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THE LEGISLATURE

OF THE

STATE OF MAINE.

1864.

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1864.
STATE OF MAINE.

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

AN ACT to incorporate the Brewer Branch Railroad Company.

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

SECTION 1. Joshua Chamberlain, Ambrose C. Wilson, Joab W. Palmer, Deodat Brastow, George M. Weston, their associates, successors and assigns, are hereby made and constituted a body corporate and politic, by the name of the Brewer Branch Railroad Company, and by this name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereinafter
granted and enjoined, and to prevent all invasion thereof, or interruptions in exercising and performing the same, and the said corporation is authorized and empowered to locate, construct and finally complete, alter and keep in repair, a branch railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, drains and all other necessary appendages, from some point in Bangor, at or above Treat's Falls, so called, between Bangor and Brewer, and across said falls between Bangor and Brewer, with right to build a bridge across said falls, and to connect with the European and North American Railroad Company in said Bangor; thence to follow down the shore of Penobscot river to and along the wharves and wharf privileges below the Bangor bridge to Brewer village; and said corporation are hereby invested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth; and for this purpose said corporation shall have the right to purchase or to take and hold so much of the land and real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad and branches; and they shall also have the right to unite with any other
corporation authorized to construct a dam at Treat's Falls, for the purpose of making use of the water power of the Penobscot river for manufacturing purposes, and to construct such branch lines of railway as may be necessary to carry into effect the objects and purposes of the company; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone or other materials on or from the land so taken; provided however, that this land so taken shall not exceed six rods in width, except where greater width is necessary for the purposes of excavation or embankment; and provided also, that in all cases said corporation shall pay for such lands, estate or materials, so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, the said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county of Penobscot, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways; and the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application
61 to said commissioners to estimate said damages shall
62 be sustained unless made within three years from the
63 time of taking such land or other property. And said
64 corporation may construct docks and extend wharves
65 into the Penobscot river for the purposes of their com-
66 pany, under such regulations and restrictions as may
67 be prescribed therefor by the county commissioners for
68 the county of Penobscot aforesaid; in the construction
69 of the bridge across the Penobscot river, said company
70 shall conform to such plans and regulations for the pas-
71 sage of rafts through said bridge or through any canal
72 constructed for such purpose, and for the necessary fish
73 ways and other necessary purposes, as shall from time
74 to time be prescribed by said county commissioners.
75 The said corporation may lease or sell its line and all
76 its improvements to the European and North American
77 Railway Company, which latter company is hereby
78 authorized to enter into such contract of sale or lease,
79 and the directors of the two corporations may enter
80 into such contract for the running of the road and for
81 the purchase, lease or sale thereof, as the directors of
82 the two companies, in the exercise of their best judg-
83 ment and discretion may deem for the advantage of
84 their respective corporations, subject to the approval
85 of the stockholders in each corporation.
Sect. 2. The capital stock of said corporation shall consist of not less than one thousand nor more than ten thousand shares, and the immediate government and direction of the affairs of said corporation shall be vested in three, five, or seven directors, who shall be chosen by the members of said corporation, in the manner hereinafter provided, and shall hold their office until others shall have been duly elected and qualified to take their place, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be president of the corporation, and shall have authority to choose a clerk who shall be sworn to a faithful discharge of his duty, and a treasurer who shall be sworn, and also give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than ten thousand dollars, for the faithful discharge of his trust; and for the purpose of receiving subscription to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such time as they may determine, in the city of Bangor, and elsewhere, as they shall appoint, to remain open for five successive days at least, of which time and place of subscription, public notice shall be given in one of the newspapers printed in the city of Bangor,
ten days before the opening of such subscription; and any three of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation, for the choice of directors and organization, by giving notice in one or more newspapers published as before named, of the time and place and purposes of such meeting, at least fourteen days before the time mentioned in such notice.

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

SECT. 4. The president and directors for the time being are hereby authorized and empowered by themselves or their agents, to exercise all the powers here- in granted to the corporation, for the purpose of locating, constructing and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such powers and author-
8 ity for the management of the affairs of said corporation
9 as may be necessary and proper to carry into effect
10 the objects of this grant; to purchase and hold land,
11 materials, engines and cars, and other necessary things
12 in the name of the corporation, for the use of said
13 road, and for the transportation of goods and property
14 of all description, to make such equal assessment from
15 time to time on all the shares in said corporation as
16 they may deem expedient and necessary in the execu-
17 tion and progress of the work, and direct the same to
18 be paid to the treasurer of this corporation. And the
19 treasurer shall give notice of all such assessments;
20 and in case any subscriber or stockholder shall neglect
21 to pay any assessment on his share or shares, for the
22 space of thirty days after such notice is given as shall
23 be prescribed by the by-laws of said corporation, the
24 directors may order the treasurer to sell such share or
25 shares at public auction, after giving such notice as
26 may be prescribed, as aforesaid, to the highest bidder,
27 and the same shall be transferred to the purchaser, and
28 such delinquent subscriber or stockholder shall be held
29 accountable to the corporation for the balance, if his
30 share or shares shall sell for less than the amount of
31 the assessments due thereon, with the interest and
32 costs of sale, and shall be entitled to the over-plus,
33 if his share or shares shall sell for more than the
34 assessments due with interest and costs of sale;
35 provided however, that no assessment shall be laid upon
36 any shares in said corporation of a greater amount in
37 the whole than one hundred dollars.

