

# MAINE STATE LEGISLATURE

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# FIFTY-FIRST LEGISLATURE.

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HOUSE.

No. 25.

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## STATE OF MAINE.

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The Committee on Railroads, Ways and Bridges, to which was referred the petition of S. P. Strickland and others, praying that a charter may be granted for a railroad from Bangor to Calais, have had the same under consideration, and ask leave to report that the bill be printed and recommitted to the Committee on Railroads, Ways and Bridges.

Per order.

EBEN WOODBURY, *Chairman.*

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HOUSE OF REPRESENTATIVES, }  
February 1, 1872. }

Read and accepted. Sent up for concurrence.

S. J. CHADBOURNE, *Clerk.*

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IN SENATE, February 2, 1872.

Read and concurred.

SAMUEL W. LANE, *Secretary.*

# STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

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AN ACT to incorporate the Bangor and Calais Shore Line  
Railroad Company.

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

SECTION 1. S. P. Strickland, S. H. Blake, Geo. W.  
2 Ladd, James Dunning, C. P. Brown, Henry A. Wood,  
3 Geo. C. Pickering, A. L. Simpson, Seth Tisdale, H. M.  
4 Hall, John D. Hopkins, N. K. Sawyer, Robert Gerry  
5 junior, John F. Whitcomb, Charles H. Macomber, John  
6 West, Wm. H. Card, John U. Hill, Gilbert E. Simpson,  
7 Wm. L. Guptill, Handy Leighton, George L. Baker,  
8 Joseph W. Sawyer, Mariner S. Fickett, James W.  
9 Moore, Alexander Campbell, D. W. Campbell, James  
10 A. Milliken, William Freeman junior, Samuel Camp-  
11 bell, John W. Coffin, Harrison Hume, Melbourn H.  
12 Willey, Samuel Ray, B. F. Willey, Albert M. Nash,  
13 Holmes W. Ramsdell, Joseph W. Coffin, Joseph Cran-  
14 don, James L. Buckman, John H. Crandon, Daniel  
15 J. Sawyer, John Plummer, J. C. Nash, Horace C.

16 Hall, Wm. B. Elwell, John F. Harmon, George  
 17 Walker, Ignatius Sargent, John K. Ames, Edwin  
 18 Longfellow, Hiram Gardiner, Geo. W. Drisko, Mason  
 19 H. Wilder, Stephen Longfellow, Wm. H. Hemenway,  
 20 S. H. Talbot, John C. Talbot, Wm. H. Pope, Geo.  
 21 W. Pope, Jeremiah Foster, T. W. Allan, Peter E.  
 22 Vose, N. S. Allen, D. K. Hobart, W. T. Hobart,  
 23 Geo. K. Hatch, Horace Harmon, Charles H. Haskell,  
 24 A. G. Buck, Charles Deering, N. B. Nutt, Charles Paine,  
 25 Samuel D. Leavitt, Samuel Adams, W. W. Bragdon,  
 26 Enoch Fisher, Gideon Mayo, F. A. Pike, E. C. Gates,  
 27 their associates, successors and assigns, are hereby  
 28 made and constituted a body corporate and politic, by  
 29 the name of the Bangor and Calais Shore Line Railroad  
 30 Company and by this name may sue and be sued, plead  
 31 and be impleaded, and shall have and enjoy all proper  
 32 remedies at law and in equity to secure and protect  
 33 them in the exercise of the rights and privileges here-  
 34 inafter granted, and to prevent all invasions thereof,  
 35 or interruptions in the exercise and enjoyment of the  
 36 same ; and the said corporation is hereby authorized  
 37 and empowered to locate, construct, and complete,  
 38 alter and keep in repair, a railroad with one or more  
 39 sets of rails or tracks, and of a gauge not less than three  
 40 feet, or more than four feet eight and one half inches,  
 41 with all suitable bridges, tunnels, viaducts, turnout

