

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

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1869.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1869.

owner on this river, shall be allowed to become a member of this corporation with all the privileges thereof. CHAP. 238.

SECT. 6. This act shall take effect when approved.

Approved March 6, 1869.

Chapter 238.

An act to incorporate the Athens Railroad Company.

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

SECT. 1. John Ware, Jr., S. L. Tobey, Fred. G. Greene, C. F. Barker, C. F. H. Greene, Jas. S. Tobey, John Ware, H. S. French, L. D. Hight, J. L. Foss, C. H. Jones, W. Holbrook, S. E. Morrill, O. W. McIntire, J. C. Kinsman, Abel C. French, D. Paine, Eli W. Thompson, D. F. Hobart, N. B. Chadbourne, Joel Hobart, Cyrus Libby and Peter Walker, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Athens Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasions thereof or interruptions in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct and finally complete, alter and keep in repair a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains and all other necessary appendages, from some point in Skowhegan village in Somerset county; thence through the town of Cornville, to the village in the town of Athens in said county, with the right to connect with the Somerset and Kennebec Railroad in the town of Skowhegan; or said corporation may commence from some point in or near Hartland village in Somerset county, and construct their road to Athens village in said county, by the most practicable route; and may have the right to connect at Hartland with any railroad which may pass through said town; and said corporators shall determine on or before the first day of January, in the year of our Lord eighteen hundred seventy-two, which road they will construct, whether from Skowhegan to Athens, or from Hartland to Athens, and shall have the right to construct but one road; and upon their election which road they will construct, the charter for the other shall become null and of no effect. And said

Corporators.

Corporate name.

Rights, powers and privileges.

Location and route.

Shall determine which road shall be constructed.

Charter of other road to become void.

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Powers and privileges.

May take land for location, construction and operation of road.

May remove gravel, stone, timber, &c.

Proviso.

In case of disagreement, damages shall be ascertained by county commissioners.

Application for estimate of damages to be made within three years.

Trees standing within four rods of road may be removed.

Compensation to be paid therefor.

Capital stock and shares.

Directors, how chosen, &c.

Tenure of office.

Quorum.

President and clerk.

Oaths.

Treasurer.

Bonds.

corporation shall be and hereby are authorized and invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth. And for this purpose, said corporation shall have the right to purchase, or to take and hold so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials on or from the land so taken; *provided, however*, that said land so taken shall not exceed six rods in width, except where greater width is necessary for the purposes of excavation or embankment; *and provided also*, that in all cases, said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county through which said railroad may pass, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways. And the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have a right to fell or remove any trees standing therein within four rods of such road, which by their liability to be blown down or from their natural falling might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this act.

SECT. 2. The capital stock of said corporation shall consist of not less than two thousand nor more than four thousand shares, and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine, eleven or thirteen directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their office until others shall have been duly elected and qualified to take their place, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be president of the corporation, and they shall choose a clerk, who shall be sworn to the faithful discharge of his duty; and they shall choose a treasurer, who shall be sworn, and also give bonds to the corporation, with sureties to the satisfaction of the directors in a sum not

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less than ten thousand dollars for the faithful discharge of his trust. And for the purpose of receiving subscription to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such time as they may determine, in the towns of Athens, Cornville, and Madison, and elsewhere as they shall appoint, to remain open for five successive days at least, of which time and place of subscription public notice shall be given in one or more of the newspapers printed in Somerset county, ten days before the opening of such subscription. And any seven of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation, for the choice of directors and for organization, by giving notice in one or more newspapers published as above named, of the time and place and the purposes of such meeting, at least fourteen days before the time mentioned in such notice.

Subscription books, when and by whom opened.

Notice, how given.

First meeting, how called.

SECT. 3. Said corporation may sell or lease its line and all its improvements to any other railroad corporation, which latter company is hereby authorized to enter into such contract of sale or lease, and the directors of the two corporations may enter into such contract for the running of the road, and for the purchase, sale or lease thereof, as the directors of the two companies, in the exercise of their best judgment and discretion, may deem for the advantage of their respective corporations, subject to the approval of the stockholders in each corporation.

May sell or lease its line.

SECT. 4. When said corporation shall take any land or other estate as aforesaid of any infant, person non compos mentis, or feme covert whose husband is under guardianship, the guardian of such infant, or person non compos mentis, and such feme covert with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages or claims for damages by reason of taking such land and estate as aforesaid, and give good and valid releases and discharges therefor.

Guardians of certain persons may settle claims for damages.

SECT. 5. The president and directors for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing and completing said railroad, and for the transportation of persons, goods and property of all descriptions, and all such powers and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold land, materials, engines and cars, and other necessary things in the name of the corporation, for the use of said road, and for the transportation of persons, goods and property of all descriptions; to make such equal assessment from time to time on all the shares in said corporation as they may deem ex-

President and directors, powers of.

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Assessments,
notice of.
Neglect to pay,
shares may be
sold by auction.

pedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors' may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares sell for more than the assessments due, with interest and costs of sale; *provided, however,* that no assessment shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

Overplus, how
disposed of.

Toll granted.

SECT. 6. A toll is hereby granted and established, for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weights of loads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Transportation
of property,
construction of
wheels, form
of cars, &c.

Connections with
other companies,
legislature may
authorize.

