

# MAINE STATE LEGISLATURE

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# FORTY-EIGHTH LEGISLATURE.

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HOUSE.

No. 54.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Saco River Railroad Company.

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

SECTION. 1. Charles Hardy, Rufus P. Tapley,  
2 James H. McMullan, Jos. G. Deering, F. A. Day,  
3 Charles Hill, Thos. H. Cole, R. F. C. Hartley, Abel  
4 H. Jelleson, John Gains, Richard M. Chapman,  
5 Philip Eastman, John E. Butler, Cornelius Sweetser,  
6 Ferguson Haines, Charles C. Sawyer, John M. Good-  
7 win, Charles Twambly, Charles A. Shaw, James M.  
8 Burbank, E. H. Banks, Marshall Pierce, E. K. Smart,  
9 James M. Deering, J. N. Anthoin, Wm. H. Field,  
10 Wm. H. Hanson and Joshua Moore, their associates,  
11 successors and assigns, are hereby made and consti-

12 tuted a body politic and corporate by the name of the  
13 Saco River Railroad Company, and by this name may  
14 sue and be sued, plead and be impleaded, and shall  
15 have and enjoy all proper remedies at law and in  
16 equity to secure and protect them in the exercise and  
17 use of the rights and privileges, and in the perform-  
18 ance of the duties hereinafter granted and enjoined,  
19 and to prevent all invasions thereof, or interruptions  
20 in exercising and performing the same ; and the said  
21 corporation is hereby authorized and empowered to  
22 locate, construct and finally complete, alter and keep  
23 in repair a railroad, with one or more sets of rails or  
24 tracks, with all suitable bridges, tunnels, viaducts,  
25 turnouts, culverts, drains and all other necessary ap-  
26 pendages, from some point in Biddeford or Saco,  
27 within the county of York, across the line of the  
28 Portland, Saco and Portsmouth Railroad, and to the  
29 line of the Portland and Rochester Railroad, by a  
30 general northwesterly course on either side of the  
31 Saco river ; and for this purpose said corporation shall  
32 have the right to purchase, or to take and hold so  
33 much of the land and the real estate of private persons  
34 and corporations as may be necessary for the location,  
35 construction and convenient operation of said railroad  
36 and branch ; and they shall also have the right to  
37 take, remove and use for the construction and repair

38 of said railroad and appurtenances, any earth, gravel,  
39 stone, timber or other materials on or from the land so  
40 taken ; *provided however*, this said land so taken shall  
41 not exceed six rods in width, except where greater  
42 width is necessary for the purposes of excavation or  
43 embankment ; *and provided also*, that in all cases,  
44 said corporation shall pay for such lands, estate or  
45 materials so taken and used, such price as they and  
46 the owner or respective owners thereof may mutually  
47 agree upon ; and in case said parties shall not other-  
48 wise agree, the said corporation shall pay such dam-  
49 ages as shall be ascertained and determined by the  
50 county commissioners for the county where such land  
51 or other property may be situated, in the same manner  
52 and under the same conditions and limitations as are  
53 by law provided in the case of damages by the laying  
54 out of highways ; and the land so taken by said cor-  
55 poration shall be held as lands taken and appropriated  
56 for highways. And no application to said commis-  
57 sioners to estimate said damages shall be sustained  
58 unless made within three years from the time of taking  
59 such land or other property ; and in case such railroad  
60 shall pass through any woodland or forests, the said  
61 company shall have a right to fell or remove any trees  
62 standing therein within four rods of such road, which  
63 by their liability to be blown down, or from their

64 natural falling, might obstruct or impair said railroad,  
65 by paying a just compensation therefor, to be recovered  
66 in the same manner as provided for the recovery of  
67 other damages in this act.

