

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1833.

STATE OF MAINE.

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

AN ACT to incorporate the Bangor and Piscataquis Canal and Rail-road Company.

SEC. 1. *Be it enacted by the Senate and*
2 House of Representatives, in Legislature as-
3 sembled, That Moses Greenleaf, Henry W.
4 Fuller, Benjamin P. Gilman, Joseph Lee,
5 Francis Brown, Ebenezer Greenleaf, Stephen
6 Palmer, David Shepherd, Mark G. Pitman,
7 and Henry K. Adams, their associates, succes-
8 sors and assigns, be, and they hereby are, made
9 a body politic and corporate by the name of the
10 Bangor and Piscataquis Canal and Rail-road
11 Company;—with all the powers and privileges
12 incident to similar corporations, so far as may be
13 necessary to carry into effect all the purposes of
14 this Act.

SEC. 2. *Be it further enacted,* That the
2 powers of said Company shall, except at any
3 legal meeting thereof, be vested in and exercised
4 by a President and not less than five Directors,
5 a majority of whom shall be a quorum. The
6 Directors may be chosen at the first meeting of
7 the Company, and afterwards shall be chosen
8 annually, at such time as their by-laws may
9 determine, and, as also all other officers, shall,
10 unless sooner removed, hold their offices for one
11 year, and until others are chosen and qualified
12 in their stead.

SEC. 3. *Be it further enacted,* That the
2 Directors shall annually, from their own num-
3 ber, elect a President, and may from any
4 members of the Company elect a Vice Presi-
5 dent, Secretary, Treasurer, and any other offi-
6 cers, as their by-laws may prescribe; and may
7 also remove them at pleasure and fill all vacan-
8 cies at any time. The company may also re-
9 move and fill vacancies in the board of Direct-

10 ors, and any other offices; and limit and direct
11 the exercise of their powers.

SEC. 4. *Be it further enacted,* That said
2 Company may survey, lay out and mark, con-
3 struct, alter, maintain, improve, enlarge, repair
4 and rebuild a Rail-road or roads, with one or
5 more sets of rails or tracks, with all suitable
6 bridges, viaducts, turn outs, culverts, drains, and
7 all other necessary appendages to form a line of
8 communication from any place or places on or
9 near the tide-waters of Penobscot river, in the
10 town of Bangor, or any other place on said tide-
11 waters, to any or all of the quarries or natural
12 deposits of slate in the town of Williamsburgh,
13 either by a continued line of Rail-road, or by
14 interrupted lines connecting with any other nat-
15 ural or artificial communications; provided that
16 they shall not connect their Rail-roads with any
17 other artificial communication without the con-
18 sent of the proprietors thereof; and they may
19 also, either by continued or interrupted lines,
20 construct branches to extend their line of com-

21 munication to any town or place on or near the
22 waters of the Piscataquis, Sebec, or Pleasant
23 rivers, or their respective branches, and to any
24 other place or places in the counties of Penob-
25 scot or Somerset.

And, for the purposes aforesaid, and for the
27 convenient accommodation of said Rail-roads
28 and their appurtenances, and of the persons and
29 property which may be transported thereon or
30 connected therewith, the said Company may
31 enter upon, take, use and occupy any lands or
32 other real estate which they shall find necessary ;
33 and they shall also have right to take, remove
34 and use, for the construction and repair of said
35 Rail-roads and appurtenances, any earth, gravel,
36 stone, timber, or other materials, on or from
37 said land so taken : *Provided*, however, that
38 the lands so taken shall not exceed three rods
39 in width from each outer side of said Rail-roads
40 or lines of communication ; and *provided*, also,
41 that in all cases said Company shall pay
42 for all such lands, estate, or materials, so taken

43 and used, such price as they and the respective
44 owners thereof may mutually agree on; and in
45 case the parties shall not otherwise agree, then
46 the said Company shall pay such damages as
47 shall be ascertained and determined in the same
48 manner, and under the same conditions and lim-
49 itations as are by law provided in the case of
50 damages by the laying out of highways.

