

MAINE STATE LEGISLATURE

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FIFTY-FIRST LEGISLATURE.

SENATE.

No. 25.

STATE OF MAINE.

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

AN ACT to incorporate the Calais and Eastport Railroad Company.

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

SECTION 1. Samuel D. Leavitt, C. B. Paine, N. B. 2 Nutt, J. M. Livermore, C. C. Norton, Joseph Ander- 3 son junior, Alden Bradford, F. A. Pike, W. W. Sawyer, 4 E. C. Gates, L. L. Lowell, Jos A. Lee, D. K. Chase, 5 Hiram Hunt, Thomas Briggs, Cyrus Balkam, Walter 6 S. Vose, B. B. Murray junior, Wm. T. Hobbart, Geo. 7 W. Leavitt, George K. Hatch, Lemuel T. Reynolds, 8 George W. Nutt, Ezra Malloch, Joshua C. Gove, J. 9 Q. A. Tuttle, their associates, successors and assigns, 10 are hereby made and constituted a body corporate and 11 politic, by the name of the Calais and Eastport Rail- 12 road Company, and by this name may sue and be sued,

13 plead and be impleaded, and shall have and enjoy all
14 proper remedies at law and in equity to secure and
15 protect them in the exercise and use of the rights and
16 privileges, and in the performance of the duties here-
17 inafter granted and enjoined, and to prevent all inva-
18 sions thereof, or interruptions in exercising and per-
19 forming the same; and the said corporation is hereby
20 authorized and empowered to locate, construct and
21 finally complete, alter and keep in repair, a railroad
22 with one or more sets of rails or tracks, with all suitable
23 bridges, tunnels, viaducts, turnouts, culverts, drains,
24 and all other necessary appendages, from some point
25 in the town of Eastport, thence westerly through the
26 towns of Perry, Pembroke or Robbinston or Baring to
27 the city of Calais, in the county of Washington, about
28 thirty miles, more or less; and said corporation shall
29 be and hereby are invested with all the powers, privi-
30 leges and immunities which are or may be necessary
31 to carry into effect the purposes and objects of this act
32 as herein set forth; and for this purpose said corpora-
33 tion shall have the right to purchase, or to take and
34 hold so much of the land and the real estate of private
35 persons and corporations as may be necessary for the
36 location, construction and convenient operation of said
37 railroad and branch; and they shall also have the
38 right to take, remove and use for the construction and

39 repair of said railroad and appurtenances, any earth,
40 gravel, stone, timber or other materials on or from the
41 land so taken: *provided, however*, this said land so
42 taken shall not exceed six rods in width, except where
43 greater width is necessary for the purposes of excava-
44 tion or embankment; and *provided also*, that in all
45 cases, said corporation shall pay for such lands, estate
46 or materials so taken and used, such price as they and
47 the owner or respective owners thereof may mutually
48 agree upon; and in case said parties shall not other-
49 wise agree, the said corporation shall pay such damages
50 as shall be ascertained and determined by the county
51 commissioners for the county where such land or other
52 property may be situated, in the same manner and
53 under the same conditions and limitations as are by
54 law provided in the case of damages by the laying out
55 of highways; and the land so taken by said corpora-
56 tion shall be held as lands taken and appropriated for
57 highways. And no application to said commissioners
58 to estimate said damages shall be sustained unless
59 made within three years from the time of taking such
60 land or other property; and in case such railroad shall
61 pass through any woodland or forests, the said company
62 shall have a right to fell or remove any trees standing
63 therein within four rods of such road, which by their
64 liability to be blown down, or from their natural falling

65 might obstruct or impair said railroad, by paying a just
66 compensation therefor, to be recovered in the same
67 manner as provided for the recovery of other damages
68 in this act.

