

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Ninth Legislature.

SENATE.

No. 89.

STATE OF MAINE.

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

AN ACT to incorporate the Patten, Allagash and Northern Rail-
road Company.

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

Section 1. Albert A. Burleigh, Preston N. Burleigh, Parker
2 P. Burleigh, Everett E. Burleigh, Harry R. Burleigh, Parker C.
3 Newbegin and their associates, successors and assigns, are here-
4 by created a body corporate by the name of the Patten, Allagash
5 and Northern Railroad Company, with all the powers, privileges
6 and immunities, and subject to all the duties and liabilities pro-
7 vided in the general laws respecting railroads, not inconsistent
8 with the express provisions of this act.

Sect. 2. Said corporation is authorized to survey, locate, 2 construct, maintain, operate, alter and keep in repair a railroad 3 of standard gauge, commencing at and connecting with the 4 Patten and Sherman Railroad at some convenient point in the 5 town of Patten, in the county of Penobscot, and extending in 6 a northwesterly direction by the most feasible route through 7 the counties of Penobscot and Piscataquis to a point on the 8 Allagash river in township ten, range thirteen, a total distance 9 of about seventy miles. Said proposed line passes through the 10 towns of Patten and Mount Chase; unorganized township six, 11 range six; five and six, range seven; and six, range eight, all 12 in Penobscot county; also, unorganized townships six and 13 seven, range nine; six and seven, range ten; seven and eight, 14 range eleven; seven, eight, nine and ten, range twelve; eight, 15 nine and ten, range thirteen, all in Piscataquis county.

Sect. 3. Said corporation is authorized and empowered to 2 operate its railroad by steam, electricity or any other motive 3 power; provided, however, that said corporation may operate 4 its railroad for the transportation of freight and forest products 5 only; provided, that if the railroad commissioners, after inspec- 6 tion of said railroad, find that it is safe for public travel, they 7 may grant a certificate for the carrying of passengers and may 8 limit the speed that trains carrying passengers may be run; 9 provided, also, that said corporation shall not be bound to run 10 regular trains between the fifteenth day of May and the fifteenth 11 day of October; but on petition of any ten citizens residing in 12 any county through which said railroad runs the railroad com- 13 missioners, after hearing, due notice of which shall be given to 14 said corporation and petitioners, may determine what service, 15 if any, shall be established on said railroad and shall certify 16 the same to said corporation.

Sect. 4. Said corporation may under the direction of the 2 railroad commissioners, survey, locate, construct, maintain,

3 alter and keep in repair branch railroad lines or logging roads,
4 for the purpose of hauling logs and lumber, and abandon said
5 branch lines and take up and remove the rails and other
6 materials placed there for the convenient operation of said
7 branch lines when in the interest of the corporation, the direct-
8 ors may deem it advisable, subject to the approval of the rail-
9 road commissioners.

Sect. 5. Said corporation is hereby granted the right to pur-
2 chase and hold water privileges and other real estate for the
3 purpose of erecting and maintaining power houses for the gen-
4 erating of electricity or other motive power; also, for the loca-
5 tion, construction, repair and convenient use of its railroad, the
6 right to purchase, or take and hold, as for public uses, land
7 and all material in and upon it. The land so taken shall not
8 exceed six rods in width for its main line and three rods in
9 width for logging branches, except when greater width is neces-
10 sary for the purpose of excavation and embankments and for
11 side tracks and buildings, as provided by law; and provided,
12 also, that in all cases said corporation shall pay for such lands,
13 estates and materials, such price as they and the owner or
14 owners thereof may mutually agree upon, and in case said
15 parties shall not otherwise agree, the said corporation shall pay
16 such damages as may be ascertained and determined as pro-
17 vided in the general laws respecting railroads; provided that
18 the land taken for branch lines shall revert to the owner or
19 owners thereof, in case the corporation shall abandon and
20 remove the rails from any of its branch lines built for logging
21 purposes, as herein provided.

Sect. 6. From and during a period of twenty-five years from
2 and after the passage of this act, no railroad shall be built in
3 this state, parallel to the main line of the Patten, Allagash and
4 Northern Railroad, which shall at any point on its line, be less
5 than ten miles from the main line of the Patten, Allagash and

6 Northern Railroad as finally built; provided said Patten, Alla-
7 gash and Northern Railroad Company shall within five years
8 from and after the passage of this act have built its line of rail-
9 road from Patten to some point on the Allagash river. It being
10 the intention of this act to prevent the paralleling of the line of
11 the Patten, Allagash and Northern Railroad, but not to pro-
12 hibit the building of any railroad which may in good faith be
13 built to connect with or cross said railroad without running in
14 the same general direction.

