

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

HOUSE.

No. 8.

STATE OF MAINE.

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

AN ACT to incorporate the Sagadahoc and Cumberland
Railroad Company.

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

SECTION 1. William Rice, Edwin Reed, James D.
2 Robinson, Thomas W. Hyde, Oliver Moses, Edward
3 Sewall, Henry W. Swanton, Guy C. Goss, Levi W.
4 Houghton, George A. Preble, James W. Wakefield,
5 Alfred Lemont, Isaac T. Hobson, William P. Lennox,
6 Andrew Lacy, Richard T. Rundlett, Joseph Tucker,
7 Henry Ingalls, E. Wilder Farley, Edwin Flye, Addi-
8 son Austen, Benjamin D. Metcalf, Eldridge G. Norris,
9 David W. Chapman, Thomas G. Pillsbury, Asa R.
10 Reed, Charles Comery, Joseph Clark, Augustus Welt,
11 Samuel W. Jackson, Samuel Watts, John C. Leven-

12 saler, Bradford K. Kelloch, William Singer, B. Webb
13 Counce, Edward K. O'Brien, Nathan A. Farwell,
14 Francis Cobb, Edward R. Spear, John T. Berry, J.
15 Fred Merrill, John S. Case, Joseph Farwell, Theodore
16 E. Simonton, Jonathan White, Timothy Williams,
17 Samuel Bryant, John Bird, Philander J. Carlton,
18 Benjamin C. Adams, Henry McGilvery, Isaac M.
19 Boardman, William W. Gilvery, Nathan G. Hich-
20 born, Joab W. Palmer, and Arad Thompson, their as-
21 sociates, successors and assigns, are hereby made and
22 constituted a body, politic and corporate, by the name
23 of the Sagadahoc and Cumberland Railroad Company,
24 and by that name may sue and be sued, plead and be
25 impleaded, and shall be entitled to all proper remedies
26 at law and in equity to secure and protect them in the
27 exercise and use of the rights and privileges conferred
28 by this act, and in the performance of the duties
29 hereinafter imposed and enjoined, and to prevent all
30 invasion thereof, or interruption in exercising and per-
31 forming the same, and be subject to the duties and
32 liabilities, and have all the powers, privileges and im-
33 munities imposed upon, or granted to, similar corpora-
34 tions by the laws of the state, not inconsistent with
35 the express provisions of this charter.

SECT. 2. Said corporation is hereby fully empowered
2 to survey, locate, construct, complete, alter, equip

3 and keep in repair a railroad with one or more tracks,
4 and all necessary buildings, tunnels, viaducts, turnouts,
5 side tracks, culverts, bridges, drains, and all other
6 needful appendages and appurtenances, from some
7 point in or near the town of Woolwich or the city of
8 Bath, through the city of Bath, the towns of West
9 Bath, Brunswick, Freeport, Yarmouth, and North
10 Yarmouth if necessary, Cumberland, Falmouth, and
11 Deering, if necessary, to some convenient point in the
12 city of Portland, and may connect with the Portland,
13 Saco and Portsmouth Railroad, the Portland and Roch-
14 ester Railroad, the Boston and Maine Railroad, the
15 Portland and Ogdensburg Railroad, the Grand Trunk
16 Railroad, and the Knox and Lincoln Railroad, by
17 contract, either or all of said corporations, or in the
18 manner now provided by law.

SECT. 3. Said corporation is hereby invested with
2 all the powers, privileges, and immunities which may
3 be necessary to carry into effect the object and pur-
4 poses of this act, with the right, if necessary, to
5 bridge for the use of said road; any waters, rivers or
6 streams, not navigable; and to this end said corpora-
7 tion shall have the right to take or purchase and hold,
8 or assign and convey the same, so much of the land
9 and other real estate of private persons or corpora-
10 tions, except the property of other railroads, which

11 may be taken as hereinafter provided, as may be neces-
12 sary or convenient for the location, construction and
13 convenient operation of said railroad ; and shall also
14 have the right to take, remove and use, for the con-
15 struction and repair of said railroad and its appurtenan-
16 ces, any earth, gravel, stone, timber or other materials,
17 on or from the land so taken ; *provided, however,* the
18 land so taken shall not exceed six rods in width, ex-
19 cept when greater width is necessary for the purpose
20 of excavation or embankment, and except for side
21 tracks and buildings, as provided by law ; and *pro-*
22 *vided, also,* that in all cases said corporation shall pay
23 for such lands, estate, or materials, such price as they
24 and the owner or owners thereof may mutually agree
25 upon ; and in case said parties shall not agree upon
26 such price, then the said corporation shall pay in each
27 case, such damages as shall be ascertained and deter-
28 mined by the county commissioners of the several
29 counties in which such lands, estates, or materials may
30 be situated, in the same manner and under the same
31 conditions as they are or may be by the general laws
32 of the state relating thereto. The lands so taken by
33 the corporation, shall be held by it in like manner as
34 lands taken and appropriated for highways ; and in case
35 said railroad shall pass through any woodlands or for-
36 ests, said corporations shall have the right to remove

37 or fell any of the trees standing within four rods of
38 such road, which, by their liability to be blown down,
39 or from their natural falling, might obstruct or injure
40 said railroad, by paying a just compensation therefor,
41 to be determined and recovered in the same manner as
42 other damages, provided by this act; *provided, how-*
43 *ever,* that nothing herein contained shall authorize said
44 corporation to take the land of other railroad corpora-
45 tions within the limits of their actual way location ac-
46 quired by purchase or otherwise, or their necessary depot
47 grounds, without the written consent of said corpora-
48 tions, except in case of crossing said roads, and ex-
49 cept as provided by the general laws of the state.