SECT. 2. The capital stock of said corporation shall  
2 consist of not less than one thousand nor more than  
3 twenty thousand shares, and the immediate govern-  
4 ment and direction of the affairs of said corporation  
5 shall be vested in seven directors, who shall be chosen  
6 by the members of said corporation, in the manner  
7 hereinafter provided, and shall hold their office until  
8 others shall have been duly elected and qualified to  
9 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 cor-  
12 poration, and shall have authority to choose a clerk,  
13 who shall be sworn to the faithful discharge of his  
14 duty, and a treasurer, who shall be sworn, and also  
15 give bonds to the corporation, with sureties to the sat-  
16 isfaction of the directors, in a sum not less than ten  
17 thousand dollars, for the faithful discharge of his trust;  
18 and for the purpose of receiving subscriptions to the  
19 said stock, books shall be opened, under the direction  
20 of the persons named in the first section of this act, at  
21 such times as they may determine, in the cities of  
22 Saco and Biddeford, and elsewhere as they shall ap-

23 point, to remain open for such a time as they shall  
24 direct, of which time and place of subscription public  
25 notice shall be given in the newspapers printed in the  
26 county of York ten days before the opening of such  
27 subscriptions ; and any seven of the persons named in  
28 the first section of this act are hereby authorized to  
29 call the first meeting of said corporation, for the choice  
30 of directors and organization, by giving notice in the  
31 newspapers published as before named, of the time  
32 and place and the purposes of such meeting, at least  
33 fourteen days before the time mentioned in such  
34 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 corporations for the purposes of loca-

5 ting, constructing and completing said railroad and  
6 branch, and for the transportation of persons, goods  
7 and property of all descriptions, and all such powers  
8 and authority for the management of the affairs of the  
9 corporation, as may be necessary and proper to carry  
10 into effect the objects of this grant, to purchase and  
11 hold land, materials, engines and cars, and other  
12 necessary things in the name of the corporation, for  
13 the use of said road, and for the transportation of per-  
14 sons, goods and property of all descriptions, to make  
15 such equal assessment from time to time on all the  
16 shares in said corporation as they may deem expedient  
17 and necessary in the execution and progress of the  
18 work, and direct the same to be paid to the treasurer  
19 of this corporation. And the treasurer shall give no-  
20 tice of all such assessments; and in case any subscriber  
21 or 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 or shall be prescribed by the by-  
24 laws of said 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  
27 aforesaid, to the highest bidder, and the same shall be  
28 transferred to the purchaser, and such delinquent sub-  
29 scriber or stockholder shall be held accountable to the  
30 corporation for the balance, if his share or shares shall

31 sell for less than the assessments due thereon, with the  
32 interest and costs of sale ; and shall be entitled to the  
33 overplus, if his share or shares sell for more than the  
34 assessments due, with interest and costs of sale; *pro-*  
35 *vided however*, that no assessment shall be laid upon  
36 any shares in said corporation of a greater amount in  
37 the whole than one hundred dollars.

SECT. 5. A toll is hereby granted and established  
2 for 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 rates 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 construc-  
8 tion of wheels, the form of cars and carriages, the  
9 the rights of roads, and all matters and things in rela-  
10 tion to said road shall be in conformity with such  
11 rules, regulations and provisions, as the directors shall  
12 from time to time prescribe and direct.

SECT. 6. 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 point on the route of said railroad. And said  
5 corporation shall receive and transport all persons,  
6 goods and property of all descriptions, which may be  
7 carried and transported to the railroad of said corpo-



8 ration, on such other railroads as may be hereafter  
9 authorized to be connected therewith, at the same  
10 rates of toll and freight as may be prescribed by said  
11 corporation, so that the rates of freight and toll of such  
12 passengers and goods and other property as may be  
13 received from such other railroads so connected with  
14 said road as aforesaid, shall not exceed the general  
15 rates of freight and toll on said railroad, received for  
16 freight and passengers at any of the deposits of said  
17 corporation.

