, con-
15 struct, alter and keep in repair, a railroad, with one
16 or more sets of rails or tracts, and all necessary
17 appendages, from some point on the Kennebec river
18 between the south line of Augusta, and the south line
19 of Richmond, northwesterly through the towns of
20 Gardiner, West Gardiner, Litchfield, Monmouth, and
21 Wales, or either of them, to the Androscoggin rail-
22 road in Leeds, at such point as the directors of said
23 corporation shall judge most favorable, and best cal-
24 culated to promote public convenience ; and said
25 corporation shall have all the powers, privileges and
26 immunities, and be subject to all the duties and lia-
27 bilities, provided and prescribed respecting railroads,
28 in chapter eighty-one of the revised statutes, and
29 other general laws of this state affecting railroads, not
30 inconsistent with the express provisions of this char-
31 ter. Also to be subject to all such regulations as the
32 legislature has provided, or may hereafter provide, by
33 any general laws or enactments concerning railroads.

SECT. 2. The capital stock of said corporation shall consist of not less than one thousand nor more than six thousand shares, not exceeding fifty dollars to each share; 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 constitute a quorum for the transaction of business; and from one of their number they shall elect a president of their board who shall also be president of the corporation. They shall also choose a clerk 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 the trust reposed in him. ●

SECT. 3. For the purpose of receiving subscriptions to the said stock, books may be opened at such time and in such places as may be deemed expedient by the incorporators named in the first section of this act; and in case the amount subscribed for shall exceed the number of shares authorized by this act, the

7 same shall be distributed among all the subscribers,
8 according to such regulations as the corporators shall
9 prescribe before the opening of said books.

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

SECT. 5. The president and directors, for the time
2 being, are authorized by themselves, or their agents,
3 to exercise all the powers herein granted to the cor-
4 poration for the purposes of locating and constructing
5 said railroad, and for the transportation of persons
6 and property, and all such power as may be neces-
7 sary and proper to enable them to carry into effect
7 the objects of this grant, including the power to make
8 assessments from time to time, on all the shares sub-
9 scribed, as they may deem expedient, in the prosecu-
10 tion and progress of the work, and direct the same
11 to be paid to the treasurer of the corporation. The
12 treasurer shall give notice of all such assessments, and
13 in case any subscriber to the stock shall neglect to
14 pay any assessment on his share or shares, for the

15 space of thirty days after such notice has been given,
16 as shall be provided by the by-laws of said corpora-
17 tion, the directors may order the treasurer to sell such
18 share or shares, by public auction, after giving such
19 notice as may be prescribed by the by-laws, to the
20 highest bidder, and the same shall be transferred to
21 the purchaser ; and such delinquent stockholder shall
22 be held accountable to the corporation for the bal-
23 ance, if said share or shares shall sell for less than the
24 assessments due thereon, with interest and costs of
25 sale ; and shall be entitled to the overplus if his said
26 share or shares shall sell for more than the assess-
27 ments due thereon, with interest and costs of sale :
28 *provided, however,* that no assessment shall be laid
29 upon any shares of a greater amount in the whole
30 than fifty dollars.

SECT. 6. A toll is hereby granted for the sole ben-
2 efit of said corporation upon all persons and property
3 which may be conveyed upon said road at such rate
4 as may be established from time to time by the direc-
5 tors. The transportation of persons and property
6 shall be in conformity with the rules and regulations
7 prescribed by the directors.

SECT. 7. The legislature may authorize any other

2 company or companies to connect any other railroad
3 or railroads with the railroad of said corporation at
4 any points on the route of said railroad, and this
5 corporation is hereby authorized to connect any rail-
6 road they may construct under this charter with any
7 other railroad existing or to be constructed within
8 this state.

SECT. 8. Said corporation shall erect and maintain
2 substantial and sufficient fences on each side of the
3 land taken by them for their railroad when the same
4 passes through enclosed or improved lands, and for
5 neglect to erect and maintain such fence, such corpo-
6 ration shall be liable to be indicted in the supreme
7 judicial court for the county where such fence shall
8 be insufficient and to be fined in such sum as shall be
9 adjudged necessary to erect or repair the same, and
10 such fine shall be expended for the erection or repair
11 of said fence under the direction of an agent ap-
12 pointed by said court.

SECT. 9. If said railroad shall, in the course thereof,
2 cross navigable rivers or streams, the said corporation
3 is hereby authorized and empowered to erect, for the
4 sole and exclusive use of their said railroad, a bridge
5 across each of said rivers or streams, *provided* said

6 bridge or bridges shall be so constructed as not un-
7 necessarily to obstruct the navigation of said waters.

SECT. 10. The annual meeting of said corporation
2 shall be holden at such time as shall be determined
3 by the by-laws, at such hour and place as the direc-
4 tors shall appoint; at which meeting the directors
5 shall be chosen by ballot, each stockholder by himself
6 or proxy being entitled to as many votes as he holds
7 shares; and the directors are authorized to call
8 special meetings of the stockholders whenever they
9 shall deem it expedient, giving such notice as the
10 corporation by its by-laws shall direct.

SECT. 11. 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
4 franchises herein and hereby granted may have been
5 used by said corporation, and to correct and prevent
6 all abuses of the same, and to pass any laws imposing
7 fines and penalties upon said corporation which may
8 be necessary more effectually to compel a compliance
9 with the provisions, liabilities and duties hereinbefore
10 enjoined, but not to impose any further duties, liabil-
11 ities or obligations; and this charter shall not be
12 annulled, revoked, altered, limited, or restrained with-

13 out the consent of the corporation, except by due
14 process of law.

SECT. 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
4 from and to such place or places on said road as
5 required, for a fair and reasonable compensation, and
6 in case the corporation and the post master general
7 shall be unable to agree upon the compensation
8 aforesaid, the legislature of the state shall determine
9 the same; and said corporation, after it shall com-
10 mence receiving tolls, shall be bound to have said
11 road in good repair, and a sufficient number of suit-
12 able engines, cars and carriages for the transportation
13 of persons and property, and be obliged to receive,
14 at all proper times and places, and convey the same,
15 when the established tolls shall be paid or tendered,
16 and a lien is hereby created on all property for the
17 tolls.

SECT. 13. Any five 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 one or more of the newspapers published in the
5 city of Gardiner and also in one or more of the

6 papers published in the city of Augusta, of the time,
7 and place and purposes of said meeting, at least
8 twenty days before the time mentioned in such notice.

SECT. 14. 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 all or
5 any of the same shall pass on or before the first day
6 of January, 1860, or if the said corporation shall fail
7 to complete said road or before the first day of
8 January, 1864, in either of the above named cases
9 this act shall be null and void.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 11, 1854. }

This Bill (reported from the committee on Railroads and Bridges) was laid upon the table, and 350 copies ordered to be printed for the use of the Legislature.

BENJAMIN FREEMAN, *Clerk pro tem.*