

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

HOUSE.

No. 20.

STATE OF MAINE.

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

AN ACT to incorporate the Georges Valley Railroad Company.

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

SECTION 1. Nahum Thurston, A. H. Wentworth,
2 James Creighton, Edward Burgess, R. F. Alexander,
3 Thomas Storer, R. Patterson, Wm. Gleason, Daniel
4 Lane junior, Wm. B. Conant, Harrison Hayford,
5 Zuinglius Collins, Isaac Cauklin, Francis Keating, M.
6 F. Hanly, John Arnold, Wm. H. Hodgman, Martin B.
7 Hunt, T. W. Robinson, S. H. Jackson, Ziba Simmons,
8 William G. Hawes, Alex. Woodman Charles B. Farrar,
9 H. P. Bean, Edwin Smith junior, Wm. McCullum,
10 Lewis Hale, their associates, successors and assigns
11 are hereby made and constituted a body politic and

12 corporate, by the name of the Georges Valley Railroad
13 Company, and by that name may sue and be sued,
14 plead and be impleaded, and shall have and enjoy all
15 proper remedies at law and in equity to secure and
16 protect them in the exercise and use of the rights and
17 privileges, and the performance of the duties herein-
18 after granted and enjoined, and to prevent all invasion
19 thereof, or interruption in exercising and performing
20 the same. And the said corporation is hereby author-
21 ized and empowered to locate, construct and finally
22 complete, alter, and keep in repair, a railway with
23 one or more sets of rails or tracks, with all suitable
24 bridges, tunnels, viaducts, turnouts, culverts, drains,
25 and all other necessary appendages, from some point
26 on the Knox and Lincoln Railroad in the town of
27 Warren, over the most practicable route, through the
28 towns of Warren, Union, Appleton, Searsmont, Bel-
29 mont and Morrill, to the city of Belfast. And said
30 corporation shall be and hereby is invested with all
31 the powers, privileges and immunities, which are or
32 may be necessary to carry into effect the purposes and
33 objects of this act as herein set forth. And for this
34 purpose said corporation shall have the right to pur-
35 chase, or to take and hold so much of the land or other
36 real estate of private persons and corporations as may
37 be necessary for the location, construction and con-

38 venient operation of said railroad; and they shall also
39 have the right to take, remove and use for the con-
40 struction and repair of said railroad and appurtenances,
41 any earth, gravel, stone, timber, or other materials, on
42 or from the land so taken; *provided however*, that said
43 land so taken shall not exceed six rods in width,
44 except where greater width is necessary for the pur-
45 pose of excavation or embankment; *and provided also*,
46 that in all cases said corporation shall pay for such
47 lands, estate or materials so taken and used, such price
48 as they and the owner or respective owners thereof
49 may mutually agree on; and in case said parties shall
50 not agree, then said corporation shall pay such dam-
51 ages as shall be ascertained and determined by the
52 county commissioners for the county where such land
53 or other property may be situated, in the same manner
54 and under the same conditions and limitations as are
55 by law provided in the case of damages by the laying
56 out of highways. And the land so taken by said cor-
57 poration shall be held as lands taken and appropriated
58 for public highways. And no application to said com-
59 missioners to estimate said damages shall be sustained
60 unless made within three years from the time of taking
61 such lands or other property; and in case such rail-
62 road shall pass through any woodlands or forests, the
63 said company shall have the right to fell or remove

64 any trees standing therein, within four rods of such
65 road, which from their liability to be blown down, or
66 from their naturally falling might obstruct or impair
67 said railroad, by paying a just compensation therefor,
68 to be recovered in the same manner as is provided for
69 the recovery of other damages mentioned in this act.
70 And furthermore, said corporation shall have all the
71 powers, privileges, and immunities, and be subject to
72 all the duties and liabilities, provided and prescribed
73 respecting railroads in chapter eighty-one of the revised
74 statutes, not inconsistent with the express provisions
75 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 of said corporation shall consist
2 of not less than fifty or more than one hundred and
3 fifty shares of one hundred dollars each, and the im-
4 mediate government and direction of the affairs of said

