

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1860.

SIEVENS & SAYWARD, PRINTERS TO THE STATE.

1860.

THIRTY-NINTH LEGISLATURE.

HOUSE.

No. 12.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND SIXTY.

AN ACT to incorporate the Somerset Railroad Company.

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

SECTION 1. George C. Getchell, William R. Flint,
2 Franklin Smith, S. W. Hapgood, Bradbury T. Dins-
3 more, O. R. Batchelder, Edmund Coolidge, Thaddeus
4 Boothby, Edgar Hilton, Benjamin Hilton, Jonas M.
5 Hilton, Nathan Wood, Nathan Weston, Rufus Bixby,
6 John S. Abbott, Dennis Moore, David Danforth, Ed-
7 mund Rowe, Stephen D. Lindsey, their associates,
8 successors and assigns, are hereby made and consti-
9 tuted a body politic and corporate, by the name of the
10 Somerset Railroad Company, and by that name may
11 sue and be sued, plead and be impleaded, and shall

12 have and enjoy all proper remedies at law and in
13 equity to secure and protect them in the exercise and
14 use of the rights and privileges, and in the performance
15 of the duties hereinafter granted and enjoined, and to
16 prevent all invasions thereof or interruptions in exer-
17 cising and performing the same. And the said corpo-
18 ration are hereby authorized and empowered to locate,
19 construct, and finally complete, alter, keep in repair,
20 a railroad with one or more sets of rails or tracks, with
21 all suitable bridges, tunnels, viaducts, turnouts, cul-
22 verts, drains, and all other necessary appendages, from
23 some point in the county of Somerset, at or near Car-
24 ratunk falls, on either side of the Kennebec river;
25 thence down the valley of the Kennebec river through
26 either of the towns adjacent to said river, passing
27 through the villages in the towns of Anson and Nor-
28 ridgewock, and through Fairfield to the town of Wa-
29 terville, in the county of Kennebec, with the right to
30 connect with the Androscoggin and Kennebec or Som-
31 erset and Kennebec Railroads in the town of Waterville.
32 And said corporation shall be and hereby are invested
33 with all the powers, privileges and immunities, which
34 are or may be necessary to carry into effect the pur-
35 poses and objects of this act as herein set forth. And
36 for this purpose, said corporation shall have the right
37 to purchase or to take and hold so much of the land

38 and other real estate of private persons and corpora-
39 tions as may be necessary for the location, construction
40 and convenient operation of said railroad, and they
41 shall also have the right to take, remove and use, for
42 the construction and repair of said railroad and appur-
43 tenances, any earth, gravel, stone, timber or other
44 materials on or from the land so taken; *provided,*
45 *however,* that said land so taken, shall not exceed six
46 rods in width, except where greater width is necessary
47 for the purposes of excavation or embankment; and
48 *provided, also,* that in all cases said corporation shall
49 pay for such lands, estate or materials so taken and
50 used, such price as they and the owner or respective
51 owners thereof may mutually agree on; and in case
52 said parties shall not otherwise agree, then said cor-
53 poration shall pay such damages as shall be ascertained
54 and determined by the county commissioners for the
55 county where such land or other property may be sit-
56 uated, in the same manner and under the same condi-
57 tions and limitations as are by law provided in the case
58 of damages by the laying out of highways. And the
59 land so taken by said corporation shall be held as lands
60 taken and appropriated for highways. And no appli-
61 cation to said commissioners to estimate said damages
62 shall be sustained, unless made within three years from
63 the time of taking such land or other property; and

64 in case such railroad shall pass through any wood
65 lands or forests, the said company shall have a right
66 to fell or remove any trees standing therein, within
67 four rods of such road which by their liability to be
68 blown down or from their natural falling, might ob-
69 struct or impair said railroad, by paying a just com-
70 pensation therefor, to be recovered in the same manner
71 as provided for the recovery of other damages in this
72 act.