SECT. 2. The capital stock of said corporation shall
2 consist of not less than five hundred nor more than
3 five thousand shares, and the immediate government
4 and direction of the affairs of said corporation shall be
5 vested in nine directors, who shall be chosen by the
6 members of said corporation, in the manner hereinafter
7 provided, and shall hold their office until others shall
8 have been duly elected and qualified to take their
9 place, a majority of whom shall form a quorum for the
10 transaction of business, and they shall elect one of
11 their number to be president of the corporation, and
12 shall have authority to choose a clerk, who shall be
13 sworn to the faithful discharge of his duty, and a
14 treasurer who shall be sworn, and also give bonds to
15 the corporation, with sureties to the satisfaction of the
16 directors, in a sum not less than ten thousand dollars,
17 for the faithful discharge of his trust; and for the
18 purpose of receiving subscriptions to the said stock,
19 books shall be opened under the direction of the per-
20 sons named in the first section of this act, at such
21 times as they may determine, in the city of Portland
22 and elsewhere as they shall appoint, to remain open

23 for five successive days at least, of which time and
24 place of subscription public notice shall be given in
25 newspapers printed in Calais and Eastport ten days
26 before the opening of such subscriptions; and any
27 seven of the persons named in the first section of this
28 act are hereby authorized to call the first meeting of
29 said corporation, for the choice of directors and organ-
30 ization, by giving notice in one or more newspapers
31 published as before named, of the time and place and
32 purposes of such meeting, at least fourteen days before
33 the time mentioned in such notice.

SECT. 3. When said corporation shall take any land
2 or other estate, as aforesaid, of an 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 land and estate as aforesaid, and give good and
10 valid releases and discharges therefor.

SECT. 4. 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 purposes of locating,
5 constructing and completing said railroad, and branch,

6 and for the transportation of persons, goods and prop-
7 erty of all descriptions, and all such powers and
8 authority 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 land, materials, engines and cars, and other necessary
12 things, in the name of the corporation, for the use of
13 said road, and for the transportation of persons, goods
14 and property of all descriptions, to make such equal
15 assessments from time to time on all the shares in said
16 corporation as they may deem expedient and necessary
17 in the execution and progress of the work, and direct
18 the same to be paid to the treasurer of this corporation.
19 And the treasurer shall give notice of all such assess-
20 ments; and in case any subscriber or stockholder shall
21 neglect to pay any assessment on his share or shares
22 for the space of thirty days after such notice is given
23 or shall be prescribed by the by-laws of said corpora-
24 tion, the directors may order the treasurer to sell such
25 share or shares at public auction, after giving such
26 notice as may be prescribed, as aforesaid, to the highest
27 bidder, and the same shall be transferred to the pur-
28 chaser, and such delinquent subscriber or stockholder
29 shall be held accountable to the corporation for the
30 balance, if his share or shares shall sell for less than
31 the assessments due thereon, with the interest and

32 costs of sale; and shall be entitled to the overplus, if
33 his share or shares sell for more than the assessments
34 due, with interest and costs of sale: *provided, however,*
35 that no assessment shall be laid upon any shares in
36 said corporation of a greater amount in the whole than
37 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 rates as may be agreed upon and established
6 from time to time by the directors of said corporation.
8 The transportation of persons and property, the con-
9 struction of wheels, the form of cars and carriages, the
10 the rights of roads, and all other matters and things
11 in relation to said road, shall be in conformity with
12 such rules, regulations and provisions, as the directors
13 shall from 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 cor-
5 poration shall receive and transport all persons, goods
6 and property of all descriptions, which may be carried
7 and transported to the railroad of said corporation, on
8 such other railroads as may be hereafter authorized to

9 be connected therewith, at the same rates of toll and
10 freight as may be prescribed by said corporation, so
11 that the rates of freight and toll of such passengers
12 and goods and other property as may be received
13 from such other railroads so connected with said road
14 as aforesaid, shall not exceed the general rates of
15 freight and toll on said railroad, received for freight
16 and passengers at any of the deposits of said corpo-
17 ration.

SECT. 7. If said railroad in the course thereof, shall
2 cross any private way, the said corporation shall so
3 construct said railroad as not to obstruct the safe and
4 convenient use of such private way ; and if said rail-
5 road shall in the course thereof, cross any canal, rail-
6 road, or the highway, the said railroad shall be so
7 constructed as not to obstruct the safe and convenient
8 uses of such canal or highway ; and the said corpora-
9 tion shall have power to raise or lower such highway
10 or private way, so that the said railroad, if necessary,
11 may conveniently pass over or under the same, and
12 erect such gate or gates thereon as may be necessary
13 for the safety of travellers on said railroad, highway
14 or private way, and shall keep all bridges and em-
15 bankments necessary for the same in good repair.