42 culverts, drains and all other necessary appendages, from  
43 some point in the city of Bangor, so as to connect with  
44 any railroad in said city, and thence to some point above  
45 the Penobscot river toll bridge, crossing the Penobscot  
46 river at Brewer; thence extending easterly through  
47 Brewer, Orrington or Holden, Dedham, or the north  
48 part of Bucksport and Orland to Ellsworth; thence  
49 easterly through Hancock, Franklin, Sullivan or Goulds-  
50 boro', No. Seven Plantation and Steuben to Cherryfield,  
51 with the right to pass through Millbridge, if found  
52 expedient so to do; thence easterly through either  
53 Harrington, Columbia, Columbia Falls, Jonesboro',  
54 Centerville, Whitneyville, Marshfield to Machias;  
55 thence north-easterly through East Machias, Marion,  
56 Edmunds or Whiting, and either of the towns of Den-  
57 nysville, Pembroke, Charlotte, Robbinston, Meddy-  
58 bemps and Baring, to the city of Calais, and with the  
59 right to construct a branch from the trunk line, at or  
60 near East Machias, to Lubec. And said corporation  
61 shall be, and hereby is invested with all the powers,  
62 privileges and immunities which are or may be neces-  
63 sary to carry into effect the objects and purposes of  
64 this act; and for this purpose said corporation shall  
65 have the right to purchase, or to take and hold so much  
66 of the land and real estate of private persons and cor-  
67 porations as may be necessary for the location, con-

68 struction and convenient operation of said railroad ;  
69 and they shall also have the right to take, remove and  
70 use for the construction and repair of said railroad and  
71 appurtenances, any earth, gravel, stone, timber or  
72 other material, on or from the land so taken : *provided*  
73 *however*, that said land so taken shall not exceed six  
74 rods in width, except where greater width is necessary  
75 for the purposes of excavation or embankment ; *and*  
76 *provided also*, that in all cases said corporation shall  
77 pay for such lands, estate or materials so taken and  
78 used, such price as they and the owner or owners  
79 thereof may mutually agree upon ; and in case said  
80 parties shall not otherwise agree, the said corporation  
81 shall pay such damages as shall be ascertained and  
82 determined by the county commissioners of the several  
83 counties in which such lands or estates, or materials  
84 may be situated, in the same manner and under the  
85 same conditions as are by law provided in the case of  
86 laying out highways ; and the land so taken by said  
87 corporation shall be held by it in like manner as  
88 lands taken and appropriated for highways. And no  
89 application to said county commissioners to estimate  
90 said damages shall be sustained unless made within  
91 three years from the time of taking such land or other  
92 property ; and in case such railroad shall pass through  
93 any woodland or forests, the said company shall have

94 the right to fell or remove any trees standing therein  
95 within four rods of said road, which by their liability  
96 to be blown down, or from their natural falling might  
97 obstruct or impair said railroad, by paying a just com-  
98 pensation therefor, to be recovered in the same man-  
99 ner as provided for the recovery of other damages in  
100 this act.

SECT. 2. The capital stock of said company shall  
2 consist of not less than one thousand shares of one hun-  
3 dred dollars each, par value, but the number of such  
4 shares may be from time to time increased, at the dis-  
5 cretion of the stockholders, to an amount not exceeding  
6 twenty thousand shares, and the government and  
7 direction of the affairs of said company shall be vested  
8 in nine directors, who shall be chosen by the stock-  
9 holders from their number, and shall hold their office  
10 until others have been chosen in their place, a ma-  
11 jority of whom shall form a quorum for the transaction  
12 of business, and they shall elect one of their number  
13 to be president and one to be vice president of the  
14 company, and shall have authority to choose a clerk,  
15 who shall be sworn to the faithful discharge of his  
16 duty, and a treasurer who shall be sworn, and also  
17 give bonds to the company with sureties to the satis-  
18 faction of the directors, in a sum not less than ten  
19 thousand dollars, for the faithful discharge of his

20 trust ; and for the purpose of receiving subscriptions  
21 to said stock, books shall be opened under the direc-  
22 tion of the persons named in the first section of this  
23 act, at such times as they may determine, in the city  
24 of Bangor and elsewhere as they shall appoint, to re-  
25 main open for thirty successive days at least, of which  
26 time and place of subscription, public notice shall be  
27 given in one newspaper printed in said Bangor, and one  
28 of each of the counties of Hancock and Washington,  
29 ten days before the opening of such subscriptions ; and  
30 any seven of the persons named in the first section of  
31 this act are hereby authorized to call the first meeting  
32 of said company, for the choice of directors and organ-  
33 ization, by giving notice in one or more newspapers  
34 published as before named, of the time, place and  
35 purposes of such meeting, at least fourteen days before  
36 the time mentioned in such notice.

