

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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1870.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1870.

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**CHAP. 494.** the road leading from Carver's harbor to the Thoroughfare, so called, between Vinalhaven and North Haven and the road from Carver's harbor to Calderwood's neck, so called, and across district number one to the town landing, the road from Carver's harbor across districts number three, seven and two to the town landing near land of Benjamin Coombs, and the road from district number two to the town house in said town.'

Gates across roads excepted by this act to be discontinued.

**SECT. 2.** The owner or owners aforesaid who have erected or maintain gates as aforesaid across the roads excepted by this act, shall immediately discontinue the same, and all such owners who, in consequence of such discontinuance, shall be under the necessity of fencing out said road or roads, shall have reasonable damages allowed them, to be ascertained and allowed in conformity to the laws of this state providing for the allowance of damages when lands are taken for highways.

**SECT. 3.** This act shall take effect when approved.

Approved March 21, 1870.

## Chapter 494.

An act to incorporate the Georges Valley Railroad Company.

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

Corporators.

**SECT. 1.** Nahum Thurston, A. H. Wentworth, James Creighton, Edward Burgess, R. F. Alexander, Thomas Storer, R. Patterson, Hiram Bliss, William Hunt, William Gleason, Daniel Lane junior, William B. Conant, Harrison Hayford, Zuinglius Collins, Isaac Cauklin, Francis Keating, M. F. Hanly, John Arnold, William H. Hodgman, Martin B. Hunt, T. W. Robinson, S. H. Jackson, Ziba Simmons, William G. Hawes, Alexander Woodman, Charles B. Farrar, H. P. Bean, Edwin Smith junior, William McCullum, Lewis Hale, Edward S. Young, James Lewis, William Ayer, Charles B. Gilmore, George Alexander, Moses R. Mathews, Christopher Young, Joseph M. Gleason, Joseph Eastman, Sumner Leach, George Y. Creighton, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Georges Valley 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 the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof, or interruption in exercising and performing the same. And the said corporation is hereby

Name.

Rights and privileges.

authorized and empowered to locate, construct, and finally complete, alter and keep in repair, a railway 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 on the Knox and Lincoln Railroad in the town of Warren, through the towns of Warren, Union, Appleton and Sears-mont, thence by the most practicable route to the city of Belfast. And said corporation shall be and hereby is 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 or 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 four rods in width, except where greater width is necessary for the purpose 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 agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, 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 public 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 lands or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing therein, within four rods of such road, which from their liability to be blown down, or from their naturally 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 mentioned in this act. And furthermore, said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities, provided and prescribed respecting railroads in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this act.

Location.

Route.

Powers and privileges.

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

Earth, gravel, stone and timber, may be removed.

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.

Powers and liabilities.

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Guardians of certain persons may settle claims for damages.

SECT. 2. When said corporation shall take any land or other property 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 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 or other property as aforesaid, and give good and valid releases and discharges therefor.

Capital stock and shares.

SECT. 3. The capital stock of said corporation shall consist of not less than five thousand or more than fifteen thousand shares, of one hundred dollars each, and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine or thirteen directors, who shall be chosen by the members of said corporation, in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places; 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 board, who shall also be president of the corporation, and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty, and 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 less than twenty thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the nine persons first named in the first section of this act, at such time as they may determine, in the city of Belfast, the several towns through which the road is located, and at such other places as they may appoint, to remain open for twenty successive days, of which time and place of subscription, public notice shall be given in some newspaper printed in Knox and Waldo counties fourteen days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed fifteen thousand shares, the same shall be distributed among all the subscribers, according to such regulations as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books. And the nine persons first named in the first section of this act are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in each of the counties above mentioned, of the time and place and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

Directors, how chosen, &c.

Tenure of office.

Quorum.

President, clerk and treasurer.

Oath.

Bonds.

Subscription books, when and by whom opened.

Notice, how given.

First meeting, how called.

By-laws.

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

and for the due and orderly conducting of their affairs and the management of their property.

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 its appendages, and for the transportation of persons, goods and property of all descriptions, and all such power 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 lands, materials, engines and cars, and other necessary things in the name of the corporation, for the use of said road and its appendages, and for the transportation of persons, goods and property of all descriptions, to make such equal assessments from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and progress of the work, provided such assessments shall not exceed in all more than one hundred dollars on one share, 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 shall sell for more than the assessments due, with interest and cost of sale.

President and directors, powers of.

Assessments.

Notice of such assessments.  
Neglect to pay, shares may be sold by auction.

