

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

HOUSE.

No. 49.

STATE OF MAINE.

The Committee on Railroads, Ways and Bridges, to which was referred the bill entitled an act to incorporate the Calais Branch Railroad Company, have had the same under consideration, and ask leave to report that the same be printed and recommitted.

Per order.

S. T. HINKS.

IN HOUSE OF REPRESENTATIVES, }
February 11, 1870. }

Read and accepted. Sent up for concurrence.

S. J. CHADBOURNE, *Clerk.*

IN SENATE, February 12, 1870.

Read and concurred.

SAMUEL W. LANE, *Secretary.*

STATE OF MAINE.

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

AN ACT to incorporate the Calais Branch Railroad Company.

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

SECTION 1. Benjamin F. Kelley, E. B. Harvey, F.
2 A. Pike, Samuel Kelley, James Murchie, James L.
3 Hall, C. R. Whidden and Charles H. Norton, their
4 associates, successors and assigns, are hereby made
5 and constituted a body politic and corporate by the
6 name of the Calais Branch Railroad Company, and by
7 that name may sue and be sued, plead and be im-
8 pleaded, and shall enjoy all proper remedies at law or
9 in equity to secure and protect them in the exercise
10 and use of the rights and privileges and in the per-
11 formance of the duties hereinafter granted, and to
12 prevent all invasion thereof, or interruptions in exer-
13 cising or performing the same ; and the said corpora-
14 tion is hereby authorized and empowered to locate and

15 construct, and finally complete, alter and keep in
16 repair a railroad, with one or more sets of rails or
17 tracks, with all suitable bridges, tunnels, turnouts and
18 viaducts, and all necessary appendages, from the lower
19 steamboat wharf in Calais to any point on the banks
20 of the St. Croix river at or below Kelley's point so
21 called, and thence to the boundary line of the state in
22 the St. Croix river ; and said corporation shall have
23 the authority to lay a third rail on the track of the
24 Calais and Baring Railroad Company from their present
25 terminus in Calais to the present passenger station of
26 said Calais and Baring Railroad Company at the lower
27 village in Calais, and to run trains on the same upon
28 such conditions and terms as the railway commissioners
29 of the state may determine ; and said corporation shall
30 have authority to build a bridge from the banks of the
31 river St. Croix to the boundary line of the state in
32 said river, in connection with the bridge herein author-
33 ized for the purpose of said railroad, for the purpose
34 of general travel either on foot or in carriages, and to
35 take tolls for the same at such rates as may be fixed
36 by the county commissioners of the county of Wash-
37 ington ; and said corporation shall and hereby is
38 invested with all the powers, privileges and immunities
39 which are or may be necessary to carry into effect the
40 purposes and objects of this act as herein set forth ;

41 and for this purpose said corporation shall have the
42 right to take and hold, or to purchase so much of the
43 land and other real estate of private persons and cor-
44 porations as may be necessary for the location, con-
45 struction and convenient operation of said railroad and
46 bridge ; and shall also have the right to take, remove
47 and use for the construction and repair of said road
48 and appurtenances, any earth, gravel; stone, timber or
49 other materials on or from the land so taken ; *provided*
50 *however*, the land so taken shall not exceed six rods in
51 width, except where greater width is necessary for the
52 purpose of excavation and embankment ; *and provided*
53 *also*, in all cases said corporation shall pay for such
54 lands, estate or materials such price as they and the
55 respective owner or owners thereof may agree upon ;
56 and in case said parties shall not otherwise agree, the
57 said corporation shall pay such damages as shall be
58 ascertained and determined by the county commission-
59 ers of the county of Washington, in the same manner
60 and under the same conditions as are by law provided
61 in the case of laying out highways ; and the land so
62 taken by said corporation shall be held as lands taken
63 and appropriated for highways. And no application
64 to said commissioners to estimate said damages shall
65 be entertained unless made within three years from the
66 time of taking such land and other property. And

67 furthermore said corporation shall have all the powers,
68 privileges and immunities, and subject to all the duties
69 and liabilities provided respecting railroads in chapter
70 fifty-one of the revised statutes not inconsistent with
71 the express provisions of this charter, and subject also
72 to all the provisions of chapter thirty-six of the laws
73 of eighteen hundred and fifty-eight relating to the
74 safety and convenience of passengers on railroads.

SECT. 2. The capital stock of said corporation shall
2 consist of not less than one hundred shares nor more
3 than one thousand shares, and the immediate govern-
4 ment and direction of said corporation shall be vested
5 in five, seven or nine directors, who shall be chosen by
6 the members of said corporation, in the manner here-
7 inafter provided, and shall hold their offices until others
8 shall have been duly elected and qualified to take their
9 places, a majority of whom shall be a quorum for the
10 transaction of business. They shall elect one of their
11 number to be president of the corporation, and shall
12 have authority to choose a clerk and treasurer, who
13 shall give bonds to the corporation in the sum of ten
14 thousand dollars, for the faithful discharge of his trust.
15 And any three of the persons named in the first section
16 of this act are hereby authorized at a meeting held for
17 that purpose, with or without notice, to accept this
18 act and organize 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 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.

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 bridge,
6 and for the transportation of goods, persons and proper-
7 ty of all descriptions, and all such power and authority
8 for the management of the affairs of the corporation
9 as may be necessary and proper to carry into effect the
10 objects of this grant; to purchase and hold land,
11 materials, engines and cars and other necessary things,
12 in the name of the corporation, for the use of said
13 road, and for the transportation of persons, goods and
14 property of all descriptions; to make such equal assess-
15 ments from time to time on all the shares in said
16 corporation, as they may deem necessary and expedi-
17 ent in the execution and progress of said work, and
18 direct the same to be paid to the treasurer of the
19 corporation; and the treasurer shall give notice of all
20 such assessments. In case any subscriber or stock-

21 holder shall neglect to pay any assessment on his share
22 or shares for the space of thirty days after such notice
23 is given, as shall be prescribed by the by-laws of said
24 corporation, the directors may order the treasurer to
25 sell such share or shares at public auction, after giving
26 such notice as may be prescribed as aforesaid, to the
27 highest bidder, and the same shall be transferred to
28 the purchaser, and such delinquent subscriber shall be
29 held accountable to the corporation for the balance if
30 his share or shares shall sell for less than the assess-
31 ments due thereon, with the interest and cost of sale,
32 and shall be entitled to the overplus, if his share or
33 shares shall sell for more than the assessments due
34 with the interest and cost of sale ; *provided however,*
35 that no assessment shall be laid upon any share in said
36 corporation of a greater amount in the whole than one
38 hundred dollars.

SECT. 5. A toll is hereby granted and established
2 for the sole benefit of said corporation upon all passen-
3 gers 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 construction
8 of wheels, the form of cars and carriages, the weight
9 of loads, and all other matters and things in relation

10 to said road shall be in conformity with such rules,
11 regulations and provisions as the directors shall from
12 time to time prescribe and direct.

SECT. 6. The annual meeting of said corporation
2 shall be holden on the first Monday of November, or
3 such other day as shall be determined by the by-laws,
4 at such time and place as the directors for the time
5 shall appoint, at which meeting the directors shall
6 be chosen by ballot, each person by himself or proxy
7 being entitled to as many votes as he may hold shares ;
8 and the directors are hereby authorized to call special
9 meetings of the stockholders whenever they shall deem
10 it expedient and proper, giving such notice as the cor-
11 poration by their by-laws may direct.

SECT. 7. This corporation is hereby invested with
2 the power to make connection 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 the purpose
8 shall determine.