

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Sixty-Fourth Legislature.

SENATE.

No. 49.

STATE OF MAINE.

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

AN ACT to incorporate the Lewiston Falls and Livermore
Railroad.

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

SECTION. 1. Rufus Prince, J. T. Small, C. I. Barker,
2 P. C. Bradford, Henry A. Hildreth, W. H. Newell,
3 Ezekiel V. Stevens, Benj. Keen, J. P. Waterman, Henry
4 Turner, George Soule, E. E. Fuller, E. F. Phillips, R.
5 C. Young, L. D. Farrar, L. A. Young, their associates,
6 successors and assigns, are hereby made and constituted
7 a body politic and corporate by the name of the Lewiston
8 Falls and Livermore Railroad Company and by that name
9 may sue and be sued, plead and be impleaded, and shall
10 have and enjoy all proper remedies at law and in equity
11 to secure and protect them in the exercise and use of the
12 rights and privileges and the performance of the duties
13 hereinafter granted and enjoined, and to prevent all inva-

14 sion thereof, or interruption in exercising and performing
15 the same ; and the said corporation is hereby authorized
16 and empowered to locate and construct and finally com-
17 plete, alter and keep in repair a railroad, with one or
18 more sets of rails or tracts, with all suitable bridges,
19 tunnels, viaducts, turnouts, culverts, drains and all other
20 necessary appendages from some point within the city of
21 Lewiston or Auburn, and may connect with the Maine
22 Central Railroad, thence extending northerly through
23 Auburn, East Auburn, Turner, near the villages of Tur-
24 ner, Turner Center and North Turner to Brettons Mills
25 in the town of Livermore, all of which are in the county
26 of Androscoggin.

And said corporation shall be and hereby is invested
28 with all the powers, privileges and immunities which are
29 or may be necessary to carry into effect the purposes and
30 objects of this act as herein set forth ; and for this pur-
31 pose said corporation shall have the right to take and hold,
32 or to purchase, so much of the land and other real estate
33 of private persons and corporations as may be necessary
34 for the location, construction and convenient operation
35 of said railroad, and shall also have the right to take,
36 remove and use for the construction and repair of said
37 road and appurtenances, any earth, gravel, stone, timber,
38 or other materials on or from the land so taken ; provided
39 however, the land so taken shall not exceed five rods in
40 width, except where greater width is necessary for the
41 purpose of excavation or embankment ; and provided also,
42 in all cases said corporation shall pay for such lands,
43 estates or materials such price as they and the respective
44 owner or owners thereof may mutually agree upon, and

45 in case said parties shall not otherwise agree, the said
46 corporation shall pay such damages as shall be ascertained
47 and determined by the county commissioners for the
48 county where such land or other property may be situated,
49 in the same manner and under the same conditions as are
50 by law provided in the case of laying out highways, and
51 the land so taken by said corporation shall be held as
52 lands taken and appropriated for highways; and no appli-
53 cation to said commissioners to estimate said damages
54 shall be sustained unless made within three years from the
55 time of taking such lands and other property; and in
56 case said railroad shall pass through any wood-lands or
57 forests, the said company shall have the right to remove
58 or fell any of the trees standing thereon within four rods
59 from such roads, which by their liability to be blown
60 down, or from their natural falling might obstruct or impair
61 said railroad, by paying a just compensation therefor, to be
62 recovered in the same manner as is provided for the
63 recovery of the other damages mentioned in this act. And
64 furthermore, said corporation shall have all the powers,
65 privileges and immunities, and be subject to all the duties
66 and liabilities provided respecting railroads in chapter
67 fifty-one of the Revised Statutes, not inconsistent with the
68 express provisions of this charter.

SECT. 2. Any five of the corporators named in the first
2 section of this act are hereby authorized to call a meeting
3 of the corporation for the purpose of accepting this act
4 and organizing by the choice of all necessary officers,
5 making by-laws and doing any other business that they
6 may deem necessary to carry into effect the purposes of
7 this act, and said first meeting may be called at such time
8 as is deemed most convenient.

