

# 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.**

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**STATE OF MAINE.**

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

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

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**NEW DRAFT.**

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SEC. 1. *Be it enacted by the Senate and House of Repre-*  
2 *sentatives, in Legislature assembled,* That Moses Green-  
3 leaf, Henry W. Fuller, Benjamin P. Gilman, Joseph  
4 Lee, Francis Brown, Ebenezer Greenleaf, Stephen  
5 Palmer, David Shepherd, Mark G. Pitman and Henry  
6 K. Adams, their associates, successors and assigns, be,  
7 and they hereby are, made a body politic and corpo-  
8 rate, by the name of the Bangor and Piscataquis Canal and  
9 Rail-road Company, and shall so continue for the term  
10 of fifty years; with all the powers and privileges inci-  
11 dent to similar corporations, so far as may be necessary  
12 to carry into effect all the purposes of this Act.

SEC. 2. *Be it further enacted,* That the powers of said  
2 company shall, except at any legal meeting thereof, be  
3 vested in a a board of not less than five Directors, one  
4 of whom shall be President, and a majority of whom  
5 shall be a quorum. The Directors may be chosen at  
6 the first meeting of the company, and afterwards shall

7 be chosen annually, at such time as their by-laws may  
 8 determine, and, as also all other officers, shall, unless  
 9 sooner removed, hold their offices for one year, and  
 10 until others are chosen and qualified in their stead.

SEC. 3. *Be it further enacted,* That the Directors  
 2 shall annually elect a President, and may elect a Vice  
 3 President, Secretary, Treasurer and any other officers,  
 4 as their by-laws may prescribe, and may also remove  
 5 them at pleasure, and fill all vacancies at any time.  
 6 The company may also remove and fill vacancies in the  
 7 board of Directors, and any other offices; and limit  
 8 and direct the exercise of their powers.

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

18 of communication to any town or place on or near the  
19 waters of the Piscataquis, Sebec, or Pleasant rivers, or  
20 their respective branches, and to any other place or  
21 places in the counties of Penobscot or Somerset, lying  
22 west of Penobscot river, or north of the waters of  
23 Pleasant river. And when they shall have finally sur-  
24 veyed and adopted any section or division of their line  
25 or lines of communication, they shall deposit in the of-  
26 fice of the Clerk of the Judicial Courts in the county  
27 wherein the same lies, a description of the same, which  
28 said clerk shall cause to be recorded and kept as other  
29 public records of like nature.

And, for the purposes aforesaid, and for the convenient  
31 accommodation of said Rail-roads and their appurte-  
32 nances, and of the persons and property which may be  
33 transported thereon or connected therewith, the said  
34 company may enter upon, take, use and occupy any  
35 lands or other real estate which they shall find necessa-  
36 ry; and they shall also have right to take, remove and  
37 use, for the construction and repair of said Rail-roads  
38 and appurtenances, any earth, gravel, stone, timber, or  
39 other materials, on or from the land so taken: *Provided*,  
40 however, that said land so taken shall not exceed four  
41 rods in width, except where greater width is necessary  
42 for the purposes of excavation or embankment; and  
43 *provided*, also, that, in all cases, said company shall pay  
44 for all such lands, estate or materials, so taken and  
45 used, such price as they and the respective owners

46 thereof may mutually agree on; and in case the parties  
47 shall not otherwise agree, then the said company shall  
48 pay such damages as shall be ascertained and determin-  
49 ed by the County Commissioners, in the same manner,  
50 and under the same conditions and limitations, as are  
51 by law provided in the case of damages by the laying  
52 out of highways; but this grant shall be void except as  
53 to such parts of said Rail-roads or lines of communica-  
54 tion as shall be commenced within six years from the  
55 passing of this Act, and completed within ten years  
56 thereafter. And if the estate of said company, in its  
57 corporate capacity, shall not be sufficient to satisfy  
58 such damages, then the several Stockholders, each in  
59 proportion to his respective number of shares, shall be  
60 personally liable for the deficiency.

