

# 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 THE

EXTRA SESSION OF 1853, AND SESSION OF 1854.



Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

---

---

# THIRTY-THIRD LEGISLATURE.

---

SENATE.

No. 16.

---

---

## STATE OF MAINE.

---

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FIFTY-FOUR.

---

An Act to incorporate the Aroostook Railroad Company.

---

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT. 1. Nathaniel Blake, Elijah L. Hamlin, John  
2 Winn, Waldo T. Pierce, William H. McCrillis, Sam-  
3 uel P. Strickland, Samuel F. Hersey, Leonard March,  
4 Solomon Parsons, John Appleton, William H. Mills,  
5 Jonathan Eddy, George P. Sewall, Stephen B. Pattee  
6 and Daniel Sanborn, are hereby made a body politic  
7 and corporate by the name of the Aroostook Railroad  
8 Company ; and said company are hereby authorized  
9 and empowered to locate, construct, alter and keep  
10 in repair a railroad, with one or more sets of rails or

11 tracks and all necessary appendages, from some point  
12 near the bank of the Mattawamkeag river at its mouth  
13 or outlet into the Penobscot, thence up said Matta-  
14 wamkeag, or diverging therefrom, and northerly to  
15 any point or points on the northerly line of this state ;  
16 and to locate and construct, as aforesaid, such  
17 branches north of the mouth of the Mattawamkeag  
18 aforesaid, as said corporation may determine to be  
19 necessary, on such routes as the directors of said cor-  
20 poration shall judge most favorable and best calculated  
21 to promote the public convenience ; and said corpo-  
22 ration shall have all the powers, privileges and immu-  
23 nities necessary to carry into effect the purposes and  
24 objects of this act, and shall be subject to the duties  
25 and liabilities now prescribed by the general laws of  
26 this state in relation to railroads, not inconsistent with  
27 the provisions of this act. And for these purposes  
28 said corporation shall have the right to purchase, or  
29 to take and hold, so much of the land and other real  
30 estate of private persons and corporations as may be  
31 necessary for the location, construction and conven-  
32 ient operation of said road ; and they shall also have  
33 the right to take, remove and use for the construction  
34 and repair of said railroad and appurtenances, any

35 earth, gravel, stone, timber or other materials, from  
36 the lands so taken ; *provided, however*, that said lands  
37 so taken shall not exceed six rods in width, except  
38 where greater width is necessary for the purpose of  
39 excavation or embankment ; *and provided also*, that  
40 in all cases said corporation shall pay for such lands,  
41 estate or materials so taken and used such price as  
42 they and the owners thereof may mutually agree on ;  
43 and in case said parties shall not otherwise agree, then  
44 said corporation shall pay such damages as shall be  
45 ascertained and determined by the county commis-  
46 sioners for the county where such land or other prop-  
47 erty may be situated, in the same manner and under  
48 the same conditions and limitations as are by law  
49 provided in the case of damages by the laying out of  
50 highways. And the land so taken by said corporation  
51 shall be held as lands taken and appropriated for  
52 public highways. And no application to said com-  
53 missioners to estimate said damages shall be sustained  
54 unless made within three years from the time of taking  
55 such land or other property ; and in case such rail-  
56 road shall pass through any woodlands or forests, the  
57 said company shall have a right to fell or remove any  
58 trees standing therein, within four rods from such

59 road, which by their liability to be blown down or from  
60 their natural falling might obstruct or impair said rail-  
61 road, by paying a just compensation therefor, to be  
62 recovered in the same manner as is provided for the  
63 recovery of other damages in this act.

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

SECT. 3. If said railroad shall, in the course thereof,  
2 cross any navigable rivers or streams, the said corpo-  
3 ration are hereby authorized and empowered to erect  
4 for their sole and exclusive use on their said railroad,  
5 a bridge across each of said rivers or streams; *pro-*  
6 *vided* said bridge or bridges shall be so constructed as  
7 not unnecessarily to obstruct or impede the naviga-  
8 tion of said waters.

SECT. 4. The capital stock of this company shall

2 consist of not less than twenty, and not more than  
3 fifty thousand shares, divided into shares of one hun-  
4 dred dollars each; and the immediate government  
5 and direction of the affairs of said corporation shall  
6 be vested in five, seven or nine directors, who shall  
7 be chosen 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 transaction  
11 of business; and they shall elect one of their number  
12 to be president of their board, who shall also be the  
13 president of the corporation; they shall have au-  
14 thority 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 bond to the corporation,  
17 with sureties to the satisfaction of the directors, in a  
18 sum not less than twenty thousand dollars, conditioned  
19 for the faithful discharge of his trust.

