

# MAINE STATE LEGISLATURE

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# Sixty-Fifth Legislature.

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HOUSE.

No. 58.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Penobscot and Aroostook  
Railroad Company.

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

SECTION 1. Aaron L. Simpson, Nathan C. Ayer, Philo  
2 A. Strickland, William H. Strickland, Charles F. Bragg,  
3 Joseph P. Bass, J. Fred Webster, Charles B. Brown,  
4 John T. Rines, Isaac H. Merrill, Norris E. Bragg, Ara  
5 Warren, Charles C. Prescott, Charles A. Gibson, Wil-  
6 lard E. Mudgett, John S. Jenness, James E. Stodder,  
7 William Counors, Edward B. Nealley, Frank Hight,  
8 Joseph F. Snow, Charles L. Snow, Frank C. Noyes,  
9 Daniel W. Maxfield, Harry L. Jewell, Charles P. Brown,  
10 Charles V. Lord, Edward L. Stewart, Thomas R Sav-

11 age, Hiram H. Fogg, their assigns, associates and suc-  
12 cessors, are hereby made and constituted a body politic  
13 and corporate by the name of the Penobscot and Aroos-  
14 took Railroad Company, and by that name may sue and  
15 be sued, plead and be impleaded, and shall enjoy all  
16 proper remedies at law and in equity to secure and protect  
17 them in the exercise and use of their rights and privileges  
18 and in the performance of the duties herein granted, and  
19 to prevent all invasion thereof, or interference in exercis-  
20 ing or performing the same; and said corporation is here-  
21 by authorized and empowered to locate and construct,  
22 and finally complete, alter and keep in repair, a railroad,  
23 with one or more sets of rails or tracks, with all suitable  
24 bridges, tunnels, viaducts, turnouts, culverts, drains and  
25 all other necessary appendages, from some point on the  
26 line of the Katahdin Iron Works Railway or Bangor and  
27 Piscataquis Railroad; thence running in a northerly direc-  
28 tion in the most direct and feasible route, to and through  
29 Patten or Medway; thence northerly in the most direct  
30 and feasible route to and through Ashland; thence in the  
31 most direct and feasible route to some point on the St.  
32 John river, between St. Francis and Fort Kent, with  
33 power to join with any Provincial or other corporation in  
34 constructing and maintaining a bridge over the St. John  
35 river, and uniting with any other railroad corporation that  
36 may aid in constructing such bridge. Also the power to  
37 construct, maintain and operate a branch line of such rail-  
38 road in said county of Aroostook commencing at some  
39 point on said railroad and thence by the most direct and  
40 feasible route to Houlton and Presque Isle; and also fur-  
41 ther power to lease from the Bangor and Piscataquis Rail-

42 road Company its road and rolling stock upon such terms  
43 and conditions as may be agreed upon between the two  
44 corporations, or to contract with said Bangor and Piscata-  
45 quis Railroad Company for a right to run cars over its  
46 road. Also power to acquire the charter to the said Bangor  
47 and Piscataquis Railroad Company to construct and  
48 maintain a railroad from some point in Old Town or  
49 between Old Town and some point in Foxcroft on the  
50 line of its present road to some point at tide water in the  
51 city of Bangor upon such terms and conditions as may be  
52 agreed upon between the two corporations; and with the  
53 right of locating the same upon the road bed formerly  
54 used by the Bangor, Old Town and Milford Railroad Com-  
55 pany at any time within two years and said corporation  
56 shall be and hereby is invested with all the powers, privi-  
57 leges and immunities which are or may be necessary to  
58 carry into effect the purposes and objects of this act, as  
59 herein set forth, and for this purpose said corporation  
60 shall have the right to take and hold, or to purchase, so  
61 much of the land or real estate of private persons and  
62 corporations as may be necessary for the location, con-  
63 struction and convenient operation of said railroad, and  
64 shall also have the right to take, remove or use for the  
65 construction and repair of said road appurtenances, any  
66 gravel, earth, stone, timber or other material, on or from  
67 the land so taken; *provided, however,* the land so taken  
68 shall not exceed six rods in width, except where greater  
69 width is necessary for the purposes of excavation and  
70 embankment, *and provided also,* in all cases said corpora-  
71 tion shall pay for such lands, estate or materials, such  
72 price as they and the respective owner or owners thereof

