

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1836.

AUGUSTA:
SMITH & ROBINSON,.....PRINTERS.

1836.

SIXTEENTH LEGISLATURE.

No. 34.

SENATE.

STATE OF MAINE.

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

AN ACT to establish the Penobscot River Rail-
road Corporation.

SECTION 1. *Be it enacted by the Senate
2 and House of Representatives in Legislature
3 assembled, That Deodat Brastow, Joseph R.
4 Folsom, Henry Darling, Joseph Bryant and
5 Sewal Lake, their associates, successors and
6 assigns be, and they hereby are made a corpora-
7 tion by the name of the "Penobscot River Rail-
8 road Corporation," with all the powers and privi-
9 leges, and subject to all the liabilities in the Stat-
10 ute of February the eighteenth, eighteen hundred
11 and thirty six, entitled "An Act concerning Cor-
12 porations" and in the Statute of February the*

13 — eighteen hundred and thirty six, entitled
14 “An Act defining certain rights and duties of Rail-
15 road Corporations;” and the said Corporation
16 are hereby authorized and empowered to locate
17 and construct a Railroad from any place at or
18 near the tide waters of Penobscot River in
19 the town of Bucksport to and through the towns
20 of Orrington, Brewer, Eddington and Bradley,
21 and into the town of Milford to the shore of Pe-
22 nobscot river and across the same to the western
23 bank thereof at or near that part of Orono call-
24 ed Oldtown, with the right of extending a
25 branch of said Railroad from any point of its
26 location in Brewer to any point or place at the
27 shore of Penobscot river, and across the same
28 to the western bank thereof at or near the city
29 of Bangor, and from the end of said branch at
30 the eastern shore of said river in the direction to
31 Oldtown to the main Railroad, and also another
32 branch in Bradley from any point of the main
33 Railroad to the shore of Penobscot river, and
34 across the same to the western bank thereof at
35 or near Lower Stillwater in Orono.

SECT. 2. *Be it further enacted*, That the
2 capital stock of said Corporation shall consist of

3 three thousand shares, of one hundred dollars
4 each; and at all meetings of said Corporation,
5 each proprietor shall be entitled to as many votes
6 as he holds shares, and may vote either in per-
7 son or by proxy: *Provided*, that no vote shall
8 be given by any proprietor, by virtue of any
9 shares held by him, exceeding one tenth part of
10 the whole number of shares; and the immediate
11 government and direction of the affairs of said
12 Corporation shall be vested in five directors,
13 who shall be chosen by the members of the Cor-
14 poration.

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 powers
5 herein granted to the Corporation, for the pur-
6 pose of locating and constructing said Railroad,
7 and for the transportation of persons, goods and
8 merchandize, and such other powers and author-
9 ity for the management of the affairs of the
10 Corporation, not heretofore granted, as may be
11 necessary and proper to carry into effect the ob-
12 jects of this grant; to purchase and hold lands,

13 materials, engines, cars, and other necessary
14 things, in the name of the Corporation; for the
15 use of said Road, and for the transportation
16 of persons, goods and merchandize, to make
17 such equal assessments, from time to time, on all
18 the shares in said Corporation, as they may
19 deem expedient and necessary, and direct the
20 same to be paid to the Treasurer of the Corpo-
21 ration. And the Treasurer shall give notice of
22 all such assessments; and in case any subscri-
23 ber or stockholder shall neglect to pay his assess-
24 ment, for the space of sixty days after due notice
25 by the Treasurer of said Corporation, the Di-
26 rectors may order the Treasurer to sell such
27 share or shares at public auction, after giving due
28 notice thereof, to the highest bidder, and the
29 same shall be transferred to the purchaser, and
30 such delinquent subscriber or stockholder shall
31 be held accountable to the Corporation for the
32 balance, if his share or shares shall sell for less
33 than the assessment due, with interest and cost
34 of sale; and after paying the same, shall be en-
35 titled to the overplus, if any remain: *Provided,*
36 that no assessment shall be laid upon any shares

37 in said Corporation of a greater amount in the
38 whole, than one hundred dollars on each share.

SECT. 4. *Be it further enacted,* That a toll
2 be, and is hereby granted and established, for
3 the sole benefit of said Corporation, upon all
4 passengers and property of all descriptions, which
5 may be conveyed or transported upon said road,
6 at such rates as may be established from time
7 to time, by the Directors of said Corporation.
8 And the transportation of persons and property,
9 the construction of wheels, the form of cars
10 and carriages, the weight of loads, and all other
11 matters and things in relation to the use of said
12 road, shall be in conformity to such rules, regu-
13 lations and provisions as the Directors shall from
14 time to time prescribe and direct; and said road
15 may be used by any person or persons, corpora-
16 tion or corporations, who shall comply with such
17 rules and regulations: *Provided however,* that
18 if at the expiration of ten years from and after
19 the time of completion of said road, the net in-
20 come or receipts from tolls and other profits,
21 taking the ten years aforesaid for the basis of
22 calculation, shall have amounted to more than

