

# MAINE STATE LEGISLATURE

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# FORTY-EIGHTH LEGISLATURE.

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SENATE.

No. 18.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Pittsfield, Hartland and St. Albans Railroad Company.

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

SECTION 1. Franklin R. Webber, David D. Stewart, 2 Sullivan Lothrop, Charles A. Parsons, Charles H. Skinner, Benjamin Ireland, John M. Skinner, Napoleon B. 3 Turner, Mayhew C. Foss, Thomas Skinner, Hanson 4 H. Webb, William Folsom, Enoch E. Brown, Sewall 5 E. Prescott, Archibald Linn, Geo. Lancey, Joseph H. 6 Chapman, John Page, Andrew H. Buck, Geo. H. Wil- 7 shire, Lawrence Williams, Amasa J. Moore, Albert 8 W. Miller, James Moore, John S. Page, Josiah Bil- 9 lings, James W. Moore, their assigns, associates and 10 successors, are hereby made and constituted a body 11 politic and corporate, by the name of the Pittsfield, 12

13 Hartland and St. Albans Railroad Company, and by  
14 that name, may sue and be sued, plead and be im-  
15 pleaded, and shall enjoy all proper remedies at law, or  
16 in equity, to secure and protect them in the exercise  
17 and use of the rights and privileges, and in the per-  
18 formance of the duties hereinafter granted, and to  
19 prevent all invasion thereof, or interference in exer-  
20 cising and performing the same ; and the said corpo-  
21 ration is hereby authorized and empowered to locate  
22 and construct, and finally complete, alter and keep in  
23 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 at, or near to, the village  
27 of St. Albans and passing through, or near to, the  
28 village of Hartland, to some point on the Maine Cen-  
29 tral Railroad at, or near to, the village of Pittsfield ;  
30 and said corporation shall be, and is hereby invested  
31 with all the powers, privileges and immunities which  
32 are or may be necessary to carry into effect the pur-  
33 poses and objects of this act, as herein set forth. And  
34 for this purpose, said corporation shall have the right  
35 to take and hold, or to purchase, so much of the land  
36 and other real estate of private persons and corpora-  
37 tions, as may be necessary for the location, construc-  
38 tion and convenient operation of said railroad ; and

39 shall also have the right to take, remove or use for the  
40 construction and repair of said road and appurtenances,  
41 any earth, gravel, stone, timber, or other material, on  
42 or from the land so taken; *provided however*, the land  
43 so taken shall not exceed six rods in width, except  
44 where greater width is necessary for the purpose of  
45 excavating and embankment; *and provided also*, in all  
46 cases, said corporation shall pay for such lands, estate  
47 or materials, such price as they and the respective  
48 owner or owners thereof may mutually agree upon.  
49 And in case such parties shall not agree otherwise, the  
50 said corporation shall pay such damages as shall be  
51 ascertained and determined by the county commis-  
52 sioners for the county of Somerset, in the same man-  
53 ner, and under the same conditions as are by law  
54 provided in laying out highways; and no application  
55 to said commissioners, to estimate said damages, shall  
56 be sustained, unless made within three years from the  
57 time of taking such land and other property. And in  
58 case said railroad shall pass through any woodland, or  
59 forest, the said company shall have the right to remove  
60 or fell any of the trees standing thereon within four  
61 rods from such road, which by their liability to be  
62 blown down, or from their natural falling, might ob-  
63 struct or impair said railroad, by paying a just com-  
64 pensation therefor, to be recovered in the same manner

65 as is provided for the recovery of other damages, before  
66 named in this act. And furthermore, said corporation  
67 shall have all the powers, privileges and immunities,  
68 and be subject to all the duties and liabilities provided  
69 respecting railroads in chapter fifty-one of the revised  
70 statutes, not inconsistent with the express provisions of  
71 this chapter, and subject also to all the provisions of  
72 chapter thirty-six of the laws of eighteen hundred and  
73 fifty-eight, relating to the safety and convenience of  
74 travellers on railroads.

SECT. 2. The capital stock of said corporation shall  
2 consist of not less than two thousand shares, of one  
3 hundred dollars each, nor more than five thousand  
4 shares ; and the immediate government and direction  
5 of the affairs of said corporation shall be vested in five,  
6 seven or nine directors, who shall be chosen by the  
7 members of said corporation in the manner hereinafter  
8 provided, and shall hold their offices until others shall  
9 have been duly elected and qualified to take their  
10 places, a majority of whom shall constitute a quorum  
11 for the transaction of business ; and they shall elect  
12 one of their number to be president of the board, and  
13 he shall also be president of the corporation ; and shall  
14 have authority to choose a clerk and a treasurer, who  
15 shall give bonds to the corporation in the sum of ten  
16 thousand dollars for the faithful discharge of his duties ;

17 and any ten of the persons named in the first section  
18 of this act are hereby authorized, at a meeting holden  
19 for that purpose, with or without notice, to accept  
20 this act and organize the said corporation.

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

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  
6 transportation of persons, goods and property of all  
7 kinds and descriptions; and all such power and author-  
8 ity for the management of the affairs of the corporation,  
9 as may be necessary and proper to carry into effect  
10 the objects of this grant; to purchase and hold lands,  
11 materials, engines and cars, and other necessary things  
12 in the name of the corporation for the use of said road,  
13 and for the transportation of persons, goods and prop-  
14 erty of all descriptions; to make such equal assess-  
15 ments from time to time, on all the shares in said  
16 corporation, as they may deem necessary and expe-

17 dient in the execution and progress of the work, and  
18 direct the same to be paid to the treasurer of the  
19 corporation ; and the treasurer shall give notice of all  
20 such assessments, and in case any such subscriber or  
21 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, as 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 afore-  
27 said, to the highest bidder, and the same shall be  
28 transferred to the purchaser ; and such delinquent  
29 subscriber or stockholder shall be held to the corpora-  
30 tion for the balance if his share or shares shall sell for  
31 less than the assessments due thereon, with the inter-  
32 est and costs of sale ; and shall be entitled to the  
33 overplus if his share or shares shall sell for more than  
34 the assessments due, with interest and costs of sale ;  
35 *provided however*, that no assessment shall be laid  
36 upon any share in said corporation of a greater amount  
37 in 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 pas-  
3 sengers 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 construc-  
8 tion of wheels, the form of cars and carriages, the  
9 weight of loads, and all other matters and things in  
10 relation to said road, shall be in conformity with such  
11 rules, regulations, and provisions as the directors  
12 shall from time to time prescribe and direct.

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

SECT. 7. The corporation is hereby invested with  
2 power to make connections with any other road or  
3 roads, and on such terms as the members may deem  
4 expedient and proper; and it is hereby authorized to  
5 lease the road, either before or after it shall have been  
6 completed, on such terms and on such time as the



7 members, at a meeting regularly called for that purpose, shall determine.

SECT. 8. If the said corporation shall not have been organized, and the location, according to actual survey of the route, filed with the county commissioners for the county of Somerset on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-three, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-eight, in either of the above mentioned cases, this act shall be null and void.

SECT. 9. Said company shall not engage or commence in the construction of said road until fifty per centum of the estimated cost of said road shall have been subscribed for by responsible persons or corporations.

SECT. 10. This act shall take effect when approved by the governor.

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STATE OF MAINE.

In SENATE, February 10, 1869.

Reported by Mr. HERSEY, from the Committee on Railroads, Ways and Bridges, read once, and on motion of the same Senator, laid on the table and ordered to be printed.

THOMAS P. CLEAVES, *Secretary.*