

MAINE STATE LEGISLATURE

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FORTY-EIGHTH LEGISLATURE.

HOUSE.

No. 67.

STATE OF MAINE.

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

AN ACT to incorporate the Athens Railroad Company.

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

SECTION 1. John Ware, Jr., S. L. Tobey, Fred G.
2 Greene, C. F. Barker, C. F. H. Greene, Jas. S. Tobey,
3 John Ware, H. S. French, L. D. Hight, J. L. Foss,
4 C. H. Jones, W. Holbrook, S. E. Morrill, O. W.
5 McIntire, J. C. Kinsman, Abel C. French, D. Paine,
6 Eli W. Thompson, D. F. Hobart, N. B. Chadbourne,
7 Joel Hobart, Cyrus Libby and Peter Walker, their
8 associates, successors and assigns, are hereby made
9 and constituted a body politic and corporate by the
10 name of the Athens Railroad Company, and by that
11 name may sue and be sued, plead and be impleaded,
12 and shall have and enjoy all proper remedies at law

13 and in equity to secure and protect them in the exer-
14 cise and use of the rights and privileges, and in the
15 performance of the duties hereinafter granted and
16 enjoined ; and to prevent all invasions thereof or inter-
17 ruptions in exercising and performing the same. And
18 the said corporation are hereby authorized and em-
19 powered to locate, construct and finally complete,
20 alter and keep in repair a railroad with one or more
21 sets of rails or tracks, with all suitable bridges, tun-
22 nels, viaducts, turnouts, culverts, drains and all other
23 necessary appendages, from some point in Skowhegan
24 village in Somerset county ; thence through the town
25 of Cornville, to the village in the town of Athens in
26 said county, with the right to connect with the Som-
27 erset and Kennebec Railroad in the town of Skow-
28 hegan ; or said corporation may commence from some
29 point in or near Hartland village in Somerset county,
30 and construct their road to Athens village in said
31 county, by the most practicable route ; and may have
32 the right to connect at Hartland with any railroad
33 which may pass through said town ; and said corpo-
34 rators shall determine on or before the first day of
35 January, A. D. eighteen hundred seventy-two, which
36 road they will construct, whether from Skowhegan to
37 Athens or from Hartland to Athens, and shall have
38 the right to construct but one road ; and upon their

39 election which road they will construct, the charter for
40 the other shall become null and of no effect. And
41 said corporation shall be and hereby are authorized
42 and invested with all the powers, privileges and im-
43 munities which are or may be necessary to carry into
44 effect the purposes and objects of this act as herein set
45 forth. And for this purpose, said corporation shall have
46 the right to purchase, or to take and hold so much of
47 the land and other real estate of private persons and
48 corporations as may be necessary for the location, con-
49 struction and convenient operation of said railroad ;
50 and they shall also have the right to take, remove and
51 use for the construction and repair of said railroad and
52 appurtenances, any earth, gravel, stone, timber or
53 other materials on or from the land so taken ; *provided*
54 *however*, that said land so taken shall not exceed six
55 rods in width, except where greater width is necessary
56 for the purposes of excavation or embankment ; *and*
57 *provided also*, that in all cases said corporation shall
58 pay for such lands, estate or materials so taken and
59 used, such price as they and the owner or respective
60 owners thereof may mutually agree on ; and in case
61 said parties shall not otherwise agree, then said corpo-
62 ration shall pay such damages as shall be ascertained
63 and determined by the county commissioners for the
64 county through which said railroad may pass, in the

65 same manner and under the same conditions and limi-
66 tations as are by law provided in the case of damages
67 by the laying out of highways. And the land so
68 taken by said corporation shall be held as lands taken
69 and appropriated for highways. And no application
70 to said commissioners to estimate said damages shall
71 be sustained, unless made within three years from the
72 time of taking such land or other property ; and in
73 case such railroad shall pass through any woodlands or
74 forests, the said company shall have a right to fell or
75 remove any trees standing therein, within four rods of
76 such road, which by their liability to be blown down
77 or from their natural falling might obstruct or impair
78 said railroad, by paying a just compensation therefor,
79 to be recovered in the same manner as is provided for
80 the recovery of other damages in this act.

