

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

HOUSE.

No. 12.

STATE OF MAINE.

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

AN ACT to incorporate the Bangor and Aroostook Railroad Company.

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

SECTION 1. James C. Madigan, Eben Woodbury,
2 Lewellyn Powers, George Cary, Chas. P. Tenny, Geo.
3 B. Page, Almond H. Fogg, Jotham Donnell, Jefferson
4 Cary, Cyrus M. Powers, H. T. Frisbie, Benj. L. Sta-
5 ples, Abner Weeks, Gilman Jewett, G. W. Haskell,
6 E. S. F. Nickerson, Rufus Mansur, Nelson Herrin,
7 Lysander Strickland, Charles Stetson, Fred. Stimpson,
8 James Rawson, Thos. Hersey, John Burnham, Aaron
9 Babb, M. S. Drummond, W. H. McCrillis, John L.
10 Cutler, G. H. Pickering, Thomas Mason, Chas. E.
11 Dole, R. S. Morrison, J. S. Tarbox, their associates,

12 successors and assigns are hereby made and consti-
13 tuted a body politic and corporate, by the name of the
14 Bangor and Aroostook Railroad Company, and by that
15 name may sue and be sued, plead and be impleaded,
16 and shall be entitled to all proper remedies at law or
17 in equity to secure and protect them in the exercise
18 and use of the rights and privileges conferred by this
19 act, and in the performance of the duties hereinafter
20 imposed and enjoined, and to prevent all invasion
21 thereof, or interruption in exercising and performing
22 the same, and shall be subject to all duties and liabil-
23 ities imposed upon similar corporations by the laws of
24 the state.

SECT. 2. The said corporation is hereby fully em-
2 powered to survey, locate, construct, complete, alter,
3 and keep in repair a railway with one or more tracks,
4 and all necessary buildings, tunnels, viaducts, turn-
5 outs, side tracks, culverts, bridges, trains and all other
6 needful appendages and appurtenances from some
7 point on the line of the European and North American
8 Railway in or near the town of Bancroft; thence
9 northerly by the most feasible and desirable route to
10 the town of Houlton.

SECT. 3. Said corporation is hereby invested with
2 all the powers, privileges and immunities which may
3 be necessary to carry into effect the objects and pur-

4 poses of this act; and to this end it shall have the
5 right to take or to purchase and to hold the same, so
6 much of the land and other real estate of private per-
7 sons or corporations as may be found necessary for the
8 location, construction and convenient operation of said
9 railway; and shall also have the right to take, remove
10 and use, for the construction and also for the repair of
11 said railway and its appurtenances, any earth, gravel,
12 stone, timber or other materials on or from the land so
13 taken; *provided, however*, that the land so taken shall
14 not exceed six rods in width, except where greater
15 width is necessary for the purpose of excavation or
16 embankment; *and provided also*, in all cases said cor-
17 poration shall pay for such lands, estate or materials,
18 such price as they and the owner or owners thereof
19 may mutually agree upon; and in case said parties
20 shall not agree as to the price to be paid, then the
21 said corporation shall pay in any given case such dam-
22 ages as shall be ascertained and determined by the
23 county commissioners of the several counties in which
24 such lands, estates or materials may be situated, in
25 the same manner and under the same conditions as
26 are by law provided in the case of laying out high-
27 ways. The lands so taken by said corporation shall
28 be held by it in like manner as lands taken and appro-
29 priated for highways.

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.

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 forty 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 ap-

11 pointed in the manner hereinafter provided, and shall
12 hold their offices respectively until others shall be
13 chosen or appointed to take their places. A majority
14 of said board shall be a quorum for the transaction of
15 business ; and they shall elect one of their number to
16 be president of the board, who shall also be president
17 of the corporation, and they shall also choose a clerk
18 and a treasurer, which latter officer shall be required
19 to give a bond to the corporation in such sum as the
20 directors may determine for the faithful discharge of
21 his trust.

