

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. 35.

SENATE.

STATE OF MAINE.

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

AN ACT to establish the Frankfort, Bangor and
Belfast Railroad Corporation.

SECT. 1. *Be it enacted by the Senate and*
2 *House of Representatives in Legislature as-*
3 *sembled, That Benjamin Shaw, Albert L.*
4 *Kelly, Webster Kelly, Eben. S. Coffin, Ne-*
5 *hemiah Rich, Waldo Pierce, Tisdale Dean,*
6 *William Andrews, Lewis C. Kelley, Archi-*
7 *bald Jones, Benjamin Johnson, Elisha Chick, Jr.*
8 *Jeremiah Holmes, Francis W. Rhoades, James*
9 *Arey, Ephraim Lincoln, Wiggins Hill, Joseph*
10 *Carr, William B. Reed, Theodore B. McIn-*

11 tire, Willis Patten, Waldo T. Pierce, James
12 B. Fisk, Abner Tayler, Thomas A. Hill, Lot
13 V. and Joseph Bartlett, their associates, suc-
14 cessors and assigns be and they hereby are made
15 a body politic and corporate, by the name of the
16 *Frankfort, Bangor and Belfast Railroad*
17 *Corporation*, and by that name shall be and
18 hereby are made capable in law, to sue and to
19 be sued to final judgment and executions, plead
20 and be impleaded, defend and be defended, in
21 any Courts of record, or in any other place
22 whatever; to have a common seal, which they
23 may alter at pleasure, and shall be and hereby
24 are vested with all the powers, privileges and
25 immunities which are or may be necessary to
26 carry into effect the purposes and objects of this
27 Act, agreeably in all respects to an Act, entitled
28 "An Act defining certain rights and duties of
29 Railroad Corporations," passed ——— eighteen
30 hundred and thirty-six, and as is hereinafter set
31 forth—and the said Corporation are hereby au-
32 thorized and empowered to locate, construct and
33 finally complete, alter and keep in repair a Rail-
34 road, with one or more set of rails or tracks,
35 with all suitable bridges, viaducts, turn outs,

36 culverts, drains and all other necessary appen-
37 dages, from some point or place at or near the
38 tide waters in the city of Bangor in the County
39 of Penobscot, with the right to connect with one
40 or both of the Railroads leading from said Ban-
41 gor to Orono, to the navigable Winter Waters,
42 at the north end of Frankfort village in the
43 County of Waldo, at or near Low's Brook, and
44 from thence extending down the Penobscot Riv-
45 er so as to include a sufficient space for a con-
46 venient and commodious Depot; with the right
47 to extend said Railroad to the town of Belfast,
48 and there to be connected with any Railroad that
49 may hereafter be made from said Belfast to
50 the Kennebec River, and with the right also
51 to extend a Railroad from said village of Frank-
52 fort to the town of Brooks in said county of
53 Waldo and there to be connected with the con-
54 templated Quebec and Belfast Railroad.

SECT. 2. *Be it further enacted,* That the
2 Capital Stock of said Corporation shall consist
3 of not less than two thousand, nor more
4 than seven thousand shares, and the immediate
5 government and direction of the affairs of said
6 Corporation shall be vested in seven Directors,

7 who shall be chosen by the members of said
8 Corporation, in the manner hereinafter provided,
9 and shall hold their offices until others shall be
10 duly elected and qualified to take their place, a
11 majority of whom shall form a quorum for the
12 transaction of business; and they shall elect one
13 of their number to be the Prêsident of the
14 Board, who shall also be the President of the
15 Corporation; and shall have authority to choose
16 a Clerk, who shall be sworn to the faithful dis-
17 charge of his duties, and a Treasurer who shall
18 give bonds to the Corporation, with sureties to
19 the satisfaction of the Directors, in the sum of
20 not less than ten thousand dollars, for the faith-
21 ful discharge of his trust. And for the purpose
22 of receiving subscriptions to the said Stock, books
23 shall be opened, under the direction of the per-
24 sons named in the first section of this Act, at
25 such time and in such places in the Shire-towns
26 in the several Counties in this State, and else-
27 where, as they shall appoint, to remain open for
28 ten successive days, of which time and places of
29 subscription, public notice shall be given in some
30 newspaper printed in the cities of Portland and
31 Bangor, and in the towns of Augusta and Bel-

