

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTYEIGHTH LEGISLATURE,

At its Session, held in January, 1836.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:

SMITH AND ROBINSON,.....PRINTERS TO THE STATE.

1836.

be thought necessary to carry into effect the purposes of said Corporation.

Chapter 61.

AN ACT to incorporate the Hancock and Penobscot Rail Road Company.

Approved March 1, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That Daniel Waldo and his associates in Maine, Massachusetts and New York, their successors and assigns, be and they hereby are made a body politic and corporate by the name of the Hancock and Penobscot Rail Road Company, and by that name, shall have power to prosecute and defend suits at law, to have and use a common seal, and generally to have and enjoy all the powers and privileges, incident to similar Corporations, so far as the same may be necessary to carry into effect the purposes of this Act; and they are hereby authorized to locate, construct and maintain a Rail Road, from such a point on Frenchman's Bay through Ellsworth to such a point on Penobscot River at or near Brewer, as shall be most expedient, with the rights and powers, and subject to all the provisions, restrictions and limitations, that are contained in the general Act of this State, defining certain rights and duties of Rail Road Corporations.

Name of corporation.

Corporate name.

General powers.

SECT. 2. *Be it further enacted,* That the powers of the Company, except at the legal meetings thereof, shall be vested in a Board of not less than thirteen Directors, who shall be chosen at the first meeting of the Company, and shall afterwards be chosen annually at such time as the by-laws of the Company may determine, and shall hold their offices for one year, and until others shall be chosen in their stead.

Directors, certain powers vested in.

—how chosen.

SECT. 3. *Be it further enacted,* That the Company shall have power to establish any by-laws not repugnant to the laws of this State, and the Directors shall annually elect

By-laws, how established.

HANCOCK AND PENOBSCOT RAIL ROAD COMPANY.

from their own number, a President, Secretary, Treasurer, and such other officers as the said by-laws may prescribe, and shall have power for the benefit of the stockholders, to employ and invest the proceeds of the Rail Road as they may see fit.

SECT. 4. *Be it further enacted,* That this grant shall be void unless the route of said Rail Road shall be surveyed and a return made to the County Commissioners, and also the Governor and Council, and the stock taken up by the first Wednesday of January next, and half the distance at least of the whole route grubbed within two years, and graded within four years, and unless said Rail Road shall be in operation within six years from the passing of this Act.

SECT. 5. *Be it further enacted,* That the Capital Stock of said Company may consist of five hundred thousand dollars and shall be divided into shares of five hundred dollars each; and each share shall be entitled to one vote. *Provided,* no member shall be allowed more than thirty votes. And that it shall be the duty of said Company to cause books to be opened at New York, Boston and Bangor, and to be kept open for the term of thirty days for subscription to said stock, and notice thereof to be given in some public newspaper in each of said places during said term; and in case the amount subscribed shall exceed five hundred thousand dollars, the same shall be distributed among all the subscribers according to such regulations as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books.

SECT. 6. *Be it further enacted,* That the Company may from time to time, establish, demand and collect such tolls for the transportation of persons, goods, wares and merchandize, or any article on said Rail Road as they may see fit.—And after they shall commence the receiving of tolls shall be bound at all times to have said Rail Road in good repair, and a sufficient number of suitable carriages and vehicles for the transportation of persons and articles and be

Time of survey and taking up of stock limited.

Capital stock may consist of \$500,000—how divided.

Proviso.

Company may establish rates of toll.

