

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

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1869.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

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CHAP. 247. property of said company in its possession, shall be no discharge of its lien thereon, nor prevent said city from again taking possession of said road and property on any future breach of the condition of said bond.

SECT. 15. This act shall take effect when approved.

Approved March 10, 1869.

Chapter 247.

An act to incorporate the Saint Croix Railroad Company.

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

Corporators.

SECT. 1. Joseph Granger, Ephraim C. Gates, Daniel K. Chase, Frederick A. Pike, William Duren, Samuel T. King, Francis Williams, Gilman D. King, Edward A. Barnard, Daniel Hill, Charles R. Whidden, William Todd, James Murchie, Benjamin Young, Henry F. Eaton, Charles H. Eaton, George A. Boardman, George M. Porter, Samuel G. Pike, Benjamin F. Waite, William H. Young, John B. Horton, William B. Taylor, Joseph A. Lee, James I. Hall, Giles M. Wentworth, William W. Sawyer, John McAdam, Freeman H. Todd, William T. King, Seth W. Smith, Albert H. Sawyer, Putnam Rolfe, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Saint Croix 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 or in equity to secure and protect them in the exercise and use of the rights and privileges conferred by this act, and in the performance of the duties hereinafter imposed and enjoined, and to prevent all invasion thereof, or interruption in exercising and performing the same, and shall be subject to all duties and liabilities imposed upon similar corporations by the laws of the state.

Corporate name.

Powers.

SECT. 2. The said corporation is hereby fully empowered to survey, locate, construct, complete, alter and keep in repair a railway with one or more tracks, and all necessary buildings, tunnels, viaducts, turnouts, side tracks, culverts, bridges, drains and all other needful appendages and appurtenances from some point on the line of the European and North American Railway between the town of Lincoln and the eastern line of the state; thence southerly by the most feasible and desirable route to some point in the town of Princeton or in the town of Baileyville.

Location and route.

SECT. 3. Said corporation is hereby invested with all the powers, privileges and immunities which may be necessary to carry into effect the objects and purposes of this act; and to this

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end it shall have the right to take or to purchase and to hold the same, so much of the land and other real estate of private persons or corporations as may be found necessary for the location, construction and convenient operation of said railway; and shall also have the right to take, remove and use for the construction and also for the repair of said railway and its 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*, in all cases said corporation shall pay for such lands, estate or materials, such price as they and the owner or owners thereof may mutually agree upon; and in case said parties shall not agree as to the price to be paid, then the said corporation shall pay in any given case such damages as shall be ascertained and determined by the county commissioners of the several counties in which such lands, estates or materials may be situated, in the same manner and under the same conditions as are by law provided in the case of laying out highways. The lands so taken by said corporation shall be held by it in like manner as lands taken and appropriated for highways.

May take land for purposes of construction, &c.

Proviso.

Land damages, how ascertained and determined.

SECT. 4. No application to said county commissioners to estimate damages as provided in the preceding section shall be sustained, unless made within three years from the time of taking such lands and other property; and in the event that said railway shall pass through any woodland or forest, said corporation shall have the right to remove or fell any tree or trees standing on such woodlands, or in such forest, within four rods from such railway, which may be liable to be blown down upon, or to fall down upon its track, and thereby obstruct or impair the same, by paying therefor a just and reasonable compensation in each case, to be determined and recovered in the event of disagreement between the parties, in the same manner provided in this act for the determination and recovery of other damages.

Application for damages to be made within three years.

Removal of trees and compensation therefor.

In case of disagreement, how determined.

SECT. 5. The capital stock of said corporation shall consist of not less than two hundred shares of one hundred dollars each par value, but the number of such shares may be from time to time increased at the discretion of the stockholders to an amount not exceeding five thousand shares. The immediate government and direction of the affairs of said corporation shall be vested in a board of directors to consist of not more than seven members nor less than three, which members shall be stockholders, and shall be chosen or appointed in the manner hereinafter provided, and shall hold their offices respectively until others shall be chosen or appointed to take their places. A majority of said board shall be a quorum for the transaction of business; and they shall elect one

Capital stock, and shares.

Directors, how chosen.

Tenure of office.

Number and powers of.

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President and
clerk.
Bond.

of their number to be president of the board, who shall also be president of the corporation, and they shall also choose a clerk and a treasurer, which latter officer shall be required to give a bond to the corporation in such sum as the directors may determine for the faithful discharge of his trust.

SECT. 6. The directors for the time being are hereby duly authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation relating to the location, construction and completion of their railway, and for the transportation of persons, goods and property over the same; and also 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 charter. They may purchase and hold lands, materials, engines and cars, and other necessary things, in the name of the corporation, for the use of its railway. They may make from time to time such equal assessments upon all the shares of stock in said corporation as they may deem expedient and necessary as the work progresses, no share, however, being liable in any event to assessments amounting in the whole to more than one hundred dollars. They may establish rules for the government of their own proceedings, and may fill any vacancy which may occur in their own board subsequent to the regular annual meeting.

