

MAINE STATE LEGISLATURE

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FIFTY-FIRST LEGISLATURE.

HOUSE.

No. 14.

STATE OF MAINE.

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

AN ACT to incorporate the Sandy River Valley Railroad Company.

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

SECTION 1. Abner Toothaker, Seward Dill, B. H. 2 Davis, J. E. Thompson, N. B. Beal, William Tooth- 3 aker, Byron Farrar, Joel Wilbur, Raymond Toothaker, 4 Geo. W. Wheeler, Sylvanus D. Davis, Sheldon H. 5 Beal, Mason W. Dutton, William F. Fuller, Job P. 6 Sylvester, Benjamin Tarbox, Rufus K. Blake, Albion 7 Dyer, Philip M. Stubbs, Alex. P. Porter, J. W. Por- 8 ter, Joseph D. Vaughn, William H. Dyer, B. D. Ells- 9 worth, W. L. Daggett, A. B. Adams, Albert Daggett, 10 and J. H. Bell, their associates, successors and assigns, 11 are hereby made and constituted a body corporate and

12 politic, by the name of the Sandy River Valley Rail-
13 road Company, and by that name may sue and be sued,
14 plead and be impleaded, and shall be entitled to 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 in the performance of the duties herein-
18 after granted and enjoined, and to prevent all inva-
19 sions thereof or interruptions in exercising and per-
20 forming the same; and the said corporation is hereby
21 authorized and empowered to locate, construct and
22 finally complete, alter, equip, and keep in repair, a
23 railroad with one or more sets of rails or tracks, with
24 all suitable bridges, tunnels, viaducts, turnouts, cul-
25 verts, drains, and all other necessary appendages, from
26 some point on the line of the railroad now existing in
27 the town of Farmington, with the privilege of connect-
28 ing with said road, through the towns of Farmington,
29 Strong, Avon, Freeman and Phillips, or such of them as
30 the directors may deem best, to some point in the town
31 of Phillips, at or near Phillips village; and said corpo-
32 ration is hereby invested with all the powers, privileges
33 and immunities which are or may be necessary to carry
34 into effect the purposes and objects of this act as herein
35 set forth, agreeable to the charter to the Androscoggin
36 Railroad Company, authorizing the construction of a
37 railroad through the same towns, which has expired

38 by limitation of time ; and for this purpose said corpo-
39 ration shall have the right to purchase, or to take and
40 hold, so much of the land and real estate of private
41 persons and corporations, as may be necessary for the
42 location, construction and convenient operation of said
43 railroad ; and they shall also have the right to take,
44 remove and use, for the construction and repair of said
45 railroad and appurtenances, any earth, gravel, stone,
46 timber, or other materials, on or from the land so tak-
47 en ; *provided however*, that the land so taken shall not
48 exceed six rods in width, except where greater width
49 is necessary for the purpose of excavation or embank-
50 ment ; *and provided also*, that in all cases said corpo-
51 ration shall pay for such lands, estates or materials
52 so taken and used, such price as they and the owner
53 or owners thereof may mutually agree upon ; and in
54 case said parties shall not otherwise agree, said corpo-
55 ration shall pay such damages as shall be ascertained
56 and determined by the county commissioners for the
57 county of Franklin, in the same manner and under the
58 same conditions and limitations as are by law provided
59 in the case of damages by the laying out of highways ;
60 and the land so taken by said corporation, shall be
61 taken and held as lands appropriated for highways.—
62 No application to said county commissioners to esti-
63 mate said damages shall be sustained unless made

64 within three years from the time of taking such land
65 or other property; and in case such railroad shall
66 pass through any woodland or forest, the said company
67 shall have the right to fell and remove any trees stand-
68 ing therein within four rods of such road, which, by
69 their liability to be blown down, or from their natural
70 falling might obstruct or impair said railroad, by pay-
71 ing a just compensation therefor, to be recovered in
72 the same manner as provided for the recovery of other
73 damages in this act.