SECT. 7. If 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 said  
5 railroad shall, in the course thereof, cross any canal,  
6 railroad, or the highway, the said railroad shall be so  
7 constructed as not to obstruct the safe and convenient  
8 uses 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 travellers on said railroad, highway  
14 or 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,  
2 when the postmaster general shall require it, be holden  
3 to 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 postmaster general shall be  
7 unable to agree upon the compensation aforesaid, the  
8 legislature of the state shall determine the same ; and  
9 the said corporation, after they shall commence the  
10 receiving 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 carry 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 fulfill-  
18 ing on its part all and singular the several obligations  
19 and duties by this section imposed and enjoined upon  
20 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 merchandise, to pass over  
23 said railroad, other than its own, furnished and pro-  
24 vided for that purpose, as herein enjoined and re-  
25 quired: *provided however*, that said corporation shall  
26 be under obligation to transport over said road the  
27 passenger and other cars of any other incorporated  
28 company that may hereafter construct a railroad con-  
29 necting with that hereby authorized, such other com-  
30 pany being subject to all the provisions of the fifth  
31 and sixth sections of this act, as to rates of toll and  
32 all other particulars enumerated in said sections.

SECT. 10. If any person shall wilfully and malic-  
2 iously, 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 anything 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 jus-  
13 tice, or in any court proper to try the same, by the  
14 treasurer of the corporation, or other officer whom they  
15 may 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 corpo-  
2 ration for the use of the same under the fourth section  
3 of this act, shall be taxable to said corporation by the  
4 several cities, towns 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 adjacent lands 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  
16 shall make a special report of the fact to the legisla-  
17 ture, from and after which time, one moiety, or such  
18 other portion as the legislature may from time to time  
19 determine, of the net income of said railroad, accruing  
20 thereafter over and above ten per centum per annum  
21 first to be paid to the stockholders, shall annually be  
22 paid over to the treasurer of said corporation, as a tax  
23 in the treasury of the state, for the use of the state ;  
24 and the state may have and maintain an action against  
25 said corporation therefor, to recover the same ; but no  
26 other tax than herein is provided shall ever be levied  
27 or assessed on said corporation or any of their privi-  
28 leges or franchises.

SECT. 13. The annual meeting of the members of  
2 said corporation shall be holden on the first Monday  
3 in January, or such other day as shall be determined  
4 by the by-laws, at such time and place as the direct-  
5 ors 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 as  
8 he holds shares ; and the directors are hereby author-  
9 ized 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.

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 com-  
9 pel a compliance with the provisions, liabilities and  
10 duties hereinbefore set forth and enjoined, but not to  
11 impose any other or further duties, liabilities or obli-  
12 gations.

SECT. 15. 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 through which the same shall pass,  
5 on or before the first day of March, in the year of our  
6 Lord one thousand eight hundred and seventy-two, or  
7 if the said corporation shall fail to complete said rail-

8 road to the line of the Portland and Rochester Railroad  
9 on or before the first day of March, in the year of our  
10 Lord one thousand eight hundred and seventy-four, in  
11 either of the above mentioned cases, this act shall be  
12 null and void.

SECT. 16. Other railroad companies now incorpo-  
2 rated or hereafter to be incorporated in this state, shall  
3 have the right to connect their railroads with the rail-  
4 road of the Saco River Railroad Company, in any  
5 town along the line of its road ; and no discrimination  
6 in the rates of freight or passengers shall be made by  
7 said company, nor by any party who may operate its  
8 line of railway or any part thereof, between railroads  
9 having the right to contract with its railroad as afore-  
10 said ; but all passengers and all freight coming from  
11 or going to any other road having such right to con-  
12 nect, shall be transported promptly and on terms alike  
13 favorable by said company over its own road, or by  
14 any party operating the same, and on terms as favora-  
15 ble as the like service is or shall be performed for  
16 transportation commencing and terminating on the  
17 line of railway of said company.

SECT. 17. This act shall take effect when approved.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 18, 1869. }

Reported from the Committee on Railroads, Ways and Bridges,  
by Mr. TWITCHELL of Portland, and ordered printed.

S. J. CHADBOURNE, *Clerk.*