

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-EIGHTH LEGISLATURE

OF THE

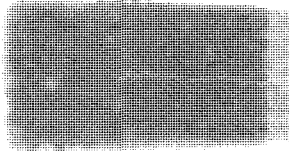
STATE OF MAINE.

1859.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February  
26, 1840, and March 16, 1842.  
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1859.



PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1859.

vary the location of its line, in such manner as best to effectuate the purpose of building the railroad between the two termini, still locating and constructing it through the towns named in the charter, and the town of Lyman.

SECT. 3. Such locations as said corporation has made by way of amendment of its line, and such new locations as said corporation has made between the termini, and conforming to the terms and conditions of the second section of this act, since September, in the year of our Lord one thousand eight hundred and fifty-eight, are hereby authorized, confirmed and ratified.

[Approved March 14, 1859.]

CHAP. 299.

Certain locations made valid.

Chapter 299.

An act to incorporate the Arroostook and St. Andrews Branch Railroad Company.

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

SECT. 1. Shepard Cary, J. V. Putnam, Theodore Cary, Zebulon Ingersol, James C. Madigan, T. P. Packard, Benjamin L. Staples, Rufus Mansur, Jeremiah Trueworthy, Leonard Pierce, Charles M. Herrin, Nelson Herrin, B. B. Smith, A. P. Heywood, John Lovering, John McClusky, Eben Woodbury, George B. Page, E. D. French, Luther Snell and Timothy Frisbee, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Arroostook and St. Andrews Branch Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall enjoy all proper remedies at law or in equity, to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted, and to prevent all invasion thereof, or interruption in exercising and performing the same. And the said corporation is hereby authorized and empowered to locate and construct, and finally complete, alter and keep in repair, a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains and all other necessary appendages, from some point in the town of Houlton to some point on the east line of the state. And said corporation shall be, and hereby is invested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, as herein set forth. And for this purpose, said corporation shall have the right to take and hold, or to purchase so much of the land and

Corporators.

Corporate name.

Rights, privileges, &c.

Authorized to locate and construct, &c.

Location.

Powers, privileges, &c.

May take and hold land, &c.

CHAP. 299.

other real estate of private persons and corporations as may be necessary for the location, construction, and convenient operation of said railroad; and shall also have the right to take, remove and use for the construction and repair of said road and appurtenances any earth, gravel, stone, timber or other materials, on or from the land so taken; *provided however*, the land so taken shall not exceed six rods in width except where greater width is necessary for the purpose of excavation and embankment. *And provided also*, in all cases said corporation shall pay for such lands, estate or materials, such price as they and the respective owner or owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county of Aroostook, in the same manner and under the same conditions as are by law provided in the case of laying out highways. And the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such lands and other property; and in case said railroad shall pass through any woodland or forests, the said company shall have the right to remove or fell any of the trees standing thereon within four rods from such road, which by their liability to be blown down, or from their natural falling might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of the other damages recovered in this act. *And furthermore*, said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities provided respecting railroads in chapter fifty-one of the revised statutes, not inconsistent with the express provisions of this charter, and subject also to all the provisions of chapter thirty-six of the laws of eighteen hundred fifty-eight, relating to the safety and convenience of travelers on railroads.

SECT. 2. The capital stock of said corporation shall consist of not less than two hundred and fifty shares, nor more than one thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in five, seven or nine directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall be a quorum for the transaction of business; and they shall elect one of their number to be president of the board, and he shall be also president of the corporation, and shall

— may remove and use earth, &c.

Proviso.

Further proviso.

Damages, how determined.

Application when to be made.

Authorized to remove or fell trees.

— to pay just compensation.

Further powers and privileges.

Capital stock.

Shares.

Directors.

President.

have authority to choose a clerk and a treasurer, who shall give bonds to the corporation in the sum of ten thousand dollars for the faithful discharge of his trust. And any ten of the persons named in the first section of this act are hereby authorized, at a meeting holden for that purpose, with or without notice, to accept this act and organize the said corporation.

CHAP. 299.

Clerk and treasurer.
Organization.

SECT. 3. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations consistent with the constitution and the laws of this state, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

By-laws.

SECT. 4. The president and directors for the time being, are hereby authorized and empowered by themselves or their agents to exercise all the powers herein granted to the corporation for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines and cars, and other necessary things in the name of the corporation, for the use of said road, and for the transportation of persons, goods and property of all description; to make such equal assessments from time to time on all the shares in said corporation, as they may deem it necessary and expedient in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale; and shall be entitled to the overplus if his share or shares shall sell for more than the assessments due with interest and costs of sale. *Provided however*, that no assessments shall be laid upon any share in said corporation of a greater amount in the whole than one hundred dollars.

President and directors, powers, duties, &c.

— may purchase and hold land, &c.

— may make assessments.

Treasurer to give notice of assessments.

Shares of delinquent subscribers, how disposed of.

Proviso.

SECT. 5. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all

Toll.

CHAP. 300.

Transportation, construction, &c.

descriptions which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the forms of cars and carriages, the weights of loads, and all other matters and things in relation to said road shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Annual meeting.

SECT. 6. The annual meeting of the members of said corporation shall be holden on the first Monday of November, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint; at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy, being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Directors, election of.

— may call special meetings.

Connection with other roads.

Authorized to lease road.

SECT. 7. The corporation is hereby invested with power to make connections with any other road or roads, and on such terms as the members may deem expedient and proper; and it is hereby authorized to lease the road, either before or after it shall have been completed, on such terms and for such time as the members at a meeting regularly called for that purpose shall determine.

Company, organization and location of limited.

SECT. 8. If the corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of Aroostook county, on or before the first day of July, in the year of our Lord one thousand eight hundred and sixty-one, and if the corporation shall fail to complete said railroad on or before the first day of July, in the year of our Lord one thousand eight hundred and sixty-three, then this act shall be null and void.

[Approved March 15, 1859.]

Chapter 300.

An act to amend an act, additional to an act, incorporating the Proprietors of the Gardiner and Pittston Bridge.

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

Act approved March 27, 1858, amended.

SECT. 1. The first section of the act, additional to an act, incorporating the Proprietors of the Gardiner and Pittston Bridge, approved the twenty-seventh day of March, eighteen hundred and fif-