32 fast, twenty days at least previous to the opening
 33 of such subscription; and in case the amount
 34 subscribed shall exceed two thousand shares for
 35 said Railroad from the city of Bangor to Frank-
 36 fort; three thousand shares for said Railroad
 37 from Frankfort to Belfast, and two thousand
 38 shares for said Railroad from Frankfort to
 39 Brooks, the same shall be distributed among all
 40 the subscribers, according to such regulations, as
 41 the persons having charge of the opening of the
 42 subscription books shall prescribe before the
 43 opening of said Books. And any seven of the
 44 persons named in the first section of this Act, are
 45 hereby authorized to call the first meeting of
 46 the said Corporation, by giving notice in one or
 47 more newspapers published in each of the said
 48 cities and towns above named, of the time, place
 49 and the purpose of such meeting, at least twenty
 50 days before the time mentioned in 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 themselves
 4 or their agents, to exercise all the powers herein
 5 and by the aforesaid Act of ——— 1836, grant-

6 ed for the purpose of locating, constructing and
7 completing said Railroads, and for the transpor-
8 tation of persons, goods and property of all des-
9 criptions, and all such power and authority for
10 the management of the affairs of the Corporation
11 as may be necessary and proper to carry into ef-
12 fect the object of this grant; to purchase and
13 hold lands, materials, engines, cars and all other
14 necessary things in the name of the Corporation
15 for the use of said Railroads and for the trans-
16 portation of persons, goods and property of all
17 descriptions; to make such equal assessments
18 from time to time, on all the shares in the said
19 Corporation, as they may deem expedient and
20 necessary in the execution and the progress of
21 the work, and direct the same to be paid to the
22 Treasurer of the Corporation. And the Treasurer
23 shall give notice of all such assessments in such
24 manner as shall be prescribed by the by-laws of
25 said Corporation; and in case any subscriber or
26 stockholder shall neglect to pay any assessment
27 on his share or shares for the space of thirty
28 days after having been so notified by the Treas-
29 urer of said Corporation, the Directors may or-
30 der the Treasurer to sell such share or shares at

31 public auction after giving such notice as may be
 32 prescribed as aforesaid, to the highest bidder,
 33 and the same shall be transferred to the purchas-
 34 er, and such delinquent subscriber or stockhold-
 35 er shall be held accountable to the Corporation
 36 for the balance, if his share or shares sell for
 37 less than the assessments due thereon, with the
 38 interest and costs of sale; and shall be entitled to
 39 the overplus, if his share or shares shall sell for
 40 more than the assessments due, with interest
 41 and costs of sale; *Provided, however,* That no
 42 assessments shall be laid upon any shares in said
 43 Corporation of greater amount, in the whole
 44 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 and
 5 the laws of the State, for their own government
 6 and for the due and orderly conducting of their
 7 affairs, and the management of their property.

SECT. 5. *Be it further enacted,* That a toll
 2 be, and hereby is 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 per mile as may be agreed upon
7 and established from time to time by the Direc-
8 tors of said Corporation. The transportation of
9 persons and property, the construction of the
10 wheels, the form of cars and carriages, the weight
11 of loads, and all other matters and things in rela-
12 tion to the use of said road, shall be in conformity
13 with such rules, regulations and provisions, as
14 the Directors shall from time to time prescribe
15 and direct. *Provided, however,* that if at the
16 expiration of ten years from and after the com-
17 pletion of said road, the net income or receipts
18 from tolls and other profits taking the ten years
19 aforesaid, as the basis of calculation, shall have
20 amounted to more than twelve per cent. per an-
21 num, upon the cost of the road and incidental
22 expenses, the Legislature may alter and reduce
23 the rate of tolls and other profits, so that the
24 net income shall not exceed twelve per cent. per
25 annum for the next fifteen years, calculating the
26 amount of transportation upon the road to be the
27 same as in the ten preceding years, and at the

