

MAINE STATE LEGISLATURE

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DOCUMENTS

PUBLISHED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1867.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1867.

FORTY-SIXTH LEGISLATURE.

HOUSE.

No. 122.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

AN ACT to incorporate the Belfast and Moosehead Lake
Railway Company.

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

SECTION 1. Ralph C. Johnson, Thomas Marshall,
2 Albert G. Jewett, Nehemiah Abbott, Joseph Wil-
3 liamson, Jonathan G. Dickerson, Reuben Sibley,
4 Nahum P. Monroe, Seth L. Milliken, Samuel A.
5 Howes, Hiram Pierce, Paul R. Hazletine, Hiram O.
6 Alden, Columbia P. Carter, Alfred W. Johnson,
7 Charles B. Hazeltine, Axel Hayford, William M.
8 Rust, Philo Chase, Noah Mathews, Sherburne Sleeper,
9 William Pitcher, Marshall Davis, John G. Brooks,
10 William H. Simpson, Humphrey N. Lancaster, James

11 P. White, Albert Small, Henry McGilvery, Horatio
12 H. Johnson, Samuel R. Palmer, William O. Poor,
13 Willard P. Harriman, Stephen S. Lewis, Hugh J.
14 Anderson, junior, Andrew D. Bean, William T. Col-
15 burn, Richard Moody, Oakes Angier, Joseph H.
16 Kaler, Daniel Faunce, Augustus Perry, Andrew J.
17 Stevens, Henry Woods, Daniel Lane, junior, their
18 associates, successors and assigns, are hereby made
19 and constituted a body politic and corporate by the
20 name of the Belfast and Moosehead Lake Railway
21 Company, and by that name may sue and be sued,
22 plead and be impleaded, and shall have and enjoy all
23 proper remedies at law and in equity to secure and
24 protect them in the exercise and use of the rights and
25 privileges and the performance of the duties hereinaf-
26 ter granted and enjoined, and to prevent all invasion
27 thereof or interruption in exercising and performing
28 the same. And the said corporation are hereby au-
29 thorized and empowered to locate, construct and finally
30 complete, alter and keep in repair, a railway, with one
31 or more sets of rails or tracks, with all suitable bridges,
32 tunnels, viaducts, turnouts, culverts, drains, and all
33 other necessary appendages, from the city of Belfast,
34 over the most practicable route to Moosehead Lake,
35 excepting the distance from Newport to Dexter. And
36 said corporation shall be and hereby is invested with

37 all the powers, privileges and immunities which are or
38 may be necessary to carry into effect the purposes and
39 objects of this act as herein set forth. And for this
40 purpose said corporation shall have the right to pur-
41 chase, or to take and hold, so much of the land and
42 other real estate of private persons and corporations as
43 may be necessary for the location, construction and
44 convenient operation of said railroad; and they shall
45 also have the right to take, remove and use for the
46 construction and repair of said railroad and appur-
47 tenances any earth, gravel, stone, timber or other
48 materials, on or from the lands so taken; *provided*
49 *however*, that said land so taken shall not exceed six
50 rods in width, except where greater width is necessary
51 for the purpose of excavation or embankment; *and*
52 *provided also*, that in all cases said corporation shall
53 pay for such lands, estate or materials so taken and
54 used such price as they and the owner or respective
55 owners thereof may mutually agree on; and in case
56 said parties shall not agree, then said corporation shall
57 pay such damages as shall be ascertained and deter-
58 mined by the county commissioners for the county
59 where such land or other property may be situated, in
60 the same manner and under the same conditions and
61 limitations as are by law provided in the case of dam-
62 ages by the laying out of highways. And the land so

63 taken by said corporation shall be held as lands taken
64 and appropriated for public highways. And no appli-
65 cation to said commissioners to estimate said damages
66 shall be sustained unless made within three years from
67 the time of taking such lands or other property ; and
68 in case such railroad shall pass through any woodlands
69 or forests, the said company shall have the right to
70 fell or remove any trees standing therein, within four
71 rods of such road, which from their liability to be
72 blown down or from their natural falling might obstruct
73 or impair said railroad, by paying a just compensation
74 therefor, to be recovered in the same manner as is pro-
75 vided for the recovery of other damages mentioned in
76 this act. And furthermore, said corporation shall have
77 all the powers, privileges and immunities, and be sub-
78 ject to all the duties and liabilities, provided and pre-
79 scribed respecting railroads in chapter eighty-one of
80 the revised statutes, not inconsistent with the express
81 provisions of this act.