23 twelve per cent. per annum upon the capital
 24 stock paid in, the Legislature may take meas-
 25 ures to alter and reduce the rate of tolls
 26 and other profits, in such manner as to take off
 27 the overplus for the next ten years, calculating
 28 the amount of transportation upon the road to
 29 be the same as in the ten next preceeding years,
 30 and at the expiration of every ten years thereaf-
 31 ter, the same proceedings may be had; *Provid-*
 32 *ed further*, That the Legislature shall not, at
 33 any time, so reduce the tolls and other profits as
 34 to produce less than twelve per cent. per annum
 35 upon the capital stock paid as aforesaid, without
 36 the consent of said corporation.

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

SECT. 6. *Be it further enacted*, That if any
 2 person shall wilfully, maliciously, or wantonly
 3 and contrary to law, obstruct the passage of any
 4 carriage on said Railroad, or in any way spoil,

5 injure or destroy said Railroad or any part
6 thereof, or any thing belonging thereto, or any
7 material or implement 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 and recovered
15 before any Justice, or any Court proper to try
16 the same, by the Treasurer of the Corporation,
17 or other officer whom they may direct, to the
18 use of said Corporation; and such offender or of-
19 fenders shall be liable to indictment by the
20 Grand Inquest of the County within which such
21 trespass shall have been committed, for any of-
22 fence or offences, contrary to the above provis-
23 ions; and on conviction thereof, before any Court
24 of Common Pleas, to be holden in said County,
25 shall pay a fine not exceeding one hundred dol-
26 lars to the use of the State, or may be impris-
27 oned for a term not exceeding one year, at the
28 discretion of the Court before whom the con-
29 viction may be had.

SECT. 7. *Be it further enacted,* That it
2 shall be the duty of the Directors of said Cor-
3 poration, from year to year, to make a report to
4 the Legislature under oath, of their acts and do-
5 ings, receipts and expenditures, under the pro-
6 visions of this Act; and their books shall be op-
7 en at all times to the inspection of any Commit-
8 tee of the Legislature, appointed for that pur-
9 pose; and if such Corporation shall unreasonably
10 neglect or refuse to make such report at the ex-
11 piration of every year, after the opening of said
12 Railroad, for every such neglect or refusal, they
13 shall forfeit and pay to the use of the State, a
14 sum not exceeding three thousand dollars, to be
15 recovered by action or indictment in any Court
16 of competent jurisdiction.

SECT. 8. *Be it further enacted,* That if
2 the amount of the stock of said Railroad shall
3 not have been subscribed, the corporation or-
4 ganized, and the location of the road filed with
5 the County Commissioners of the County in
6 which the land proposed to be taken for said
7 Railroad is situate, and with the Governor and
8 Council, previous to the first day of January in
9 the year of our Lord one thousand eight hundred

10 and thirty-eight, or if the said Corporation shall
11 fail to complete the said road on or before the
12 first day of January, in the year of our Lord
13 one thousand eight hundred and forty-one, this
14 Act shall be null and void.

SECT. 9. *Be it further enacted*, That said
2 Corporation shall constantly maintain in good
3 repair, all bridges with their abutments and em-
4 bankments, which they may construct for the
5 purpose of conducting their Railroad over any
6 canal, turnpike or other highway, or any private
7 way, or for conducting such private or other
8 highway over said Railroad.

SECT. 10. *Be it further enacted*, That
2 the said Corporation be, and they hereby are
3 authorized and empowered to erect for the sole
4 and exclusive accommodation of the travel on
5 their said Railroad, a bridge across the waters
6 of Penobscot river, from Brewer to Bangor, a-
7 nother from Bradley to Orono, and another
8 across said river from Milford to Orono, in such
9 places as they may think proper : *Provided*,
10 said bridges shall be so constructed as not to ob-
11 struct or unnecessarily impede the navigation of
12 said river ; and said corporation shall be author-

13 ized to receive no other or greater rates of toll
14 for passing said several bridges than for passing
15 a like distance on any other portion of said Rail-
16 road, and it shall not be lawful for the said Cor-
17 poration to permit the passing of said bridges at
18 Bangor and Oldtown by carriages of any des-
19 cription other than those adapted to travelling
20 on the said Railroad, nor by horses or other
21 animals not attached to such Railroad carriages,
22 nor by persons on foot, except such persons, car-
23 riages, horses or other animals as may be em-
24 ployed in the immediate service of the said
25 Corporation.

STATE OF MAINE.

IN SENATE, FEB. 19, 1836.

ORDERED, That 300 copies of the foregoing Bill be printed for
the use of the Legislature.

[Extract from Journal.]

Attest: WILLIAM TRAFTON, Sec'y.