SECT. 2. The capital stock of said corporation shall
2 consist of not less than one thousand nor more than
3 eight thousand shares, of the par value of fifty dollars
4 each; and the immediate government and direction of
5 the affairs of said corporation shall be vested in not
6 less than five nor more than nine directors, who shall
7 be chosen by the members of said corporation in the
8 manner hereinafter provided, and shall hold their of-
9 fice until others shall have been duly elected and qual-
10 ified to take their place, a majority of whom shall form
11 a quorum for the transaction of business; and they
12 shall elect one of their number to be president of the
13 corporation, and shall have authority to choose a clerk
14 who shall be sworn to the faithful discharge of his du-
15 ty, and a treasurer, who shall be sworn, and also give
16 bond to the corporation, with sureties to the satisfac-

17 tion of the directors, in a sum not less than one thou-
18 sand dollars for the faithful discharge of his trust ;
19 and for the purpose of receiving subscriptions to the
20 said stock, books shall be opened under the direction
21 of the persons named in the first section of this act, at
22 such times and places as they shall determine, to remain
23 open for five successive days at least, of which time
24 and places of subscription public notice shall be given
25 in some newspaper published in the county of Frank-
26 lin, ten days before the time mentioned in such notice.

SECT. 3. When said corporation shall take any land
2 or other estate as aforesaid, of any infant, person non
3 compos mētis, or feme covert, whose husband is
4 under guardianship, such infant or person non compos
5 mentis, and such feme covert with the guardianship of
6 her husband, shall have full power and authority to
7 agree and settle with said corporation for damages or
8 claims for damages, by reason of taking such land and
9 estate as aforesaid, and give good and valid releases
10 and discharges therefor.

SECT. 4. 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 purposes of locating,
5 constructing and completing said railroad, and for the
6 transportation of persons, goods and property of all

7 descriptions, and all such powers and authority for the
8 management of the affairs of the corporation as may
9 be necessary and proper to carry into effect the object
10 of this grant, to purchase and hold land, materials,
11 engines, houses, cars and other necessary things in
12 the name of the corporation, for the use of said
13 road, and for the transportation of persons, goods and
14 property of all descriptions, to make such equal assess-
15 ments from time to time on all the shares in said cor-
16 poration, as they may deem expedient and necessary
17 in the execution and the progress of the work, and
18 direct the same to be paid to the treasurer of this cor-
19 poration. And the treasurer shall give notice of all
20 such assessments ; and in case any subscriber or stock-
21 holder shall neglect to pay any assessment on his
22 share or shares for a space of thirty days after such
23 notice is given as shall be prescribed by the laws of
24 said corporation, the directors may order the treasurer
25 to sell such share or shares at public auction, after
26 giving such notice as may be prescribed as aforesaid,
27 to the highest bidder, and the same shall be transferred
28 to the purchaser and such delinquent subscriber or
29 stockholder, shall be held accountable to the corpora-
30 tion for the balance if his share or shares shall sell for
31 less than the assessments due thereon with the interest
32 and costs of sale and shall be entitled to the overplus,

33 if his share or shares shall sell for more than the
34 assessments due with interest and cost of sale; *pro-*
35 *vided, however,* that no assessments shall be laid upon
36 any share in said corporation of a greater amount in
37 the whole than fifty dollars.

SECT. 5. A toll is hereby granted and established
2 for the sole benefit of the said corporation, upon all
3 passengers and property of all descriptions which may
4 be conveyed or transported by them upon said road, at
5 such rates as may be agreed upon and established from
6 time to time by the directors of said corporation, the
7 transportation of persons and property, construction of
8 wheels, the form of cars and carriages, the weight of
9 loads and all other matters in relation to said road,
10 shall be in conformity with such rules, regulations and
11 provisions, as the directors shall from time to time pre-
12 scribe and direct.