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

14 bridges or viaducts constructed by them over or un-  
15 der such road or highway; and shall pay all damages, if any  
16 there be, to any party injured; to be ascertained as in  
17 this Act provided in cases of damage by taking land or  
18 materials. And they shall in no case construct or carry  
19 their road or other works on, over or across any other  
20 road or highway in such manner as to prevent, interrupt  
21 or impede the travel or transportation thereon; nor  
22 shall any other road or works be authorized or allowed  
23 to occupy the ground which may be finally adopted by  
24 said company for their road or other works, in such  
25 manner as to prevent, interrupt or impede the construc-  
26 tion, repair and maintenance of said Rail-roads or other  
27 works, or the access to, travel, transportation or de-  
28 posit thereon.

SEC. 6. *Be it further enacted,* That said company may  
2 construct any canals, locks, dams, sluices, inclined  
3 planes, machines, booms, or other works which they  
4 may judge necessary to improve or facilitate the trans-  
5 portation or communication by water, on the Dead  
6 Stream, Sebec, or Pleasant rivers, or on any of the  
7 branches or waters thereof; and they may use any of  
8 the natural lakes, ponds or waters thereof, as parts of  
9 their lines of communication; *provided* that this shall not  
10 be taken or construed so as to obstruct or prevent any  
11 other person or persons from making any lawful use of  
12 the same lakes, ponds or waters; nor to authorize said  
13 company to construct any canal in any place westward

14 of the waters of Pleasant river. And all such canals,  
 15 locks, dams, sluices, inclined planes, machines, booms,  
 16 or other works, shall be considered as parts of, and per-  
 17 taining to, the Rail-roads or lines of communication of  
 18 said company; and they shall enjoy the same rights,  
 19 powers and privileges, and be subject to the same con-  
 20 ditions and liabilities in relation thereto, as are in this  
 21 Act provided in relation to said Rail-roads or their ap-  
 22 purtenances.

SEC. 7. *Be it further enacted,* That said company shall  
 2 have power to unite their Rail-roads, or any branches  
 3 or parts thereof, with those of any other Rail-road or  
 4 Canal Company, at such points in said counties, and on  
 5 such terms and conditions as the parties interested may  
 6 mutually agree on.

SEC. 8. *Be it further enacted,* That said company may  
 2 procure, purchase and hold in fee simple, improve and  
 3 use for all purposes of business to be transacted on or  
 4 by means of said Rail roads, Canals or other works,  
 5 any steam or other engines or machines, horses, cars,  
 6 or other carriages, boats or other vehicles, lands or  
 7 other real estate, and the same may manage, sell or  
 8 otherwise dispose of, as they may see fit; they may  
 9 also regulate and determine the kind and number of  
 10 carriages or vehicles which may be used on their roads,  
 11 canals or other works;—the mode of propelling them;  
 12 the times and rates of speed of their movements; and  
 13 the conditions on which the same may be used on said



14 roads, canals or other works, and persons and articles  
15 of any kind be conveyed on the same: *Provided*, that  
16 they shall not be repugnant to the laws of the State.

SEC. 9. *Be it further enacted*, That all damages claim-  
2 ed or adjudged for the taking and use of any materials  
3 land or other estate by virtue of this act, shall be esti-  
4 mated according to the value which they possessed in-  
5 dependently of the effect of this Act; and any value  
6 which may, by the effect of this Act, be adjudged to  
7 be added to the value of any estate, shall be consider-  
8 ed and allowed in offset to any damage adjudged to be  
9 done to the same estate, so far as to the amount of  
10 such damage, but no farther. And, in all legal pro-  
11 ceedings, this Act shall be taken and considered to be  
12 a public Act.

And when the lands or other estate of any infant, or  
14 person non compos mentis, shall be taken or damaged  
15 for the purposes of this Act, the guardian of such in-  
16 fant or person may settle, commute, release and dis-  
17 charge all damages or claims for damage in relation  
18 thereto.

SEC. 10. *Be it further enacted*, That if any person  
2 shall knowingly and wilfully commit any act by which  
3 any part of said Rail-roads, or of the appurtenances or  
4 property of said company shall suffer damage or im-  
5 pediment, or by which the use, improvement, transit or  
6 deposit of any property passing or to be transported  
7 on any part of said Rail-roads or lines of communica-

tion shall be prevented or impeded, or such property injured or destroyed, the person so offending shall pay treble damages to all parties injured.