5 corporation shall be vested in seven, nine or thirteen
6 directors, who shall be chosen by the members of said
7 corporation, in the manner hereinafter provided, and
8 shall hold their offices until others shall have been
9 duly elected and qualified to to take their places; a
10 majority of whom shall form a quorum for the trans-
11 action of business; and they shall elect one of their
12 number to be president of the board, who shall also be
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 twenty 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 seven persons first
22 named in the first section of this act, at such time as
23 they may determine, in the city of Belfast, the several
24 towns through which the road is located, and at such
25 other places as they may appoint, to remain open for
26 twenty successive days, of which time and place of
27 subscription, public notice shall be given in some news-
28 paper printed in Knox and Waldo counties fourteen
29 days at least previous to the opening of such subscrip-
30 tion; and in case the amount subscribed shall exceed

31 one hundred and fifty thousand shares, the same shall
32 be distributed among all the subscribers, according to
33 such regulations as the persons having charge of the
34 opening of the subscription books shall prescribe before
35 the opening of said books. And the seven persons
36 first named in the first section of this act, are hereby
37 authorized to call the first meeting of said corporation,
38 by giving notice in one or more newspapers published
39 in each of the cities above mentioned, of the time and
40 place and the purposes of such meeting, at least twenty
41 days 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 management
6 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 ap-
6 pendages, and for the transportation of persons, goods
7 and property of all descriptions, and all such power
8 and 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 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 time
16 to time on all the shares in said corporation as they
17 may deem expedient and necessary in the execution
18 and progress of the work, *provided*, such assessments
19 shall not exceed in all more than one hundred dollars
20 on one share, and direct the same to be paid to the
21 treasurer of the corporation. And the treasurer shall
22 give notice of all such assessments; and in case any
23 subscriber or stockholder shall neglect to pay any as-
24 sessment on his share or shares for the space of thirty
25 days after such notice is given as shall be prescribed
26 by the by-laws of said corporation, the directors may
27 order the treasurer to sell such share or shares at pub-
28 lic auction, after giving such notice as may be pre-
29 scribed, as aforesaid, to the highest bidder, and the
30 same shall be transferred to the purchaser, and such
31 delinquent subscriber or stockholder shall be held
32 accountable to the corporation for the balance if
33 his share or shares shall sell for less than the assess-
34 ments due thereon, with the interest and costs of sale;
35 and shall be entitled to the overplus, if his share or

36 shares shall sell for more than the assessments due,
37 with interest and cost of sale.

SECT. 6. A toll is hereby granted and established
2 for the sole benefit of said corporation, upon all passen-
3 gers 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 the gauge, the construction of wheels, the form of
9 cars and carriages, or other instruments of conveyance,
10 the weights of loads, and all other matters and things
11 in relation to said road and its appendages, shall be
12 in conformity with such rules, regulations and pro-
13 visions as the directors shall from time to time pre-
14 scribe and direct.

SECT. 7. The legislature may authorize any other
2 company or companies to connect any other railroad
3 or railroads with the railroad of said corporation, at
4 any points on the route of said railroad. And this
5 company is hereby authorized to connect any railways
6 they may construct under this charter with any other
7 railway 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 here-
12 after authorized to be connected therewith, at the
13 same rates of toll and freight as may be prescribed
14 by said corporation, so that the rates of freight and
15 toll on such passengers, goods and other property as
16 may be received from such other railroads so connected
17 with said railroad as aforesaid, shall not exceed the
18 general rates of freight and toll on said railroad, re-
19 ceived for freight and passengers at any of the deposits
20 of said corporation.

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 the
5 course thereof cross any canal, turnpike, railroad, or
6 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
11 safety of travellers on said turnpike, railroad, high-
12 way or private way. And said corporation shall con-
13 stantly maintain and keep in good repair all bridges,
14 with their abutments and embankments, which they
15 may construct for the purpose of conducting their rail-

16 road over any canal, turnpike, highway or private
17 way, or for conducting such highway, private way or
18 turnpike over said railroad.