--bound to keep Rail road in good repair, &c.

obliged at proper times and places to receive and convey the same when the appropriate tolls therefor shall be paid or tendered, *Provided* that the tolls aforesaid shall not exceed ten cents per ton for each mile for such goods wares and merchandize; and *Provided further* whenever the profits arising from tolls, or otherwise, shall exceed the amount of twelve per cent. per annum on the actual cost of said Rail Road, after deducting all necessary disbursements in conducting its operations, then the Legislature shall from time to time have the right so to reduce such tolls as may have been established, not below twelve per centum per annum as aforesaid, as may be judged expedient. And to carry this provision into effect, it shall be the duty of said corporation, within twelve months after such Rail Road shall have been put in operation, or any section thereof to make return to the Governor and Council of the actual cost of said Rail Road, or section, and annually thereafter of all the disbursements allowed by the Directors, and the rates of toll by them established, the amount of tolls and other profits received, and the rate of profit, or per centum on the cost aforesaid actually realized within the year. And if the Legislature shall not be satisfied with such return, the Legislature may require an examination into the affairs of the Corporation in such manner as they shall direct. And if it shall appear that the affairs of said corporation have not been economically conducted, and that the profits arising from tolls or otherwise might have exceeded the maximum of twelve per centum per annum, or that any wilful evasion of the provisions of this section has been practised by said Corporation, then the Legislature shall have the right to make such reasonable reductions of the charges for disbursement aforesaid, allowed and charged by the said directors, as shall be judged economical, and from, such basis so to reduce the tolls and profits, not however below twelve per centum per annum, as aforesaid, as shall be judged expedient, any thing in this Act to the contrary notwithstanding.

Proviso.

Legislature may reduce tolls, &c.

Corporation to make return to Gov. and Council &c.

Legislature may require an examination into the affairs of the corporation, &c.

Company may purchase and hold necessary land and other property.

—may make assessments, &c.

Provisions of "an Act concerning corporations" not to apply, &c.

Manner of calling first meeting.

Persons injuring carriages, &c. belonging to corporation, liable to treble damages, and liable to indictment.

Offenders upon conviction to pay fine, &c.

SECT. 7. *Be it further enacted*, That the Company may purchase and hold such land and other property as may be necessary for the construction and use of said Rail Road, and may make assessments on the shares and collect the same, in such manner as may be prescribed in their by-laws.

SECT. 8. *Be it further enacted*, That the provisions of an Act entitled "An Act concerning Corporations" passed March 17, 1831, shall not extend or apply to the Company hereby incorporated.

SECT. 9. *Be it further enacted*, That the first meeting of the Company may be called by Daniel Waldo, by publishing the notice of such meeting three weeks successively in some newspaper printed in the County of Hancock or Penobscot, also in some newspaper printed in the City of Boston, also in some newspaper printed in the City of New York—the last publication to be ten days, at least, before the time appointed for such meeting.

SECT. 10. *Be it further enacted*, That if any person shall wilfully and maliciously, or wantonly and contrary to law obstruct the passage of any carriage on said Rail Road, or in any way spoil, injure or destroy said Rail Road, or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction 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 trespasses 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 one hundred dollars, to the use of the State, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom such conviction may be had.

Chapter 62.

AN ACT to incorporate the Washington Pipe Clay Company.

Approved March 1, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That Augustus F. Lash Joel How, Philip Crooker, Benjamin Chapman, John Hiscock, David Dennis Jun'r. and such others as may be hereafter associated with them, their successors and assigns be, and they hereby are made a body politic and corporate, by the name of the Washington Pipe Clay Company, for the purpose of manufacturing fire proof bricks, and such other articles, as said Company may deem it expedient to manufacture from Pipe Clay in the Town of Washington.

Persons incorporated.

Corporate name.

SECT. 2. *Be it further enacted,* That said Corporation shall for this purpose have and enjoy all the powers and privileges and be subject to all the duties and requirements contained in the several Public Acts now in force, respecting Manufacturing Corporations; and said Corporation may have and use a common seal, and change the same at pleasure; and by its name aforesaid may sue and be sued, prosecute and defend suits at law, may ordain and establish such by laws ordinances, and regulations, as shall be necessary and convenient for the government and prudent management of the affairs of the Corporation, and not repugnant to the laws of this State.

Powers, &c.

SECT. 3. *Be it further enacted,* That said Corporation may purchase and hold, real and personal estate to an amount not exceeding thirty thousand dollars; and may on their real estate erect such buildings as shall be necessary for the above purposes.

May hold property to the amount of \$30,000.