SEC. 11. *Be it further enacted,* That the capital stock of said Company may consist of three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, to be holden and considered as personal estate; and each share shall entitle the owner thereof to one vote, and as many votes as he has shares; and he may vote, either in person or by proxy, in all meetings of the Company; and all questions shall be determined by the majority of votes present, in person or by proxy, at any meetings. And if the Directors shall find that said amount of capital stock shall not be sufficient to complete all the purposes authorized by this Act, they may, by the creation of additional shares of like amount, increase their capital stock to such sum as they may deem necessary to complete said purposes; and the holders of the original shares shall severally have right to subscribe for and hold such additional shares in proportion to the number of original shares by each respectively holden; or they may be otherwise disposed of, as the majority of the company, at any legal meeting, may determine.

SEC. 12. *Be it further enacted,* That the President and Directors shall, from time to time, prescribe the form of the evidence or certificates of shares, and the manner and conditions of transferring the same; and

5 all certificates or other evidence of shares and of trans-  
6 fers of the same, shall be recorded on the books of the  
7 company ; and no transfer of shares shall be deemed  
8 complete, and valid as against creditors, until the evi-  
9 dence thereof shall be filed with the recording officer  
10 of the Company. All shares shall be liable to all legal  
11 process, in the same manner as shares in Turnpike or  
12 Bridge corporations are by law liable.

SEC. 13. *Be it further enacted,* That the President  
2 and Directors may, from time to time, make and pre-  
3 scribe the amount of assessments to be paid on each  
4 share, and the time and manner of payment ; but they  
5 shall in no case make assessments greater than, with all  
6 preceding assessments, shall be sufficient to make up  
7 in the whole the sum of one hundred dollars on each  
8 share ; and in case the assessments due on any share  
9 shall not be paid within ninety days from the time of  
10 such reasonable notice as shall be prescribed in the  
11 by-laws, then such share, with all the sums and assess-  
12 ments which shall previously have been paid thereon,  
13 shall be forfeited to the use of the company, and may  
14 be sold at public auction, or otherwise disposed of, as  
15 the company shall see fit.

SEC. 14. *Be it further enacted,* That said Company  
2 shall have power, from time to time, to establish, alter,  
3 demand, collect and receive such rates of tolls for the  
4 right or permission of persons, goods, wares, merchan-  
5 dize, or any articles to use, pass or be transported on

6 said Rail-roads, Canals, Locks, Sluices or Inclined  
7 planes, or on any parts or branches thereof; and they  
8 may graduate, commute and regulate the same from  
9 time to time as they see fit; and they shall have a lien  
10 on all articles transported on said Roads, Canals or  
11 other works, for the payment of all tolls and expenses  
12 of transportation: *Provided*, however, that the rates of  
13 said tolls shall be so graduated as not to exceed an av-  
14 erage rate of twenty cents per ton per mile for any  
15 distance of five miles, nor an average of fifteen cents  
16 per ton per mile for the whole length of said roads:  
17 And *provided* also, that at any time after ten years from  
18 the completion of said roads, the Legislature may re-  
19 duce or increase said rates of toll at its pleasure.

And when said Rail-roads or other works shall be  
21 completed and in operation, the Treasurer of said  
22 Company shall, on or before the first day of February  
23 then next, and also annually thereafter, deposit in the  
24 office of the Secretary of State, a true statement, un-  
25 der oath or affirmation, of the amount of capital stock  
26 paid in, expenditures, debts, and pecuniary liabilities of  
27 said Company, and of the net proceeds of said tolls,  
28 for the time or year preceding; and in default thereof  
29 shall pay, to the use of the State, such penalty, not  
30 exceeding five hundred dollars, as the Supreme Judi-  
31 cial Court may determine. And the books, accounts,  
32 and records of the Company shall at all times be open  
33 to the inspection of any Committee appointed by the  
34 Legislature to examine the same.

SEC. 15. *Be it further enacted,* That nothing in this  
2 Act contained shall be taken or construed to prevent  
3 the Legislature at any time from incorporating or au-  
4 thorizing any other Rail-road or canal company, to con-  
5 struct any Rail-road, canal or other works similar to  
6 those allowed to said Company to construct, nor to  
7 prevent any County Commissioners, or Selectmen of  
8 towns from laying out any public or private road or  
9 way.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
January 29, 1883. }

ORDERED, That three hundred copies of the foregoing Bill  
be printed for the use of the Legislature.

[Extract from the Journal.]

Attest:

ASAPH R. NICHOLS, *Clerk.*