

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1836.

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1836.

SIXTEENTH LEGISLATURE.

NO. 31.

SENATE.

STATE OF MAINE.

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

AN ACT to establish the Belfast and Quebec
Railroad Corporation.

SECTION 1. *Be it enacted by the Senate
2 and House of Representatives in Legislature
3 assembled, That Alfred Johnson, Jr., Daniel
4 Lane, Hiram O. Alden, John S. Kimball,
5 Nathaniel M. Lowney, Rufus B. Allyn, Hugh
6 J. Anderson, William G. Crosby, Ralph C.
7 Johnson, Frye Hall, Salathiel Nickerson, Jr.,
8 Philip Morrill, Thomas Pickard, James White,
9 Joseph Williamson, Nathaniel H. Bradbury,
10 their associates, successors and assigns be and*

11 they hereby are made a body politic, and cor-
12 porate, by the name of the **Belfast and Que-**
13 **bec Railroad Corporation**, and by that name
14 shall be and hereby are made capable in law to
15 sue and be sued to final judgment and execu-
16 tion, plead and be impleaded, defend and be de-
17 fended in any courts of record, or in any other
18 place whatever; to have a common seal, which
19 they may alter at pleasure; and shall be, and
20 hereby are vested with all the powers, privile-
21 ges, and immunities which are, or may be ne-
22 cessary to carry into effect the purposes and ob-
23 jects of this Act, as hereinafter set forth. And
24 the said Corporation are hereby authorized and
25 empowered to locate, construct, and finally com-
26 plete, alter and keep in repair a **Railroad**, with
27 one or more set of rails, or tracks, with all suit-
28 able bridges, viaducts, turnouts, culverts, drains,
29 and all other necessary appendages, from some
30 point, or place or places, on or near the tide wa-
31 ters in the town of **Belfast**, in the County of
32 **Waldo**, through the towns of **Brooks** and **Unity** in
33 said County, to the **Kennebec** river at **Solon** or
34 **Bingham**, and from thence to the northwestern
35 line of the **State of Maine**, there to connect

36 with such Railroad as may be constructed from
37 said line to the river St. Lawrence, at or near
38 the city of Quebec, in Lower Canada, in such
39 a manner and form as they shall deem to be
40 most expedient. And for this purpose said Cor-
41 poration shall have the right to take and hold so
42 much of the land, and other real estate of private
43 persons, as may be necessary for the location, con-
44 struction and convenient operation of their Rail-
45 road; and they shall also have the right to take,
46 remove and use for the construction and repair
47 of said Railroad and appurtenances, any earth,
48 gravel, stone, timber or other materials, on or
49 from the land so taken. *Provided, however,*
50 that said land so taken, shall not exceed four
51 rods in width, except where greater width is
52 necessary for the purpose of excavation or em-
53 bankment; — *And provided, also,* that in all
54 cases, said Corporation shall pay for such lands,
55 estate or materials so taken and used, such price
56 as they and the owner, or respective owners
57 thereof may mutually agree on; and in case
58 said parties shall not otherwise agree, then
59 said Corporation shall pay such damages as
60 shall be ascertained and determined by the

61 County Commissioners for the County where
62 such land or other property may be situat-
63 ed, in the same manner and under the same
64 conditions and limitations, as are by law provid-
65 ed in the case of damages by laying out of
66 highways. And the land so taken by said Cor-
67 poration shall be held as lands taken and held
68 for public highways. And no application to
69 said Commissioners to estimate said damages
70 shall be sustained, unless made within three
71 years from the time of taking such land or other
72 property; or when it has already been taken,
73 within one year from the time of passing this
74 Act.