Sect. 5. A toll is hereby granted and established
2 for the sole benefit of said corporation, upon all pas-
3 sengers and property of all descriptions which may be
4 conveyed or transported by them upon said road, at
5 such rate as may be agreed upon and established, from
6 time to time by the directors of said corporation. The
7 transportation of persons and property, the construc-
8 tion of wheels, the form of cars and carriages, the
9 rights of roads, and all other matters and things in
10 relation to said road shall be in conformity with such
11 rules, regulations and provisions, as the directors from
12 time to time prescribe and direct.

Sect. 6. The legislature may authorize any other
2 company or companies, to connect any other railroad
3 or railroads, with the railroad of said corporation, at
4 any point on the route of said railroad. And said
5 corporation shall receive and transport all persons,
6 goods and property of all descriptions, which may be
7 carried and transported to the railroad of said corpo-
8 ration, on such other railroads as may hereafter be
BREWER BRANCH RAILROAD COMPANY.

9 authorized to connect therewith, at the same rates of
toll and freight, as may be prescribed by said corpora-
tion, as the general rates of freight and toll on said
railroad, received for freight and passengers, at any of
the deposits of said corporation.

SECT. 7. If said railroad in the course thereof, shall
cross any private way, the said corporation shall so
construct said railroad, as not to obstruct the safe and
convenient use of such private way; and if said road
shall in the course thereof, cross any canal, railroad or
highway, the said railroad shall be so constructed, as
not to obstruct the safe and convenient uses of such:
canal, highway or such other railroad, and the said
corporation shall have power to raise or lower such:
highway or private way, so that the said railroad if
necessary, may conveniently pass over or under the
same, and erect such gate or gates thereon, as may be
necessary for the safety of travellers on said railroad,
highway, or private way, and shall keep all bridges
and embankments necessary for the same in good
repair.

SECT. 8. Said railroad corporation shall erect and
maintain, substantial, legal and sufficient fences on
each side of the land taken by them for their railroad,
where the same passes through improved or enclosed
lands, or lands that may hereafter be improved or enclosed.

Sect. 9. The said corporation shall at all times, when the postmaster general shall require it, be held to transport the mail of the United States from and to such place or places on said road as may be required for a reasonable compensation; and in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the state shall determine the same; and the said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said road in good repair, and a suitable number of efficient engines, carriages and vehicles for transportation of persons and articles, and be obliged to receive at all proper times and places and carry the same, when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported for said tolls, and said corporation fulfilling on its part all and singular the several obligations by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle, for the transportation of persons or merchandise, to pass over said railroad, other than its own, furnished and provided for that purpose, as herein
enjoined and required; provided however, that said corporation shall be under obligation to transport over said road the passenger and other cars of any other incorporated company, that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the fifth and sixth sections of this act, as to rates of toll and all other particulars enumerated in said section.

Sect. 10. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriages on such railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or any thing belonging thereto, or any materials or implements to be employed in the construction of, or for the use of said road, he, she or they, or any person or persons assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the justice, court or jury before whom the trial shall be had, to be sued for before any justice or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation; and such offender or offenders shall be liable to indictment by the grand jury of the county within which trespass shall have
been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same shall pay a fine not exceeding five hundred dollars to the use of the state, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

Sect. 11. Said corporation shall keep in a book kept for that purpose, a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council and of any committee duly authorized by the legislature, and at the expiration of every year the treasurer of said corporation shall make an exhibit under oath, to the legislature, of the profits derived from the income of said road.

Sect. 12. All real estate purchased by said corporation for the use of the same under the fourth section of this act, shall be taxable to said corporation by the several cities and towns in which said lands lie, in the same manner as lands owned by private persons, and shall in the valuation lists be estimated the same as lands owned by adjacent proprietors, of the same quality in such city or town and not otherwise, and the
9 shares owned by the respective shareholders, shall be
deemed personal estate, and be taxable as such, to the
owners thereof, in the places where they reside and
have their homes.

SECT. 13. This corporation shall be at all times sub-
ject to such general laws in relation to railroads, as
have been or may be hereafter enacted by the legisla-
ture of this state.

SECT. 14. The annual meeting of the members of
said corporation shall be held on the first Monday in
January, or such other day as shall be determined by
the by-laws, at such time and place as the directors
for the time being shall appoint, at which meeting the
directors shall be chosen by ballot, each proprietor by
himself or proxy, being entitled to as many votes as
he holds shares; and the directors are hereby author-
thorized to call special meetings of the stockholders
whenever they deem it expedient and proper, giving
such notice as the corporation by their by-laws shall
direct.

SECT. 15. The legislature shall at all times have
the right to inquire into the doings of the corporation
and into the manner in which the privileges and fran-
chises herein and hereby granted, may have been 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 com-
9 pel a compliance with the provisions, liabilities and
10 duties hereinbefore set forth and enjoined, but not to
11 impose any other or further duties, liabilities or obli-
12 gations.

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 commissioners
4 of the county of Penobscot on or before the first day
5 of January, in the year of our Lord one thousand eight
6 hundred and sixty-eight, or if the said corporation
7 shall fail to complete said railroad on or before the
8 first day of January, in the year of our Lord one thou-
9 sand eight hundred and seventy-four, in either of the
10 abovementioned cases this act shall be null and void.

Sect. 17. This act takes effect on its approval by
2 the governor.
STATE OF MAINE.

In Senate, February 18, 1864.

Reported by Mr. MILLIKEN of Kennebec, from the Committee on Railroads, Ways and Bridges, and on motion of Mr. BRADBURY, laid on the table and 350 copies ordered to be printed for the use of the Legislature.

EZRA C. BRETT, Secretary.