

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1899.

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Form of construction, rails and grade shall be approved by municipal officers.

—changes in grade shall be at expense of corporation.

Section 18, repealed.

‘Section 12. Said railway shall be constructed and maintained in such form and manner and with such rails and other appliances as may be deemed necessary by the corporation and may be approved by the municipal officers of said city and said towns respectively, and upon such grades as the municipal officers of said city or towns respectively may direct; and whenever in the judgment of said corporation it shall be deemed necessary to alter the grade of any street, town road or highway, said alteration may be made at the expense of said corporation, provided, the same shall be assented to in writing by the municipal officers of said city or of said towns respectively.’

Section 6. Section eighteen of said chapter five hundred and nine is hereby repealed.

Section 7. This act shall take effect when approved.

Approved March 11, 1899.

Chapter 137.

An Act to incorporate the Patten, Allagash and Northern Railroad Company.

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

Corporators.

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

—corporate name.

—powers and privileges.

Authorized to construct a railroad.

—route.

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

Section 3. Said corporation is authorized and empowered to operate its railroad by steam, electricity or any other motive power; provided, however, that said corporation may operate its railroad for the transportation of freight and forest products only; provided, that if the railroad commissioners, after inspection of said railroad, find that it is safe for public travel, they may grant a certificate for the carrying of passengers, and may limit the speed that trains carrying passengers may be run; provided, also, that said corporation shall not be bound to run regular trains between the fifteenth day of May and the fifteenth day of October; but on petition of any ten citizens residing in any county through which said railroad runs the railroad commissioners, after hearing, due notice of which shall be given to said corporation and petitioners, may determine what service, if any, shall be established on said railroad, and shall certify the same to said corporation.

Motive power.

—may carry passengers when railroad commissioners find it safe for travel.

—when trains shall be run.

Section 4. Said corporation may under the direction of the railroad commissioners, survey, locate, construct, maintain, alter, and keep in repair branch railroad lines or logging roads, for the purpose of hauling logs and lumber, and abandon said branch lines and take up and remove the rails and other materials placed there for the convenient operation of said branch lines when in the interest of the corporation, the directors may deem it advisable, subject to the approval of the railroad commissioners.

May build branches.

Section 5. Said corporation is hereby granted the right to purchase and hold water privileges and other real estate for the purpose of erecting and maintaining power houses for the generating of electricity or other motive power; also, for the location, construction, repair and convenient use of its railroad, the right to purchase, or take and hold, as for public uses, land and all material in and upon it. The land so taken shall not exceed six rods in width for its main line and three rods in width for logging branches, except when greater width is necessary for the purpose of excavation and embankments and for side tracks and buildings, as provided by law; and provided, also, that in all cases said corporation shall pay for such lands, estates and materials, such price as they and the owner or owners thereof may mutually agree upon, and in case said parties shall not otherwise agree, the said corporation shall pay such damages as may be ascertained and determined as provided in the general laws respecting railroads; provided that the land taken for branch lines shall revert to the owner or owners thereof, in case the corporation shall abandon and remove the rails from any of its branch lines built for logging purposes, as herein provided.

May hold water privileges.

—take land.

—damages, how ascertained in case of disagreement.

—land shall revert to owners in case it is abandoned.

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Exclusive right for twenty-five years.

—when road must be built.

May operate lines of telegraph and telephone.

—may connect with other lines or lease and sell.

Capital stock.

Location must be completed in two years.

—may proceed with construction of a portion of said road, on petition for approval by commissioners.

Section 6. From and during a period of twenty-five years from and after the passage of this act, no railroad shall be built in this state, parallel to the main line of the Patten, Allagash and Northern Railroad, which shall at any point on its line, be less than ten miles from the main line of the Patten, Allagash and Northern Railroad as finally built; provided said Patten, Allagash and Northern Railroad Company shall within five years from and after the passage of this act have built its line of railroad from Patten to some point on the Allagash river. It being the intention of this act to prevent the paralleling the line of the Patten, Allagash and Northern Railroad, but not to prohibit the building of any railroad which may in good faith be built to connect with or cross said railroad without running in the same general direction.

Section 7. Said corporation is hereby authorized to own, construct, maintain and operate a line or lines of telegraph and telephone upon and along its lines of railroad, with power to establish tolls on said line or lines. It is also authorized and empowered to connect its line or lines with those of any other telegraph or telephone company or corporation, or to sell or lease its line or lines of telegraph and property and telephone and property, either before or after completion, to any other telegraph or telephone company or corporation upon such terms as may be mutually agreed upon, which sale or lease shall be binding upon the parties; or may purchase or lease any other line or lines of telegraph or telephone upon such terms as may be mutually agreed upon.

