

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1845.

AUGUSTA:

WM. T. JOHNSON, PRINTER TO THE STATE.

1845.

TWENTY-FIFTH LEGISLATURE.

No. 7.]

[SENATE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-FIVE.

AN ACT to establish the Atlantic and St. Lawrence
Railroad Company.

*Be it enacted by the Senate and House of Represent-
atives in Legislature assembled—as follows :*

SECTION 1. William P. Preble, Josiah S. Little,
John Mussey, John B. Brown, George Turner,
John Anderson, St. John Smith, Charles Cobb, John
Dow, Abner Shaw, John Neal, Augustine Haines,
Franklin Tinkham, Charles E. Barret, Eliphalet Case,
Thomas Hammond, William E. Greeley, William
Kimball, Charles Q. Clapp, James Farmer, Woodbury
Storer, and Eliphalet Greeley, their associates, suc-
cessors and assigns are hereby made and consti-
tuted a body politic and corporate by the name of
the Atlantic and St. Lawrence Railroad Company,
and by that name may sue and be sued, plead and be
impleaded, and shall have and enjoy all proper reme-

16 dies at law and in equity to secure and protect them
17 in the exercise and use of the rights and privileges
18 and in the performance of the duties hereinafter
19 granted and enjoined, and to prevent all invasion
20 thereof or interruption in exercising and performing
21 the same. And the said corporation are hereby au-
22 thorized and empowered to locate, construct, and
23 finally complete, alter and keep in repair a railroad
24 with one or more sets of rails or tracks, with all suit-
25 able bridges, tunnels, viaducts, turnouts, culverts,
26 drains, and all other necessary appendages, from some
27 point or place in the city of Portland through the
28 counties of Cumberland and Oxford, and if deemed
29 advisable, through the southwesterly corner of Frank-
30 lin to the boundary line of this State at such place as
31 will best connect with a railroad to be constructed
32 from said boundary to Montreal in Canada. Said
33 railroad to be located and constructed in the general
34 direction of Sherbrook and Montreal, on such route
35 as the directors of said corporation in the exercise of
36 their best judgment and discretion shall judge most
37 favorable and best calculated to promote the public
38 convenience and carry into effect the intentions and
39 purposes of this act. And said corporation shall be
40 and hereby are invested with all the powers, privileges
41 and immunities, which are or may be necessary to
42 carry into effect the purposes and objects of this act
43 as herein set forth. And for this purpose said corpo-
44 shall have the right to purchase or to take and hold

45 so much of the land and other real estate of private
46 persons and corporations, as may be necessary for the
47 location, construction and convenient operation of said
48 railroad; and they shall also have the right to take,
49 remove and use for the construction and repair of said
50 railroad and appurtenances, any earth, gravel, stone,
51 timber or other materials, on or from the land so
52 taken. *Provided, however,* that said land so taken
53 shall not exceed six rods in width, except where
54 greater width is necessary for the purpose of excava-
55 tion or embankment: *and provided, also,* that in all
56 cases, said corporation shall pay for such lands, estate
57 or materials so taken and used, such price as they and
58 the owner or respective owners thereof may mutually
59 agree on; and in case said parties shall not otherwise
60 agree, then said corporation shall pay such damages
61 as shall be ascertained and determined by the county
62 commissioners for the county where such land or other
63 property may be situated, in the same manner and
64 under the same conditions and limitations, as are by
65 law provided in the case of damages by the laying
66 out of highways. And the land so taken by said cor-
67 poration shall be held as lands taken and appropriated
68 for public highways. And no application to said
69 commissioners to estimate said damages shall be sus-
70 tained, unless made within three years from the time
71 of taking such land or other property; and in case
72 such railroad shall pass through any woodlands or for-
73 ests, the said company shall have the right to fell or

74 remove any trees standing therein, within four rods
75 from such road, which by their liability to be blown
76 down or from their natural falling, might obstruct or
77 impair said railroad, by paying a just compensation
78 therefor, to be recovered in the same manner as is
79 provided for the recovery of other damages in this act.
80 And furthermore said corporation shall have all the
81 powers, privileges and immunities, and be subject to
82 all the duties and liabilities, provided and prescribed
83 respecting railroads in chapter eighty one of the Re-
84 vised Statutes, not inconsistent with the express pro-
85 visions of this charter.

SEC. 2. When said corporation shall take any
2 land or other estate as aforesaid, of any infant, person
3 non compos mentis, or feme covert, whose husband
4 is under guardianship, the guardian of such infant,
5 or person non compos mentis, and such feme covert,
6 with the guardian of her husband, shall have full power
7 and authority to agree and settle with said corpo-
8 ration, for damages or claims for damages, by reason
9 of taking such land and estate aforesaid, and give good
10 and valid releases and discharges therefor.

