

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1872.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1872.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1872.

this state, as may be necessary for the management of their concerns.

CHAP. 49.

SECT. 5. A toll is hereby granted and established for the sole benefit of said corporation, upon property of every description, which may be conveyed or transported by them upon said road, at such reasonable rate as may be agreed upon and established, from time to time, by the directors of said corporation.

Toll granted.

SECT. 6. Any two of the persons before named in this act, may call the first meeting of said corporation by posting up notifications of the time and place thereof, in two public places in said city of Ellsworth, seven days prior to the time of said meeting.

First meeting,
how called.

SECT. 7. This act shall take effect when approved.

Approved February 6, 1872.

Chapter 49.

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 :

SECT. 1. Abner Toothaker, Seward Dill, B. H. Davis, J. E. Thompson, N. B. Beal, William Toothaker, Byron Farrar, Joel Wilbur, Raymond Toothaker, George W. Wheeler, Sylvanus D. Davis, Sheldon H. Beal, Mason W. Dutton, William F. Fuller, Job P. Sylvester, Benjamin Tarbox, Rufus K. Blake, Albion Dyer, Philip M. Stubbs, Alexander P. Porter, J. W. Porter, Joseph D. Vaughn, William H. Dyer, B. D. Ellsworth, W. L. Daggett, A. B. Adams, Albert Daggett and J. H. Bell, their associates, successors and assigns, are hereby made and constituted a body corporate and politic by the name of the Sandy River Valley Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall be entitled to all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereinafter granted and enjoined and to prevent all invasions thereof or interruptions in exercising and performing the same, and the said corporation is hereby authorized and empowered to locate, construct and finally complete, alter, equip and keep in repair a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point on the line of the railroad now existing in the town of Farmington, with the privilege of connecting with said road, through the towns of Farmington, Strong, Avon, Freeman and Phillips, or such of them as the directors may

Corporators.

Corporate name.

Rights and
privileges.

Route.

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Powers and
privileges.May take and
hold or purchase
land and other
real estate.Earth, gravel,
timber, &c., may
be taken.Proviso.
Land taken not
to exceed six rods
in width.

Damages.

In case of
disagreement,
damages how
ascertained and
determined.Application for
damages to be
made within three
years.Trees within four
rods of road may
be removed.Capital stock and
shares.Directors, number
and choice of.

Quorum.

President.

deem best, to some point in the town of Phillips, at or near Phillips village; and said corporation is hereby 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, agreeable to the charter of the Androscoggin Railroad Company, authorizing the construction of a railroad through the same towns, which has expired by limitation of time; and for this purpose said corporation shall have the right to purchase or to take and hold so much of the land and 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 the land so taken shall not exceed six 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, estates or materials so taken and used, such price as they and the owner or owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county of Franklin, 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 taken and held as lands appropriated for highways. No application to said county commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodland or forest, the said company shall have the right to fell and remove any trees standing therein within four rods of such road, which by their liability to be blown down or from their natural falling might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as provided for the recovery of other damages in this act.

SECT. 2. The capital stock of said corporation shall consist of not less than one thousand nor more than eight thousand shares, of the par value of fifty dollars each; and the immediate government and direction of the affairs of said corporation shall be vested in not less than five nor more than nine directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their office until others shall have been duly elected and qualified to take their 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 corpo-

ration, 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 bond to the corporation, with sureties to the satisfaction of the directors, in a sum not less than one 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 persons named in the first section of this act, at such times and places as they shall determine, to remain open for five successive days at least, of which time and places of subscription public notice shall be given in some newspaper published in the county of Franklin, ten days before the time mentioned in such notice.

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

SECT. 4. 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 purposes of locating, constructing and completing said railroad and for the transportation of persons, goods and property of all descriptions, and all such powers and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the object of this grant, to purchase and hold land, materials, engines, houses, cars and other necessary things in the name of the corporation, for the use of said road and for the transportation of persons, goods and property of all descriptions, to make such equal assessment from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of this 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

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Clerk and treasurer.
Bonds.

Stock books shall be opened.

Property taken of infants, non compos mentis, &c., how settled.

President and directors to exercise all powers herein granted.

Purchase and hold land, materials, engines, houses, cars, &c.

Transportation of persons, goods, &c.

Assessment on shares.

Treasurer to give notice of assessments.

Shares may be sold to pay assessments.

Notice of sale of shares to be given.

Delinquent stockholders held accountable for balance of sale of shares.

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Proviso.

overplus if his share or shares shall sell for more than the assessments due with interest and costs of sale; *provided, however,* that no assessments shall be laid upon any share in said corporation of a greater amount in the whole than fifty dollars.

Toll granted.

SECT. 5. A toll is hereby granted and established for the sole benefit of the said corporation upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road, at such rates as may be agreed upon and established from time to time by the directors of said corporation, the transportation of persons and property, construction of wheels, the form of cars and carriages, the weights of loads and all other matters in relation to said road, shall be in conformity with such rules, regulations and provisions, as the directors shall from time to time prescribe and direct.

Directors shall prescribe rules and regulations for transportation, &c.

Legislature may authorize connection with other railroads.

SECT. 6. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation at any point on the route of said railroad, and said corporation shall receive and transport all persons, goods and property of all descriptions which may be carried and transported to the railroad of said corporation on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll of such passengers, goods and other property as may be received from such other railroads so connected with said road as aforesaid, shall not exceed the general rates of freight and toll on said railroad received for freight and passengers at any of the depots of said corporation.

Rates of toll for freight coming from other roads.