SECT. 2. When said corporation shall take any land,
2 or other property as aforesaid, of any infant, person
3 non compos mentis, or feme covert, whose husband is
4 under guardianship, the guardian of such infant, or
5 person non compos mentis, and feme covert, with the
6 guardian of her husband, shall have full power and
7 authority to agree and settle with said corporation for

8 damages or claims for damages, by reason of taking
9 such land or other property as aforesaid, and give good
10 and valid releases and discharges therefor.

SECT. 3. The capital stock of said corporation shall
2 consist of not less than five nor more than fifty thou-
3 sand shares, of one hundred dollars each; and the
4 immediate government and direction of the affairs of
5 said corporation shall be vested in seven, nine or thir-
6 teen directors, who shall be chosen by the members of
7 said corporation, in the manner hereinafter provided,
8 and shall hold their offices until others shall have been
9 duly elected and qualified to take their places; a ma-
10 jority of whom shall form a quorum for the transaction
11 of business; and they shall elect one of their number
12 to be president of the board, who shall also be the
13 president of the corporation; and shall have authority
14 to choose a clerk, who shall be sworn to the faithful
15 discharge of his duty, and a treasurer, who shall be
16 sworn and also give bonds to the corporation, with
17 sureties to the satisfaction of the directors, in a sum
18 not less than fifty thousand dollars, for the faithful
19 discharge of his trust. And for the purpose of receiv-
20 ing subscriptions to the said stock, books shall be
21 opened under the direction of the eleven persons first
22 named in the first section of this act, at such time as
23 they may determine, in the towns of Waterville and

24 Dexter, and in the cities of Belfast, Bangor and Bos-
25 ton, and elsewhere as they shall appoint, to remain
26 open for twenty successive days, of which time and
27 place of subscription, public notice shall be given in
28 some newspaper printed in Belfast, Bangor and Boston,
29 twenty days at least previous to the opening of such
30 subscription ; and in case the amount subscribed shall
31 exceed fifty thousand shares, the same shall be dis-
32 tributed among all the subscribers, according to such
33 regulations as the persons having charge of the open-
34 ing of the subscription books shall prescribe before the
35 opening of said books. And the eleven persons first
36 named in the first section of this act, are hereby au-
37 thorized to call the first meeting of said corporation by
38 giving notice in one or more newspapers published in
39 each of the cities above named, of the time and place
40 and the purposes of such meeting, at least twenty days
41 before the time mentioned in such notice.

SECT. 4. Said corporation shall have power to make,
2 ordain and establish all necessary by-laws and regula-
3 tions, consistent with the constitution and laws of this
4 state, for their own government, and for the due and
5 orderly conducting of their affairs, and the manage-
6 ment of their property.

SECT. 5. The president and directors for the time
2 being are hereby authorized and empowered, by them-

3 selves or their agents, to exercise all the powers herein
4 granted to the corporation, for the purpose of locating,
5 constructing and completing said railroad and its
6 appendages, and for the transportation of persons,
7 goods and property of all descriptions ; and all such
8 power and authority for the management of the affairs
9 of the corporation as may be necessary and proper to
10 carry into effect the objects of this grant ; to purchase
11 and hold lands, materials, engines and cars, and other
12 necessary things, in the name of the corporation for
13 the use of said road and its appendages, and for the
14 transportation of persons, goods and property of all
15 descriptions ; to make such equal assessments, from
16 time to time, on all the shares in said corporation as
17 they may deem expedient and necessary in the execu-
18 tion and progress of the work, and direct the same to
19 be paid to the treasurer of the corporation. And the
20 treasurer shall give notice of all such assessments, and
21 in case any subscriber or stockholder shall neglect to
22 pay any assessment on his share or shares, for the
23 space of thirty days after such notice is given as shall
24 be prescribed by the by-laws of said corporation, the
25 directors may order the treasurer to sell such share or
26 shares at public auction, after giving such notice as
27 may be prescribed as aforesaid, to the highest bidder,
28 and the same shall be transferred to the purchaser ;

29 and such delinquent subscriber or stockholder shall be
30 held accountable to the corporation for the balance, if
31 his share or shares shall sell for less than the assess-
32 ments due thereon, with the 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 assessments due,
35 with interest and costs of sale.

SECT. 6. A toll is hereby granted and established
2 for the sole benefit of said corporation, upon all pas-
3 sengers and property of all descriptions, which may be
4 conveyed or transported by them upon said road and
5 its appendages, at such rates as may be agreed upon
6 from time to time by the directors of said corporation.
7 The transportation of persons and property, the width
8 of gauge, the construction of wheels, the form of cars
9 and carriages or other instruments of conveyance, the
10 weights of loads, and all other matters and things in
11 relation to said road and its appendages, shall be in
12 conformity with such rules, regulations and provisions
13 as the directors shall from time to time prescribe and
14 direct.

