

MAINE STATE LEGISLATURE

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FIFTIETH LEGISLATURE.

HOUSE.

No. 45.

STATE OF MAINE.

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

AN ACT to incorporate the Bangor Branch Railroad Company.

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

SECTION 1. James P. White, William C. Marshall,
2 William O. Poor, Nathan F. Houston, Philo Hersey,
3 William Pitcher, Thomas B. Emery, Asa Thurlough,
4 Andrew D. Bean, Willard P. Harriman, Asa Faunce,
5 John W. White, David Pierce, Samuel Otis, Daniel
6 Haraden, Horatio H. Johnson, Daniel Lane, Daniel
7 Faunce, Henry H. Forbes, Joseph Williamson, Henry
8 O. Russell, Augustus Perry, Hiram E. Pierce, Lemuel
9 R. Palmer, Freeman Atwood, Timothy Mayo and
10 Samuel G. Ellis, their associates, successors and as-
11 signs, are hereby made and constituted a body politic

12 and corporate by the name of the Bangor Branch Rail-
13 road Company, and by that name may sue and be
14 sued, plead and be impleaded, and shall be entitled to
15 all proper remedies at law or in equity to secure and
16 protect them in the exercise and use of the rights and
17 privileges conferred by this act, and in the perform-
18 ance of the duties hereinafter imposed and enjoined,
19 and to prevent all invasion thereof, or interruption in
20 exercising and performing the same, and shall be sub-
21 ject to all duties and liabilities imposed upon similar
22 corporations by the laws of 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, drains, and all
6 other needful appendages and appurtenances, from
7 some point on the Belfast and Moosehead Lake Rail-
8 road, at or near "Webb's ledge" in the town of
9 Brooks, by the most direct and feasible route through
10 the towns of Monroe, Newburg or Winterport, and
11 Hampden, to the city of Bangor.

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 ; *provided further*, that said company
17 shall not locate their road upon the roadway of the
18 Maine Central or any other railroad, except to cross
19 them, nor shall they locate upon or take any part of
20 the depot ground of that or any other railroad com-
21 pany ; *and provided also*, in all cases said corporation
22 shall pay for such lands, estate or materials, such price
23 as they and the owner or owners thereof may mutu-
24 ally agree upon ; and in case said parties shall not
25 agree as to the price to be paid, then the said corpo-
26 ration shall pay in any given case such damages as
27 shall be ascertained and determined by the county
28 commissioners of the several counties in which such
29 lands, estates or materials may be situated, in the
30 same manner and under the same conditions as are by

31 law provided in the case of laying out highways.
32 The lands so taken by said corporation shall be held
33 by it in like manner as lands taken and appropriated
34 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 railway
6 shall pass through any woodlands or forest, said cor-
7 poration shall have the right to remove or fell any tree
8 or trees standing on such woodlands or in such forest,
9 within four rods from such railway, which may be
10 liable to be blown down upon, or to fall down upon its
11 track, and thereby obstruct or impair the same; by
12 paying therefor a just and reasonable compensation in
13 each case, to be determined and recovered in the
14 event of disagreement between the parties, in the same
15 manner provided in this act for the determination and
16 recovery of other damages.

SECT. 5. The capital stock of said corporation shall
2 consist of not less than five thousand shares of one hun-
3 dred dollars each, par value, but the number of may
4 be from time to time increased at the discretion of the
5 stockholders to an amount not exceeding ten thousand
6 shares. The immediate government and direction of

7 the affairs of said corporation, shall be vested in a
8 board of directors, to consist of not more than seven
9 members, nor less than five, which members shall be
10 stockholders, and shall be chosen or appointed in the
11 manner hereinafter provided, and shall hold their
12 offices respectively until others shall be chosen or ap-
13 pointed to take their places. A majority of said
14 board shall be a quorum for the transaction of busi-
15 ness; and they shall elect one of their number to be
16 president of the board, who shall also be president of
17 the corporation, and they shall also choose a clerk and
18 a treasurer, which latter officer shall be required to
19 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 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 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, materials,
11 engines and cars, and other necessary things in the

12 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 they may fill any vacancy which may occur in their
21 own 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 cost of sale, and in like
15 manner shall be entitled to the overplus in the event

16 that the proceeds of the sale shall exceed the assess-
17 ments, interest and costs of sale.