SECT. 2. *Be it further enacted,* That the
2 capital stock of said Corporation shall consist of
3 not less than fifteen thousand, nor more than
4 fifty thousand shares; and the immediate gov-
5 ernment and direction of the affairs of said Cor-
6 poration shall be vested in seven or nine Direc-
7 tors, who shall be chosen by the members of
8 said Corporation, in the manner hereinafter
9 provided, and shall hold their offices until others
10 shall have been duly elected and qualified to
11 take their places, a majority of whom shall form

12 a quorum for the transaction of business; and
13 they shall elect one of their number to be the
14 President of the Board, who shall also be the
15 President of the Corporation; and shall have
16 authority to choose a Clerk who shall be sworn
17 to the faithful discharge of his duty, and a
18 Treasurer, who shall give bonds to the Corpo-
19 ration, with sureties to the satisfaction of the Di-
20 rectors, in a sum of not less than fifty thousand
21 dollars, for the faithful discharge of his trust.
22 And for the purpose of receiving subscriptions to
23 the said stock, books shall be opened under
24 the direction of the persons named in the first
25 section of this Act, at such time and in such
26 places in the shire towns in the several Counties
27 in this State, and elsewhere as they shall ap-
28 point, to remain open for ten successive days, of
29 which time and places of subscription, public
30 notice shall be given in some newspaper printed
31 in the cities of Portland and Bangor, and in the
32 towns of Augusta and Belfast, twenty days at
33 least previous to the opening of such subscrip-
34 tion, and in case the amount subscribed shall
35 exceed fifty thousand shares, the same shall be

36 distributed among all the subscribers, according
37 to such regulations, as the persons having charge
38 of the opening of the subscription books shall
39 prescribe before the opening of said books. And
40 any seven of the persons named in the first sec-
41 tion of this Act, are hereby authorized to call
42 the first meeting of said Corporation by giving
43 notice in one or more newspapers published in
44 the towns and cities above named, of the time
45 and place, and the purpose of such meeting, at
46 least twenty days before the time mentioned in
47 such notice.

SECT. 3. *Be it further enacted,* That the
2 President and Directors for the time being, are
3 hereby authorized and empowered by them-
4 selves or their agents, to exercise all the pow-
5 ers herein granted to the Corporation, for the
6 purpose of locating, constructing, and completing
7 said Railroad, and for the transportation of per-
8 sons, goods and property of all descriptions, and
9 all such power and authority for the manage-
10 ment of the affairs of the Corporation, as may
11 be necessary and proper to carry into effect the
12 objects of this grant; to purchase and hold land,

13 materials, engines, and cars and other necessa-
14 ry things, in the name of the Corporation for
15 the use of said road, and for the transportation
16 of persons, goods and property of all descrip-
17 tions; to make such equal assessments from time
18 to time, on all the shares in said Corporation,
19 as they may deem expedient and necessary, in
20 the execution and the progress of the work, and
21 direct the same to be paid to the Treasurer of the
22 Corporation. And the Treasurer shall give no-
23 tice of all such assessments; and in case any
24 subscriber or stockholder shall neglect to pay any
25 assessment on his share or shares for the space
26 of thirty days after such notice is given as shall
27 be prescribed by the by-laws of said Corpora-
28 tion, the Directors may order the Treasurer to
29 sell such share or shares, at public auction, af-
30 ter giving such notice as may be prescribed
31 as aforesaid, to the highest bidder, and the same
32 shall be transferred to the purchaser, and such
33 delinquent subscriber or stockholder shall be
34 held accountable to the Corporation for the bal-
35 ance, if his share or shares shall sell for less
36 than the assessments due thereon, with the in-

37 terest, and costs of sale; and shall be entitled to
 38 the overplus if his share or shares shall sell for
 39 more than the assessments due, with interest
 40 and costs of sale: *Provided however*, That no
 41 assessments shall be laid upon any shares in said
 42 Corporation of a greater amount in the whole
 43 than one hundred dollars.

SECT. 4. *Be it further enacted*, That the
 2 said Corporation shall have power to make, or
 3 dain and establish all necessary by-laws and
 4 regulations, consistent with the Constitution
 5 and the laws of this State, for their own gov-
 6 ernment, and for the due and orderly conduct-
 7 ing of their affairs, and the management of
 8 their property.