SECT. 5. For the purpose of receiving subscriptions  
2 to the said stock, books shall be opened at such time  
3 and in such places as shall be deemed expedient by  
4 the persons named in the first section of this act; and  
5 in case the amount subscribed shall exceed the num-  
6 ber of shares authorized by this act, the same shall

7 be distributed among all the subscribers according to  
8 such regulations as the persons aforesaid shall pre-  
9 scribe before the opening of said books.

SECT. 6. The president and directors for the time  
2 being, are authorized by themselves or their agents  
3 to exercise all the powers herein granted to the cor-  
4 poration for the purpose of locating and constructing  
5 said railroad, and for the transportation of persons  
6 and property, and all such power as may be neces-  
7 sary and proper to carry into effect the objects of  
8 this grant, and to make such equal assessments from  
7 time to time on all the shares subscribed, as they may  
8 deem expedient in the prosecution and progress of  
9 the work, and direct the same to be paid to the  
10 treasurer of the corporation. The treasurer shall  
11 give notice of all such assessments, and in case any  
12 subscriber or stockholder shall neglect to pay any  
13 assessment on his share or shares, for the space of  
14 thirty days after such notice is given, as shall be pro-  
15 vided by the by-laws of said corporation, the directors  
16 may order the treasurer to sell such share or shares,  
17 at public auction, after giving such notice as may be  
18 prescribed by the by-laws, to the highest bidder, and  
19 the same shall be transferred to the purchaser, and

20 such delinquent stockholder or subscriber shall be  
21 held accountable for the balance, if his share or shares  
22 shall sell for less than the assessments due thereon,  
23 with the interest and costs of sale ; and shall be en-  
24 titled to the overplus, if his share or shares shall sell  
25 for more than the assessments due thereon with inter-  
26 est and costs of sale ; *provided, however,* that no  
27 assessment shall be laid upon any shares of a greater  
28 amount in the whole than one hundred dollars.

SECT. 7. A toll is hereby granted for the sole ben-  
2 efit of said corporation upon all persons and property  
3 which may be conveyed upon said road, at such rate  
4 as may be established from time to time by the direct-  
5 ors. The transportation of persons and property  
6 shall be in conformity with the rules and regulations  
7 to be prescribed by the directors.

SECT. 8. 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  
6 case the corporation and the post master general  
7 shall be unable to agree upon the compensation  
8 aforesaid, the legislature of the state shall determine

9 the same. And the said corporation, after they shall  
10 commence the receiving of tolls, shall be bound at  
11 all times to have said railroad in good repair, and a  
12 sufficient number of suitable engines, carriages and  
13 vehicles for the transportation of persons and articles,  
14 and be obliged to receive at all proper times and  
15 places, and convey the same when the appropriate  
16 tolls therefor shall be paid or tendered, and a lien is  
17 hereby created on all articles transported for said  
18 tolls. And the said corporation, fulfilling on its part  
19 all and singular the several obligations and duties by  
20 this section imposed and enjoined upon it, shall not  
21 be held or bound to allow any engine, locomotive,  
22 cars, carriages or other vehicle for the transportation  
23 of persons or merchandize, to pass over said railroad,  
24 other than its own, furnished and provided for that  
25 purpose, as herein enjoined and required; *provided,*  
26 *however,* that said corporation shall be under obliga-  
27 tions to transport over said road, in connection with  
28 their own trains, the passenger and other cars of any  
29 other incorporated company that may hereafter con-  
30 struct a railroad connecting with that hereby author-  
31 ized, such other company being subject to all the  
32 provisions of the sixth and seventh sections of this act

33 as to rates of toll, and all other particulars enumerated  
34 in said sections.

SECT. 9. 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 way  
4 spoil, injure or destroy said railroad or any part  
5 thereof, or any thing 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 per-  
8 son or persons assisting, aiding or abetting such tres-  
9 pass, shall forfeit and pay to said corporation, for every  
10 such offense, treble such damages as shall be proved  
11 before the justice, court or jury before whom the trial  
12 shall be had, to be sued for before any justice or in  
13 any court proper to try the same, by the treasurer of  
14 the corporation or other officer whom they may  
15 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 such tres-  
18 pass shall have been committed, for any offense or  
19 offenses contrary to the above provisions, and upon  
20 conviction thereof before any court competent to try  
21 the 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 had.

