

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTIETH LEGISLATURE,

OF THE

STATE OF MAINE.

1871.

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1871.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1871.

Chapter 541.**CHAP. 541.**

An act to incorporate the Penobscot and Lake Megantic Railroad Company.

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

SECT. 1. George E. R. Burpee, J. H. Rice, John G. Smith, George K. Jewett, J. H. Pope, Llewellyn Powers, Noah Woods, Richard D. Rice, A. T. Galt, Lewis Barker, James W. Emery, Arad Thompson, A. Brooks, James F. Rawson, Hannibal Belcher, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Penobscot and Lake Magantic Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall be entitled to all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges conferred by this act and in the performance of the duties hereinafter imposed and enjoined, and to prevent all invasion thereof, or interruption in exercising and performing the same, and shall be subject to all duties and liabilities imposed upon similar corporations by the laws of the state.

•Corporators.

Corporate name.

Rights and privileges.

SECT. 2. The said corporation is hereby fully empowered to survey, locate, construct, complete, alter, equip, and keep in repair a railroad, with one or more tracks, and all necessary buildings, tunnels, viaducts, turnouts, side tracks, culverts, bridges, drains, and all other needful appendages and appurtenances, from some point on the line of the European and North American Railway between the Passadumkeag and Mattawamkeag rivers, to the Bangor and Piscataquis Railroad, in the town of Orneville or Milo, and there connect with the last named railroad, and thence from some point on the Bangor and Piscataquis Railroad, between its present termination in the town of Foxcroft or Abbot, when finished to Abbot and Moosehead lake, to some point on the west line of the state between township numbered three, in the fifth range of townships and the north branch of Moose river, and there connect with the St. Francis and Lake Megantic International Railroad, or any other railroad which may be constructed from Lenoxville, in the province of Quebec, eastwardly to said state line.

Right to survey, locate, &c.

Route.

SECT. 3. Said corporation is hereby invested with all the powers, privileges and immunities, which may be necessary to carry into effect the object and purposes of this act, and to this end it shall have the right to take or to purchase and hold or assign and convey the same, so much of the land and other real estate of private persons or corporations as may be found necessary or convenient for the location, construction and convenient operation of said railroad; and shall also have the right to take,

Powers, privileges, &c.

Lands, right of construction, &c.

CHAP. 541. remove and use, for the construction and also for the repair of said railroad and its 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 or embankment; *and provided, also*, in all cases said corporation shall pay for such lands, estate or materials, such price as they and the owner or owners thereof may mutually agree upon; and in case said parties shall not agree as to the price to be paid, then the said corporation shall pay, in any given case, such damages as shall be ascertained and determined by the county commissioners of the several counties in which such lands or estates or materials may be situated, in the same manner and under the same conditions as are by law provided in the case of laying out highways. The lands so taken by said corporation shall be held by it in like manner as lands taken and appropriated for highways.

Damages, &c., to be determined by county commissioners.

Application to commissioners to be made within three years.

Trees, removal of, and compensation for same.

SECT. 4. No application to said county commissioners to estimate damages, as provided in the preceding section, shall be sustained unless made within three years from the time of taking such land and other property; and in the event that said railroad shall pass through any woodland or forest, said corporation shall have the right to remove or fell any tree or trees standing on such woodland or in such forest within four rods of such railroad which may be liable to be blown down upon its track and thereby obstruct or impair the same, by paying therefor a just and reasonable compensation in each case, to be determined and recovered, in the event of disagreement between the parties, in the same manner provided in this act for the determination and recovery of other damages.

Capital stock and shares.

Government and affairs to be vested in board of directors.

Directors, appointment of, and term of office.

Quorum.

President.

Clerk and treasurer.

SECT. 5. The capital stock of said corporation shall consist of not less than one thousand shares of one hundred dollars each, par value, but the number of such shares may be from time to time increased, at the discretion of the stockholders, to an amount not exceeding fifty thousand shares. The entire government and direction of the affairs of said corporation shall be vested in a board of directors, to consist of not more than seven members, and not less than three, which members shall be stockholders in said corporation and shall be chosen or appointed in the manner hereinafter provided, and shall hold their offices respectively until others shall be appointed to take their places. A majority of said board shall be a quorum for the transaction of business, and they shall elect one of their number to be president of the board, who shall also be president of the corporation; and they shall also choose a clerk and treasurer, which latter officer shall be required

to give bond to the corporation, in such sum as the directors may determine, for the faithful discharge of his trust.

SECT. 6. The directors for the time being are hereby duly authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, relating to the location, construction, completion and equipping of said railroad, and to the transportation of persons, goods and property on and over the same; and also 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 charter. They may, in the name of the corporation and for its use, purchase, take and hold, and convey all such lands, materials, engines, cars, property and other things, as they may find necessary, convenient, or useful in the construction, completion and equipment of said railroad, or which may aid in obtaining funds and means for the construction, completion and equipment thereof, and may apply all proceeds arising therefrom to the construction, completion and equipment of said railroad. They may make, from time to time, such equal assessments upon all the shares of stock in said corporation as they may deem expedient and necessary as the work progresses; no share, however, being liable in any event to assessment amounting in the whole to more than one hundred dollars. They may establish rules for the government of their own proceedings, and may fill any vacancy which may occur in their own board subsequent to the regular annual meeting.