SEC. 3. The capital stock of said corporation shall
2 consist of not less than fifteen thousand nor more
3 than thirty thousand shares; and the immediate gov-
4 ernment and direction of the affairs of said corpora-
5 tion shall be vested in seven, nine or thirteen direc-
6 tors, who shall be chosen by the members of said cor-
7 poration, in the manner hereinafter provided, and

8 shall hold their offices until others shall have been
9 duly elected and qualified to take their places, a ma-
10 jority of whom shall form a quorum for the transac-
11 tion of business; and they shall elect one of their
12 number to be president of the board, who shall also
13 be the president of the corporation; and shall have
14 authority to choose a clerk who shall be sworn to the
15 faithful discharge of his duty; and a treasurer, who
16 shall be sworn and also give bonds to the corporation,
17 with sureties to the satisfaction of the directors, in a
18 sum not less than fifty thousand dollars for the faithful
19 discharge of his trust. And for the purpose of re-
20 ceiving subscriptions to the said stock, books shall be
21 opened under the direction of the persons named in
22 the first section of this act, at such time as they may
23 determine, in the town of Augusta, and the cities of
24 Bangor and Portland in this State, and the cities of
25 Salem and Boston in Massachusetts, and elsewhere as
26 they shall appoint, to remain open for ten successive
27 days, of which time and place of subscription public
28 notice shall be given in some newspaper printed in
29 Portland, Augusta and Boston, twenty days at least pre-
30 vious to the opening of such subscription; and in case
31 the amount subscribed shall exceed thirty thousand
32 shares, the same shall be distributed among all the sub-
33 scribers, according to such regulations as the persons
34 having charge of the opening of the subscription books
35 shall prescribe before the opening of said books.
36 And any seven of the persons named in the first sec-

37 tion of this act, are hereby authorized to call the first
38 meeting of said corporation by giving notice in one
39 or more newspapers published in the town and cities
40 last above named, of the time and place, and the pur-
41 poses of such meeting, at least twenty days before
42 the time mentioned in such notice.

SEC. 4. Said corporation shall have power to make,
2 ordain and establish all necessary by-laws and regula-
3 tions, consistent with the constitution and the laws of
4 this State, for their own government, and for the due
5 and orderly conducting of their affairs, and the man-
6 agement of their property.

SEC. 5. The president and directors for the time
2 being, are hereby authorized and empowered by
3 themselves or their agents, to exercise all the powers
4 herein granted to the corporation, for the purpose of
5 locating, constructing and completing said railroad,
6 and for the transportation of persons, goods and prop-
7 erty of all descriptions, and all such power and au-
8 thority for the management of the affairs of the cor-
9 poration as may be necessary and proper to carry into
10 effect the objects of this grant; to purchase and hold
11 within or without the State, land, materials, engines,
12 and cars and other necessary things, in the name of
13 the corporation for the use of said road, and for the
14 transportation of persons, goods and property of all
15 descriptions: to make such equal assessments from
16 time to time, on all the shares in said corporation, as
17 they may deem expedient and necessary in the exe-

18 cution and the progress of the work, and direct the
19 same to be paid to the treasurer of the corporation.
20 And the treasurer shall give notice of all such assess-
21 ments; and in case any subscriber or stockholder
22 shall neglect to pay any assessment on his share or
23 shares for the space of thirty days after such notice is
24 given as shall be prescribed by the by-laws of said
25 corporation, the directors may order the treasurer to
26 sell such share or shares, at public auction, after giv-
27 ing such notice as may be prescribed as aforesaid, to
28 the highest bidder, and the same shall be transferred
29 to the purchaser, and such delinquent subscriber or
30 stockholder shall be held accountable to the corpora-
31 tion for the balance, if his share or shares shall sell
32 for less than the assessments due thereon, with the
33 interest and costs of sale; and shall be entitled to the
34 overplus if his share or shares shall sell for more than
35 the assessments due, with interest and costs of sale.
36 *Provided however*, that no assessments shall be laid
37 upon any shares in said corporation of a greater
38 amount in the whole than one hundred dollars.

SEC. 6. A toll is hereby granted and established
2 for the sole benefit of said corporation, upon all
3 passengers, and property of all descriptions, which
4 may be conveyed or transported by them upon said
5 road, at such rate as may be agreed upon and estab-
6 lished from time to time by the directors of said cor-
7 poration. The transportation of persons and prop-
8 erty—the construction of wheels—the forms of cars

9 and carriages—the weights of loads, and all other
10 matters and things in relation to said road shall be in
11 conformity with such rules, regulations and provisions
12 as the directors shall from time to time prescribe and
13 direct.