SEC. 5. *Be it further enacted,* That said
2 Company shall have power to construct and
3 carry their Rail-roads on, over or across any
4 rivers, streams, bridges, roads, highways or
5 other roads or ways, and to construct any
6 bridges or viaducts over or under the same, and
7 may raise or lower any public or private road or
8 highway, and for the purpose of convenience in
9 constructing or repairing the same, may, for a
10 time, turn any stream or water course, but in all
11 such cases they shall, as soon as may be, restore
12 such stream or water course to its former passa-
13 ble state, as near as may be, and leave such
14 road or highway in a safe and passable state;

15 and shall pay all damages, if any there be, to any
16 party injured; to be ascertained as in this Act
17 provided for in cases of damage by taking land
18 or materials: And they shall in no case construct
19 or carry their road or other works on, over or
20 across any other road or highway, in such man-
21 ner as permanently to prevent, interrupt, or im-
22 pede the travel or transportation thereon; nor
23 shall any other road or works be authorized or
24 allowed to occupy the ground which may finally
25 be adopted for their said road or other works,
26 or to pass over or thereon in such manner as to
27 prevent, interrupt or impede the construction,
28 repair and maintenance of said Rail-roads or
29 other works, or the access to, travel or trans-
30 portation thereon.

SEC. 6. *Be it further enacted,* That said
2 Company may construct any canals, locks, dams,
3 sluices, inclined planes, machines, booms, or
4 other works which they may judge necessary to
5 improve or facilitate the transportation or com-
6 munication by water on the Piscataquis, Sebec,

7 or Pleasant rivers, or on any of the branches or
8 waters thereof; and they may use any of the
9 natural lakes, ponds, or waters flowing to any
10 part or branch of Penobscot river, as parts of
11 their lines of communication; provided that this
12 shall not be taken or construed so as to obstruct or
13 prevent any other person or persons from making
14 any lawful use of the same lakes, ponds or waters.
15 And all such canals, locks, dams, sluices, in-
16 clined planes, machines, booms, or other works,
17 shall be considered as parts of and pertaining to
18 the Rail-roads or lines of communication of said
19 Company; and said Company shall enjoy the
20 same rights, powers and privileges, and be sub-
21 ject to the same conditions and liabilities in re-
22 lation thereto, as are in this Act provided in re-
23 lation to said Rail-roads or their appurtenances.

SEC. 7. *Be it further enacted,* That said
2 Company shall have power to unite their Rail-
3 road, or any branch or part thereof, with those
4 of any other Rail-road or canal company, at

5 such points, and on such terms and conditions,
6 as the parties interested may mutually agree.

SEC. 8. *Be it further enacted,* That said
2 Company shall have power to procure, purchase,
3 and hold in fee simple, improve and use for all
4 purposes of business to be transacted on or by
5 means of said Rail-roads, Canals or other works,
6 any steam or other engines or machines, horses,
7 cars or other carriages, boats or other vehicles,
8 lands or other real estate, and the same may
9 manage, sell or otherwise dispose of as they
10 may see fit : they may also regulate and deter-
11 mine the kind and number of carriages or vehi-
12 cles which may be used on their Roads, Canals,
13 or other works; the mode of propelling them;
14 the times and rate of speed of their movements;
15 the conditions on which the same may be used
16 on said Roads, Canals or other works, and per-
17 sons and articles of any kind be conveyed on the
18 same; and may impose any fines, penalties or
19 forfeitures on any breach of their conditions, reg-

20 ulations or by-laws; *Provided*, That they shall
21 not be repugnant to the laws of the State.

SEC. 9. *Be it further enacted*, That all dam-
2 ages claimed and adjudged for the taking and use
3 of any materials, lands, or other estate, by virtue
4 of this Act, shall be estimated according to the
5 value which they possessed independently of the
6 effect of this Act; and any value which may, by
7 the effect of this Act, be added to the former
8 value of any estate, shall be considered and al-
9 lowed in offset to any damage adjudged to be
10 done to the same estate, so far as to the amount
11 of such damage, but no farther. And in all legal
12 proceedings, this Act shall be taken and consid-
13 ered to be a public Act.

And when the lands or other estate of any mar-
15 ried woman, infant, or person non compos mentis,
16 shall be taken or damaged for the purposes of this
17 Act, the husband or guardian of such persons
18 may settle, commute, or release and discharge all
19 damages or claims for damage in relation thereto,
20 in the same manner, and to the same extent, as

21 if such husband possessed or held the same in
22 his or her own right.

SEC. 10. *Be it further enacted,* That if any
2 person shall knowingly or wilfully commit any
3 act by which any part of said Rail-roads, or
4 any part of the appurtenances or property of said
5 Company shall suffer damage or impediment,
6 or by which the use, improvement, transit or
7 deposit of any property passing or to be trans-
8 ported on said Rail-roads or any branch or part
9 of said lines of communication shall be prevent-
10 ed or impeded, or such property injured or de-
11 stroyed, the person so offending shall pay treble
12 damages to all parties injured, and shall be fur-
13 ther liable to indictment and fine to the State,
14 not more than five hundred dollars, or to con-
15 finement to hard labor in the County Gaol or
16 State Prison, not more than two years, at the
17 discretion of the Court, and according to the
18 nature and aggravation of the offence.

