

MAINE STATE LEGISLATURE

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FIFTY-FOURTH LEGISLATURE.

HOUSE.

No 39.

STATE OF MAINE.

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

AN ACT to incorporate the Lewiston and Augusta
Railroad Company.

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

SECTION 1. James Wood, John Y. Scruton, S. D.
2 Thomas, F. I. Day, P. McGillicuddy, A. D. Cornish,
3 Joseph W. Perkins, D. Holland, J. L. H. Cobb, N.
4 W. Dutton, George H. Pillsbury, J. G. Coburn, Ed-
5 mund Russell, J. B. Ham, S. D. Wakefield, Sylves-
6 ter Oakes, J. H. Rook, Ara Cushman, J. Dingley, jr.,
7 H. R. Smith, John N. Wood, P. C. Tarbox, Joseph
8 H. Day, John B. Garcelon, Allen P. Winslow, Geo.
9 A. Callahan, N. O. Mitchell, Joshua Gray, John T.
10 Richards, Josiah Maxey, William Wilson, J. R. Bod-
11 well, James W. North, H. A. DeWitt, Josiah P.

12 Wyman, E. F. Pillsbury, Ai Staples, and Daniel T.
13 Pike, their assigns, associates and successors, are
14 hereby made and constituted a body politic and corpo-
15 rate by the name of the Lewiston and Augusta Rail-
16 road Company, and by that name may sue and be
17 sued, plead and be impleaded, and shall enjoy all
18 proper remedies at law and in equity to secure and
19 protect them in the exercise and use of their rights
20 and privileges and in the performance of the duties
21 herein granted, and to prevent all invasion thereof or
22 interference in exercising or performing the same ;
23 and said corporation is hereby authorized and empow-
24 ered to locate and construct and finally complete, alter
25 and keep in repair a railroad, with one or more sets of
26 rails or tracks, with all suitable bridges, tunnels,
27 viaducts, turnouts, culverts, drains, and all other
28 necessary appendages, from some point in the city of
29 Lewiston to the city of Augusta, in the most direct
30 and feasible route, passing through any of the follow-
31 ing named towns and cities, to wit: Webster,
32 Greene, Wales, Litchfield, Monmouth, West Gardiner,
33 Gardiner, Farmingdale, Manchester and Hallowell ;
34 and said corporation shall be and hereby is invested
35 with all the powers, privileges and immunities which
36 are or may be necessary to carry into effect the pur-
37 poses and objects of this act as herein set forth, and

38 for this purpose said corporation shall have the right
39 to take and hold, or to purchase so much of the land
40 or real estate of private persons and corporations as
41 may be necessary for the location, construction and
42 convenient operation of said railroad, and shall also
43 have the right to take, remove or use for the construc-
44 tion and repair of said road appurtenances, any gravel,
45 earth, stone, timber, or other material, on or from the
46 land so taken ; *provided however*, the land so taken
47 shall not exceed six rods in width, except where
48 greater width is necessary for the purposes of excava-
49 tion and embankment ; *and provided also*, in all cases
50 said corporation shall pay for such lands, estate or
51 materials, such price as they and the respective owner
52 or owners thereof may mutually agree upon ; and in
53 case such parties shall not agree otherwise, the said
54 corporation shall pay such damages as shall be ascer-
55 tained and determined by the county commissioners of
56 the counties of Androscoggin and Kennebec, in the
57 same manner and under the same conditions as are by
58 law provided in laying out highways ; and no applica-
59 tion to said commissioners to estimate said damages
60 shall be sustained, unless made within three years from
61 the time of taking such land and other property ; and
62 in case said railroad shall pass through any woodland
63 or forest, the said company shall have the right to fell

64 and remove any trees standing therein within four rods
65 of said road, which by their liability to be blown
66 down, or from their natural falling, might obstruct or
67 impair said railroad, by paying a just compensation
68 therefor, to be recovered in the same manner as pro-
69 vided for 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 ten thousand shares, of the par value of fifty dollars
4 each ; and the immediate government and direction of
5 the affairs of said corporation shall be vested in not
6 less than five nor more than nine directors, who shall
7 be chosen by the members of said corporation in the
8 manner hereinafter provided, and shall hold their office
9 until others shall have been duly elected and qualified
10 to take their place, a majority of whom shall form a
11 quorum for the transaction of business ; and they shall
12 elect one of their number to be president of the corpo-
13 ration, and shall have authority to choose a clerk,
14 who shall be sworn to the faithful discharge of his
15 duty, and a treasurer, who shall be sworn, and also
16 give bond to the corporation, with sureties to the satis-
17 faction of the directors in a sum not less than one thou-
18 sand dollars for the faithful discharge of his trust ;
19 and for the purpose of receiving subscriptions to the
20 said stock, books shall be opened under the direction

21 of the persons named in the first section of this act at
22 such times and places as they shall determine, to re-
23 main open for five successive days at least, of which
24 times and places of subscription public notice shall be
25 given in some newspaper published in the counties of
26 Androscoggin and Kennebec, ten days before the time
27 mentioned in such notice.