SECT. 3. 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 powers and authority for the  
8 management of the affairs of the corporation as may  
9 be necessary and proper to carry into effect the objects



10 of this grant, to purchase and hold lands, materials,  
11 engines and cars, and other necessary things, in the  
12 name of the corporation, for the use of said road, and  
13 for the transportation of persons, goods and property  
14 of all descriptions, to make equal assessments from  
15 time to time on all 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  
25 or 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,  
28 and such delinquent subscriber or stockholder shall be  
29 held accountable to the corporation for the balance if  
30 his share or shares shall sell for less than the assess-  
31 ments due thereon, with the interest and costs of sale;  
32 *provided however*, that no assessment shall be laid upon  
33 any shares in said corporation of a greater amount in  
34 the whole than one hundred dollars.

SECT. 4. 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 rates as may be agreed upon and established  
6 from time to time by the directors of said corporation,  
7 and a lien is hereby created on all articles transported  
8 for said tolls. The transportation of persons and prop-  
9 erty, the construction of wheels, the form of cars and  
10 carriages, the weight of loads, and all other matters  
11 and things in relation to said road, shall be in con-  
12 formity with such rules, regulations and provisions, as  
13 the directors shall from time to time prescribe and  
14 direct.

SECT. 5. Said corporation shall have power to make,  
2 ordain and establish all the necessary by-laws and  
3 regulations, consistent with the constitution and the  
4 laws of this state, for their own government and for  
5 the due and orderly conducting of their affairs and the  
6 management of their property.

SECT. 6. If any person shall wilfully and mali-  
2 ciously, or wantonly and contrary to law, obstruct the  
3 passage of any carriages 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 rials or implements to be employed in the construction  
7 of, or for the use of said road, he, she or they, or any  
8 person or persons aiding or abetting such trespass,  
9 shall forfeit and pay to said corporation, for every  
10 such offence, treble such damages as shall be proved  
11 before the justice, court or jury before which the  
12 trial shall be had, to be sued for before any justice or  
13 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 the  
17 grand jury of the county within which such trespass  
18 shall have been committed, for any offence or offences  
19 contrary to the above provisions; and upon conviction  
20 thereof before any court competent to try the same,  
21 shall pay a fine not exceeding five hundred dollars to  
22 the use of the state, or may be imprisoned for a term  
23 not exceeding five years, at the discretion of the court  
24 before which such conviction may be had.

SECT. 7. When said corporation shall take any land  
2 or other estate, as aforesaid, of any infant, person non  
3 compos mentis, or feme covert, whose husband is  
4 under guardianship, the guardian of such infant, or  
5 person non compos mentis, and such feme covert, with  
6 the guardian of her husband, shall have full power and  
7 authority to agree and settle with said corporation for

8 damages or claims for damages by reason of taking  
9 such lands and estate as aforesaid, and give good and  
10 valid releases and discharges therefor.

SECT. 8. All real estate purchased by said corpo-  
2 ration for the use of the same under the third section  
3 of this act, shall be taxable to said corporation by the  
4 several cities, towns and plantations in which said  
5 land lies, in the same manner as lands owned by  
6 private persons, and shall, in the valuation list, be  
7 estimated the same as other adjacent lands of the same  
8 quality in such city, town or plantation, and not other-  
9 wise ; and the shares owned by the respective stock-  
10 holders, shall be deemed personal estate, and be  
11 taxable as such, to the owners thereof, in the places  
12 where they reside and have their homes.

SECT. 9. The legislature may authorize any other rail-  
2 road company to make connection with the railroad of  
3 this company, at any point on the line of its route and  
4 no discrimination in the rates of freight or passengers  
5 shall be made by this corporation, nor by any party or  
6 parties who may operate its line of railroad or any  
7 part thereof, against railroad corporations having the  
8 right to connect with the railroad of this company, but  
9 all passengers and all freight coming from or going to  
10 such connecting railroads shall be transported promptly  
11 and at the same rates of toll and freights charged by

12 said corporation for transportation commencing and  
13 terminating on its own line of railroad.