SECT. 6. 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 point on the route of said railroad, and said corpora-
5 tion shall receive and transport all persons, goods and
6 property of all descriptions which may be carried and
7 transported to the railroad of said corporation on such
8 other railroads as may be hereafter authorized to be
9 connected therewith, at the same rates of toll and

10 freight as may be prescribed by said corporation, so
11 that the rates of freight and toll of such passengers,
12 goods and other property as may be received from such
13 other railroads so connected with said road as afore-
14 said, shall not exceed the general rates of freight
15 and toll on said railroad received for freight and pas-
16 sengers at any of the depots of said corporation.

SECT. 7. If said railroad in the course thereof shall
2 cross any private way, the said corporation shall so
3 construct said railroad as not to obstruct the safe and
4 convenient use of such private way, and if said rail-
5 road shall, in the course thereof, cross any canal, rail-
6 road or the highway, the said railroad shall be so con-
7 structed as not to obstruct the safe and convenient use
8 of such canal or highway, and the said corporation
9 shall have power to raise or lower such highway or
10 private way, so that the said railroad, if necessary,
11 may conveniently pass over or under the same, and
12 erect such gate or gates thereon as may be necessary
13 for the safety of travellers on said railroad, highway or
14 private way, and shall keep all bridges and embank-
15 ments necessary for the same in good repair.

SECT. 8. For the purpose of raising means and funds
2 to accomplish the objects and purposes of this act, said
3 corporation is hereby authorized to make and issue its
4 bonds in such form and manner and payable at such

5 time as the directors may, under the circumstances,
6 deem advisable, and it may secure the principal and
7 interest of said bonds by a mortgage of its railroad and
8 all its lands, property, rights, privileges and franchises,
9 then possessed, held or owned, or thereafter acquired
10 by said corporation, made to such persons as trustees,
11 and in such form and manner as the directors may ap-
12 point and prescribe.

SECT. 9. Said corporation shall at all times, when
2 the postmaster general shall require it, be holden to
3 transport the mail of the United States, from and to
4 such place or places on said road as may be required,
5 for a fair and reasonable compensation; and in case
6 the corporation and the postmaster general shall be un-
7 able to agree upon the compensation aforesaid, the leg-
8 isature of the state shall determine the same, and the
9 said corporation, after they shall commence receiving
10 tolls, shall be bound at all times to have said railroad
11 in good repair, and a sufficient number of suitable en-
12 gines, houses, carriages and vehicles for transportation
13 of persons and articles, and be obliged to receive at all
14 proper times and places, and carry the same, when the
15 appropriate tolls therefor shall be paid or tendered;
16 and a lien is hereby created on all articles transported
17 for said tolls, and said corporation fulfilling on its part

18 all and singular the several obligations and duties by
19 this section imposed and enjoined upon it, shall not be
20 held or bound to allow any engine, locomotive, cars,
21 carriages or other vehicle for the transportation of per-
22 sons or merchandise to pass over said railroad other
23 than its own, furnished and provided for that purpose
24 as herein enjoined and required; *provided however,*
25 that said corporation shall be under obligation to trans-
26 port over said road, the passenger and other cars of
27 any other incorporated company that may hereafter
28 construct a railroad connecting with that hereby au-
29 thorized, such other company being subject to all pro-
30 visions of the fifth and sixth sections of this act, as to
31 rates of toll and other particulars mentioned in said
32 sections.