SECT. 5. *Be it further enacted*, That a toll
 2 be and hereby is granted and established, for the
 3 sole benefit of said Corporation, upon all passen-
 4 gers, and property of all descriptions, which may
 5 be conveyed or transported upon said road; at
 6 such rates per mile, as may be agreed upon and
 7 established from time to time by the Directors of
 8 said Corporation. The transportation of persons
 9 and property—the construction of wheels, the
 10 form of cars and carriages, the weights of loads,

11 and all other matters and things in relation to
12 the use of said road, shall be in conformity with
13 such rules, regulations and provisions as the Di-
14 rectors shall from time to time prescribe and
15 direct: *Provided however*, That if at the expi-
16 ration of fifteen years from and after the com-
17 pletion of said road, the net income or receipts
18 from tolls and other profits, taking the fifteen
19 years aforesaid as the basis of calculation, shall
20 have amounted to more than twelve per cent.
21 per annum upon the cost of the road and inci-
22 dental expenses, the Legislature may alter and
23 reduce the rate of tolls, and other profits, so that
24 the net income shall not exceed twelve per cent.
25 for the next fifteen years, calculating the amount
26 of transportation on the road to be the same, as
27 in the fifteen preceding years, and at the expira-
28 tion of every fifteen years thereafter, the same
29 proceedings may be had.—*And further pro-*
30 *vided*, That the Legislature shall not at any
31 time, so reduce the tolls and other profits, as to
32 produce less than twelve per centum upon the
33 cost of said Railroad, taking the basis of cal-
34 culation as aforesaid, without the consent of
35 said corporation. And no other Railroad than

36 the one hereby granted, shall within forty-five
37 years from the passing of this act be authorized
38 to be made leading from **Belfast** aforesaid, or
39 any other place in the county of **Waldo** afore-
40 said, to the northwestern line of the **State** of
41 **Maine**, in the direction of the **City** of **Quebec**
42 in **Lower Canada**, and except also the con-
43 templated **Railroad** from the city of **Bangor** to
44 the village of **Frankfort**, which may be con-
45 nected therewith, from said **Frankfort** at the
46 town of **Brooks**, in said county of **Waldo**.—*Pro-*
47 *vided however*, That the **Legislature** may au-
48 thorize any other company or companies to
49 connect any other **Railroad** or **Railroads** ex-
50 cepting the county of **Waldo** as aforesaid, with
51 the **Railroad** of said **Corporation** at any points
52 of intersection on the route of said **Railroad**.
53 And said **Corporation** shall receive and trans-
54 port all persons, goods and property, of all des-
55 criptions, which may be carried and transport-
56 ed, to the **Railroad** of said **Corporation**, on
57 such other **Railroads** as may be hereafter au-
58 thorized to be connected therewith, at the same
59 rates of toll and freight, as may be prescribed
60 by said **Corporation**, so that the rates of

61 freight and toll on such passengers, goods, and
62 other property as may be received from such
63 other Railroads, so connected with said Rail-
64 road as aforesaid, shall not exceed the general
65 rates of freight and toll on said Railroad receiv-
66 ed for freight and passengers, &c. at any of the
67 depots of said Corporation.

SECT. 6. *Be it further enacted*, That the
2 Directors of said Corporation for the time being
3 are hereby authorized to erect toll houses, es-
4 tablish gates, appoint toll gatherers and demand
5 toll on the road, when completed, and upon
6 such parts thereof as shall from time to time be
7 completed.

SECT. 7. *Be it further enacted*, That when
2 said Corporation shall take any land, or other
3 estate, as aforesaid, of any infant, person *non*
4 *compos mentis*, or femme covert, whose hus-
5 band is under guardianship, the guardian of
6 such infant, or person *non compos mentis*, and
7 such femme covert, with the guardian of her
8 husband shall have full power and authority to
9 agree and settle with said Corporation, for dam-
10 ages, or claims for damages, by reason of tak-
11 ing such land and estate aforesaid, and give
12 good and valid releases and discharges therefor.