SECT. 2. The capital stock of said corporation shall
2 consist of not less than one thousand nor more than
3 six thousand shares, and the immediate government
4 and direction of the affairs of said corporation shall be
5 vested in nine, eleven or thirteen directors who shall
6 be chosen by the members of said corporation in the
7 manner hereinafter provided, and shall hold their office
8 until others shall have been duly elected and qualified
9 to take their place, a majority of whom shall form a
10 quorum for the transaction of business, and they shall
11 elect one of their number to be president of the corpo-
12 ration, and shall have authority to choose a clerk who
13 shall be sworn to the faithful discharge of his duty,
14 and a treasurer who shall be sworn and also give bonds
15 to the corporation with sureties to the satisfaction of
16 the directors in a sum not less than ten thousand dol-
17 lars for the faithful discharge of his trust. And for

18 the purpose of receiving subscription to the said stock,
19 books shall be opened under the direction of the per-
20 sons named in the first section of this act at such time
21 as they may determine in the towns of Solon, Anson,
22 Madison and Norridgewock, and elsewhere as they
23 shall appoint, to remain open for five successive days
24 at least, of which time and place of subscription public
25 notice shall be given in one or more of the newspapers
26 printed in the county of Somerset ten days before the
27 opening of such subscription. And any seven of the
28 persons named in the first section of this act are here-
29 by authorized to call the first meeting of said corpora-
30 tion, for the choice of directors and organization, by
31 giving notice in one or more newspapers published as
32 above named of the time and place and the purposes
33 of such meeting at least fourteen days before the time
34 mentioned in such notice.

SECT. 3. 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 and estate as aforesaid and give good and
10 valid releases and discharges therefor.

SECT. 4. 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 powers and authority for the
8 management of the affairs of the corporation as may
9 be necessary and proper to carry into effect the objects
10 of this grant, to purchase and hold land, materials,
11 engines and cars, and other necessary things, in the
12 name of the corporation, for the use of said road and
13 for the transportation of persons, goods and property
14 of all descriptions; to make such equal assessment
15 from time to time on all the shares in said corporation
16 as they may deem expedient and necessary in the
17 execution and progress of the work, and direct the
18 same to be paid to the treasurer of the corporation.
19 And the treasurer shall give notice of all such assess-
20 ments; and in case any subscriber or stockholder shall
21 neglect to pay any assessment on his share or shares
22 for the space of thirty days after such notice is given
23 as shall be prescribed by the by-laws of said corpora-

24 tion, the directors may order the treasurer to sell such
25 share or shares at public auction, after giving such
26 notice as may be prescribed as aforesaid, to the highest
27 bidder, and the same shall be transferred to the pur-
28 chaser, and such delinquent subscriber or stockholder
29 shall be held accountable to the corporation for the
30 balance if his share or shares shall sell for less than
31 the assessments due thereon with the interest and costs
32 of sale, and shall be entitled to the overplus, if his
33 share or shares shall sell for more than the assessments
34 due with interest and costs of sale ; *provided, however,*
35 that no assessment shall be laid upon any shares in
36 said corporation of a greater amount in the whole than
37 one hundred dollars.

SECT. 5. A toll is hereby granted and established
2 for the sole benefit of said corporation, upon all pass-
3 engers 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 from
6 time to time by the directors of said corporation. The
7 transportation of persons and property, the construction
8 of wheels, the form of cars, and carriages, the weights
9 of loads, and all other matters and things in relation
10 to said road shall be in conformity with such rules,
11 regulations and provisions as the directors shall from
12 time to time prescribe and direct.

SECT. 6. The legislature may authorize any other
2 company or companies to connect any other railroad or
3 railroads with the railroad of said corporation at any
4 points on the route of said railroad. And said corpo-
5 ration shall receive and transport all persons, goods
6 and property of all descriptions which may be carried
7 and transported to the railroad of said corporation on
8 such other railroads as may be hereafter authorized to
9 be connected therewith, at the same rates of toll and
10 freight as may be prescribed by said corporation, so
11 that the rates of freight and toll of such passengers,
12 goods and other property as may be received from such
13 other railroads so connected with said road as afore-
14 said, shall not exceed the general rates of freight and
15 toll on said railroad received for freight and passengers
16 at any of the deposits of said corporation.