SECT. 2. The capital stock of said corporation shall
2 consist of not less than two thousand nor more than
3 four thousand shares, and the immediate government
4 and direction of the affairs of said corporation shall be
5 vested in seven, nine, eleven or thirteen directors, who
6 shall be chosen by the members of said corporation in
7 the manner hereinafter provided, and shall hold their
8 office until others shall have been duly elected and
9 qualified to take their place, a majority of whom shall
10 form a quorum for the transaction of business, and

11 they shall elect one of their number to be president of
12 the corporation, and they shall choose a clerk, who
13 shall be sworn to the faithful discharge of his duty ;
14 and they shall choose a treasurer, who shall be sworn,
15 and also give bonds to the corporation, with sureties
16 to the satisfaction of the directors in a sum not less
17 than ten thousand dollars for the faithful discharge of
18 his trust. And for the purpose of receiving subscrip-
19 tion to the said stock, books shall be opened under the
20 direction of the persons named in the first section of
21 this act, at such time as they may determine, in the
22 towns of Athens, Cornville, and Madison, and else-
23 where as they shall appoint, to remain open for five
24 successive days at least, of which time and place of
25 subscription public notice shall be given in one or
26 more of the newspapers printed in Somerset county,
27 ten days before the opening of such subscription.
28 And any seven of the persons named in the first sec-
29 tion of this act are hereby authorized to call the first
30 meeting of said corporation for the choice of directors
31 and for organization, by giving notice in one or more
32 newspapers published as above named, of the time
33 and place and the purposes of such meeting, at least
34 fourteen days before the time mentioned in such
35 notice.

SECT. 3. Said corporation may sell or lease its line

2 and all its improvements to any other railroad corpora-
3 tion, which latter company is hereby authorized to
4 enter into such contract of sale or lease, and the direc-
5 tors of the two corporations may enter into such con-
6 tract for the running of the road, and for the purchase,
7 sale or lease thereof, as the directors of the two com-
8 panies, in the exercise of their best judgment and
9 discretion, may deem for the advantage of their re-
10 spective corporations, subject to the approval of the
11 stockholders in each corporation.

SECT. 4. 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. 5. 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
4 herein granted to the corporation for the purpose of
5 locating, constructing and completing said railroad,
6 and for the transportation of persons, goods and prop-

7 erty of all descriptions, and all such powers and
8 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 the corporation. And the treasurer shall give
20 notice of all such assessments ; and in case any sub-
21 scriber or stockholder shall neglect to pay any assess-
22 ment on his share or shares for the space of thirty days
23 after such notice is given as shall be prescribed by the
24 by-laws of said corporation, the directors may order
25 the treasurer to sell such share or shares at public
26 auction, after giving such notice as may be prescribed
27 as aforesaid, to the highest bidder, and the same shall
28 be transferred to the purchaser, and such delinquent
29 subscriber or stockholder shall be held accountable to
30 the corporation for the balance if his share or shares
31 shall sell for less than the assessments due thereon,
32 with the interest and costs of sale, and shall be en-

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

SECT. 6. A toll is hereby granted and established, for
2 the sole benefit of said corporation, upon all passengers
3 and property of all descriptions which may be conveyed
4 or transported by them upon said road at such rate as
5 may be agreed upon and established from time to time
6 by the directors of said corporation. The transporta-
7 tion of persons and property, the construction of wheels,
8 the form of cars and carriages, the weights of loads,
9 and all other matters and things in relation to said
10 road, shall be in conformity with such rules, regula-
11 tions and provisions as the directors shall from time to
12 time prescribe and direct.