SECT. 8. *Be it further enacted,* That if any
2 person shall wilfully and maliciously, or wan-
3 tonly and contrary to law obstruct the passage
4 of any carriage on said Railroad, or in any way
5 spoil, injure or destroy said Railroad, or any part
6 thereof, or any thing belonging thereto, or any
7 material or implements to be employed in the
8 construction or for the use of said road, he, she,
9 or they, or any person or persons, assisting, aid-
10 ing, or abetting such trespass, shall forfeit and
11 pay to said Corporation for every such offence,
12 treble such damages as shall be proved before
13 the Justice, Court or Jury, before whom the
14 trial shall be had, to be sued for before any jus-
15 tice, or in any Court proper to try the same, by
16 the Treasurer of the Corporation, or other offi-
17 cer, whom they may direct, to the use of said
18 Corporation. And such offender or offenders
19 shall be liable to indictment by the Grand Jury
20 of the County, within which trespass shall have
21 been committed, for any offence, or offences, con-
22 trary to the above provisions, and upon convic-
23 tion thereof before any Court competent to try
24 the same, shall pay a fine not exceeding one
25 hundred dollars, to the use of the State, or may

26 be imprisoned for a term not exceeding one year,
 27 at the discretion of the Court before whom such
 28 conviction may be had.

SECT. 9. *Be it further enacted,* That the
 2 annual meeting of the members of said Corpo-
 3 ration shall be holden, on the first Monday in
 4 June, at such time and place as the Directors
 5 for the time being shall appoint, at which meet-
 6 ing, the Directors shall be chosen by ballot, each
 7 proprietor being entitled to as many votes as he
 8 holds shares, and the Directors are hereby au-
 9 thorized to call special meetings of the stock-
 10 holders, whenever they shall deem it expedient
 11 and proper, giving such notice as the Corpora-
 12 tion by their by-laws shall direct.

SECT. 10. *Be it further enacted,* That if
 2 the said Railroad, in the course thereof, shall
 3 cross any private way, the said Corporation
 4 shall so construct said Railroad as not to ob-
 5 struct the safe and convenient use of such pri-
 6 vate way: and if the said Railroad shall, in the
 7 course thereof, cross any canal, turnpike, rail-
 8 road, or other highway, the said Railroad shall
 9 be so constructed as not to obstruct the safe and
 10 convenient use of such canal, turnpike or other

11 highway; and the said Corporation shall have
 12 power to raise or lower such turnpike, highway
 13 or private way, so that the said Railroad, if
 14 necessary may conveniently pass under or over
 15 the same, and erect such gate or gates thereon,
 16 as may be necessary for the safety of travellers
 17 on said turnpike, railroad, highway or private
 18 way.

SECT. 11. *Be it further enacted, That*
 2 if the said Corporation shall not have been or-
 3 ganized, and the location according to actual
 4 survey of the route filed with the County Com-
 5 missioners of the Counties through which the
 6 same shall pass, on or before the thirty-first day
 7 of December in the year of our Lord one thous-
 8 and eight hundred and thirty-nine, or if the said
 9 Corporation shall fail to complete said Railroad
 10 on or before the thirty-first day of December, in
 11 the year of our Lord one thousand eight hundred
 12 and forty-six, in either of the above mentioned
 13 cases, this Act shall be null and void.

SECT. 12. *Be it further enacted, That said*
 2 Railroad Corporation shall constantly maintain
 2 in good repair all bridges with their abutments
 4 and embankments, which they may construct

5 for the purpose of conducting their Railroad
6 over any canal, turnpike, highway or private
7 way, or for conducting such private way or
8 turnpike over said Railroad.

SECT. 13. *Be it further enacted,* That
2 if said Railroad shall in the course thereof, cross
3 any tide waters, navigable rivers or streams, the
4 said Corporation be and they hereby are au-
5 thorized and empowered to erect for the sole
6 and exclusive travel on their said Railroad, a
7 bridge across each of said rivers or streams, or
8 across any such tide waters: *Provided,* said
9 bridge or bridges shall be so constructed as not
10 to obstruct or unnecessarily impede the naviga-
11 tion of said waters.

SECT. 14. *Be it further enacted,* That the
2 Books of said Corporation shall at all times be
3 open to the inspection of the Governor and
4 Council, and of any Committee duly authorized
5 by the Legislature: and at the expiration of
6 every fifteen years, the Treasurer of said Cor-
7 poration shall make an exhibit under oath to
8 the Legislature, of the net profits derived from
9 the income of said Railroad.

STATE OF MAINE.

In SENATE, Feb. 15, 1836.

This Bill was read once, and ordered, that 300 copies be printed for the use of the members.

[Extract from the Journal.]

Attest,

WILLIAM TRAFTON, *Secretary.*