SECT. 6. The directors for the time being are hereby
2 duly authorized and empowered by themselves or their
3 agents, to exercise all the powers herein granted to
4 the corporation relating to the location, construction
5 and completion of their railway, and for the transpor-
6 tation of persons, goods and property over the same ;
7 and also all such power and authority for the manage-
8 ment of the affairs of the corporation as may be neces-
9 sary and proper to carry into effect the objects of this
10 charter. They may purchase and hold lands, mate-
11 rials, engines and cars, and other necessary things, in
12 the name of the corporation, for the use of its railway.
13 They may make from time to time such equal assess-
14 ments upon all the shares of stock in said corporation
15 as they may deem expedient and necessary as the

16 work progresses, no share, however, being liable in
17 any event to assessments amounting in the whole to
18 more than one hundred dollars. They may establish
19 rules for the government of their own proceedings, and
20 may fill any vacancy which may occur in their own
21 board subsequent to the regular annual meeting.

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

SECT. 8. A toll is hereby granted and established
2 for the sole benefit of said corporation, upon all passen-
3 gers and all property of all descriptions which may be

4 conveyed or transported by them upon their railway,
5 at such rates as may be agreed upon or established
6 from time to time by the directors. The transportation
7 of persons and property, the construction of wheels,
8 the forms of cars and carriages, the weights of loads,
9 and all other matters and things relating to the con-
10 struction, running and management of said railway,
11 shall be in conformity with such regulations as the
12 directors may from time to time prescribe. The legis-
13 lature may authorize any other company to make con-
14 nection with the railway of this corporation at any
15 point on the line of its route, and no discrimination in
16 the rates of freight or passengers shall be made by
17 this corporation, nor by any party or parties who may
18 operate its line of railway or any part thereof, against
19 railroads having the right to connect with the railway
20 of this company, but all passengers and all freight
21 coming from or going to such connecting roads shall
22 be transported promptly and at the same rates of toll
23 and freight prescribed by said corporation for trans-
24 portation commencing and terminating on its own line
25 of railway.

SECT. 9. Said corporation shall have power to make,
2 ordain and establish all necessary by-laws and regula-
3 tions consistent with the constitution and laws of this

4 state, for their own government, and for the due and
5 orderly conducting of their affairs and the management
6 of their property; and it is also hereby empowered to
7 make connection with any other railroad or to lease
8 its line of railway, either before or after its completion,
9 to any other railroad company, upon such terms as
10 may be mutually agreed upon. And for the purpose
11 of raising money wherewith to build and equip its
12 road, or to pay debts contracted for that purpose, said
13 corporation may issue its bonds in sums not less than
14 one hundred dollars, and may secure the same by a
15 mortgage of its line of railway, and all its real and
16 personal property, the franchise included, and such
17 bonds shall be good and binding upon the corporation
18 though sold at less than par value.

SECT. 10. The annual meeting of said corporation
2 shall be holden at such time as the by-laws shall pre-
3 scribe and at such place as the directors for the time
4 being shall appoint, at which meeting the directors
5 shall be chosen by ballot, each stockholder by himself
6 or by proxy, being entitled at all meetings of the cor-
7 poration to as many votes as he holds shares; and the
8 directors are hereby authorized to call special meetings
9 of the stockholders whenever they shall deem it proper
10 and expedient. Notice of all meetings of the stock-

11 holders shall be given in such manner as the by-laws
12 shall require or as the directors for the time being shall
13 order.

SECT. 11. All real estate purchased by said corpo-
2 ration as herein authorized, shall be taxable to said
3 corporation in the towns in which it may be situated,
4 in the same manner as real estate owned by private
5 persons in the same localities, and not otherwise; and
6 the shares owned by the respective stockholders, shall
7 be deemed personal property, and be taxable as such,
8 to the owners thereof, in the places where they reside
9 and have their homes.

SECT. 12. Any five of the first ten corporators
2 named in the first section of this act, are hereby au-
3 thorized to call a meeting of the corporators for the
4 purpose of accepting this act and making a prelimin-
5 ary organization of the corporation; and at such meet-
6 ing they may determine when and in what manner
7 books shall be opened for subscriptions to stock, and
8 how subsequent meetings of the corporators shall be
9 called and notified, and may transact any other busi-
10 ness which may be deemed necessary in carrying
11 forward and completing the organization of the corpo-
12 ration. The attendance of five corporators at any
13 meeting shall constitute a quorum for the transaction

14 of business, but a less number may adjourn from day
15 to day or to a time certain.

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

SECT. 14. This act shall be in force when approved
2 by the governor.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 26, 1870. }

Presented by Mr. SMITH of Hodgdon, and ordered printed and referred to the Committee on Railroads, Ways and Bridges.

S. J. CHADBOURNE, *Clerk.*