SECT. 7. The legislature may authorize any other
2 company or companies to connect any other railroad or
3 railroads with the railroad of said corporation at any
4 points on the route of said railroad. And this com-
5 pany is hereby authorized to connect any railways they

6 may construct under this charter with any other rail-
7 way existing or to be constructed within this state.
8 And said corporation shall receive and transport all
9 persons, goods and property of all descriptions, which
10 may be carried and transported to the railroad of said
11 corporation on such other railroads as may be hereafter
12 authorized to be connected therewith, at the same rates
13 of toll and freight as may be prescribed by said corpo-
14 ration, so that the rates of freight and toll on such
15 passengers, goods and other property as may be re-
16 ceived from such other railroads so connected with said
17 railroad as aforesaid, shall not exceed the general rates
18 of freight and toll on said railroad received for freight
19 and passengers at any of the deposits of said corpora-
20 tion.

SECT. 8. If the said railroad shall cross any private
2 way, the said corporation shall so construct said rail-
3 road as not to obstruct the safe and convenient use of
4 such private way ; and if the said railroad shall, in
5 the course thereof, cross any canal, turnpike, railroad
6 or other highway, the said corporation shall have power
7 to raise or lower such turnpike, highway or private
8 way, so that the said railroad, if necessary, may con-
9 veniently pass under or over the same, and erect such
10 gate or gates thereon as may be necessary for the safe-

11 ty of travellers on said turnpike, railroad, highway or
12 private way. And said corporation shall constantly
13 maintain and keep in good repair all bridges with
14 their abutments and embankments, which they may
15 construct for the purpose of conducting their railroad
16 over any canal, turnpike, highway or private way, or
17 for conducting such highway, private way or turnpike
18 over said railroad.

SECT. 9. If said railroad shall, in the course there-
2 of, cross any tide waters, navigable rivers or streams,
3 the said corporation is hereby authorized and empow-
4 ered to erect, for the sole and exclusive use of their
5 said railroad, a bridge across each of said rivers or
6 streams, or across any such tide waters ; *provided* said
7 bridge or bridges shall be so constructed as not unne-
8 essarily to obstruct the navigation of said waters.

SECT. 10. Said corporation shall erect and maintain
2 substantial, legal and sufficient fences on each side of
3 the land taken by them for their railroad, where the
4 same passes through enclosed or improved lands, or
5 lands that may hereafter be improved ; and for neglect
6 or failure to erect and maintain such fence, said corpo-
7 ration shall be liable to be indicted in the supreme
8 court for the county where such fence shall be insuffi-
9 cient, and to be fined in such sum as shall be adjudged
10 necessary to repair the same ; and such fine shall be

11 expended for the erection or repair of said fence, un-
 12 der the direction of an agent appointed by said court,
 13 as in case of fines imposed upon towns for deficiency
 14 of highways.

SECT. 11. The said corporation shall at all times,
 2 when the postmaster general shall require it, be holden
 3 to transport the mail of the United States from and to
 4 such place or places on said road as required, for a
 5 reasonable and fair compensation. And in case the
 6 corporation and postmaster general shall be unable to
 7 agree upon the compensation aforesaid, the legislature
 8 shall determine the same. And said corporation, after
 9 they shall commence receiving tolls, shall be bound at
 10 all times to have said railroad in good repair, and a
 11 sufficient number of suitable engines, carriages and
 12 vehicles for the transportation of persons and articles,
 13 and be obliged to receive at all proper times and
 14 places, and convey the same when the appropriate tolls
 15 therefor shall be paid or tendered, and a lien is hereby
 16 created on all articles transported for said tolls. And
 17 the said corporation, fulfilling on its part all the obli-
 18 gations and duties by this section imposed and enjoined
 19 upon it, shall not be held or bound to allow any en-
 20 gine, locomotive, cars, carriages or other vehicle for
 21 the transportation of persons or property to pass over
 22 said railroad or its appendages, other than its own,

23 furnished and provided for that purpose, as herein en-
24 joined and required.

SECT. 12. If any person shall wilfully and mali-
2 ciously, or wantonly and contrary to law, obstruct the
3 passage of any carriage or other vehicle on said rail-
4 road or its appendages, or in any way spoil, injure or
5 destroy said railroad or its appendages, or any part
6 thereof, or anything belonging thereto, or any materi-
7 als or implements to be employed in the construction
8 or for the use of said road or its appendages, he, she
9 or they, or any person or persons assisting, aiding or
10 abetting said trespass, shall forfeit and pay to said
11 corporation, for every such offence, treble such dam-
12 ages as shall be proved before the justice, court or jury
13 before whom the trial shall be had, to be sued for be-
14 fore any justice or in any court proper to try the same,
15 by the treasurer of the corporation, or other officer
16 they may direct, to the use of said corporation. And
17 such offender or offenders shall be liable to indictment
18 by the grand jury of the county within which the
19 trespass or injury shall have been committed, contrary
20 to the above provisions; and upon conviction thereof
21 before any court competent to try the same, shall pay
22 a fine not exceeding five hundred dollars, to the use
23 of the state, or may be imprisoned for a term not ex-

24 ceeding five years, at the discretion of the court before
25 whom such conviction may be had.

