

MAINE STATE LEGISLATURE

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FIFTIETH LEGISLATURE.

HOUSE.

No. 39.

STATE OF MAINE.

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

AN ACT to incorporate the Northern Aroostook Railroad Company.

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

SECTION 1. Samuel F. Hersey, Arad Thompson,
2 James W. Emery, A. Brooks, Hugh Ryan, Noah
3 Woods, M. H. Angell, Charles P. Stetson, G. K.
4 Jewett, E. R. Burpee, H. E. Prentiss, Joab W.
5 Palmer, W. H. McCrillis, J. S. Wheelwright, T. N.
6 Egery, E. S. Coe, D. R. Stockwell, Eben Webster, S.
7 C. Hatch, Alfred Veazie, G. L. Boynton, Abram
8 Woodard, Peter Dunn, Jr., A. T. Mooers, James A.
9 Purington, John A. Peters, N. C. Ayer, S. H. Dale,
10 D. F. Leavitt, W. T. Pearson, Isaiah Stetson, M. S.
11 Drummond, C. F. A. Johnson, E. G. Dunn, F. W.
12 Hill, John Gardner, Ira D. Fish, William Irish, Eben

13 Trafton, Abner Weeks, A. P. Haywood, Nelson Herrin,
14 John N. Bradford, B. S. Staples, S. H. Hussey, their
15 associates, successors and assigns, are hereby made
16 and constituted a body politic and corporate by the
17 name of the Northern Aroostook Railroad Company,
18 and by that name may sue and be sued, plead and be
19 impleaded, and shall be entitled to all proper remedies
20 at law or in equity to secure and protect it in the
21 exercise and use of the rights and privileges conferred
22 by this act, and in the performance of the duties here-
23 inafter imposed and enjoined, and to prevent all
24 invasion thereof, or interruption in exercising and
25 performing the same, and shall be subject to all duties
26 and liabilities imposed upon similar corporations by
27 the laws of the state.

SECT. 2. The said corporation is hereby fully em-
2 powered to survey, locate, construct, complete, alter,
3 equip and keep in repair, a railroad with one or more
4 tracks, and all necessary buildings, tunnels, viaducts,
5 turnouts, side tracks, culverts, bridges, drains, and all
6 other needful appendages and appurtenances, from
7 some point on the line of the European and North
8 American Railway, near where said railway crosses
9 the Mattawamkeag river the second time going east in
10 or near Bancroft, and from thence northerly by the
11 most feasible route to some point on the St. John river

12 at the northern boundary of the state in Van Buren
13 plantation or Letter G. The main line or a branch to
14 be built to Houlton village if upon survey it be found
15 practicable. Said main line northerly of Houlton to
16 be located through towns or townships in the first,
17 second or third ranges west from the east line of the
18 state, as said corporation may determine most feasible,
19 with a branch from some point on said main line west-
20 erly to Portage Lake plantation, and thence down the
21 Fish River valley to the St. John river in Fort Kent
22 plantation.

SECT. 3. This corporation is hereby invested with
2 all the powers, privileges and immunities which may
3 be necessary to carry into effect the object and pur-
4 poses of this act; and to this end, it shall have the
5 right to take and purchase and hold, or assign and
6 convey the same, so much of the land and other real
7 estate of private persons or corporations, as may be
8 found necessary or convenient for the location, con-
9 struction and convenient operation of said railroad;
10 and shall also have the right to take, remove and use,
11 for the construction, and also for the repair of said
12 railroad and its appurtenances, any earth, gravel,
13 stone, timber and other materials on or from the land
14 so taken; *provided however*, the land so taken shall not
15 exceed six rods in width, except where greater width

16 is necessary for the purpose of excavation or embank-
17 ment; *and provided also*, in all cases said corporation
18 shall pay for such lands, estate or materials such price
19 as it and the owner or owners thereof may mutually
20 agree upon; and in case said parties shall not agree
21 as to the price to be paid the said corporation shall
22 pay in any given case, such damages as shall be ascer-
23 tained and determined by the county commissioners of
24 the several counties in which such lands or estates or
25 materials may be situated, in the same manner and
26 under the same conditions as are by law provided in
27 the case of laying out highways. The lands so taken
28 by said corporation shall be held by it in like manner
29 as lands taken and appropriated for highways.

