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# FORTY-SEVENTH LEGISLATURE.

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HOUSE.

No. 20.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Augusta and Hallowell Railroad Company.

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

SECTION 1. H. S. Osgood, J. H. Manley, A. S. Washburn, J. De Wolfe Smith, George J. Wall and Simon Page, their associates and successors, are hereby constituted a corporation by the name of the Augusta and Hallowell Railroad Company, with authority to construct, maintain and use a railroad, to be operated by horse-power, with convenient single or double tracks, from such point or points in the city of Augusta, and over such streets therein, now built or hereafter to be built, as shall from time to time be fixed and de-

11 terminated by the municipal officers of said city of Au-  
12 gusta, and assented to in writing by the directors of said  
13 corporation, to the boundary line between said city  
14 and the city of Hallowell, and thence upon and over such  
15 bridges and streets, now constructed or to be con-  
16 structed in said city of Hallowell, as from time to time  
17 may be fixed by the municipal officers of said city of  
18 Hallowell, and assented to in writing by the directors  
19 aforesaid. Said corporation shall also have authority  
20 to construct, maintain and use said railroad, over and  
21 upon any lands where the land damages have been  
22 mutually settled by said corporation and the owners  
23 thereof; *provided however*, that all tracks of said rail-  
24 road shall be laid at such distances from the sidewalks  
25 of said city of Augusta and city of Hallowell, as the  
26 municipal officers thereof respectively shall in their  
27 order fixing the routes of said railroad, determine to  
28 be for public safety and convenience. The written  
29 assent of the directors aforesaid to any note or notes  
30 of the municipal officers of either of said cities pre-  
31 scribing from time to time the routes of said railroad  
32 shall be filed with the respective clerks of said cities,  
33 and shall be taken and deemed to be the location  
34 thereof. Said corporation shall have power from time  
35 to time to fix such rates of compensation for trans-  
36 porting persons or property as it may think expedient,

37 and generally shall have all the power and be subject  
38 to all the liabilities of corporations as set forth in the  
39 forty-sixth chapter of the revised statutes. Rails  
40 shall not be laid down in either of said cities, without  
41 the assent of the municipal officers thereof respec-  
42 tively. The original location of the route when  
43 granted shall be for the term of twenty-five years.  
44 The same may be renewed from time to time for a  
45 term not exceeding twenty-five years at any one time,  
46 by said municipal officers, upon such terms as they  
47 may deem expedient. No such renewal shall be  
48 granted prior to two years before the expiration of the  
49 location then established. No location shall be granted  
50 or renewed except upon reasonable prior notice to all  
51 parties interested. If at the expiration of any of said  
52 terms the use of the streets, roads, or highways occu-  
53 pied by said company's railroad is granted by the  
54 municipal officers of either of said cities or both, to  
55 any other corporation or person, it shall be upon con-  
56 dition that such corporation or person shall purchase  
57 of said company all its property of every description  
58 in necessary use for the purposes of said railroad upon  
59 such terms as may be agreed upon by the parties or  
60 determined by persons selected by them, and if they  
61 are unable to agree, the value of the same shall be  
62 determined by three disinterested persons appointed

63 by a judge of the supreme judicial court, on applica-  
64 tion of either party, and hearing thereon. Said  
65 appraisers shall be sworn, give notice of the time and  
66 place of their meeting, to examine and appraise said  
67 property, and shall make to each party a written  
68 award, and their services shall be paid in equal pro-  
69 portion by the parties. If the municipal officers of  
70 either of said cities determine that at the expiration  
71 of any of said terms the use of the streets, roads or  
72 highways occupied by said company's railroad, shall  
73 be granted to any person or corporation for the pur-  
74 poses of a horse-railroad, on the payment of any sum  
75 of money yearly, or in any other manner, said com-  
76 pany shall have the preference, and such use shall be  
77 granted or renewed to said company; *provided* it will  
78 pay as much therefor as any other corporation or per-  
79 son.

SECT. 2. Said railroad shall be operated and used  
2 by said corporation with horse-power only. The mu-  
3 nicipal officers of said city of Augusta and of said city  
4 of Hallowell, respectively, shall have power at all  
5 times to make all such regulations as to the rates of  
6 speed and removal of snow and ice from the streets,  
7 roads and highways by said company, at its expense,  
8 and mode of use of the tracks of said railroad, within  
9 said cities as the public convenience and safety require.