SECT. 8. A toll is hereby granted and established
2 for the sole benefit of said corporation, upon all pas-
3 sengers and all property of all descriptions, which may
4 be conveyed or transported by them upon their rail-
5 way, at such rates as may be agreed upon or estab-
6 lished from time to time by the directors. The
7 transportation of persons and property, the construction
8 of wheels, the forms of cars and carriages, the weights
9 of loads, and all other matters and things relating to
10 the construction, running and management of said rail-
11 way, shall be in conformity with such regulations as the
12 directors may from time to time prescribe. The leg-
13 islature may authorize any other company to make
14 connection 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 passangers shall be made by this
17 corporation, nor by any party or parties who may
18 operate its line, or any part thereof, against railroads
19 having the right to connect with the railway of this
20 company ; but all passengers and all freight coming
21 from or going to such connecting roads, shall be trans-
22 ported promptly and at the same rates of toll and
23 freight prescribed by said corporation for transportation
24 commencing and terminating on its own line 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 comple- 9 tion, to any other railroad company, upon such terms 10 as may be mutually agreed upon. And for the pur- 11 pose of raising money wherewith to build and equip 12 its road or to pay debts contracted for that purpose, 13 said corporation may issue its bonds in sums not less 14 than one hundred dollars, and may secure the same 15 by a mortgage of its line of railway, and all its real 16 and personal property, the franchise included ; and 17 such bonds shall be good and binding upon the corpo- 18 ration though sold for 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 corpo- 7 ration 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, except so much as is used
3 for the purposes of the road and is covered by the
4 stock of said company, shall be taxable to said corpo-
5 ration in the town in which it may be situated, in the
6 same manner as real estate owned by private persons
7 in the same localities, and not otherwise ; and the
8 shares owned by the respective stockholders shall be
9 deemed personal property, and be taxable as such to
10 the owners thereof in the places where they reside and
11 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 preliminary
5 organization of the corporation, by giving notice in
6 one or more newspapers published at Belfast, of the
7 time and place and the purposes of such meeting, at
8 least fourteen days before the time mentioned in such
9 notice ; and at such meeting they may determine when

10 and in what manner books shall be opened for sub-
11 scriptions to stock, and how subsequent meetings of
12 the corporators shall be called and notified, and may
13 transact any other business which may be deemed
14 necessary in carrying forward and completing the or-
15 ganization of the corporation. The attendance of five
16 corporators at any meeting shall constitute a quorum
17 for the transaction of business, but a less number
18 may adjourn from day 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 Novem-
6 ber, in the year of our Lord one thousand eight
7 hundred and seventy-two, or if said corporation shall
8 fail to complete said railway on or before the first day
9 of November, in the year of our Lord one thousand
10 eight hundred and seventy-six, then in either of the
11 above mentioned cases this act shall be null and void.

SECT. 14. The legislature shall at all times have
2 the right to inquire into the manner in which the
3 privileges and franchises herein and hereby granted
4 may have been used and employed by said corporation,
5 and to correct and prevent all abuses of the same, and
6 to pass any laws imposing fines and penalties upon

7 said corporation which may be necessary more effectu-
8 ally to compel a compliance with the provisions,
9 liabilities and duties herein set forth and enjoined, and
10 subject to the general laws regulating railroads now
11 upon the statute book or which may hereafter be
12 passed by the legislature of this state.

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

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 14, 1871. }

Reported from the Committee on Railroads, Ways and Bridges,
by Mr. HARRIMAN, and ordered printed.

S. J. CHADBOURNE, *Clerk.*