Powers of directors.

Transportation of persons, goods and property.

Assessments.

Rules.

Vacancies.

SECT. 7. For the purpose of raising means and funds to accomplish the objects and purposes of this act, said corporation is hereby authorized to make and issue its bonds in such form and manner and payable at such time as the directors may, under the circumstances, deem advisable, and it may secure the principal and interest of said bonds by a mortgage of its railroad and all its lands, property, rights, privileges and franchises then possessed, held or owned, or thereafter acquired by said corporation, made to such persons as trustees, and in such form and manner as the directors may appoint and prescribe.

Bonds, issue of, authorized.

Mortgage.

SECT. 8. The treasurer shall give notice in the manner 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 or shares, the directors may order the treasurer to sell such share or shares at public auction to the highest bidder, after giving such reasonable notice of the time and place of sale as the directors may prescribe, and such share or shares shall be duly transferred to the purchaser, and such delinquent stockholder shall be held accountable to the corporation for the balance, if such share or shares shall sell for a less amount

Notice of assessments to be given by treasurer.

Remedies against delinquent stockholders.

CHAP. 541. than the assessments due thereon with interest and cost 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.

Toll on passengers and property.

SECT. 9. A toll is hereby granted and established, for the sole benefit of said corporation, upon all passengers 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 transportation of persons and property, the forms and construction of cars, the weight of loads and all other matters and things relating to the equipment, running and management of said railroad shall be in conformity with such rules and regulations as the directors may, from time to time prescribe. The legislature may authorize any other railroad company to make connection with the railroad of this company at any point on the line of its route, and no discrimination in the rates of freight or passengers shall be made by this corporation, nor by any party or parties who may operate its line of railroad, or any part thereof, against railroad corporations having the right to connect with the railroad of this company, but all passengers and all freight coming from, or going to such connecting railroads shall be transported promptly, and at the same rates of toll and freights charged by said corporation for transportation, commencing and terminating on its own line of railroad.

Transportation of property, the construction and form of rolling stock, &c., how regulated.

Connections.

By-laws.

SECT. 10. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent with the constitution and laws of this state, for its own government, and for the due and orderly conducting of its affairs, and management of its property; and it is also hereby authorized and empowered to make connection with any other railroad corporation, or to lease its line of railroad and property, either before or after its completion, to any other railroad company, upon such terms as may be mutually agreed upon, which lease shall be binding upon the parties for the time named therein.

May lease its line or make connections with other roads.

Annual meeting.

SECT. 11. The annual meeting of said corporation shall be holden at such time as the by-laws shall prescribe, and at such place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each stockholder by himself or his proxy being entitled at such meetings of the corporation 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 proper and expedient. Notice of all meetings of the stockholders shall be given in such manner as the by-laws shall require or as the directors for the time being shall order.

Proxy, &c.

Notice of meetings.

CHAP. 541.

SECT. 12. All real estate purchased by said corporation, except the line of its railroad and right of way, shall be taxable to said corporation in the towns in which it may be situated, in the same manner as real estate owned by private persons in the same localities, and not otherwise; and the shares owned by the stockholders shall be deemed personal property, and taxable as such, to the respective owners thereof in the places where they reside and have their homes.

Real estate,
where taxable.

Tax on shares.

SECT. 13. This corporation is hereby authorized and empowered to purchase the railroad, property, rights, privileges and franchises of the Bangor and Piscataquis Railroad Company, and the latter company is hereby authorized and empowered to sell the same to this corporation, upon such terms and conditions and at such price as may be agreed upon by said parties, subject to the existing mortgage of said Bangor and Piscataquis Railroad Company; and upon such sale being made and a conveyance thereof accordingly by such mode and kind of conveyance as may be agreed upon by said parties, all its railroad, property, rights, privileges and franchises shall thereby be incorporated in, amalgamated with, and become a part of the railroad property, rights, privileges and franchises of this corporation.

B. and P. Rail-
road, purchase
and sale of,
authorized.

SECT. 14. Any five of the corporators named in the first section of this act are hereby authorized to call a meeting of the corporators for the purpose of accepting this act, and making a preliminary organization of the corporation; and at such meeting they may determine when and in what manner books shall be opened for subscription to stock, and how subsequent meetings of the corporation shall be called and notified, and may transact any other business which may be deemed necessary in carrying forward and completing the organization of the corporation. The attendance of five of the corporators shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day or to a time certain.

Meeting may be
called by any five
of the corporators.

Subscription
books.

Quorum.

SECT. 15. If said corporation shall not be organized, and a location of its line according to actual survey shall not be filed with the county commissioners of the several counties through which the railroad shall pass, on or before the first day of January, eighteen hundred and seventy-five, or if said corporation shall fail to complete said railroad on or before the first day of January, eighteen hundred and eighty, then in either of the abovementioned cases this act shall be null and void as to all that part of said railroad not completed and finished on or before the date last above named.

Organization,
location and
survey.

SECT. 16. This act shall take effect when approved.

Approved February 2, 1871.