Overplus, how disposed of.

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 and its appendages, at such rates as may be agreed upon from time to time by the directors of said corporation. The transportation of persons and property, the width of the gauge, the construction of wheels, the form of cars and carriages, or other instruments of conveyance, the weights of loads, and all other matters and things in relation to said road and its appendages, shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Toll granted.

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

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.

Connection with other companies, legislature may authorize.

CHAP. 494. And this company is hereby authorized to connect any railways they may construct under this charter with any other railway existing or to be constructed within this state. 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 on such passengers, goods and other property as may be received from such other railroads so connected with said railroad as aforesaid, shall not exceed the general rate 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.

Rate of toll.

Private ways not to be obstructed.

SECT. 8. If the said railroad 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 the said railroad shall in the course thereof, cross any canal, turnpike, or highway, the said corporation shall have power to raise or lower such turnpike, highway or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon as may be necessary for the safety of travellers on said turnpike, highway or private way. And said corporation shall constantly maintain and keep in good repair all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway or private way, or for conducting such highway, private way or turnpike over said railroad.

Highways, passage over or under.

Bridges, abutments, embankments, &c.

Navigation and public ways.

SECT. 9. If said railroad shall, in the course thereof, cross any tide waters, navigable rivers or streams, the said corporation is hereby authorized and empowered to erect for the sole and exclusive use of their said railroad, a bridge across each of said rivers or streams, or across any such tide waters; *provided*, said bridge or bridges shall be so constructed as not unnecessarily to obstruct the navigation of said waters.

Fences.

SECT. 10. Said 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 hereafter be improved; and for neglect or failure to erect and maintain such fence, said corporation shall be liable to be indicted in the supreme court for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence, under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiency of highways.



SECT. 11. 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 railroad as required, for a reasonable and fair compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature shall determine the same. And said corporation, after they shall commence receiving 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 the 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 toll. And the said corporation fulfilling on its part all the 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 vehicle, for the transportation of persons or property, to pass over said railroad or its appendages other than its own, furnished and provided for that purpose, as herein enjoined and required. The said corporation is hereby authorized to lease the said railroad, either before or after its completion on such terms and for such time as the members at a meeting regularly called for that purpose, shall determine.

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U. S. mail, transportation of.

Facilities for transportation of articles, &c.

Lien for toll.

Duties and obligations of corporation.

SECT. 12. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage or other vehicle on said railroad or its appendages, or in any way spoil, injure or destroy said railroad or its appendages, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction or for the use of said road or its appendages, he, she or they, or any person or persons assisting, aiding or abetting said trespass, shall forfeit and pay to 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 before any justice or in any court proper to try the same, by the treasurer of the corporation, or other officer 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 the trespass or injury shall have been committed, 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 which such conviction may be had.

Malicious injury to corporate property.

Penalties.

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Disbursements,  
expenditures and  
receipts, to be  
kept.

SECT. 13. Said corporation shall keep in a book for that purpose a regular account of all 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 net profits derived from the income of said railroad and its appendages.

Real estate, where  
to be taxed.

SECT. 14. All real estate purchased by said corporation for the use of the same under the provisions of this act, shall be taxable to said corporation by the several cities, towns and plantations in which said lands lie, in the same manner as land owned by private persons, and shall in the valuation list, be estimated the same as other real estate of the same quality in such city, town or plantation, and not otherwise, and the shares owned by the respective stockholders, after deducting such portion as shall be taxed as real estate, shall be deemed personal estate, and be taxable as such, to the owners thereof in the places where they reside and have their home, and not otherwise. But no other tax than is herein provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

Annual meeting.

SECT. 15. The annual meeting of the members of said corporation shall be holden on the first Wednesday in August, 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 prescribe.

Directors, election  
of.

Special meetings.

Legislature may  
inquire into  
doings of corpo-  
ration, and pass  
laws imposing  
fines and penal-  
ties, and correct  
abuses.

SECT. 16. The legislature shall at all times have the right to inquire 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 herein set forth and enjoined, and subject to the general laws regulating railroads now upon the statute book, or which may hereafter be passed by the legislature of this state.

Organization and  
location, when to  
be made.

SECT. 17. If the said corporation shall not have been organized and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-five, or

if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and eighty, in either of the above mentioned cases, this act shall be null and void.

SECT. 18. Said company shall not engage in or commence the construction of said road until fifty per centum of the estimated cost of said road shall have been subscribed for by responsible persons or corporations.

Construction of road, when to be commenced.

