

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTIETH LEGISLATURE,

OF THE

STATE OF MAINE.

1871.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

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1871.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1871.

CHAP. 711. road; and cities and towns interested in the construction of said road, or to be benefited thereby, may subscribe, at par value, for any amount of either class of said stock, by a vote of two-thirds of the legal voters of any such city or town, present at any meeting legally called therefor, not to exceed ten per cent. of the amount of the valuation of such city or town; and such vote shall be obligatory on said city or town for the payment of the amount so subscribed; and said cities and towns may issue their bonds for such stock, on such time as may be agreed upon, with interest payable semi-annually, at a rate not exceeding six per cent., and for a period not exceeding thirty years, and all stock so subscribed for by said towns or cities shall be represented in said corporation by the municipal authorities thereof; or said cities and towns may, by vote, in the same manner and under the same limitations and provisions as is previously provided in this section, loan their credit to said corporation for the purpose of constructing said road, to an amount not exceeding ten per cent. of the valuation of any such city or town, so voting; and said credit shall consist of bonds of any such city or town, and issued under the same provisions and restrictions as other bonds provided for in this section, and any city or town having voted to loan its credit to said corporation previous to the enactment of this amendment, hereby has its action, so voting, made legal and binding.'

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

Approved February 25, 1871.

Chapter 711.

An act to incorporate the Northern Aroostook Railroad Company.

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

Corporators.

SECT. 1. Samuel F. Hersey, Arad Thompson, James W. Emery, A. Brooks, Hugh Ryan, Noah Woods, M. H. Angell, Charles P. Stetson, G. K. Jewett, E. R. Burpee, H. E. Prentiss, Joab W. Palmer, W. H. McGrillis, J. S. Wheelwright, T. N. Egery, E. S. Coe, D. R. Stockwell, Eben Webster, S. C. Hatch, Alfred Veazie, G. L. Boynton, Abram Woodard, Peter Dunn, junior, A. T. Mooers, James A. Purington, John A. Peters, N. C. Ayer, S. H. Dale, D. F. Leavitt, W. T. Pearson, Isaiah Stetson, M. S. Drummond, C. F. A. Johnson, E. G. Dunn, F. W. Hill, John Gardiner, Ira D. Fish, William Irish, Eben Trafton, Abner Weeks, A. P. Haywood, Nelson Herrin, John H. Bradford, B. L. Staples, S. H. Hussey, their associates, successors and assigns, are hereby made

and constituted a body politic and corporate by the name of the Northern Aroostook 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 it 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.

Name.

Rights and privileges.

SECT. 2. The said corporation is hereby fully empowered to survey, locate, construct, complete, alter equip and keep in repair, a railroad 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, near where said railway crosses the Mattawamkeag river the second time going east in or near Bancroft, and from thence northerly by the most feasible route to some point on the St. John river at the northern boundary of the state in Van Buren plantation or letter G. The main line or a branch to be built to Houlton village, if upon survey it be found practicable, the branch to be completed into the village of Houlton as soon as the main line is completed as far north as Houlton. Said main line northerly of Houlton to be located through towns or townships in the first, second or third ranges west from the east line of the state, as said corporation may determine most feasible, with a branch from some point on said main line westerly to Portage Lake plantation, and thence down the Fish river valley to the St. John river in Fort Kent plantation.

May survey, locate and complete a railroad, with one or more tracks.

Route.

Main line or branch to be built to Houlton if practicable.

Location of main line.

SECT. 3. This corporation is hereby invested with all the powers, privileges and immunities which may be necessary to carry into effect the object and purposes of this act; and to this end it shall have the right to take and purchase and hold, or assign and convey the same, so much of the land and other real estate of private persons or corporations, as may be found necessary or convenient for the location, construction and convenient operation of said railroad; and shall also have the right to take, remove and use, for the construction and also for the repair of said railroad and its appurtenances, any earth, gravel, stone, timber and other materials on or from the land so taken; *provided however*, 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 it and the owner or owners thereof may mutually agree upon; and

Powers and privileges.

May take and hold or assign, &c., land and other real estate, necessary for location, construction and operation of road.

Earth, gravel, stone, timber, &c., may be removed.

Materials, &c., price to be paid for.

CHAP. 711.

Damages, how
ascertained and
adjusted.

in case said parties shall not agree as to the price to be paid, 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 or 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 land so taken by said corporation shall be held by it in like manner as lands taken and appropriated for highways.

Application to
county commis-
sioners to be made
in three years.

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 or other property, and in the event that said railroad shall pass through any woodland or forest, said corporation shall have the right to remove or fell any tree or trees standing on such woodland or in such forest within four rods of such railroad which may be liable to be blown 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.

Trees may be
removed.

Capital stock and
shares.