73 may mutually agree upon, and in case such parties shall  
74 not agree otherwise, the said corporation shall pay such  
75 damages as shall be ascertained and determined by the  
76 county commissioners of the counties of Penobscot, Aroos-  
77 took and Piscataquis, in the same manner and under the  
78 same condition as are by law provided in laying out high-  
79 ways ; and no application to said commissions to estimate  
80 said damages shall be sustained unless made within three  
81 years from the time of taking such land and other property ;  
82 and in case said railroad shall pass through any woodland  
83 or forest, the said company shall have the right to fell and  
84 remove any trees standing therein, within four rods of  
85 said road, which by their liability to be blown down, or  
86 from their natural falling, might obstruct or impair said  
87 railroad, by paying a just compensation therefor, to be  
88 recovered in the same manner as provided for the recov-  
89 ery of other damages in this act.

SECT. 2. The capital stock of said company shall con-  
2 sist of not less than five thousand nor more than thirty  
3 thousand shares, of the par value of one hundred dollars  
4 each, and the immediate government and direction of the  
5 affairs of said corporation shall be vested in not less  
6 than five nor more than nine directors, who shall be  
7 chosen by the members of said corporation in the manner  
8 hereinafter provided and shall hold their office until others  
9 shall have been duly elected and qualified to take their  
10 place, a majority of whom shall form a quorum for the  
11 transaction of business ; and they shall elect one of their  
12 number to be president of the corporation, and shall have  
13 authority to choose a clerk who shall be sworn to the  
14 faithful discharge of his duties, and a treasurer, who shall

15 be sworn, and shall also give bond to the corporation,  
16 with sureties to the satisfaction of the directors, in a sum  
17 not less than ten thousand dollars for the faithful discharge  
18 of his trust; and for the purpose of receiving subscrip-  
19 tions to the said stock, books shall be opened under the  
20 direction of the persons named in the first section of this  
21 act, at such time and place as they shall determine, to  
22 remain open for ten successive days at least of which  
23 times and places of subscription public notice shall be  
24 given in some newspaper published in the counties of  
25 Penobscot, Aroostook and Piscataquis, ten days at least  
26 before the time mentioned in such notice.

SECT. 3. Said corporation shall have power to make,  
2 ordain and establish all necessary by-laws and regulations  
3 consistent with the constitution and the laws of this State,  
4 for their own government and for the management of their  
5 property.

SECT. 4. The president and directors for the time being  
2 are hereby authorized and empowered, by themselves or  
3 their agents, to exercise all the powers herein granted to  
4 the corporation for the purposes of locating, constructing  
5 and completing said railroad, and for the transportation  
6 of persons, goods and property of all descriptions, and all  
7 such powers and authority for the management of the  
8 affairs of the corporation, as may be necessary and proper  
9 to carry into effect the objects of this grant, to purchase  
10 and hold land, materials, engines and cars, and other  
11 necessary things in the name of the corporation, for the  
12 use of said road, and for the transportation of persons,  
13 goods and property of all descriptions; to make such  
14 equal assessments from time to time on all the shares of

15 said corporation as may be deemed expedient and neces-  
16 sary in the execution and progress of the work, and direct  
17 the same to be paid to this corporatirn; and the treasurer  
18 shall give notice of all such assessments, and in case any  
19 subscriber or stockholder shall neglect to pay any assess-  
20 ment on his share or shares for the space of thirty days  
21 after such notice is given, or shall be prescribed by the  
22 by-laws of said corporation, the directors may order the  
23 treasurer to sell such share or shares at public auction,  
24 and give such notice as may be prescribed as aforesaid, to  
25 the highest bidder, and the same shall be transferred to  
26 the purchaser, and such delinquent subscriber or stock-  
27 holder shall be held accountable to the corporation for the  
28 balance of such assessment above the amount for which  
29 his share or shares shall be so sold, together with interest  
30 and costs of sale, and shall be entitled to the overplus if  
31 his share or shares shall sell for more than the a-ssessment  
32 due with interest and cost of sale; *provided, however,*  
33 that no assessments shall be laid upon any share in said  
34 corporation of a greater amount in the whole than one  
35 hundred dollars.

SECT. 5. A toll is hereby granted and established for  
2 the sole benefit of said corporation, upon all passengers  
3 and property of all descriptions which may be conveyed  
4 or transported by them upon said road, at such rates as  
5 may be agreed upon and established from time to time by  
6 the directors of said corporation. The transportation of  
7 persons and property, construction of wheels, the form  
8 of cars and carriages, the weight of loads, and all other  
9 matters in relation to said road, shall be in conformity  
10 with such rules, regulations and provisions as the direc-

11 tors shall from time to time prescribe and direct, subject  
12 to such laws in relation to railroad companies as are or  
13 may from time to time be established by the legislature.