SECT. 9. If said railroad shall, in the course thereof,
2 cross any tide waters, navigable rivers or streams, the
3 said corporation is hereby authorized and empowered
4 to erect for the sole and exclusive use of their said
5 railroad, a bridge across each of said rivers or streams,
6 or across any such tide waters; *provided*, said bridge
7 or bridges shall be so constructed as not unnecessarily
8 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 cor-
7 poration 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, under
12 the direction of an agent appointed by said court, as
13 in case of fines imposed upon towns for deficiency of
14 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 railroad 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 places
14 and convey the same when the appropriate tolls there-
15 for shall be paid or tendered, and a lien is hereby
16 created on all articles transported for said toll. 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 engine,
20 locomotive, cars, carriages, or other vehicle for the
21 transportation of persons or property to pass over said
22 railroad or its appendages, other than its own, furnished
23 and provided for that purpose, as herein enjoined and
24 required. The said corporation is hereby authorized
25 to lease the said railroad, either before or after its com-
26 pletion on such terms and for such time as the members

27 at a meeting regularly called for that purpose, shall
28 determine.

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 exceed-

24 ing 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
2 for that purpose, a regular account of all 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 corpora-
8 tion shall make an exhibit, under oath, to the legisla-
9 ture, of the net profits derived from the income of
10 said railroad and its appendages.

SECT. 14. All real estate purchased by said corpo-
2 ration for the use of the same under the provisions of
3 this act, shall be taxable to said corporation by the
4 several cities, towns and plantations in which said
5 lands lie, in the same manner as land owned by private
6 persons, and shall in the valuation list, be estimated
7 the same as other real estate of the same quality in
8 such city, town or plantation, and not otherwise ; and
9 the shares owned by the respective stockholders after
10 deducting such portion as shall be taxed as real estate,
11 shall be deemed personal estate, and be taxable as
12 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. The shares of the capital
17 stock of the Georges Valley Railroad are hereby ex-
18 empted from taxation for the term of ten years from
19 the time said road shall be opened for travel; *provided*
20 *however*, that said shares shall be entered on the assess-
21 ment books and returned with the valuation of the
22 several places in which said shares may be owned, for
23 the purpose of making the state valuation.

SECT. 15. The annual meeting of the members of
2 said corporation shall be holden on the first Wednesday
3 in August, or such other day as shall be determined
4 by 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 as
8 he holds shares; and the directors are hereby author-
9 ized to call special meetings of the stockholders, when-
10 ever they shall deem it expedient and proper, giving
11 such notice as the corporation by their by-laws shall
12 prescribe.

SECT. 16. The legislature shall at all times have the
2 right to inquire into the manner in which the privileges
3 and franchises herein and hereby granted, may have
4 been used, and employed by said corporation, and to
5 correct and prevent all abuses of the same, and to pass

6 any laws imposing fines and penalties upon said cor-
7 poration which may be necessary, more effectually to
8 compel a compliance with the provisions, liabilities
9 and duties herein set forth and enjoined, and subject
10 to the general laws regulating railroads now upon the
11 statute book, or which may hereafter be passed by the
12 legislature 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 commissioners
4 of the counties through which the same shall pass, on
5 or before the thirty-first day of December, in the year
6 of our Lord one thousand eight hundred and seventy-
7 five, or if the said corporation shall fail to complete
8 said railroad on or before the thirty-first day of Decem-
9 ber, in the year of our Lord one thousand eight hun-
10 dred and eighty, in either of the above mentioned
11 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. To aid in the construction and equipment
2 of the Georges Valley Railroad, bonds payable to the
3 bearer thereof within thirty years with coupons for
4 interest at three per centum semi-annually, may be

5 issued by the City of Belfast, and any town on the
6 line of said road or any town interested in the con-
7 struction of said road, in sums not exceeding twenty
8 per centum of the valuation of said towns according
9 to the state valuation for the year of our Lord one
10 thousand eight hundred and sixty, to be determined by
11 a two-thirds vote of the qualified voters of said city
12 and towns, given in at meetings thereof, called ac-
13 cording to law for that purpose. Said bonds shall not
14 be delivered to said railroad company until at least
15 two hundred thousand dollars of the stock of said
16 company has actually been subscribed, paid in and ex-
17 pended in the construction of said road, which fact
18 shall be determined by the certificate of the treasurer
19 of said corporation, under oath, a copy of which cer-
20 tificate shall be recorded by the city or town clerk of
21 each city or town issuing bonds by authority of this
22 act.