SEC. 11. *Be it further enacted,* That the
2 capital stock of said Company may consist of

3 three hundred thousand dollars, and shall be
4 divided into shares of one hundred dollars each,
8 to be holden and considered as personal estate;
9 and each share shall entitle the owner thereof to
10 one vote, and as many votes as he has shares,
11 and he may vote, either in person or by proxy,
12 in all meetings of the Company, and all questions
13 shall be determined by the majority of votes
14 present, in person or by proxy, at any meetings.
15 And if the directors shall find that the said
16 amount of capital stock shall not be sufficient to
17 complete all the purposes authorized by this
18 Act, they may, by the creation of additional
19 shares of like amount, and subject to like condi-
20 tions with the original shares, increase their cap-
21 ital stock to such sum as they shall deem neces-
22 sary to complete said purposes : and the holders
23 of the original shares shall severally have right
24 to subscribe for and hold such additional shares,
25 in proportion to the number of original shares by
26 each respectively holden ; or they may be other-

27 wise disposed of, as the majority of the Compa-
28 ny, at any legal meeting, may determine.

SEC. 12. *Be it further enacted,* That the
2 President and Directors shall, from time to
3 time, prescribe the form of the evidence or cer-
4 tificates of shares, and the manner and conditions
5 of transferring the same; and all certificates or
6 other evidence of shares, and of transfers of the
7 same, shall be recorded on the books of the
8 Company; and no transfer of shares shall be
9 deemed complete, and valid as against creditors,
10 until the evidence thereof shall be filed with the
11 recording officer of the Company. All shares
12 shall be liable to all legal process, in the same
13 manner as shares in Turnpike or Bridge Corpo-
14 rations are by law liable.

SEC. 13. *Be it further enacted,* That the
2 President and Directors may, from time to time,
3 make and prescribe the amount of assessments
4 to be paid on each share, and the time and man-
5 ner of payment, but they shall in no case make

6 assessments greater than, with all preceding as-
7 sessments, shall be sufficient to make up in the
8 whole the sum of one hundred dollars on each
9 share : and in case the assessments due on any
10 share shall not be paid within ninety days from
11 the time of such reasonable notice as shall be
12 prescribed in the by-laws, then such share, with
13 all the sums and assessments which shall previ-
14 ously have been paid thereon, shall be forfeited
15 to the use of the Company, and may be sold at
16 public auction, or otherwise disposed of as the
17 Company shall see fit.

SEC. 14. *Be it further enacted,* That said
2 Company shall have power from time to time
3 to establish, alter, demand, collect and receive
4 such rates of tolls for the right or permission of
5 persons, goods, wares, merchandise, or any arti-
6 cles, to use, pass or be transported on said Rail-
7 roads, Canals, Locks, Sluices or Inclined Planes,
8 pertaining to said Company, or on any parts or
9 branches thereof; and they may graduate, com-
10 mute and regulate the same from time to time

11 as they see fit; and they shall have a lien on all
12 articles transported on said Roads, Canals or
13 other works, for the payment of all tolls and ex-
14 penses of transportation.

SEC. 15. *Be it further enacted,* That nothing
2 in this Act contained shall be taken or con-
3 strued at any time to prevent the Legislature
4 from incorporating or authorizing any other
5 Canal or Rail-road Company to construct any
6 similar works in any place : *Provided,* That
7 such works shall not occupy any of the ground
8 finally to be adopted by said Company for their
9 Rail-roads, Canals, Dams, Locks, Sluices, In-
10 clined Planes or other works, nor any part
11 thereof; nor prevent, interrupt nor impede the
12 access to, travel, transportation or deposit there-
13 on; nor injure the business of said Company
14 any otherwise than by a fair competition in the
15 market. And the Legislature shall not add to,
16 alter, amend nor repeal this Act, nor any part
17 thereof, to the injury or detriment of said Com-
18 pany, without its consent.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 18, 1833. }

Ordered, That three hundred copies of the foregoing Bill be printed for the use of the Members.

[Extract from the Journal.]

Attest: ASAPH R. NICHOLS, *Clerk*.

I. BERRY & CO., PRINTERS TO THE STATE.