SECT. 3. Said corporation shall keep and maintain  
2 in repair such portions of the streets, town or county  
3 roads as shall be occupied by the tracks of its rail-  
4 road, and shall make all other repairs of said streets  
5 or roads which, in the opinion of the municipal officers  
6 of said cities, respectively, may be rendered necessary  
7 by the occupation of the same by said railroad, and if  
8 not repaired after reasonable notice, such repairs may  
9 be made by said cities, respectively, at the expense of  
10 said corporation; and said corporation shall be liable  
11 for any loss or damage which any person may sustain  
12 by reason of any carelessness, neglect or misconduct  
13 of its agents or servants.

SECT. 4. If any person shall wilfully or maliciously  
2 obstruct said corporation in the use of its road or  
3 tracks, or the passing of the cars or carriages of said  
4 corporation thereon, such person, and all who shall  
5 aid and abet therein, shall be punished by a fine not  
6 exceeding two hundred dollars, or may be imprisoned  
7 in the county jail for a period not exceeding sixty  
8 days.

SECT. 5. The capital stock of said corporation shall  
2 not exceed one hundred thousand dollars, to be divided  
3 into shares of fifty dollars each, and no share shall be  
4 issued for less than the par value.

SECT. 6. Said corporation shall have power to pur-

2 chase and hold such real estate as may be necessary  
3 and convenient for the purposes and management of  
4 said railroad.

SECT. 7. Said railroad shall be constructed and  
2 maintained in such form and manner, and with such  
3 rail and upon such grade as the municipal officers of  
4 said city of Augusta and said city of Hallowell, re-  
5 spectively, shall from time to time prescribe and  
6 direct, and whenever in the judgment of said corpora-  
7 tion it shall be necessary to alter the grade of any  
8 street, town or county road, occupied by its rail-  
9 road, said alterations may be made at the sole expense  
10 of said corporation, provided the same shall be assented  
11 to by the municipal officers of said cities, respectively.  
12 If the tracks of said company's railroad cross any  
13 other railroad of any kind, in either of said cities,  
14 and a dispute arises in any way in regard to the man-  
15 ner of crossing, said municipal officers of the city in  
16 which said proposed crossing is to be made, shall upon  
17 hearing decide and determine, in writing, in what  
18 manner the crossing shall be made, which shall be  
19 constructed accordingly.

SECT. 8. Nothing in this act shall be construed to  
2 prevent the proper authorities of either of said cities,  
3 respectively, from entering upon and taking up any of  
4 the streets, town or county roads, occupied by said

5 railroad for any purposes for which they may now  
6 lawfully take up the same.

SECT. 9. This act shall be void unless the same  
2 shall be accepted by said corporation, and ten per cent.  
3 of the capital stock thereof be paid within five years  
4 from its passage.

SECT. 10. Said corporation is hereby authorized to  
2 issue bonds for the purpose of constructing its rail-  
3 road, or for money which it may borrow for any pur-  
4 pose sanctioned by law, but the bonds so issued shall  
5 not exceed the amount of capital stock paid in by the  
6 stockholders. Said bonds may be issued in sums of  
7 not less than fifty dollars each, payable in not more  
8 than twenty years from their date, with interest at  
9 the rate of six per cent., payable semi-annually.

SECT. 11. Such bonds shall be approved by a ma-  
2 jority of the finance committee of said corporation,  
3 who shall certify that each of said bonds is properly  
4 issued and recorded upon the books of said corpora-  
5 tion. All bonds and notes which shall be issued by  
6 said corporation shall be binding and collectable in  
7 law, notwithstanding such bonds or notes may be  
8 negotiated and sold by said corporation or its agents  
9 at less than their par value.

SECT. 12. Said bonds shall be secured by a con-  
2 veyance of the corporate property to three trustees by

3 a suitable instrument of mortgage to secure the pay-  
4 ment of said bonds.

