

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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1867.

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# FORTY-SIXTH LEGISLATURE.

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SENATE.

No. 16.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

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AN ACT to incorporate the Houlton Branch Railroad Company.

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

SECTION I. James C. Madigan, George B. Page, 2 Ebenezer Woodbury, Leonard Pierce, Rufus Mansur, 3 Benjamin L. Staples, A. P. Heywood, Charles P. 4 Tenney, S. H. Hussey, Almon H. Fogg, Theodore 5 Carey, Francis Barnes and Charles M. Herrin, their 6 associates, successors and assigns, are hereby made 7 and constituted a body politic and corporate by the 8 name of the Houlton Branch Railroad Company, and 9 by that name may sue and be sued, plead and be 10 impleaded, and shall enjoy all proper remedies at law

11 or in equity, to secure and protect them in the exer-  
12 cise and use of the rights and privileges, and in the  
13 performance of the duties hereinafter granted, and to  
14 prevent all invasion thereof, or interruption in exer-  
15 cising and performing the same. And the said corpo-  
16 ration is hereby authorized and empowered to locate  
17 and construct, and finally complete, alter and keep in  
18 repair, a railroad, with one or more sets of rails or  
19 tracks, with all suitable bridges, tunnels, viaducts,  
20 turnouts, culverts, drains, and all other necessary  
21 appendages, from some point in the town of Houlton  
22 to some point on the east line of the state. And said  
23 corporation shall be and hereby is invested with all  
24 the powers, privileges and immunities, which are or  
25 may be necessary to carry into effect the purposes and  
26 objects of this act as herein set forth. And for this  
27 purpose, said corporation shall have the right to take  
28 and hold or to purchase so much of the land and other  
29 real estate of private persons and corporations as may  
30 be necessary for the location, construction and con-  
31 venient operation of said railroad; and shall also have  
32 the right to take, remove and use, for the construction  
33 and repair of said road and appurtenances, any earth,  
34 gravel, stone, timber or other materials, on or from  
35 the land so taken; *provided however*, the land so taken

36 shall not exceed six rods in width, except where  
37 greater width is necessary for the purpose of excava-  
38 tion and embankment. *And provided also*, in all cases  
39 said corporation shall pay for such lands, estate or  
40 materials, such price as they and the respective owner  
41 or owners thereof may mutually agree upon ; and in  
42 case said parties shall not otherwise agree, then said  
43 corporation shall pay such damages as shall be ascer-  
44 tained and determined by the county commissioners  
45 for the county of Aroostook, in the same manner and  
46 under the same conditions as are by law provided in  
47 the case of laying out highways. And the land so  
48 taken by said corporation shall be held as lands taken  
49 and appropriated for highways. And no application  
50 to said commissioners to estimate said damages shall  
51 be sustained unless made within three years from the  
52 time of taking such lands and other property ; and in  
53 case said railroad shall pass through any woodland or  
54 forests, the said company shall have the right to re-  
55 move or fell any of the trees standing thereon within  
56 four rods from such road, which by their liability to  
57 be blown down, or from their natural falling, might  
58 obstruct or impair said railroad, by paying a just com-  
59 pensation therefor, to be recovered in the same manner  
60 as is provided for the recovery of the other damages

61 recovered in this act. And furthermore, said corpora-  
62 tion shall have all the powers, privileges and immuni-  
63 ties, and be subject to all the duties and liabilities,  
64 provided respecting railroads in chapter fifty-one of  
65 the revised statutes, not inconsistent with the express  
66 provisions of this charter, and subject also to all the  
67 provisions of chapter thirty-six of the laws of eighteen  
68 hundred fifty-eight, relating to the safety and conven-  
69 ience of travellers on railroads.

