

MAINE STATE LEGISLATURE

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FIFTIETH LEGISLATURE.

HOUSE.

No. 22.

STATE OF MAINE.

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

AN ACT to incorporate the Alfred and South Berwick
Railroad Company.

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

SECTION 1. Edward Fox, A. W. H. Clapp, Win-
2 throp G. Ray, Rufus E. Wood, John Lynch, Harrison
3 J. Libby, A. K. Shurtleff, Frederic Robie, Henry P.
4 Deane, Edward H. Davis, Frederick Fox, Joseph S.
5 Ricker, John McDuffee, George W. Woodman, John
6 A. Waterman, Charles Staples, D. W. Fessenden, B.
7 D. Verrill, N. L. Woodbury, Caleb B. Lord, Wm. H.
8 Conant and Wm. K. Stephenson, their associates, suc-
9 cessors and assigns, are hereby made and constituted
10 a body corporate and politic by the name of the Alfred

11 and South Berwick Railroad Company, and by this
12 name may sue and be sued, and shall have and enjoy
13 all proper remedies at law and in equity to secure
14 and protect them in the exercise of the rights and
15 privileges hereinafter granted, and to prevent all inva-
16 sion thereof or interruptions in the exercise and enjoy-
17 ment of the same ; and the said corporation is hereby
18 authorized and empowered to locate, construct and
19 finally complete, alter and keep in repair, a railroad
20 with one or more sets of rails or tracks, with all suit-
21 able bridges, tunnels, viaducts, turnouts, culverts, drains
22 and all other necessary appendages, from some point in
23 Alfred, on the line of the Portland and Rochester
24 Railroad, at or near the depot, and thence extending
25 southerly through Sanford and North Berwick to a
26 point in South Berwick, at or near the junction of the
27 Portland, Saco and Portsmouth Railroad with the
28 roads running to Boston ; and said corporation shall be
29 and hereby is invested with all the powers, privileges
30 and immunities which are or may be necessary to carry
31 into effect the objects and purposes of this act ; and
32 for this purpose said corporation shall have the right
33 to purchase, or to take and hold, so much of the land
34 and real estate of private persons and corporations as
35 may be necessary for the location, construction and
36 convenient operation of said railroad ; and they shall

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

63 down, or from their natural falling might obstruct or
64 impair said railroad, by paying a just compensation
65 therefor, to be recovered in the same manner as pro-
66 vided for the recovery of other damages in this act.

SECT. 2. The capital stock of said company shall
2 consist of not less than one thousand nor more than
3 eight thousand shares, and the government and direc-
4 tion of the affairs of said company shall be vested in
5 nine directors, who shall be chosen by the stock-
6 holders, and shall hold their office until others have
7 been chosen in their place, a majority of whom shall
8 form a quorum for the transaction of business, and
9 they shall elect one of their number to be president
10 and one to be vice president of the company, and shall
11 have authority to choose a clerk, who shall be sworn to
12 the faithful discharge of his duty, and a treasurer who
13 shall be sworn and also give bonds to the company,
14 with sureties to the satisfaction of the directors, in a
15 sum not less than ten thousand dollars, for the faithful
16 discharge of his trust; and for the purpose of receiving
17 subscriptions to said stock, books shall be opened
18 under the direction of the persons named in the first
19 section of this act, at such time as they may deter-
20 mine, in the city of Portland and elsewhere, as they
21 shall appoint, to remain open for five successive days
22 at least, of which time and place of subscription public

23 notice shall be given in one newspaper printed in said
24 Portland, and one in the county of York, ten days be-
25 fore the opening of such subscriptions ; and any of the
26 seven persons named in the first section of this act are
27 hereby authorized to call the first meeting of said
28 company for the choice of directors and organization,
29 by giving notice in one or more newspapers published
30 as before named, of the time, place and purposes of
31 said meeting, at least fourteen days before the time
32 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 purposes 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 equal assessments, from
15 time to time, on all shares in said corporation as they
16 may deem expedient and necessary in the execution
17 and progress of the work, and direct the same to be
18 paid to the treasurer of this corporation. And the
19 treasurer shall give notice of all such assessments; and
20 in case any subscriber or stockholder shall neglect to
21 pay any assessment on his share or shares for the
22 space of thirty days after such notice is given, as shall
23 be provided by the by-laws of said corporation, the
24 directors may order the treasurer to sell such share or
25 shares at public auction, after giving such notice as
26 may be prescribed, as aforesaid, to the highest bidder,
27 and the same shall be transferred to the purchaser, and
28 such delinquent subscriber or stockholder shall be held
29 accountable to the corporation for the balance, if his
30 share or shares shall sell for less than the assessments
31 due thereon, with the interest and costs of sale; *pro-*
32 *vided, however,* that no assessment shall be laid upon

33 any shares in said corporation of a greater amount in
34 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 rates as may be agreed upon and established from
6 time to time by the directors of said corporation, and
7 a lien is hereby created on all articles transported for
8 said tolls. The transportation of persons and property,
9 the construction of wheels, the form of cars and car-
10 riages, the rights of roads, and all other matters and
11 things in relation to said road, shall be in conformity
12 with such rules, regulations and provisions as the
13 directors shall from time to time prescribe and direct.

SECT. 6. 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 manage-
6 ment of their property.

SECT. 7. If any person shall wilfully and maliciously,
2 or wantonly and contrary to law, obstruct the passage
3 of any carriages on such railroad, or in any way spoil,
4 injure or destroy said railroad, or any part thereof, or

5 anything belonging thereto, or any materials or imple-
6 ments to be employed in the construction of, or for the
7 use of said road, he, she or they, or any person or
8 persons, aiding or abetting such trespass, shall forfeit
9 and pay to said corporation, for every such offence
10 treble such damages as shall be proved before the jus-
11 tice, court or jury before whom the trial shall be had,
12 to be sued for before any justice, or in any court proper
13 to try the same, by the treasurer of the corporation, or
14 other officer whom they may direct, to the use of said
15 corporation ; and such offender or offenders shall be
16 liable to indictment by the grand jury of the county
17 within which such trespass shall have been committed,
18 for any offence or offences contrary to the above pro-
19 visions ; and upon conviction thereof before any court
20 competent to try the same, shall pay a fine not ex-
21 ceeding five hundred dollars to the use of the state, or
22 may be imprisoned for a term not exceeding five years,
23 at the discretion of the court before whom such con-
24 viction may be had.

SECT. 8. 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 ;
9 and the shares owned by the respective stockholders,
10 shall be deemed personal estate, and be taxable as
11 such, to the owners thereof, in the places where they
12 reside and have their homes.

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

SECT. 10. 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 counties through which the same shall pass,
5 on or before the thirty-first day of December, in the
6 year of our Lord one thousand eight hundred and
7 seventy-three, or if the said corporation shall fail to

8 complete said railroad on or before the thirty-first day
9 of December, in the year of our Lord one thousand
10 eight hundred and seventy-five, in either of the above-
11 mentioned cases, this act shall be null and void.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 3, 1871. }

Read three times, and on motion of Mr. COUSENS, ordered
printed.

S. J. CHADBOURNE, *Clerk.*