Assessments.

Vacancies, by
whom filled.

Notice of assess-
ments, ordered.

Neglect to pay
the same.

Sale of shares
by auction.

SECT. 7. The treasurer shall give notice in the manner prescribed by the by-laws of all assessments ordered by the directors, and if any stockholder shall neglect for the space of thirty days after such notice is given to pay any assessment on his share or shares, the directors may order the treasurer to sell such share or shares by public auction, to the highest bidder, after giving such reasonable notice of the time and place of sale as the directors may prescribe, and such share or shares shall be duly transferred to the purchaser, and such delinquent stockholder shall be held accountable to the corporation for the balance if such share or shares shall sell for a less amount than the assessments due thereon with interest and costs of sale, and in like manner shall be entitled to the overplus in the event that the proceeds of the sale shall exceed the assessments, interest and costs of sale.

Toll granted.

SECT. 8. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and all property of all descriptions which may be conveyed or transported by them upon their railway, at such rates as may be agreed upon or established from time to time by the directors. The transportation of persons and property, the construction of wheels, the forms of cars and carriages, the weights of loads, and all other matters and things relating to the construction, running and management of said railway, shall be in conformity with such regulations as

Transportation
of persons,
property, &c.

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the directors may from time to time prescribe. The legislature may authorize any other company to make connection with the railway of this corporation at any point on the line of its route, and no discrimination in the rates of freight or passengers shall be made by this corporation, nor by any party or parties who may operate its line of railway or any part thereof, against railroads having the right to connect with the railway of this company, but all passengers and all freight coming from or going to such connecting roads shall be transported promptly and at the same rates of toll and freight prescribed by said corporation for transportation commencing and terminating on its own line of railway.

Connections, and conditions of.

SECT. 9. 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; and it is also hereby empowered to make connection with any other railroad or to lease its line of railway, either before or after its completion, to any other railroad company, upon such terms as may be mutually agreed upon. And for the purpose of raising money wherewith to build and equip its road, or to pay debts contracted for that purpose, said corporation may issue its bonds in sums not less than one hundred dollars, and may secure the same by a mortgage of its line of railway, and all its real and personal property, the franchise included, and such bonds shall be good and binding upon the corporation though sold at less than par value.

By-laws and regulations.

May lease its line of railway.

May issue bonds to aid construction.

SECT. 10. The annual meeting of said corporation shall be holden at such time as the by-laws shall prescribe and at such place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each stockholder by himself or by proxy, being entitled at all meetings of the corporation 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 proper and expedient. Notice of all meetings of the stockholders shall be given in such manner as the by-laws shall require, or as the directors for the time being shall order.

Annual meeting.

Directors shall be chosen by ballot.

May call special meetings.

Notice, how given.

SECT. 11. All real estate purchased by said corporation as herein authorized, 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 respective stockholders, shall be deemed personal property, and be taxable as such, to the owners thereof, in the places where they reside and have their homes.

Property, where to be taxed.

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Meeting of corporators, how and by whom called.

Subscriptions to stock.

Quorum.

Organization and location.

SECT. 12. Any ten of the corporators named in the first section of this act, are hereby authorized to call a meeting of the corporators for the purpose of accepting this act and making a preliminary organization of the corporation; and at such meeting they may determine when and in what manner books shall be opened for subscriptions to stock, and how subsequent meetings of the corporators shall be called and notified, and may transact any other business which may be deemed necessary in carrying forward and completing the organization of the corporation. The attendance of five corporators at any meeting shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day or to a time certain.

SECT. 13. If said corporation shall not be organized, and the location of its line, according to actual survey of the route, shall not be filed with the county commissioners of the several counties through which the same shall pass, on or before the first day of March, in the year of our Lord one thousand eight hundred and seventy-one, or if the said corporation shall fail to complete said railway on or before the first day of March, in the year of our Lord one thousand eight hundred and seventy-four, then in either of the above mentioned cases this act shall be null and void.

SECT. 14. This act shall take effect when approved.

Approved March 11, 1869.

Chapter 248.

An act to amend chapter ninety-six of the laws of eighteen hundred and sixty-two, relating to the affairs of the Penobscot tribe of Indians.

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

Amended.

SECT. 1. That section two of chapter ninety-six of the laws of eighteen hundred sixty-two, is hereby amended by adding to it the following words: 'And if any person or persons from any cause shall refuse to fulfil or comply with the conditions of any lease, said agent, under the direction of the governor and council, may lease the same again, without the notice herein provided, upon such conditions as they may deem best for the interest of said tribe.'

SECT. 2. This act shall take effect when approved.

Approved March 11, 1869.