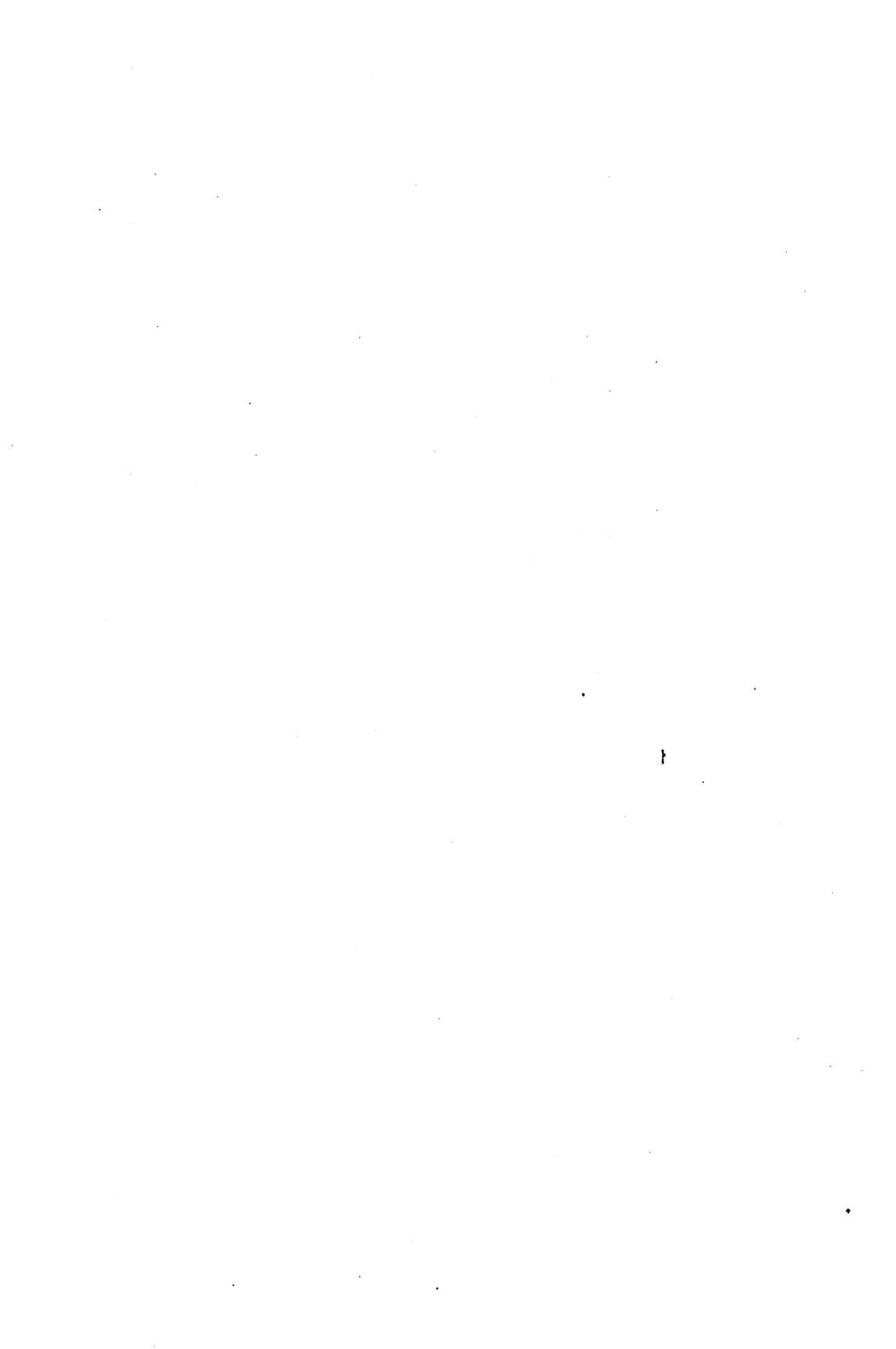
SECT. 13. Said corporation shall pay semi-annually  
2 to said trustees a sum equal to one per cent. on the  
3 amount of said bonds for the purpose of creating a  
4 sinking fund. Said trustees shall have the manage-  
5 ment and care of all moneys, funds and securities,  
6 belonging to said sinking fund, and they shall from  
7 time to time, at their discretion, invest the moneys  
8 on hand securely, and so that the same shall be pro-  
9 ductive, and the same may be invested in the bonds  
10 of said corporation, secured as aforesaid, or loaned on  
11 interest to any county, city or town, or any bank in  
12 this state, or the same may be loaned on interest,  
13 well secured by a first mortgage of real estate to an  
14 amount not exceeding one-half the value thereof, or  
15 by pledge of the scrip or stock of any of the New  
16 England States, or of any city, county or town as  
17 aforesaid; and the said fund, with the accruing inter-  
18 est, shall constitute a sinking fund for the payment  
19 and redemption of said bonds.

SECT. 14. The provisions of the fifty-third section  
2 of the fifty-first chapter of the revised statutes, and  
3 of the nine sections of said chapter next following,  
4 are hereby made applicable to said bonds, and to said  
5 mortgages made to secure the same; but said cor-



6 poration shall not be subject to the other general pro-  
7 visions of the law relating to railroads.

SECT. 15. This act shall take effect when approved  
2 by the governor.



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
January 23, 1868. }

Reported by Mr. SPEAR of Rockland, from the Committee on Railroads, Ways and Bridges, and on his motion laid on the table and ordered to be printed.

S. J. CHADBOURNE, *Clerk.*