SECT. 10. If any person shall wilfully and malicious-
2 ly or wantonly and contrary to law, obstruct the
3 passage of any carriages on such railroad, or in any
4 way spoil, injure or destroy said railroad or any part
5 thereof, or anything belonging thereto, or any materials
6 or implements to be employed in the construction of or
7 for the use of said road, he, she, or they or any per-
8 son or persons assisting, aiding or abetting such tres-
9 pass, shall forfeit and pay to said corporation, for
10 every such offence, treble such damages as shall be
11 proved before the justice, court or jury before whom

12 the trial shall be had, to be sued for before any justice
13 or any court proper to try the same, by the treasurer
14 of the corporation, or other officer whom they may
15 direct, to the use of said corporation, and such offender
16 or offenders shall be liable to indictment by the grand
17 jury of the county within which trespass shall have
18 been committed, for any offences contrary to the above
19 provisions, and upon conviction, thereof before any
20 court competent to try the same, shall pay a fine not
21 exceeding five hundred dollars, to the use of the state,
22 or may be imprisoned for a term not exceeding five
23 years, at the discretion of the court before whom such
24 conviction may be had.

SECT. 11. 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 corpora-
8 tion shall make and exhibit under oath, to the legisla-
9 ture a full account of the profits derived from the
10 income of said railroad.

SECT. 12. All real estate purchased by said corpora-
2 tion except the line of its railroad and right of way,
3 shall be taxable to said corporation in the towns in

4 which it may be situated, in the same manner as real
5 estate owned by private persons in the same localities,
6 and not otherwise ; and the shares owned by the stock-
7 holders shall be deemed personal property, and taxable
8 as such, to the respective owners thereof in the places
9 where they reside and have their homes.

SECT. 13. The annual meeting of the members of
2 said corporation shall be holden on the first Monday of
3 June, or such other day as shall be determined by the
4 by-laws at such time and place as the directors for the
5 time being shall appoint, at which meeting the direc-
6 tors shall be chosen by ballot, each proprietor by him-
7 self or proxy being entitled to as many votes as he
8 holds shares, and the directors are hereby authorized
9 to call special meetings of the stockholders whenever
10 they shall deem it expedient and proper, giving such
11 notice as the corporation by their by-laws shall direct.

SECT. 14. 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 abuse 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 hereinbefore set forth and enjoined but not to impose
11 any other or further duties, liabilities or obligations.

SECT. 15. 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 county in which the same shall be located, 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 first day of January in
9 the year of our Lord one thousand eight hundred and
10 eighty-two, then in either of the above mentioned
11 cases this act shall be null and void as to all that part
12 of said railroad not completed and finished on or before
13 the date last above named.

SECT. 16. This corporation is hereby authorized by
2 a majority vote of its stockholders at a legal meeting,
3 to lease, sell and transfer to any railroad company that
4 it may connect with, all rights, privileges and fran-
5 chises, and all property, real and mixed, acquired by
6 virtue of this act, and the railroad company is hereby
7 authorized to take by lease or purchase, the rights,
8 franchises and property of said corporation, established
9 by virtue of this act, and may enter into contract for
10 operating the line of said railroad company, and to sub-
11 scribe to the stock of the said Sandy River Valley

12 Railroad Company; and the company mentioned in
13 this act may, by a majority vote of the stockholders,
14 enter into such contract of union with the railroad that
15 it connects with, as may be promotive of their mutual
16 advantage; and this corporation is further authorized
17 and empowered by a majority vote of its stockholders
18 at a legal meeting, to lease, sell and transfer to any
19 railroad corporation in this state, all the rights, privi-
20 leges and franchises, and all property, real and per-
21 sonal, acquired by virtue of this act. And said com-
22 pany is hereby authorized, by vote of its stockholders,
23 to sell or lease in the same manner as any other rail-
24 road corporation in this state.

SECT. 17. Any five of the corporators named in the
2 first section of this act, are hereby authorized to call a
3 meeting of the corporators for the purpose of accepting
4 this act and organizing by the choice of all necessary
5 officers, making by-laws and doing any other business
6 that they may deem necessary to carry into effect the
7 purposes of this act, and said first meeting may be called
8 at such time as is deemed most convenient; whether it
9 be in the month of June or not.

SECT. 18. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 27, 1872. }

Reported from the Committee on Railroads, Ways and Bridges,
laid on the table, and ordered to be printed.

S. J. CHADBOURNE, *Clerk.*