SEC. 7. The legislature may authorize any other
2 company or companies to connect any other railroad
3 or railroads with the railroad of said corporation, but
4 only on the easterly side thereof, at any points on the
5 route of said railroad. And said corporation shall
6 receive and transport all persons, goods and property
7 of all descriptions, which may be carried and trans-
8 ported to the railroad of said corporation on such
9 other railroads as may be hereafter authorized to be
10 connected therewith, at the same rates of toll and
11 freight as may be prescribed by said corporation, so
12 that the rates of freight and toll on such passengers,
13 goods and other property as may be received from
14 such other railroads, so connected with said railroad
15 as aforesaid, shall not exceed the general rates of
16 freight and toll on said railroad received for freight
17 and passengers at any of the deposits of said corpo-
18 ration.

SEC. 8. If the said railroad in the course thereof
2 shall cross any private way, the said corporation shall
3 so construct said railroad as not to obstruct the safe
4 and convenient use of such private way; and if the
5 said railroad shall in the course thereof, cross any
6 canal, turnpike, railroad, or other highway, the said

7 railroad shall be so constructed as not to obstruct the
8 safe and convenient use of such canal, turnpike or
9 other highway ; and the said corporation shall have
10 power to raise or lower such turnpike, highway or
11 private way, so that the said railroad, if necessary,
12 may conveniently pass under or over the same, and
13 erect such gate or gates thereon, as may be necessary
14 for the safety of travelers on said turnpike, railroad,
15 highway or private way.

SEC. 9. Said railroad corporation shall constantly
2 maintain in good repair all bridges with their abut-
3 ments and embankments which they may construct
4 for the purpose of conducting their railroad over any
5 canal, turnpike, highway or private way, or for
6 conducting such private way or turnpike over said
7 railroad.

SEC. 10. If said railroad shall in the course thereof,
2 cross any tide waters, navigable rivers or streams, the
3 said corporation are hereby authorized and empow-
4 ered to erect for the sole and exclusive travel on
5 their said railroad, a bridge across each of said
6 rivers or streams, or across any such tide waters :
7 *provided*, said bridge or bridges shall be so constructed
8 as not unnecessarily to obstruct or impede the navi-
9 gation of said waters.

SEC. 11. Said railroad corporation shall erect and
2 maintain substantial, legal and sufficient fences on
3 each side of the land taken by them for their railroad,
4 where the same passes through enclosed or improved

5 lands; and for neglect or failure to erect and main-
6 tain such fence, said corporation shall be liable to be
7 indicted in the district court for the county where such
8 fence shall be insufficient, and to be fined in such sum
9 as shall be adjudged necessary to repair the same;
10 and such fine shall be expended for the erection or
11 repair of said fence under the direction of an agent
12 appointed by said court, as in case of fines imposed
13 upon towns for deficiency of highways.

SEC. 12. The said corporation shall at all times,
2 when the Postmaster General shall require it, be
3 holden to transport the mail of the United States from
4 and to such place or places on said road as required,
5 for a fair and reasonable compensation. And in case
6 the corporation and the Postmaster General shall be
7 unable to agree upon the compensation aforesaid, the
8 legislature of the State shall determine the same.
9 And said corporation after they shall commence the
10 receiving of tolls shall be bound at all times to have
11 said railroad in good repair, and a sufficient number
12 of suitable engines, carriages and vehicles for the
13 transportation of persons and articles, and be obliged
14 to receive at all proper times and places, and convey
15 the same when the appropriate tolls therefor shall be
16 paid or tendered, and a lien is hereby created on all
17 articles transported for said tolls. And the said cor-
18 poration fulfilling on its part all and singular the sev-
19 eral obligations and duties by this section imposed and
20 enjoined upon it shall not be held or bound to allow

21 any engine, locomotive, cars, carriages or other vehi-
22 cle for the transportation of persons or merchandize
23 to pass over said railroad other than its own furnished
24 and provided for that purpose as herein enjoined and
25 required.

SEC. 13. If any person shall willfully and mali-
2 ciously or wantonly and contrary to law obstruct the
3 passage of any carriage on said railroad or in any
4 way spoil, injure or destroy said railroad, or any part
5 thereof, or anything belonging thereto, or any mate-
6 rial or implements to be employed in the construction
7 or for the use of said road, he, she, or they, or any
8 person or persons, assisting, aiding, or abetting such
9 trespass, shall forfeit and pay to said corporation for
10 every such offence, treble such damages as shall be
11 proved before the justice, court or jury, before whom
12 the trial shall be had, to be sued for before any justice
13 or in any court proper to try the same, by the treas-
14 urer of the corporation, or other officer, whom they
15 may direct, to the use of said corporation. And such
16 offender or offenders shall be liable to indictment by
17 the grand jury of the county, within which trespass
18 shall have been committed, for any offence or offen-
19 ces, contrary to the above provisions; and upon con-
20 viction thereof before any court competent to try the
21 same, shall pay a fine not exceeding five hundred
22 dollars, to the use of the State, or may be imprisoned
23 for a term not exceeding five years, at the discretion
24 of the court before whom such conviction may be
25 had.