SECT. 19. To aid in the construction and equipment of the Georges Valley Railroad, bonds payable to the bearer thereof within thirty years with coupons for interest at three per centum semi-annually, may be issued by the city of Belfast, and any town on the line of said road, or any town interested in the construction of said road, in sums not exceeding twenty per centum of the valuation of said towns according to the state valuation for the year of our Lord one thousand eight hundred and seventy, to be determined by a two-thirds vote of the qualified voters of said city and towns, given in at meetings thereof, called according to law for that purpose. Said bonds shall not be delivered to said railroad company until at least two hundred thousand dollars of the stock of said company has actually been subscribed, paid in and expended in the construction of said road, which fact shall be determined by the certificate of the treasurer of said corporation, under oath, a copy of which certificate shall be recorded by the city or town clerk of each city or town issuing bonds by authority of this act.

Bonds may be issued to aid construction, equipment, &c.

Delivery of bonds.

SECT. 20. All of said bonds shall bear the same date, and one-twentieth part thereof issued by any city or town shall be made payable each year, after ten years from said date; and it shall be the duty of said railroad company to pay all the bonds that may be thus issued for its benefit, with the coupons thereon, as the same shall fall due and become payable.

Date of bonds.

SECT. 21. Said railroad company shall execute and deliver to the cities and towns issuing bonds as aforesaid, a mortgage of all its property and rights of property in said road, present and prospective, including its franchise, conditional to pay said bonds and coupons as they shall become due, and to hold said cities and towns harmless therefrom.

Mortgage of corporate property shall be executed and delivered to cities and towns issuing bonds.

SECT. 22. In case said railroad company shall fail to pay said coupons as they shall fall due on said bonds at maturity and said failure shall continue for the space of sixty days after demand shall have been made on the treasurer therefor, it shall be lawful for the municipal officers of any city or town whose bonds or coupons shall have thus been dishonored, to call a meeting of the municipal officers of the cities and towns named in said mortgage, by publishing a notice of the time, place and object of said meeting, three

Failure to pay coupons, proceedings in case of.

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weeks successively in some public newspaper printed in the county of Knox or Waldo, and if at such meeting, which shall be organized by the choice of a chairman and clerk, the latter to be duly sworn, it shall be made to appear that such failure to pay as aforesaid continues, the municipal officers thus assembled may proceed to choose by ballot, a board of managers consisting of not more than nine members, a majority of whom shall constitute a quorum, who shall organize by the choice of a secretary and president, and may choose any other officers which under the charter and by-laws of said company may be chosen by a board of directors, and said board of managers shall be authorized to take possession of said road and all its property and rights of property therewith connected, and operate the same, and shall have all the powers and be subject to all the duties and liabilities of a board of directors, and shall hold their offices for one year from the time of their election and until others are chosen in their stead. Said managers shall make a report of their doings and of the amount of money they have received and paid out on account of said railroad to a meeting of the municipal officers of the cities and towns aforesaid, at least once in every year, which meeting shall be called by the president and secretary of said board of managers. When sufficient money has been received by said board of managers, over and above what is actually necessary to pay the expenses of operating said road, including necessary repairs and improvements, to pay all coupons and bonds then due and unpaid, it shall surrender said road with all its property and rights of property to said company. In the election of said board of managers, the municipal officers aforesaid shall be entitled to one vote for every hundred dollars in bonds issued by their respective cities or towns, and the major part of the municipal officers of each city or town shall control the vote thereof. While in their possession, said road shall be operated in the name of the managers of the Georges Valley Railroad Company. If the failure to pay said coupons or bonds shall continue for the space of twenty full years after possession shall have been taken under the mortgage as aforesaid, the same shall be thereby fully foreclosed, unless prior to that time a sufficient tender of payment shall have been made by or on behalf of said company.

Managers shall surrender road, when money sufficient to pay expenses, bonds and coupons, has been received.

Board of managers, election of.

Road to be operated in name of managers.

Foreclosure of mortgage.

Bonds shall be signed by mayor and treasurer of cities, and one of the selectmen and treasurer of towns issuing them, and countersigned by president of company.

SECT. 23. The bonds herein authorized to be issued, shall be signed by the mayor and treasurer of cities, and one of the selectmen and treasurer of the towns issuing them, and countersigned by the president of said railroad company, and shall contain this endorsement, "Issued for the benefit of the Georges Valley Railroad Company, by the \_\_\_\_\_, of \_\_\_\_\_."

Approved March 21, 1870.