SECT. 3. Said corporation shall have power to make,
2 ordain and establish all the necessary by-laws and
3 regulations, consistent with the constitution and the
4 laws of this state, for their own government and for
5 the management of their property.

SECT. 4. The president and directors for the time
2 being, are hereby authorized and empowered, by
3 themselves or their agents, to exercise all the powers
4 herein granted to the corporation for the purposes 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
14 persons, goods and property of all descriptions; to

15 make such equal assessments from time to time on all
16 the shares of said corporation as they may deem
17 expedient and necessary in the execution and progress
18 of the work, and direct the same to be paid to this
19 corporation ; and the treasurer shall give notice of all
20 such assessments, and in case any subscriber or stock-
21 holder shall neglect to pay any assessment on his
22 share or shares for the space of thirty days after such
23 notice is given, or shall be prescribed by the by-laws
24 of said corporation, the directors may order the treas-
25 urer 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
29 subscriber or stockholder shall be held accountable to
30 the corporation for the balance of such assessment
31 above the amount for which his share or shares shall
32 be so sold, together with interest and costs of sale,
33 and shall be entitled to the overplus, if his share or
34 shares shall sell for more than the assessment due
35 with interest and cost of sale ; *provided, however,*
36 that no assessments shall be laid upon any share in
37 said corporation of a greater amount in the whole than
38 fifty dollars.

SECT. 5. A toll is hereby granted and established
2 for the sole benefit of the said corporation, upon all

3 passengers and property of all descriptions which may
4 be conveyed or transported by them upon said road,
5 at such rates as may be agreed upon and established
6 from time to time by the directors of said corporation.
7 The transportation of persons and property, construc-
8 tion of wheels, the form of cars and carriages, the
9 weight of load, and all other matters in relation to
10 said road, shall be in conformity with such rules, reg-
11 ulations and provisions, as the directors shall from
12 time to time prescribe and direct, subject to such laws
13 in relation to railroad companies as are or may from
14 time to time be established by the Legislature.

SECT. 6. 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
6 ballot, each proprietor by himself or proxy, being
7 entitled to as many votes as he holds shares, and the
8 directors are hereby authorized to call special meetings
9 of the stockholders whenever they shall deem it ex-
10 pedit and proper, giving such notice as the corpora-
11 tion by their by-laws shall direct.

SECT. 7. For the purpose of raising means and
2 funds to accomplish the objects and purposes of this
3 act, said corporation is hereby authorized to make and

4 issue its bonds to an amount not exceeding twenty-five
5 thousand dollars per mile, in such form and manner
6 and payable at such time as the directors may, under
7 the circumstances, deem advisable ; and it may secure
8 the principal and interest of said bonds by a mortgage
9 of its railroad and all its lands, property, rights,
10 privileges and franchises then possessed, held or
11 owned, or thereafter acquired by said corporation,
12 made to such persons or trustees and in such form and
13 manner as the directors may approve and prescribe.

SECT. 8. The corporation is hereby invested with
2 power to make connections with any other railroad or
3 railroads, and on such terms as the members may
4 deem expedient and proper ; and it is hereby author-
5 ized to lease the road either before or after it is
6 completed, or to take a lease of any other railroad
7 connecting with it, on such terms and for such time
8 as the members at a meeting regularly called for that
9 purpose shall determine.

SECT. 9. Any five of the corporators named in the
2 first section of this act, are hereby authorized to call a
3 meeting of the corporation for the purpose of accepting
4 this act and organizing by the choice of all necessary
5 officers, making by-laws, and doing any other business
6 that they may deem necessary to carry into effect the

7 purposes of this act, and said first meeting may be
8 called at such time as is deemed most convenient.

SECT. 10. If the said corporation shall not have been
2 organized and the location, according to actual survey
3 of the route, filed with the county commissioners of the
4 counties through which the same shall pass, on or be-
5 fore the thirty-first day of December, in the year of
6 our Lord one thousand eight hundred and eighty, this
7 act shall be null and void.

SECT. 11. Nothing in this act shall be construed to
2 authorize this corporation to locate its road over the
3 road-bed or location of any other railroad, or take its
4 property except to cross the same.

SECT. 12. This act shall take effect when approved.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 9, 1875. }

Reported from Committee on Railroads, by Mr. DUTTON of
Lewiston, and on his motion ordered printed.

S. J. CHADBOURNE, *Clerk.*