Section 8. The capital stock of said corporation shall not be less than six thousand dollars for every mile of road proposed to be constructed, to be divided into shares of one hundred dollars each; but it may be increased from time to time, as provided in section five of chapter fifty-one of the revised statutes.

Section 9. Said corporation shall have two years in which to complete and file the location of said railroad; provided, however, that they may proceed with the construction of any portion of said line having first presented to the board of railroad commissioners a petition for approval of location, accompanied with a map of such portion of said line about to be constructed, upon an appropriate scale and with a profile of the line on the relative scales of profile paper in common use, and with a report and estimate prepared by a skillful engineer from actual survey. The board of railroad commissioners shall, on presentation of such petition appoint a day for a hearing thereon, and the petitioners shall give such notice thereof as said board deems reasonable and proper in order that all persons may have an opportunity

to appear and object thereto. If the board of railroad commissioners, after hearing the petition, approves the proposed location, the corporation may proceed with the construction thereof; provided, that they first file with the clerk of the county through which such portion of said road, about to be constructed, passes, a plan of the same, defining its courses, distances and boundaries, and another copy of the same with the railroad commissioners, but the location so filed shall not vary except to avoid expense of construction, from the route first presented to said board of commissioners, unless said variation is approved by them; and said location together with any variation made therein shall be filed within one year from the time of the approval of said location in the office of secretary of state; provided, also, that a majority of the directors file with said railroad commissioners a certificate under oath, signed by them, that capital stock to the amount of six thousand dollars per mile, for every mile of said road about to be constructed, has been subscribed in good faith by responsible parties and that five per cent thereof has been paid in, in cash, to the treasurer of said corporation.

—proceedings before board of commissioners.

Section 10. The state land agent is hereby authorized, empowered and directed, when thereto requested by said corporation, to execute to said company, for a nominal consideration on behalf of the state, a deed of right of way, six rods wide, over such public lots owned by the state as are crossed by the railroad of said company; the center line of said six rods to be the center line of the location of said railroad.

Right of way through public lots.

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

First meeting, how called.

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

Officers.

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

Authorized to connect with Patten and Sherman railroad.

Section 14. Said corporation is hereby authorized to make, issue and secure, by first mortgage of all and singular its prop-

May issue bonds and mortgage property.

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erty, real and personal, including its railroad and the branch lines authorized by this act, its equipment and appurtenances, and all its rights, privileges, franchises and easements, as it may here deem best, or such connecting line of railroad, rights, privileges, franchises and easements, as it may hereafter acquire by lease or otherwise, or such part or parts of its said property, railroad equipment, appurtenances, rights, privileges and easements, as it may deem best, bonds in such sum and to such an amount as the stockholders and directors may determine. The corporation is also authorized to provide a sinking fund or funds for the payment of said bonds, so issued.

—sinking fund.

Section 15. Said corporation shall have the right to extend its main line, as provided in the general laws of the state, and all the provisions of this act shall apply to all extensions so made.

Authorized to extend main line.

Section 16. The corporation shall make payment to the state the fees required by section three of chapter fifty-one of the revised statutes, and the same shall be in full for all fees.

Fees.

Section 17. This act shall take effect when approved.

Approved March 15, 1899.

Chapter 138.

An Act to amend the charter of the Augusta Safe Deposit and Trust Company.

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

Section 1. Section three of chapter four hundred and ten of the private and special laws for the year eighteen hundred and ninety-three, is hereby amended by adding thereto the following: 'And to guarantee titles to real estate, and the legality and regularity of corporate stocks and bonds,' so that said section, as amended, shall read as follows:

Section 3, chapter 410, special laws 1893, amended.

Purposes.

'Section 3. The purposes of said corporation and the business which it may perform, are; first, to receive on deposit, money, coin, bank notes, evidences of debt, accounts of individuals, companies, corporations, municipalities and states, allowing interest thereon, if agreed, or as the by-laws of said corporation may provide; second, to borrow money, to loan money on credits or real estate or personal security, and to negotiate loans and sales for others, to guarantee the payment of the principal and interest of all obligations secured by mortgages of real estate running to said Augusta Safe Deposit and Trust Company, to issue its own bonds or obligations based