SECT. 7. 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 corpora-
5 tion shall receive and transport all persons, goods and
6 property of all descriptions which may be carried and
7 transported to the railroad of said corporation on such
8 other railroads as may be hereafter authorized to be
9 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 aforesaid
14 shall not exceed the general rates of freight and toll
15 on said railroad received for freight and passengers at
16 any of the deposits of said corporation.

SECT. 8. 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 travellers on said railroad, highway
14 or private way, and shall keep all bridges and em-
15 bankments necessary for the same in good repair.

SECT. 9. Said railroad corporation shall erect and
2 maintain substantial, legal and sufficient fences on each
3 side of the land taken by them for their railroad, where

4 the same passes through enclosed or improved lands,
5 or lands that may be hereafter improved.

SECT. 10. 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
4 to 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 said corporation after they shall commence the receiv-
10 ing of tolls, shall be bound at all times to have said
11 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 en-
21 gine, locomotive, cars, carriages or other vehicles, for
22 the transportation of persons or merchandise, to pass
23 over said railroad, other than its own furnished and
24 provided for that purpose as herein enjoined and

25 required ; *provided however*, that said corporation shall
26 be under obligations 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 and
31 sixth sections of this act as to rates of toll and all other
32 particulars enumerated in said sections.

SECT. 11. 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 anything belonging thereto or any materials
6 or implements to be employed in the construction of or
7 for the use of said road, he, she, or they, or any person
8 or persons assisting, aiding or abetting such trespass
9 shall forfeit and pay to said corporation for every such
10 offence treble such damages as shall be proved before
11 the justice court or jury, before whom the trial shall
12 be had to be sued for before any justice or in any court
13 proper to try the same by the treasurer of the corpo-
14 ration or other officer whom they may direct to the use
15 of said corporation. And such offender or offenders
16 shall be liable to indictment by the grand jury of the
17 county within which trespass shall have been commit-
18 ted for any offence or offences contrary to the above

19 provisions ; and upon conviction thereof before any
20 court competent to try the same shall pay a fine not
21 exceeding five hundred dollars to the use of the state
22 or may be imprisoned for a term not exceeding five
23 years at the discretion of the court before whom such
24 conviction may be had.

SECT. 12. 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 legislature
9 of the profits derived from the income of said railroad.

SECT. 13. All real estate purchased by said corpora-
2 tion 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
8 in 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 and

12 have their homes. And whenever the net income of
13 said corporation shall have amounted to ten per cent.
14 per annum upon the cost of the road and its appendages
15 and incidental expenses, the directors shall make a
16 special report of the fact to the legislature, from and
17 after which time, one moiety or such other portion as
18 the legislature may from time to time determine of the
19 net income of said railroad accruing thereafter over
20 and above ten per cent. per annum, first to be paid to
21 the stockholders, shall annually be paid over to the
22 treasurer of said corporation as a tax in the treasury
23 of the state for the use of the state; and the state
24 may have and maintain an action against said corpora-
25 tion therefor to recover the same; but no other tax
26 than herein is provided shall ever be levied or assessed
27 on said corporation or any of their privileges or fran-
28 chises.

SECT. 14. 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
6 the directors shall be chosen by ballot, each proprietor
7 by himself or proxy being entitled to as many votes
8 as he holds shares, and the directors are hereby
9 authorized 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. 15. If the said corporation shall not have
2 been organized, and the location, according to actual
3 survey of the route, so far at least as that portion of
4 the same lying between the villages of Skowhegan and
5 Athens, have been filed with the county commissioners
6 of the counties in which said location so far as made
7 shall lie, on or before the first day of January, in the
8 year of our Lord one thousand eight hundred and
9 seventy-one; or if said corporation shall fail to com-
10 plete said railroad to Athens on or before the first day
11 of January, in the year of our Lord one thousand eight
12 hundred and seventy-five, in either of the above men-
13 tioned cases, this act shall be null and void.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 22, 1869. }

Reported from the Committee on Railroads, Ways and Bridges,
by Mr. BLAISDELL, and ordered to be printed.

S. J. CHADBOURNE, *Clerk.*