28 expiration of every ten years thereafter, the same
29 proceedings may be had; and *Provided further*,
30 that the Legislature shall not at any time so re-
31 duce the tolls and other profits as to produce
32 less than twelve per centum upon the cost of
33 said Railroad, taking the basis of calculation as
34 aforesaid, without the consent of said Corpora-
35 tion. And no other Railroad than those hereby
36 granted shall within thirty years from the pass-
37 ing of this Act be authorized to be made lead-
38 ing from the city of Bangor to said Frankfort,
39 from Frankfort to said Belfast, or from Frank-
40 fort to said Brooks.

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 said roads when completed, and upon
6 such parts thereof as shall from time to time be
7 completed.

SECT. 7. *Be it further enacted*, That if
2 any person shall wilfully and maliciously or
3 wantonly and contrary to law, obstruct the pas-
4 sage of any carriage on said Railroads or in any

5 way spoil, injure or destroy said Railroads or
6 any part thereof or any thing belonging thereto or
7 any material or implements to be employed in
8 the construction, or for the use of said road, he
9 she or they, or any person or persons assisting,
10 aiding or abetting in such trespass, shall forfeit
11 and pay to said Corporation, for every such of-
12 fence treble such damages as shall be proved
13 before the justice, court or jury before whom
14 the trial shall be had, to be sued for before any
15 justice or in any court proper to try the same,
16 by the Treasurer of the Corporation, or other
17 officer 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 such trespass shall
21 have been committed for any offence or offences
22 contrary to the above provisions, and on 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. 8. *Be it further enacted,* That the
2 annual meeting of the members of said Corpo-

3 ration shall be holden on the first Monday of
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. 9. *Be it further enacted,* That if the
2 said Corporation shall not have been organized,
3 and the location according to the actual survey
4 of the routes, filed with the Governor and Coun-
5 cil and County Commissioners of the Counties
6 through which the same shall pass, on or before
7 the thirty-first day of December, in the year of
8 our Lord one thousand eight hundred and thir-
9 ty-seven, or if the said Corporation shall fail to
10 complete that part of said Railroad named in
11 this Act leading from the city of Bangor, to
12 Frankfort village, on or before the thirty-first
13 day of December, in the year of our Lord one
14 thousand eight hundred and forty, and that part
15 leading from said Frankfort to Belfast, and from

16 said Frankfort to Brooks, on or before the thir-
17 ty-first day of December, in the year of our
18 Lord one thousand eight hundred and forty six, in
19 either of the above mentioned cases this Act
20 shall be null and void, so far as relates to either
21 of said Railroads not so completed.

SECT. 10. *Be it further enacted, That*
2 if said Railroads shall in their course through,
3 cross any tide waters, navigable rivers or streams,
4 the said Corporation be and they are authoriz-
5 ed and empowered to erect for the sole and ex-
6 clusive travel on their said Railroads, a bridge
7 across each of said rivers or streams, or across
8 any such tide waters; *Provided*, said bridge or
9 bridges shall be so constructed as not to ob-
10 struct or unnecessarily impede the navigation of
11 said waters.

SECT. 11. *Be it further enacted, That*
2 said Railroad Corporation shall constantly main-
3 tain in good repair all bridges, with their abut-
4 ments and embankments, which they may con-
5 struct for the purpose of conducting their Rail-
6 roads over any canal, turnpike, or other high-
7 way, or any private way, or for conducting such
8 private way, turnpike, or other highway, over
9 said Railroads.

SECT. 12. *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 ev-
6 ery fifteen years the Treasurer of said Corpora-
7 tion shall make an exhibit under oath to the
8 Legislature of the net profits derived from the
9 income of said Railroads.

STATE OF MAINE.

IN SENATE, FEB. 19, 1836.

ORDERED, That 900 copies of the foregoing Bill be printed for the use of the Legislature.

[Extract from Journal.]

Attest: WILLIAM TRAFTON, Sec'y.