SECT. 13. Said corporation shall keep, in a book for
2 that purpose, a regular account of all their disburse-
3 ments, expenditures and receipts; and the books of
4 said corporation shall at all times be open to the in-
5 spection of the governor and council, and of any com-
6 mittee duly authorized by the legislature; and at the
7 expiration of every year, the treasurer of said corpo-
8 ration shall make an exhibit, under oath, to the legis-
9 lature, of the net profits derived from the income of
10 said railroad and its appendages.

SECT. 14. All real estate purchased by said corpora-
2 tion for the use of the same, under the provisions of
3 this act, shall be taxable to said corporation by the
4 several towns, cities and plantations in which said
5 lands lie, in the same manner as lands owned by pri-
6 vate persons, and shall in the valuation list be esti-
7 mated the same as other real estate of the same quality
8 in such town, city or plantation, and not otherwise;
9 and the shares owned by the respective stockholders
10 after deducting such portion as shall be taxed as real
11 estate, shall be deemed personal estate and be taxable
12 as such to the owners thereof, in the places where they
13 reside and have their home and not otherwise. But

14 no other tax than is herein provided shall ever be
15 levied or assessed on said corporation or any of their
16 privileges or franchises.

SECT. 15. The annual meeting of the members of
2 said corporation shall be holden on the first Wednesday
3 in July, or such other day as shall be determined by
4 the by-laws, at such time and place as the directors
5 for the time being shall appoint; at which meeting
6 the directors shall be chosen by ballot, each proprietor
7 by himself or proxy being entitled to as many votes
8 as he holds shares; and the directors are hereby au-
9 thorized to call special meetings of the stockholders
10 whenever they shall deem it expedient and proper,
11 giving such notice as the corporation by their by-laws
12 shall prescribe.

SECT. 16. The legislature shall at all times have
2 the right to inquire into the doings of the corporation
3 and into the manner in which the privileges and fran-
4 chises herein and hereby granted may have been used
5 and employed by said corporation, and to correct and
6 prevent all abuses of the same, and to pass any laws
7 imposing fines and penalties upon said corporation
8 which may be necessary more effectually to compel a
9 compliance with the provisions, liabilities and duties
10 herein set forth and enjoined, and subject to the gen-

11 eral laws regulating railroads now upon the statute
 12 book, or which may hereafter be passed by the legisla-
 13 ture of this state.

SECT. 17. If the said corporation shall not have
 2 been organized, and the location according to actual
 3 survey of the route filed with the county commission-
 4 ers of the counties through which the same shall pass,
 5 on or before the thirty-first day of December, in the
 6 year of our Lord one thousand eight hundred and sev-
 7 enty-two, or if the said corporation shall fail to com-
 8 plete said railroad on or before the thirty-first day of
 9 December, in the year of our Lord one thousand eight
 10 hundred and seventy-seven, in either of the above
 11 mentioned cases this act shall be null and void.

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

SECT. 19. That the corporation shall be authorized
 2 to issue non-preferred and preferred stock, upon such
 3 terms and conditions, and to such persons and corpo-
 4 rations, and with such limitations and restrictions as
 5 may be deemed most for the interests of the subscri-
 6 bers, the success of the corporation, and the completion
 7 of the road ; and cities and towns interested in the
 8 construction of said road, or to be benefited thereby,

9 may subscribe, at par value, for any amount of either
 10 class of said stock, by a vote of two-thirds of the legal
 11 voters of any such city or town, present at any meet-
 12 ing legally called therefor, not to exceed twenty per
 13 cent. of the amount of the valuation of such city or
 14 town; and such vote shall be obligatory on said city
 15 or town for the payment of the amount so subscribed;
 16 and said cities and towns may issue their bonds for
 17 such stock, on such time as may be agreed upon, with
 18 interest payable semi-annually, at a rate not exceed-
 19 ing six per cent. and for a period not exceeding thirty
 20 years, and all stock so subscribed for by said towns or
 21 cities shall be represented in said corporation by the
 22 municipal authorities thereof.

SECT. 20. This act shall take effect when approved
 2 by the governor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
 February 25, 1867. }

Amendments moved by Mr. MONROE of Belfast, and on motion
 of Mr. HOLLAND, ordered to be printed.

FRANKLIN M. DREW, *Clerk.*