Crossings, how constructed.

SECT. 7. If said railroad in the course thereof shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way, and if said railroad shall in the course thereof cross any canal, railroad or the highway, the said railroad shall be so constructed as not to obstruct the safe and convenient uses of such canal or highway, and the said corporation shall have power to raise or lower such highway or private way, so that the said railroad if necessary may conveniently pass over or under the same, and erect such gate or gates thereon as may be necessary for the safety of travellers on said railroad, highway or private way, and shall keep all bridges and embankments necessary for the same in good repair.

Authorized to issue bonds.

SECT. 8. For the purpose of raising means and funds to accomplish the objects and purposes of this act, said corporation is hereby authorized to make and issue its bonds in such form and manner and payable at such time as the directors may under the circumstances deem advisable, and it may secure the principal and interest of said bonds by a mortgage of its railroad and all its

lands, property, rights, privileges and franchises then possessed, held or owned, or thereafter acquired by said corporation, made to such persons as trustees, and in such form and manner as the directors may appoint and prescribe.

SECT. 9. Said corporation shall at all times, when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as may be required, for a fair and reasonable compensation; and in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the state shall determine the same, and the 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, houses, carriages and vehicles for transportation of persons and articles and be obliged to receive at all proper times and places and carry the same, when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported for said tolls, and said corporation fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle for the transportation of persons or merchandise to pass over said railroad other than its own, furnished and provided for that purpose as herein enjoined and required; *provided however*, that said corporation shall be under obligation to transport over said road the passenger and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all provisions of the fifth and sixth sections of this act, as to rates of toll and all other particulars mentioned in said sections.

SECT. 10. If any person shall wilfully and maliciously or wantonly and contrary to law, obstruct the passage of any carriages on such railroad or in any way spoil, injure or destroy said railroad or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction of or for the use of said road, he, she, or they or any person or persons assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court or jury before whom the trial shall be had, to be sued for before any justice or any court proper to try the same, by the treasurer of the corporation or other officer whom they may direct, to the use of said corporation, and such offender or offenders shall be liable to indictment by the grand jury of the county within which trespass shall have been committed, for any offences contrary to the above provisions, and upon conviction thereof before any court competent to try the

Holden to transport United States mail.

Compensation.

Legislature to determine compensation in case of disagreement.

Corporation bound to keep railroad in good repair at all times, &c.

Lien created for toll on articles transported.

Proviso.

Transportation of freight and passengers of other roads.

Wilful and malicious injury, penalty for.

Offenders liable to indictment.

CHAP. 49.

Fine and imprisonment.

same, shall pay a fine not exceeding five hundred dollars to the use of the state, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

Shall keep account of disbursements and expenditures.

Books open to inspection of governor and council.

Treasurer to make annual exhibit to the legislature.

SECT. 11. Said corporation shall keep in a book for that purpose a regular account of all their disbursements, expenditures and receipts; and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature; and at the expiration of every year the treasurer of said corporation shall make and exhibit under oath to the legislature a full account of the profits derived from the income of said railroad.

Certain real estate taxable.

SECT. 12. All real estate purchased by said corporation except the line of its railroad and right of way, shall be taxable to said corporation in the towns in which it may be situated, in the same manner as real estate owned by private persons in the same localities, and not otherwise; and the shares owned by the stockholders shall be deemed personal property and taxable as such, to the respective owners thereof in the places where they reside and have their homes.

Annual meeting, when holden.

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

Directors, how chosen.

Special meetings.

Legislature have right to inquire into doings of corporation.

SECT. 14. The legislature shall at all times have the right to inquire into the doings of the corporation and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities or obligations.

May impose fines and penalties on corporation.

Organization and location must be made prior to Dec., 1875.

SECT. 15. 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 county in which the same shall be located, 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 first day of January, in the year of our Lord one thou-

Road to be completed prior to 1882.

sand eight hundred and eighty-two, then in either of the above mentioned cases this act shall be null and void as to all that part of said railroad not completed and finished on or before the date last above named.

SECT. 16. This corporation is hereby authorized by a majority vote of its stockholders at a legal meeting to lease, sell and transfer to any railroad company that it may connect with, all rights, privileges and franchises, and all property, real and mixed, acquired by virtue of this act, and the railroad company is hereby authorized to take by lease or purchase, the rights, franchises and property of said corporation, established by virtue of this act, and may enter into contract for operating the line of said railroad company, and to subscribe to the stock of the said Sandy River Valley Railroad Company; and the company mentioned in this act may by a majority vote of the stockholders, enter into such contract of union with the railroad that it connects with, as may be promotive of their mutual advantage; and this corporation is further authorized and empowered by a majority vote of its stockholders at a legal meeting, to lease, sell and transfer to any railroad corporation in this state all the rights, privileges and franchises, and all property, real and personal, acquired by virtue of this act. And said company is hereby authorized by vote of its stockholders to sell or lease in the same manner as any other railroad corporation in this state.

Authorized to lease or sell road, &c., to any other railroad.

Rights of this corporation to vest in any other railroad purchasing or leasing the same.

Contract with roads connecting.

Corporation may sell road and franchises.

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

First meeting, how called.

Officers, by-laws, &c.

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

Approved February 7, 1872.

Chapter 50.

An act to incorporate St. Dennis Academy.

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

SECT. 1. David W. Bacon and James Peterson, their associates and successors, are hereby incorporated into a body politic and corporate forever in the name of St. Dennis Academy, for the purpose of promoting science, literature and morality; and by that

Corporators

Corporate name