SECT. 4. No application to said county commis-
2 sioners to estimate damages as provided in the pre-
3 ceding section shall be sustained unless made within
4 three years from the time of taking such lands and
5 other property, and in the event that said railroad shall
6 pass through any woodland or forest, said corporation
7 shall have the right to remove or fell any tree or trees
8 standing on such woodland or in such forest within
9 four rods of such railroad which may be liable to be
10 blown down upon its track and thereby obstruct or
11 impair the same, by paying therefor a just and reason-
12 able compensation in each case, to be determined and

13 recovered in the event of disagreement between the
14 parties, in the same manner provided in this act for
15 the determination and recovery of other damages.

SECT. 5. The capital stock of said corporation shall
2 consist of not less than one thousand shares of one
3 hundred dollars each par value, but the number of such
4 shares may be from time to time increased at the dis-
5 cretion of the stockholders, to an amount not exceed-
6 ing fifty thousand shares. The entire government and
7 direction of the affairs of said corporation shall be
8 vested in a board of directors to consist of not more
9 than nine members and not less than five, which mem-
10 bers shall be stockholders in said corporation, and
11 shall be chosen or appointed in the manner herein-
12 after provided, and shall hold their offices respectively
13 until others shall be appointed to take their places.
14 A majority of the board of directors shall be a quorum
15 for the transaction of business. The directors shall
16 elect one of their number to be president of the board,
17 who shall also be president of the corporation, and
18 they shall also choose a clerk and treasurer, which
19 latter officer shall be required to give bond to the
20 corporation, in such sum as the directors may de-
21 termine, for the faithful discharge of his trust.

SECT. 6. The directors for the time being are here-
2 by duly authorized and empowered by themselves or

3 their agents to exercise all the powers herein granted
4 to the corporation relating to the location, construction,
5 completion and equipment of said railroad, and to the
6 transportation of persons, goods and property on and
7 over the same ; and also all such power and authority
8 for the management of the affairs of the corporation as
9 may be necessary and proper to carry into effect the
10 objects of this act. They may in the name of the
11 corporation and for its use, purchase, take and hold
12 and convey all such lands, materials, engines, cars,
13 property and other things, as they may find necessary,
14 convenient or useful in the construction, completion
15 and equipment of said railroad, or which may aid in
16 obtaining funds and means for the construction, com-
17 pletion and equipment thereof, and may apply all pro-
18 ceeds arising therefrom to the construction, completion
19 and equipment of said railroad. They may make,
20 from time to time, such equal assessments upon all the
21 shares of stock in said corporation as they may deem
22 expedient and necessary as the work progresses, no
23 share; however, being liable, in any event, to assess-
24 ments amounting in the whole to more than one hun-
25 dred dollars. They may establish rules for the govern-
26 ment of their own proceedings, and may fill any
27 vacancy which may occur in their own board subse-
28 quent to the regular annual meeting.

SECT. 7. For the purpose of raising means and funds
2 to accomplish the objects and purposes of this act, said
3 corporation is hereby authorized to make and issue its
4 bonds in such form and manner and payable at such
5 time as the directors may, under the circumstances,
6 deem advisable ; and it may secure the principal and
7 interest of said bonds by a mortgage of its railroad,
8 and all its lands, property, rights, privileges and fran-
9 chise then possessed, held or owned, or thereafter
10 acquired by said corporation, made to such persons as
11 trustees, and in such form and manner as the directors
12 may appoint and prescribe. The European and North
13 American Railway Co., the Maine Central Railroad
14 Co., the Portland and Kennebec Railroad Company,
15 and the Portland, Saco and Portsmouth Railroad Com-
16 pany, corporations duly established and existing by
17 the laws of this state, all, or any number, or either of
18 them, are hereby authorized and empowered to enter
19 into a contract with this corporation to aid it in equip-
20 ping its road when the same shall be completed, or
21 to guarantee the payment of the interest and principal,
22 or any part or portion of the bonds which may be
23 issued under this act ; and any contract which said
24 corporations or any or either of them may make with
25 this corporation to secure or guarantee the payment of
26 the interest or principal of said bonds, shall be valid

27 and binding upon the corporations entering into the
28 same.