Sect. 7. Said corporation is hereby authorized to own, con-
2 struct, maintain and operate a line or lines of telegraph and
3 telephone upon and along its lines of railroad with power to
4 establish tolls on said line or lines. It is also authorized and
5 empowered to connect its line or lines with those of any other
6 telegraph or telephone company or corporation or to sell or
7 lease its line or lines of telegraph and property and telephone
8 and property, either before or after completion, to any other
9 telegraph or telephone company or corporation upon such terms
10 as may be mutually agreed upon, which sale or lease shall be
11 binding upon the parties; or may purchase or lease any other
12 line or lines of telegraph or telephone upon such terms as may
13 be mutually agreed upon.

Sect. 8. The capital stock of said corporation shall not be
2 less than six thousand dollars for every mile of road proposed
3 to be constructed, to be divided into shares of one hundred dol-
4 lars each; but it may be increased from time to time, as pro-
5 vided in section five of chapter fifty-one of the Revised Statutes.

Sect. 9. Said corporation shall have two years in which to
2 complete and file the location of said railroad; provided, how-
3 ever, that they may proceed with the construction of any por-
4 tion of said line having first presented to the board of railroad
5 commissioners a petition for approval of location, accompanied
6 with a map of such portion of said line about to be constructed,

7 upon an appropriate scale and with a profile of the line on the
8 relative scales of profile paper in common use, and with a report
9 and estimate prepared by a skillful engineer from actual sur-
10 vey. The board of railroad commissioners shall, on presenta-
11 tion of such petition appoint a day for a hearing thereon, and
12 the petitioners shall give such notice thereof as said board
13 deems reasonable and proper in order that all persons may have
14 an opportunity to appear and object thereto. If the board of
15 railroad commissioners, after hearing the petition, approves
16 the proposed location, the corporation may proceed with the
17 construction thereof; provided, that they first file with the clerk
18 of the county through which such portion of said road, about to
19 be constructed, passes, a plan of the same defining its courses,
20 distances and boundaries, and another copy of the same with
21 the railroad commissioners, but the location so filed shall not
22 vary except to avoid expense of construction, from the route
23 first presented to said board of commissioners, unless said
24 variation is approved by them; and said location together with
25 any variation made therein shall be filed within one year from
26 the time of the approval of said location in the office of secre-
27 tary of state; provided, also, that a majority of the directors
28 file with said railroad commissioners a certificate under oath,
29 signed by them, that capital stock to the amount of six thou-
30 sand dollars per mile, for every mile of said road about to be
31 constructed, has been subscribed in good faith by responsible
32 parties and that five per cent thereof has been paid in, in cash,
33 to the treasurer of said corporation.

Sect. 10. The state land agent is hereby authorized, empow-
2 ered and directed, when thereto requested by said corporation,
3 to execute to said company, for a nominal consideration on
4 behalf of the state, a deed of right of way, six rods wide, over
5 such public lots owned by the state as are crossed by the railroad

6 of said company ; the center line of said six rods to be the center
7 line of the location of said railroad.

Sect. 11. The first meeting of said corporation may be called
2 by any two of said corporators giving notice in writing to their
3 several associates ; and said corporation may make such by-laws.
4 as are proper and not inconsistent with the laws of the state.

Sect. 12. The officers of said corporation shall consist of a
2 board of directors, president, clerk, treasurer and such other
3 officers as may be provided in the by-laws. The powers and
4 duties of the officers shall be such as prescribed in the by-laws.

Sect. 13. The corporation is hereby invested with power to
2 to make connection with the Patten and Sherman Railroad on
3 such terms as the members may deem expedient and proper ;
4 also to acquire by lease, purchase or otherwise, the property
5 and franchises of said railroad ; also, to enter into a contract
6 with the Patten and Sherman Railroad Company for the opera-
7 tion of its railroad and branch lines upon such terms as it may
8 determine.

Sect. 14. Said corporation is hereby authorized to make issue
2 and secure, by first mortgage of all and singular its property
3 real and personal, including its railroad and the branch lines
4 authorized by this act, its equipment and appurtenances, and
5 all its rights, privileges, franchises, and easements, as it may
6 here deem best, or such connecting line of railroad, rights,
7 privileges, franchises and easements, as it may hereafter acquire
8 by lease or otherwise, or such part or parts of its said property,
9 railroad equipment, appurtenances, rights, privileges, and ease-
10 ments, as it may deem best, bonds in such sum and to such an
11 amount as the stockholders and directors may determine. The
12 corporation is also authorized to provide a sinking fund or
13 funds for the payment of said bonds, so issued.

Sect. 15. Said corporation shall have the right to extend its
2 main line, as provided in the general laws of the state, and all

3 the provisions of this act shall apply to all extensions so
4 made.

Sect. 16. The corporation shall make payment to the state
2 the fees required by section three of chapter fifty-one of the
3 Revised Statutes, and the same shall be in full for all fees.

Sect. 17. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, March 2, 1899.

Reported by Mr. HEALD from Committee on Railroads, Telegraphs
and Expresses, and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*