SECT. 5. The capital stock of said corporation shall consist of not less than one thousand 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 fifty thousand shares. The entire government and direction of the affairs of said corporation shall be vested in a board of directors to consist of not more than nine members and not less than five, which members shall be stockholders in said corporation, and shall be chosen or appointed in the manner hereinafter provided, and shall hold their offices respectively until others shall be appointed to take their places. A majority of the board of directors shall be a quorum for the transaction of business.

Directors, num-
ber of, regulated.

Quorum.

President, clerk
and treasurer.

The directors shall elect one 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 treasurer, which latter officer shall be required to give bond to the corporation, in such sum as the directors may determine, for the faithful discharge of his trust.

Bond.

Powers of presi-
dent and directors

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, completion and equipment of said railroad, and to the transportation of persons, goods, and property on and 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 act. They may in the name of the corporation and for its use, purchase, take and

hold all such lands, materials, engines, cars, property and other things, as they may find necessary, convenient or useful in the construction, completion and equipment of said railroad. 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.

Rules for government of proceedings.

SECT. 7. 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.

Bonds, issue of, authorized.

Mortgage may be given to secure principal and interest.

SECT. 8. The treasurer shall give notice in the manner directed by the by-laws, of all assessments upon the stock of said corporation 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, the directors may order the treasurer to sell such share at public auction, to the highest bidder, after giving reasonable notice of the time and place of sale, such as the directors may prescribe; and such shares shall be duly transferred to the purchaser, and such delinquent stockholder shall be held accountable to the corporation for the balance, if such shares shall sell for less amount than the assessments due thereon, with interest and costs of sale, and in like manner shall be entitled to the surplus, in the event that the proceeds of the sale shall exceed the assessments, interest and costs of sale.

Treasurer to give notice of assessments.

Neglect to pay assessments.

SECT. 9. 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 it upon its railroad, at such rates as may be agreed upon or established from time to time by the directors. The transportation of persons and property, the form and construction of cars, the weights of loads, and all other matters and things relating to the equipment, running and management of said railroad, shall be in conformity with such rules and regulations as the directors may prescribe. The legislature may authorize any other railroad company to make connection with the railroad of this company at any

Toll granted on passengers and property conveyed by company.

Connections authorized.

CHAP. 711. 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 railroad, or any part thereof, against railroad corporations having the right to connect with the railroad of this company; but all passengers and all freight coming from or going to such connecting railroads, shall be transported promptly, and at the same rates of toll and freight charged by said corporation for transportation, commencing and terminating on its own line of railroad.

By-laws. SECT. 10. 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 its own government and for the due and orderly conducting its affairs and management of its property; and it is also authorized and empowered to make connection with any other railroad corporation.

Annual meeting. SECT. 11. 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

Choice of directors.

by himself or his proxy being entitled at such meetings to as many votes as he holds shares; and the directors are 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.

Special meetings.

Notice of meetings.

Taxation of property, relating to.

SECT. 12. All real estate purchased by said corporation except the line of its railroad and right of way and the buildings thereon, 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.

Acceptance of act.

SECT. 13. Any five of the ten corporators first named in 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 subscription 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 of the corporators 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. 14. If said corporation shall not be organized and a location of its line according to actual survey shall not be filed with the county commissioners of the several counties through which the railroad shall pass, on or before the first day of January, eighteen hundred and seventy-three, or if said corporation shall fail to complete said railroad on or before the first day of January, eighteen hundred and seventy-eight, 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 day last above named; *and always provided*, that the passage of this act or anything contained in this act, shall not in any way affect the rights or impair the obligations of the European and North American Railway Company, or the rights of the state, as set forth in the act approved February twenty, eighteen hundred and sixty-four, entitled "an act authorizing the further extension of the European and North American Railway," or in the act approved March twenty-four, eighteen hundred and sixty-four, entitled "an act to provide means for the defence of the northeastern frontier," or any subsequent acts which in any way or manner concern said European and North American Railway Company.

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

Approved February 25, 1871.

CHAP. 712.

Organization,
location, &c.

Rights and obligations of the E. & N. A. Railway not to be impaired

Chapter 712.

An act to continue in force "an act establish schools in the Madawaska district."

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

SECT. 1. There is hereby appropriated for the support of schools in the Madawaska district, the sum of one thousand dollars, to be expended under the supervision of an agent to be appointed by the governor and council, to whom he shall make returns of all moneys expended under his supervision, and said sum shall be divided as follows, viz: the towns of Fort Kent, Frenchville and Hamlin plantation, one hundred dollars each; Madawaska, one hundred and seventy-five dollars; Grant Isle, one hundred and twenty-five dollars; Van Buren, one hundred and fifty dollars; St. Francis, Wallagrass, Cyr, St. John and Eagle Lake, fifty dollars each; *provided*, the districts in said towns and plantations shall in each case furnish a suitable house wherein to keep said schools; *and provided further*, that before its specified amount shall be paid a town or plantation, said town or plantation shall raise, collect, and apportion among its school districts, the amount

Appropriation,
division of.

Proviso.

Requirements of
plantations.