SEC. 14. Said corporation shall be and hereby is
2 invested with power and authority to continue and
3 prolong said railroad beyond the line of this State to
4 the boundary of Canada, and to purchase, take and
5 hold lands, or the right of way over lands for the pur-
6 pose of constructing said railroad in continuation
7 without the limits of this State, on and over said lands
8 to the said boundary of Canada. *Provided*, the same
9 can be done consistently with the laws and regulations
10 of the State or States in which such lands lie, and
11 through and over the territory of which such railroad
12 in continuation would pass.

SEC. 15. Said corporation shall keep in a book for
2 that purpose a regular account of all their disburse-
3 ments, expenditures and receipts, and the books of
4 said corporarion shall at all times be open to the
5 inspection of the governor and council, and of any
6 committee duly authorized by the legislature; and at
7 the expiration of every year, the treasurer of said
8 corporation shall make an exhibit under oath to the
9 legislature, of the net profits derived from the income
10 of said railroad.

SEC. 16. All real estate purchased by said corpora-
2 tion for the use of the same under the fifth section of
3 this act shall be taxable to said corporation by the
4 several towns, cities and plantations in which said
5 lands may lie, in the same manner as lands owned by
6 private persons, and shall in the valuation list be esti-
7 mated the same as other real estate of the same qual-

8 ity in such town, city or plantation and not otherwise,
9 and the shares owned by the respective stockholders
10 shall be deemed personal estate and be taxable as such
11 to the owners thereof, in the places where they reside
12 and have their home. And whenever the net income
13 of said corporation shall have amounted to ten per
14 centum per annum upon the cost of the road and its
15 appendages and incidental expenses, the directors
16 shall make a special report of the fact to the legisla-
17 ture; from and after which time one moiety or such
18 other portion as the legislature may from time to time
19 determine, of the net income from said railroad ac-
20 cruing thereafter over and above ten per centum per
21 annum first to be paid to the stockholders shall annu-
22 ally be paid over by the treasurer of said corporation,
23 as a tax, into the treasury of the State for the use of
24 the State. And the State may have and maintain an
25 action against said corporation therefor to recover the
26 same. But no other tax than herein is provided shall
27 ever be levied or assessed on said corporation or any
28 of their privileges or franchises.

SEC. 17. The annual meeting of the members of
2 said corporation shall be holden on the second Mon-
3 day in June, or such other day as shall be determined
4 by the by-laws, at such time and place as the directors
5 for the time being shall appoint, at which meeting,
6 the directors shall be chosen by ballot, each proprietor
7 by himself or proxy being entitled to as many votes
3 as he holds shares, and the directors are hereby au-

9 thorized to call special meetings of the stockholders
10 whenever they shall deem it expedient and proper,
11 giving such notice as the corporation by their by-laws
12 shall direct.

SEC. 18. The legislature shall at all times have
2 the right to inquire into the doings of the corporation
3 and into the manner in which the privileges and
4 franchises herein and hereby granted may have been
5 used and employed by said corporation, and to correct
6 and prevent all abuses of the same, and to pass any
7 laws imposing fines and penalties upon said corpora-
8 tion, which may be necessary, more effectually to
9 compel a compliance with the provisions, liabilities
10 and duties, hereinbefore set forth and enjoined, but
11 not to impose any other or further duties, liabilities,
12 or obligations. And this charter shall not be revoked,
13 annuled, altered, limited or restrained without the
14 consent of the corporation, except by due process of
15 law.

SEC. 19. If the said corporation shall not have been
2 organized, and the location according to actual survey
3 of the route filed with the county commissioners of
4 the counties through which the same shall pass, on or
5 before the thirty first day of December, in the year of
6 our Lord, one thousand eight hundred and fifty, or if
7 the said corporation shall fail to complete said railroad
8 on or before the thirty first day of December, in the
9 year of our Lord, one thousand eight hundred and
10 sixty, in either of the above mentioned cases, this act
11 shall be null and void.



STATE OF MAINE.

IN SENATE, Jan. 30, 1845.

ORDERED, That 700 copies of the foregoing bill be printed for the use of the legislature.

J. O. L. FOSTER, *Secretary.*