SECT. 8. The treasurer shall give notice in the man-
ner 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 pre-
scribe ; 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 assess-
ments 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.

SECT. 9. A toll is hereby granted and established
for the sole benefit of said corporation, upon all pas-
sengers 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 transporta-
tion of persons and property, the form and construction

8 of cars, the weights of loads, and all other matters
9 and things relating to the equipment, running and
10 management of said railroad, shall be in conformity
11 with such rules and regulations as the directors may
12 prescribe. The legislature may authorize any other
13 railroad company to make connection with the railroad
14 of this company at any point on the line of its route,
15 and no discrimination in the rates of freight or passen-
16 gers shall be made by this corporation, nor by any
17 party or parties who may operate its line of railroad,
18 or any part thereof, against railroad corporations hav-
19 ing the right to connect with the railroad of this com-
20 pany ; but all passengers and all freight coming from
21 or going to such connecting railroads, shall be trans-
22 ported promptly, and at the same rates of toll and
23 freight charged by said corporation for transportation,
24 commencing and terminating on its own line of rail-
25 road.

SECT. 10. Said corporation shall have power to
2 make, ordain and establish all necessary by-laws and
3 regulations, consistent with the constitution and laws
4 of this state, for its own government and for the due
5 and orderly conducting its affairs and management of
6 its property ; and it is also authorized and empowered
7 to make connection with any other railroad corpo-

8 ration, or to lease its line of railroad and property
9 either before or after its completion, to any other rail-
10 road company, upon such terms as may be mutually
11 agreed upon, which lease shall be binding on the
12 parties for the time named therein.

SECT. 11. 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 his proxy being entitled, at such meetings, to as
7 many votes as he holds shares ; and the directors are
8 authorized to call special meetings of the stockholders
9 whenever they shall deem it proper and expedient.
10 Notice of all meetings of the stockholders shall be
11 given in such manner as the by-laws shall require or
12 as the directors for the time being shall order.

SECT. 12. All real estate purchased by said corpo-
2 ration except the line of its railroad and right of way
3 and the buildings thereon, shall be taxable to said
4 corporation in the towns in which it may be situated,
5 in the same manner as real estate owned by private
6 persons in the same localities, and not otherwise ; and
7 the shares owned by the stockholders shall be deemed
8 personal property, and taxable as such, to the re-

9 spective owners thereof, in the places where they
10 reside and have their homes.

SECT. 13. Any five of the ten corporators first
2 named in this act are hereby authorized to call a
3 meeting of the corporators for the purpose of accept
4 ing this act, and making a preliminary organization of
5 the corporation ; and at such meeting they may de-
6 termine when and in what manner books shall be
7 opened for subscription to stock, and how subsequent
8 meetings of the corporators shall be called and notified,
9 and may transact any other business which may be
10 deemed necessary in carrying forward and completing
11 the organization of the corporation. The attendance
12 of five of the corporators shall constitute a quorum for
13 the transaction of business; but a less number may
14 adjourn from day to day, or to a time certain.

SECT. 14. If said corporation shall not be organized
2 and a location of its line according to actual survey
3 shall not be filed with the county commissioners of the
4 several counties through which the railroad shall pass,
5 on or before the first day of January, eighteen hun-
6 dred and seventy-three, or if said corporation shall
7 fail to complete said railroad on or before the first day
8 of January, eighteen hundred and seventy-eight, then
9 in either of the above mentioned cases this act shall be

10 null and void, as to all that part of said railroad not
11 completed and finished on or before the day last above
12 named.

SECT. 15. This act shall be in force when approved
2 by the governor.

IN HOUSE OF REPRESENTATIVES, }
February 10, 1871. }

Reported from the Committee on Railroads, Ways and Bridges,
by Mr. PATTEN, and on motion of Mr. WOODBURY of Houlton,
ordered printed.

S. J. CHADBOURNE, *Clerk.*