SECT. 4. The capital stock of said corporation shall
2 consist of not less than three thousand shares, of the
3 par value of one hundred dollars each, but the num-
4 ber of shares may from time to time be increased, by
5 direction of the stockholders, to an amount not ex-
6 ceeding thirty thousand shares. The entire govern-
7 ment and direction of the affairs of said corporation
8 shall be vested in a board of directors consisting of
9 not less than seven and not more than nine members,
10 which members shall be stockholders in said corpora-
11 tion and shall be chosen or appointed in the manner
12 hereinafter provided, and shall hold their offices
13 respectively until others shall be chosen or appointed

14 in their places. A majority of said board for the
15 time being shall constitute a quorum for the transac-
16 tion of business, and they shall elect one of their
17 number to be president of the board who shall also
18 be president of the corporation, and they shall also
19 choose a clerk and treasurer, which latter officer shall
20 be required to give bond to the corporation, in such
21 sum as the directors may determine, for the faithful
22 discharge of his trust.

SECT. 5. Said corporation shall have power to make,
2 ordain and establish all necessary or proper by-laws
3 and regulations not inconsistent with the constitution
4 and laws of this state for its own government and for
5 the due and orderly conducting of its affairs and
6 management of its property; and it is hereby also
7 authorized and empowered to make connection with
8 any other railroads or railroad corporations, or to lease
9 its line of railroad and property, either before or after
10 completion, to any other railroad company, such con-
11 nection or lease to be upon such terms as may be
12 mutually agreed upon, which connection or lease shall
13 be binding upon the parties for the time named therein,
14 or may take and hold a lease of any other railroad or
15 property upon such terms and conditions as may be
16 mutually agreed upon, subject to the approval of a ma-
17 jority of the stockholders at a meeting called therefor.

SECT. 6. The directors for the time being are hereby
2 authorized and empowered to appoint all necessary or
3 proper officers and agents, and by themselves and such
4 officers and agents, to exercise all the powers herein
5 granted for the purpose of locating, constructing and
6 completing said railroad, and for the transportation of
7 persons, goods, and property of all kinds and descrip-
8 tion, and all such power and authority as may be
9 necessary and proper to carry into effect the objects of
10 said corporation under the general laws of the state.
11 They may make from time to time such equal assess-
12 ments upon all the shares of said corporation as they
13 may deem necessary or expedient, as the work pro-
14 gresses, and direct the same to be paid to the treas-
15 urer ; and in case any subscriber or stockholder shall
16 neglect to pay any assessment on his share or shares
17 for the space of thirty days after such notice of such
18 assessment as may be prescribed by the by-laws or the
19 directors shall have been given him, the directors may
20 order the treasurer to sell such share or shares at
21 public auction after such notice as may be prescribed
22 as aforesaid, to the highest bidder, and the same shall
23 be transferred to the purchaser, and such delinquent
24 subscriber or stockholder shall be liable to the corpora-
25 tion for any balance that may be due on such assess-
26 ment after deducting the net proceeds of said sale ;

27 *provided however*, that no share shall be liable to
28 assessments amounting in the whole to more than one
29 hundred dollars. The directors may establish rules
30 for their own proceedings and may fill any vacancy
31 which may occur in their own board subsequent to the
32 annual meeting.

SECT. 7. A toll is hereby granted for the benefit of
2 said corporation upon all passengers and property
3 which may be conveyed or transported on and over
4 its railroad at such rate as may be established by its
5 directors, subject to the laws of the state.

SECT. 8. The annual meeting of the stockholders of
2 said corporation shall be holden at such time as the
3 by-laws may determine, at which meeting the directors
4 shall be chosen by ballot.

SECT. 9. Said corporation is hereby authorized and
2 empowered to make and issue its bonds in such form
3 and manner, and payable at such time or times and
4 with such rate or rates of interest and to such trustees
5 as the directors may determine, not exceeding seven
6 and three-tenths per cent., and shall secure the prin-
7 cipal and interest of such bonds by a mortgage of
8 its railroad, bonds, and other property, present and
9 prospective.

SECT. 10. Any five of the corporators named in the
2 first section of this act are hereby authorized to call a

3 meeting of the corporators for the purpose of accept-
4 ing this act, and making a preliminary organization of
5 the corporation ; and said corporators at such meeting
6 or at any other meeting of the corporators duly called
7 and notified, may determine when and in what manner
8 books shall be opened for subscriptions to stock, and
9 how subsequent meetings of the corporators shall be
10 called and notified, and may transact any other busi-
11 ness which may be deemed necessary or proper in
12 promoting and completing the organization of the
13 corporation. The attendance of ten corporators shall
14 constitute a quorum for the transaction of business,
15 but a less number may adjourn from day to day or to
16 a time certain. The first meeting of the corporators
17 shall be called to meet in Bath, and notice of said
18 meeting signed by five of said corporators shall be
19 given by publication in the Bath Daily Times and
20 Rockland Free Press at least seven days prior to said
21 meeting.

SECT. 11. If said corporation shall not be organized
2 and a location of its line according to actual survey
3 shall not be filed with the county commissioners of the
4 several counties through which said railroad shall pass,
5 on or before the thirty-first day of December, eighteen
6 hundred and seventy-seven, or if said corporation shall
7 fail to complete said railroad on or before the thirty-

8 first day of December eighteen hundred and eighty-
9 two, then in either of the above-mentioned cases this
10 act shall be null and void as to all that part of said
11 railroad not completed and finished on or before the
12 date last above named.

SECT. 12. This corporation shall be at all times sub-
2 ject to such laws as now are or hereafter may be
3 enacted relating to railroad corporations.

SECT. 13. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 27, 1874. }

Reported from Committee on Railroads, by Mr. FESSENDEN
of Portland, and on his motion ordered to be printed.

S. J. CHADBOURNE, *Clerk.*