SECT. 8. 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, or lands that may be hereafter improved.

SECT. 9. The said corporation shall at all times,
2 when the postmaster general shall require it, be holden
3 to transport the mail of the United States from and to
4 such place or places on said road as may be 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 ; and
9 the 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 trans-
13 portation of persons and articles, and be obliged to
14 receive at all proper times and places and carry the
15 same, when the appropriate tolls therefor shall be paid
16 or tendered ; and a lien is hereby created on all arti-
17 cles transported for said tolls ; and said corporation ful-
18 filling on its part all and singular the several obliga-
19 tions and duties by this section imposed and enjoined
20 upon it, shall not be held or bound to allow any en-
21 gine, locomotive, cars, carriages or other vehicle, for
22 the transportation of persons or merchandise, to pass

23 over said railroad, other than its own, furnished and
24 provided for that purpose, as herein enjoined and re-
25 quired: *provided however*, that said corporation shall
26 be under obligation to transport over said road the
27 passenger and other cars of any other incorporated
28 company, that may hereafter construct a railroad con-
29 necting with that hereby authorized, such other com-
30 pany being subject to all the provisions of the fifth
31 and sixth sections of this act, as to rates of toll and
32 all other particulars enumerated in said sections.

SECT. 10. If any person shall wilfully and mali-
2 ciously, or wantonly and contrary to law, obstruct the
3 passage of any carriages on such 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 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 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 whom such conviction may be had.

SECT. 11. 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 corporation 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 cor-
8 poration shall make an exhibit, under oath, to the
9 legislature, of the profits derived from the income of
10 said railroad.

SECT. 12. All real estate purchased by said corpo-
2 ration for the use of the same under the fourth 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. And when-
13 ever the net income of said corporation shall have
14 amounted to ten per centum per annum upon the cost
15 of the road, and its appendages and incidental expenses,
16 the directors shall make a special report of the fact to
17 the legislature, from and after which time, one moiety,
18 or such other portion as the legislature may, from
19 time to time, determine, of the net income of said
20 railroad, accruing thereafter over and above ten per
21 centum per annum first to be paid to the stockholders,
22 shall annually be paid over to the treasurer of said
23 corporation, as a tax in the treasury of the state, for
24 the use of the state ; and the state may have and
25 maintain an action against said corporation therefor,
26 to recover the same ; but no other tax than herein is
27 provided, shall ever be levied or assessed on said cor-
28 poration or any of their privileges or franchises.

SECT. 13. The annual meeting of the members of
2 said corporation shall be holden on the first Monday
3 in January, 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 the
6 directors shall be chosen by ballot, each proprietor, by

7 himself or proxy, being entitled to as many votes as
8 he holds shares ; and the directors are hereby author-
9 ized to call special meetings of the stockholders, when-
10 ever they shall deem it expedient and proper, giving
11 such notice as the corporation, by their by-laws, shall
12 direct.

SECT. 14. The legislature shall, at all times, have
2 the right to enquire into the doings of the corporation,
3 and into the manner in which the privileges and fran-
4 chises herein and hereby granted, may have been used
5 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 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.

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
4 the county 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 seventy,
7 or if the said corporation shall fail to complete said
8 railroad to the west line of the state on or before the
9 thirty-first day of December, in the year of our Lord
10 one thousand eight hundred and seventy-three, in

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11 either of the above mentioned cases this act shall be
12 null and void.

SECT. 16. This act shall take effect when approved
2 by the governor.

STATE OF MAINE.

IN SENATE, February 2, 1872.

Reported from Committee on Railroads, Ways and Bridges, by
Mr. HINKS of Hancock, and on his motion laid on the table and
ordered to be printed.

SAMUEL W. LANE, *Secretary.*