SECT. 2. The capital stock of said corporation shall  
2 consist of not less than two hundred and fifty shares,  
3 nor more than one thousand shares ; and the immedi-  
4 ate government and direction of the affairs of said  
5 corporation shall be vested in five, seven or nine  
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 duly  
9 elected and qualified to take their places, a majority of  
10 whom shall be a quorum for the transaction of busi-  
11 ness ; and they shall elect one of their number to be  
12 president of the board, and he shall be also president  
13 of the corporation, and shall have authority to choose  
14 a clerk, and a treasurer who shall give bonds to the  
15 corporation in the sum of ten thousand dollars for the  
16 faithful discharge of his trust. And any ten of the

17 persons named in the first section of this act are here-  
18 by authorized at a meeting holden for that purpose,  
19 with or without notice, to accept this act and organize  
20 the said corporation.

SECT. 3. Said corporation shall have power to make,  
2 ordain and establish all necessary by-laws and regula-  
3 tions consistent with the constitution and the laws of  
4 this state, for their own government, and for the due  
5 and orderly conducting of their affairs and the man-  
6 agement of their property.

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 purpose 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 power and authority for the  
8 management of the affairs of the corporation as may  
9 be necessary and proper to carry into effect the objects  
10 of this grant ; to purchase and hold land, materials,  
11 engines and cars, and other necessary things in the  
12 name of the corporation, for the use of said road, and  
13 for the transportation of persons, goods and property  
14 of all descriptions ; to make such equal assessments  
15 from time to time on all the shares in said corporation,

16 as they may deem it necessary and expedient in the  
17 execution and progress of the work, and direct the  
18 same to be paid to the treasurer of the corporation.  
19 And the treasurer shall give notice of all such assess-  
20 ments, and in case any subscriber or stockholder shall  
21 neglect to pay any assessment on his share or shares  
22 for the space of thirty days after such notice is given,  
23 as shall be prescribed by the by-laws of said corpora-  
24 tion, the directors may order the treasurer to sell such  
25 share or shares at public auction, after giving such no-  
26 tice as may be prescribed as aforesaid, to the highest  
27 bidder, and the same shall be transferred to the pur-  
28 chaser, and such delinquent subscriber or stockholder  
29 shall be held accountable to the corporation for the  
30 balance, if his share or shares shall sell for less than  
31 the assessments due thereon, with the interest and  
32 costs of sale ; and shall be entitled to the overplus if  
33 his share or shares shall sell for more than the assess-  
34 ments due with interest and costs of sale ; *provided*  
35 *however*, that no assessments shall be laid upon any  
36 share in said corporation of a greater amount in the  
37 whole than one hundred dollars.

SECT. 5. A toll is hereby granted and established  
2 for the sole benefit of said corporation, upon all pas-  
3 sengers and property of all descriptions which may be



4 conveyed or transported by them upon said road, at  
5 such rate as may be agreed upon and established from  
6 time to time by the direction of said corporation. The  
7 transportation of persons and property, the construc-  
8 tion of wheels, the forms of cars and carriages, the  
9 weights of loads, and all other matters and things in  
10 relation to said road, shall be in conformity with such  
11 rules, regulations and provisions as the directors shall  
12 from time to time prescribe and direct.

SECT. 6. The annual meeting of the members of  
2 said corporation shall be holden on the first Monday of  
3 November, 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 the  
6 directors shall be chosen by ballot, each proprietor by  
7 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 direct.

SECT. 7. The corporation is hereby invested with  
2 power to make connections with any other road or  
3 roads, and on such terms as the members may deem  
4 expedient and proper ; and it is hereby authorized to

5 lease the road, either before or after it shall have been  
6 completed, on such terms and for such time as the  
7 members, at a meeting regularly called for that pur-  
8 pose, shall determine.

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## STATE OF MAINE.

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IN SENATE, January 24, 1867.

Reported by Mr. RAMSDELL, from the Committee on Railroads,  
Ways and Bridges, and on his motion laid on the table, and the  
usual number of copies ordered to be printed.

THOMAS P. CLEAVES, *Secretary.*