SECT. 10. All real estate purchased by said corpo-  
2 ration for the use of the same, under the fifth section  
3 of this act, shall be taxable to said corporation by the  
4 several towns, cities and plantations in which said  
5 lands lie, in the same manner as lands owned by pri-  
6 vate 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 city, town 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 homes. 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 of such  
18 other portion as the legislature may from time to time  
19 determine of the net income of said railroad accruing  
20 thereafter over and above ten per centum per annum,  
21 first to be paid to the stockholders, shall annually be  
22 paid over by the treasurer of said corporation as a tr

23 into the treasury of the state, for the use of the state.  
 24 And the state may have and maintain an action  
 25 against said corporation therefor to recover the same.  
 26 But no other tax, than herein is provided, shall ever  
 27 be levied or assessed on said corporation or any of  
 28 their privileges or franchises.

SECT. 11. The president and directors for the time  
 2 being are hereby authorized and empowered by them-  
 3 selves or their agents to exercise all the powers herein  
 4 granted to the corporation for the purpose of locating,  
 5 constructing, and completing said railroad and for the  
 6 transportation of persons, goods and property of all  
 7 descriptions, and all such power and authority for the  
 8 management of the affairs of the corporation as may  
 9 be necessary and proper to carry into effect the ob-  
 10 jects of this grant, to purchase and hold land, materi-  
 11 als, engines and cars, and other necessary things in  
 12 the name of the corporation for the use of said road  
 13 and for the transportation of persons, goods and  
 14 property of all descriptions; to make such equal as-  
 15 sessment from time to time on all the shares in said  
 16 corporation as they may deem expedient and neces-  
 17 sary in the execution and progress of the work, and  
 18 direct the same to be paid to the treasurer of the cor-

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

SECT. 12. The annual meeting of the members of  
2 said corporation shall be holden on the second Mon-  
3 day in June, or such other days as shall be determined  
4 by the by-laws, at such time and place as the direc-  
5 tors for the time being shall appoint ; at which meet-

6 ing the directors shall be chosen by ballot, each pro-  
7 priator by himself or proxy being entitled to as many  
8 votes as he holds shares ; and the directors are hereby  
9 authorized to call special meetings of the stock-  
10 holders whenever they shall deem it expedient and  
11 proper, giving such notice as the corporation by their  
12 by-laws shall direct.

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

SECT. 14. Any five of the persons named in the  
2 first section of this act, are hereby authorized to call  
3 the first meeting of said corporation, by giving notice

4 in one or more newspapers published in the city of  
5 Bangor, of the time and place and the purposes of  
6 such meeting, at least twenty days before the time  
7 mentioned in such notice.

SECT. 15. No section or sections of said road shall  
2 be put under contract to be built until three quarters  
3 at least of the estimated cost (by a competent en-  
4 gineer) of building said section or sections, shall be  
5 subscribed by responsible persons.

SECT. 16. If the said corporation shall not have  
2 been organized and the location according to actual  
3 survey of the route filed with the county commis-  
4 sioners of the counties through which, or any part of  
5 which the same shall pass, on or before the thirty-first  
6 day of December, in the year eighteen hundred and  
7 fifty-eight, or if said corporation shall fail to complete  
8 at least twenty miles of said road within eight years  
9 from the passage of this act, this grant shall be void.  
10 But if such location of said road is made as aforesaid,  
11 and twenty miles thereof completed within the period  
12 aforesaid, then said corporation may locate and con-  
13 struct any branch or branches thereof at any time  
14 after said period.

HOUSE OF REPRESENTATIVES, }  
March 31, 1854. }

This Bill, having had three several readings, passed to be engrossed.

BENJAMIN FREEMAN, *Clerk pro tem.*

---

STATE OF MAINE.

---

IN SENATE, April 3, 1854.

This Bill, reported by the Committee on Railroads and Bridges, was read twice, and

ORDERED, That 350 copies of the same be printed for the use of the Legislature.

WILLIAM TRAFTON, *Secretary.*