SECT. 6. The annual meeting of the members of said  
2 corporation shall be holden on such day as shall be deter-  
3 mined by their by-laws, and at such time and place as the  
4 directors for the time being shall appoint, at which meet-  
5 ing the directors shall be chosen by ballot, each proprie-  
6 tor, by himself or proxy, being entitled to as many votes  
7 as he holds shares, and the directors are hereby authorized  
8 to call special meetings of the stockholders whenever they  
9 shall deem it expedient and proper, giving such notice as  
10 the corporation by their by-laws shall direct.

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 to an amount not exceeding fifteen thousand dol-  
5 lars per mile, in such form and manner, and payable at  
6 such time, as the directors may, under the circumstances,  
7 deem advisable; and it may secure the principal and  
8 interest of said bonds by a mortgage of its railroad, and  
9 all its lands, property, rights, privileges and franchises  
10 then possessed, held or owned, or thereafter acquired by  
11 said corporation, made to such persons or trustees, and  
12 in such form and manner as the directors may approve  
13 and prescribe.

SECT. 8. The corporation is hereby invested with full  
2 power to make connections with any other railroad or rail-  
3 roads, and on such terms as the members may deem expe-  
4 dient and proper; and it is hereby authorized to lease the  
5 road either before or after it is completed, or to take a



6 lease of any other railroad connecting with it, on such  
7 terms and for such time as the members, at a meeting reg-  
8 ularly called for that purpose, shall determine.

SECT. 9. Any five of the corporators named in the first  
2 section of this act, are hereby authorized to call a meeting  
3 of the corporation for the purpose of accepting this act and  
4 organizing by the choice of all necessary officers, making  
5 by-laws, and doing any other business that may be deemed  
6 necessary to carry into effect the purposes of this act, and  
7 said first meeting may be called at such time and place as  
8 are deemed most convenient.

SECT. 10. If the said coporation shall not have been  
2 organized, and the location, according to actual survey,  
3 filed with the county commissioners of the counties through  
4 which the same shall pass, on or before the first day of  
5 October, in the year of our Lord one thousand eight hun-  
6 dred and ninety-three, this act shall be null and void.

SECT. 11. Nothing in this Act shall be construed to  
2 authorize this corporation to locate its road over the road-  
3 bed or location of any other railroad, or take its property  
4 except to cross the same.

SECT. 12. When said company shall have acquired the  
2 charter which was granted to the Bangor and Piscataquis  
3 Railway Company under chapter three hundred sixty of  
4 the Special Laws of the legislature of eighteen hundred  
5 seventy-seven, it shall have the same right to construct  
6 and maintain a railroad from some point in Old Town or  
7 between Old Town and some point in Foxcroft on the line  
8 of the Bangor and Piscataquis Railroad to some point at  
9 tide water in the city of Bangor, that the said Bangor and  
10 Piscataquis Railway Company acquired under said charter.

11 And said railroad company is hereby authorized to issue  
12 certificates of stock and bonds upon this section of said  
13 railroad for the purpose of constructing and maintaining  
14 this section of said railroad in such manner as may be  
15 provided by the directors of said company, and to secure  
16 such stock or bonds by a mortgage upon said railroad and  
17 its franchise which shall take precedence of all other liens  
18 upon said railroad and its franchise.

SECT. 13. It is further provided herein, that after this  
2 company shall have acquired the charter granted to the  
3 Bangor and Piscataquis Railroad Company under chapter  
4 three hundred sixty of the special laws of the legislature  
5 of eighteen hundred seventy-seven as herein provided that  
6 the said Bangor and Piscataquis Railroad Company may  
7 at any time thereafter re-acquire of the Penobscot and  
8 Aroostook Railroad Company that part or any other part  
9 or all of said Penobscot and Aroostook Railway as may  
10 be agreed upon by the two companies, by lease, purchase  
11 or otherwise, all the charter rights of said Penobscot and  
12 Aroostook Railroad Company or any part thereof upon  
13 such terms as may be agreed upon by the two corporations.

SECT. 14. This act shall take effect when approved.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 5, 1891. }

Tabled pending reference to committee by Mr. PORTER of Bangor,  
and ordered printed.

W. S. COTTON, *Clerk.*