SECT. 7. If said railroad, in the course thereof, shall
2 cross any private way, the said corporation shall so
3 construct said railroad as not to obstruct the safe and
4 convenient use of such private way; and if said rail-
5 road shall, in the course thereof, cross any canal, rail-
6 road or other highway, the said railroad shall be so
7 constructed as not to obstruct the safe and convenient
8 use of such canal or highway; and the said corpora-
9 tion shall have power to raise or lower such highway
10 or private way, so that the said railroad if necessary,

11 may conveniently pass over or under the same, and
12 erect such gate or gates thereon as may be necessary
13 for the safety of travelers on said railroad, highway or
14 private way, and shall keep all bridges and embank-
15 ments necessary for the same in good repair.

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

SECT. 9. The said corporation shall at all times when
2 the post master general shall require it, be holden to
3 transport the mail of the United States from and to
4 such place or places on said road as may be required,
5 for a fair and reasonable compensation. And in case
6 the corporation and the post master general shall be
7 unable to agree upon the compensation aforesaid, the
8 legislature of the state shall determine the same. And
9 said corporation, after they shall commence the re-
10 ceiving of tolls, shall be bound at all times to have
11 said railroad in good repair and a sufficient number of
12 suitable engines, carriages and vehicles for transporta-
13 tion of persons and articles, and be obliged to receive
14 at all proper times and places and convey the same
15 when the appropriate tolls therefor shall be paid or

16 tendered ; and a lien is hereby created on all articles
17 transported for said tolls. And said corporation ful-
18 filling on its part all and singular the several obliga-
19 tions and duties by this section imposed and enjoined
20 upon it, shall not be held or bound to allow any engine,
21 locomotive, cars, carriages or other vehicle for the
22 transportation of persons or merchandize to pass over
23 said railroad, other than its own furnished and provided
24 for that purpose, as herein enjoined and required ;
25 *provided, however,* that said corporation shall be under
26 obligations to transport over said road the passenger
27 and other cars of any other incorporated company that
28 may hereafter construct a railroad connecting with
29 that hereby authorized, such other company being sub-
30 ject to all the provisions of the fifth and sixth sections
31 of this act as to rates of toll and all other particulars
32 enumerated in said sections.

SECT. 10. If any person shall wilfully and mali-
2 ciously, or wantonly and contrary to law obstruct the
3 passage of any carriages on such 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 offence, 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 justice
13 or 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
16 offender or offenders shall be liable to indictment by
17 the grand jury of the county, within which trespass
18 shall have been committed, for any offence or offences
19 contrary to the above provisions ; and upon conviction
20 thereof, before any court competent to try the same,
21 shall pay a fine not exceeding five hundred dollars to
22 the use of the state, or may be imprisoned for a term
23 not exceeding five years, at the discretion of the court
24 before whom such conviction may be had.

SECT. 11. 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 open to the in-
5 spection of the governor and council, and of any com-
6 mittee duly authorized by the legislature, and at the
7 expiration of every year the treasurer of said corpora-
8 tion shall make an exhibit, under oath, to the legisla-
9 ture, of the profits derived from the income of said
10 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 centum 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 centum 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

27 assessed on said corporation or any of their privileges
28 or franchises.

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

SECT. 14. 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 used
5 and employed by said corporation. And to correct
6 and prevent all abuses of the same, and to pass any
7 laws imposing fines and penalties upon said corpora-
8 tion 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.

SECT. 15. If the said corporation shall not have been
2 organized, and the location according to actual survey

3 of the route filed with the county commissioners of the
4 counties through which the same shall pass on or before
5 the first day of January, in the year of our Lord one
6 thousand eight hundred and sixty-five, or if the said
7 corporation shall fail to complete said railroad to Anson
8 on or before the first day of January, in the year of
9 our Lord one thousand eight hundred and sixty-nine,
10 in either of the abovementioned cases this act shall be
11 null and void.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 16, 1860. }

On motion of Mr. JONES of Lewiston,

Laid on the table and 350 copies ordered to be printed for the
use of the Legislature.

CHARLES A. MILLER, *Clerk.*