SECT. 7. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation at any points on the route of said railroad. And said corporation shall receive and transport all persons, goods and property of all descriptions which may be carried and transported to the railroad of said corporation on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll of such passengers, goods and other property as may be received from such other railroads so connected with said road as aforesaid shall not exceed the general rates of freight and toll on said railroad received for freight and passengers at any of the deposits of said corporation.

Transportation
of persons, goods
and property.

Rates of toll.

Private ways not
to be obstructed.

SECT. 8. If said railroad in the course thereof shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if said railroad shall in the course thereof cross any

canal, railroad, or the highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal or highway; and the said corporation shall have power to raise or lower such highway or private way, so that the said railroad, if necessary, may conveniently pass over or under the same, and erect such gate or gates thereon as may be necessary for the safety of travellers on said railroad, highway or private way, and shall keep all bridges and embankments necessary for the same in good repair.

SECT. 9. Said railroad corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands, or lands that may be hereafter improved.

SECT. 10. The said corporation shall at all times when the postmaster general shall require it, be holden to transport the mail of the United States, from and to such place or places on said road as may be required, for a fair and reasonable compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the state shall determine the same. And said corporation after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages and vehicles for transportation of persons and articles, and be obliged to receive at all proper times and places and convey the same when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported for said tolls. And said corporation fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicles, for the transportation of persons or merchandise, to pass over said railroad, other than its own furnished and provided for that purpose as herein enjoined and required; *provided, however*, that said corporation shall be under obligations to transport over said road the passenger and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the fifth and sixth sections of this act, as to rates of toll and all other particulars enumerated in said sections.

SECT. 11. If any person shall wilfully and maliciously or wantonly and contrary to law obstruct the passage of any carriages on such railroad, or in any way spoil, injure or destroy said railroad or any part thereof or anything belonging thereto or any materials or implements to be employed in the construction of or for the use of said road, he, she or they, or any person or persons assisting, aiding or abetting such trespass shall forfeit and pay to

CHAP. 288.

Public travel or navigation.

Fences.

U. S. mail, transportation of.

Compensation in case of disagreement, how determined.

Facilities for transportation of articles, &c.

Lien.

Duties and obligations.

Proviso.

Malicious injury to corporate property.

CHAP. 238. said corporation, for every such offence treble such damages as shall be proved before the justice, court or jury, before whom the trial shall be had to be sued for before any justice or in any court proper to try the same by the treasurer of the corporation or other officer whom they may direct to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand jury of the county within which trespass shall have been committed for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same shall pay a fine not exceeding five hundred dollars to the use of the state or may be imprisoned for a term not exceeding five years at the discretion of the court before whom such conviction may be had.

Penalties.

Disbursements and receipts to be kept.

SECT. 12. Said corporation shall keep in a book for that purpose a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature, and at the expiration of every year the treasurer of said corporation shall make an exhibit under oath to the legislature of the profits derived from the income of said railroad.

Real and personal estate, where to be taxed.

SECT. 13. All real estate purchased by said corporation for the use of the same under the fourth section of this act shall be taxable to said corporation by the several cities, towns and plantations in which said land lies in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same as other adjacent lands of the same quality in such city, town or plantation and not otherwise, and the shares owned by the respective stockholders shall be deemed personal estate, and be taxable as such to the owners thereof in the places where they reside and have their homes. And whenever the net income of said corporation shall have amounted to ten per cent. per annum upon the cost of the road and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature, from and after which time, one moiety or such other portion as the legislature may from time to time determine of the net income of said railroad accruing thereafter over and above ten per cent. per annum, first to be paid to the stockholders, shall annually be paid over to the treasurer of said corporation as a tax in the treasury of the state for the use of the state; and the state may have and maintain an action against said corporation therefor to recover the same; but no other tax than herein is provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

Income and report.

Annual meeting.

SECT. 14. The annual meeting of the members of said corporation shall be holden on the first Monday in January, or such other

day as shall be determined by the by-laws at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares, and the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

SECT. 15. If the said corporation shall not have been organized, and the location, according to actual survey of the route to Athens have been filed with the county commissioners of the county of Somerset, on or before the first day of January, in the year of our Lord one thousand eight hundred and seventy-two; or if said corporation shall fail to complete said railroad to Athens on or before the first day of January, in the year of our Lord one thousand eight hundred and seventy-five, in either of the above mentioned cases, this act shall be null and void.

Organization, location, &c., when to be made.

SECT. 16. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises, herein and hereby granted, may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation, which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined.

Doings of corporation may be inquired into by legislature.

Approved March 6, 1869.

Chapter 239.

An act to incorporate the Gardiner District Camp Meeting Association.

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

SECT. 1. Cyrus H. King of Oxford, Lewis Perkins of Poland, Samuel Hicks of Minot, Joel Nevens of Lewiston, David H. Leavitt, Daniel B. Randall, Rishworth J. Ayer, of Auburn, Ezekiel Martin, Benjamin T. Emery, William Robinson, Ephraim M. Steadman, R. G. Pingree, John Oaks and Daniel Wood of Lewiston, their associates and successors, are hereby incorporated into a body corporate, by the name of the Gardiner District Camp Meeting Association, with power to take by gift or purchase, and to hold property real and personal, to an amount not exceeding ten thousand dollars, and may sell and convey the same, and with all other power usually vested in such corporations.

Corporators.

Corporate name.

Power.