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

SECT. 21. Said railroad company shall execute and

2 deliver to the cities and towns issuing bonds as afore-
3 said, a mortgage of all its property and rights of prop-
4 erty in said road, present and prospective, including
5 its franchise, conditional to pay said bonds and coupons
6 as they shall become due, and to hold said cities and
7 towns harmless therefrom.

SECT. 22. In case said railroad company shall fail to
2 pay said coupons as they shall fall due on said bonds
3 at maturity, and said failure shall continue for the
4 space of sixty days after demand shall have been made
5 on the treasurer therefor, it shall be lawful for the
6 municipal officers of any city or town whose bonds or
7 coupons shall have thus been dishonored, to call a
8 meeting of the municipal officers of the cities and towns
9 named in said mortgage, by publishing a notice of the
10 time, place and object of said meeting, three weeks
11 successively in some public newspaper printed in the
12 counties of Knox or Waldo, and if at such meeting,
13 which shall be organized by the choice of a chairman
14 and clerk, the latter to be duly sworn, it shall be made
15 to appear that such failure to pay as aforesaid continues,
16 the municipal officers thus assembled may proceed to
17 choose by ballot, a board of managers consisting of not
18 more than nine members, a majority of whom shall con-
19 stitute a quorum, who shall organize by the choice of
20 a secretary and president, and may choose any other

21 officers which under the charter and by-laws of said
22 company may be chosen by a board of directors, and
23 said board of managers shall be authorized to take pos-
24 session of said road and all its property and rights of
25 property therewith connected, and operate the same,
26 and shall have all the powers and be subject to all the
27 duties and liabilities of a board of directors, and shall
28 hold their offices for one year from the time of their
29 election and until others are chosen in their stead.
30 Said managers shall make a report of their doings and
31 of the amount of money they have received and paid
32 out on account of said railroad to a meeting of the
33 municipal officers of the cities and towns aforesaid, at
34 least once in every year, which meeting shall be called
35 by the president and secretary of said board of mana-
36 gers. When sufficient money has been received by
37 said board of managers, over and above what is actu-
38 ally necessary to pay the expenses of operating said
39 road, including necessary repairs and improvements,
40 to pay all coupons and bonds then due and unpaid, it
41 shall surrender said road with all its property and
42 rights of property to said company. In the election of
43 said board of managers, the municipal officers aforesaid
44 shall be entitled to one vote for every hundred dollars
45 in bonds issued by their respective cities or towns, and
46 the major part of the municipal officers of each city or

47 town shall control the vote thereof. While in their
48 possession, said road shall be operated in the name of
49 the managers of the Georges Valley Railroad Company.
50 If the failure to pay said coupons or bonds shall con-
51 tinue for the space of twenty full years after possession
52 shall have been taken under the mortgage as aforesaid,
53 the same shall be thereby fully foreclosed, unless prior
54 to that time a sufficient tender of payment shall have
55 been made by or on behalf of said company.

SECT. 23. The bonds herein authorized to be issued,
2 shall be signed by the mayor and treasurer of cities,
3 and one of the selectmen and treasurer of the towns
4 issuing them, and countersigned by the president of
5 said railroad company, and shall contain endorsement,
6 Issued for the benefit of the Georges Valley Railroad
7 Company by the of

SECT. 24. This act shall take effect .

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 2, 1870. }

Reported from the Committee on Railroads, Ways and Bridges,
by Mr. HINKS of Bucksport, and ordered to be printed and re-
committed.

S. J. CHADBOURNE, *Clerk.*