SECT. 3. The capital stock of said corporation shall
2 consist of not less than two thousand nor more than four
3 thousand five hundred shares of the par value of fifty
4 dollars each ; and the immediate government and direction
5 of the affairs of said corporation shall be vested in not
6 less than five nor more than nine directors, who shall be
7 chosen by the members of said corporation in the manner
8 hereinafter provided, and shall hold their office until
9 others shall have been duly elected and qualified to take
10 their places, a majority of whom shall form a quorum for
11 the transaction of business ; and they shall elect one of
12 their number to be president of the corporation and shall
13 have authority to choose a clerk, who shall be sworn to
14 the faithful discharge of his duties, and a treasurer who
15 shall be sworn and also give bond to the corporation, with
16 sureties to the satisfaction of the directors, in a sum not
17 less than two thousand dollars for the faithful discharge
18 of his trust, and for the purpose of receiving subscriptions
19 to said stock, books shall be opened under the direction
20 of the persons named in the first section of this act at
21 such times and places as they shall determine, to remain
22 open as long and under such circumstances as they may
23 determine of which due notice shall be given as they may
24 direct.

SECT. 4. 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 by
6 the directors of said corporation. The transportation of
7 persons and property, the construction of wheels, the
8 form of cars and carriages, the weight of loads, and all

9 other matters and things in relation to said road shall be
10 in conformity with such rules, regulations and provisions
11 as the directors shall from time to time prescribe and
12 direct, and such as may be hereafter enacted.

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

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

SECT. 7. For the purpose of raising means and funds to
2 accomplish the objects and purposes of this act, said
3 corporation is hereby authorized to make and issue its
4 bonds in such form and manner, and payable at such time
5 as the directors may, under the circumstances, deem advis-
6 able, and it may secure the principal and interest of said
7 bonds, by a mortgage of its railroad, and all its lands,
8 property, rights, privileges and franchises then possessed,
9 held or owned, or thereafter acquired, by said corpora-
10 tion, made to such persons or trustees, and in such form
11 and 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 deem
4 expedient and proper; and it is hereby authorized to lease
5 the road, either before or after it shall have been com-
6 pleted, on such terms and for such time as the stock-
7 holders, at any meeting regularly called for that purpose,
8 shall determine.

SECT. 9. The corporation shall be authorized to issue
2 nonpreferred and preferred stock, upon such terms and
3 conditions, and to such persons and corporations, and
4 with such limitations and restrictions, as may be deemed
5 most for the interest of the subscribers, the success of the
6 corporation, and the completion and equipment of the
7 road.

SECT. 10. The president and directors, for the time be-
2 ing, are hereby authorized and empowered, by themselves
3 or their agents, to exercise all the powers herein granted
4 to the corporation for the purpose of locating, constructing,
5 and completing said railroad, and for the transportation of
6 persons, goods, and property of all descriptions, and all
7 such power and authority for the management of the
8 affairs of the corporation, as may be necessary and proper
9 to carry into effect the objects of this grant; to purchase
10 and hold land, materials, engines and cars, and other
11 necessary things, in the name of the corporation, for the
12 use of the said road, and for the transportation of persons,
13 goods, and property of all descriptions, to make such
14 equal assessment, from time to time, on all the shares in
15 said corporation, as may be deemed necessary by them,
16 and expedient in the execution and progress of the work,

17 and direct the same to be paid to the treasurer of the
18 corporation. And the treasurer shall give notice of all
19 such assessments, and in case any subscriber or stock-
20 holder shall neglect to pay any assessment on his share or
21 shares, for the space of thirty days after such notice is
22 given, as shall be prescribed by the by-laws of said
23 corporation, the directors may order the treasurer to sell
24 such share or shares at public auction, after giving such
25 notice as may be prescribed as aforesaid, to the highest
26 bidder, and the same shall be transferred to the pur-
27 chaser, and such delinquent subscriber or stockholder
28 shall be held accountable to the corporation for the bal-
29 ance of his share or shares, shall sell for less than the
30 assessment due thereon, with the interest and cost of sale ;
31 *provided, however*, that no assessment shall be laid upon
32 any share in said corporation of a greater amount than
33 fifty dollars in the whole.

SECT. 11. Said corporation shall have five years in
2 which to complete and file the location of said railroad,
3 and eight years to construct the same. All the powers,
4 privileges and immunities herein and hereby granted shall
5 be subject to all existing laws of the State and such as may
6 be hereafter enacted.

SECT. 12. Said corporation is by this act authorized
2 and empowered to construct its track and rolling stock,
3 of any gauge not exceeding four feet eight and one-half
4 inches, and not less than two feet, as may be deemed
5 necessary and proper by the members of the corporation,
6 for the use of said road and for the transportation of
7 persons, goods, and property of all descriptions.

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

STATE OF MAINE.

IN SENATE, January 31, 1889.

Pending reference to the Committee on Railroads, Telegraphs and Expresses in concurrence, laid on table to be printed, on motion by Mr. SLEEPER of Androscoggin.

C. W. TILDEN, *Secretary.*