SECT. 10. For the purpose of raising means and  
2 funds to accomplish the objects and purposes of this  
3 act, said corporation is hereby authorized to make and  
4 issue its bonds in such form and manner and payable  
5 at such time as the directors may, under the circum-  
6 stances, deem advisable, and it may secure the princi-  
7 pal and interest of said bonds by a mortgage of its  
8 railroad and all its lands, property, rights, privileges  
9 and franchises then possessed, held or owned or there-  
10 after acquired by said corporation, made to such  
11 persons or trustees and in such form and manner as  
12 the directors may approve and prescribe.

SECT. 11. Said corporation shall erect and maintain  
2 substantial, legal and sufficient fences on each side of  
3 the land taken by them for their railroad when the  
4 same passes through enclosed or improved lands, or  
5 land that may be hereafter improved.

SECT. 12. The corporation is hereby invested with  
2 power to make connections with any other railroad or  
3 railroads, and on such terms as the members may  
4 deem expedient and proper and it is hereby authorized  
5 to lease the road either before or after it shall be com-  
6 pleted, or to take a lease of any other railroad connect-  
7 ing with it, on such terms and for such time as the

8 members at a meeting regularly called for that purpose  
9 shall determine.

SECT. 13. The annual meeting of the members of  
2 said corporation shall be holden on such day as shall  
3 be determined by their by-laws and at such time and  
4 place as the directors for the time being shall appoint,  
5 at which meeting the directors shall be chosen by  
6 ballot, each proprietor by himself or proxy, being  
7 entitled to as many votes as he holds shares, and the  
8 directors are hereby authorized to call special meet-  
9 ings of the stockholders whenever they shall deem it  
10 expedient and proper, giving such notice as the corpo-  
11 ration by their by-laws shall direct.

SECT. 14. The corporation shall be authorized to  
2 issue non-preferred and preferred stock upon such  
3 terms and conditions, and to such persons and corpora-  
4 tions, and with such limitations and restrictions as  
5 may be deemed most for the interests of the sub-  
6 scribers, the success of the corporation, and the com-  
7 pletion and equipment of the road; and any cities in  
8 the counties of Penobscot, Hancock and Washington,  
9 and any towns situated in either of said counties  
10 deeming themselves interested in having said railroad  
11 constructed, or to be benefited thereby, may subscribe,  
12 at par value, for any amount of either class of said  
13 stock, or loan their credit, or both, by a vote of two-

14 thirds of the legal voters, of any such city or town,  
15 present at any meeting legally called therefor, not to  
16 exceed fifteen per cent. of the amount of the valua-  
17 tion of such city or town; and such vote shall be  
18 obligatory on such city or town for the payment of the  
19 amount so subscribed or loaned, and said cities and  
20 towns may issue their bonds for such stock or loan, on  
21 such time and terms as may be agreed upon by them  
22 and the company, with interest payable semi-annually,  
23 at a rate not exceeding six per cent. and for a period  
24 not exceeding thirty years, and all stock so subscribed  
25 for by said cities or towns, shall be represented in said  
26 corporation by the municipal authorities thereof, and  
27 any such city or town specified in this section, may, in  
28 such vote, designate on what part of said railroad line,  
29 or between what specified points on said railroad line,  
30 any money, so voted to be raised by such city or town,  
31 shall be expended and used; and said corporation  
32 shall use and expend all such money in the manner  
33 designated by such vote, and in no other manner.

SECT. 15. 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 the  
4 several counties through which the railroad shall pass,  
5 on or before the thirty-first day of December, in the  
6 year of our Lord one thousand eight hundred and

7 seventy-four, or if said corporation shall fail to com-  
8 plete said railroad on or before the thirty-first day  
9 of December, in the year of our Lord one thousand  
10 eight hundred and seventy-six, then in either of the  
11 above mentioned cases, this act shall be null and void  
12 as to all that part of said railroad not completed and  
13 finished on or before the date last above named.

SECT. 16. This act shall take effect when approved.