

# 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.

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Published agreeably to the Resolve of June 28, 1820.

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1836.

## PENOBSCOT RIVER RAIL ROAD CORPORATION.

Power of guardians in certain cases.

SECT. 6. *Be it further enacted,* That when said Corporation shall take any land, or other estate, as authorized by the Act to which this is additional, of an infant, person non compos mentis, or feme covert whose land 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, by reason of taking such land or estate as aforesaid, and give good and valid releases and discharges therefor.

Privileges granted to other Rail Roads.

SECT. 7. *Be it further enacted,* That the Bangor and Oldtown Railway Company, the Bangor and Piscataquis Canal and Rail Road Company, and the Penobscot River Rail Road Company shall severally have the right to pass over or under, or to cross at grade, any Rail Road, belonging to either of said Corporations which may be constructed, within the village of Oldtown, in a manner not to injure such Rail Road, or impede the travel thereon.

Proviso.

*Provided,* That nothing in this section shall be construed, as giving the Bangor and Piscataquis Canal and Rail Road Company, any right to cross the track of the Bangor and Oldtown Railway, unless they have the right by their present charter to go to Oldtown village: nor any right to the Penobscot River Rail Road Company, unless the right to go to Oldtown village has been, or may be granted said Company in their Charter.

## Chapter 111.

AN ACT to establish the Penobscot River Rail Road Corporation.

Approved March 15, 1836.

Names of corporations.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That Deodat Brastow, Joseph R. Folsom, Henry Darling, Joseph Bryant and Sewall Lake, their associates, successors and assigns be, and they hereby are made a Corporation by the name of

the "Penobscot River Rail Road Corporation," with all the powers and privileges, and subject to all the liabilities in the Statute of February the sixteenth, eighteen hundred and thirty six, entitled "An Act concerning Corporations" and in the Statute of March the first eighteen hundred and thirty six, entitled "An Act defining certain rights and duties of Rail Road Corporations;" and the said Corporation are hereby authorized and empowered to locate and construct a Rail Road from any place at or near the tide waters of Penobscot River in the Town of Bucksport to and through the Towns of Orrington, Brewer, Eddington and Bradley, and into the Town of Milford to the shore of Penobscot River and across the same to the western bank thereof at or near that part of Orono called Oldtown, with the right of extending a branch of said Rail Road from any point of its location in Brewer, to any point or place at the shore of Penobscot River, at or near the City of Bangor, and from the end of said branch at the eastern shore of said river in the direction to Oldtown to the main Rail Road, and also another branch in Bradley from any point of the main Rail Road to the shore of Penobscot River, at or near Lower Stillwater in Orono. Saving to the public the right to locate and construct any highway across said Rail Road, subject to the existing provisions of law for the location, construction and repair of highways.

SECT. 2. *Be it further enacted,* That the Capital stock of said Corporation shall consist of not less than two thousand five hundred, nor more than four thousand shares, of one hundred dollars each; and at all meetings of said Corporation, each proprietor shall be entitled to as many votes as he holds shares, and may vote either in person or by proxy; *Provided,* that no vote shall be given by any proprietor, by virtue of any shares held by him, exceeding one tenth part of the whole number of shares; and the immediate government and direction of the affairs of said Corporation shall be vested in not less than five nor more than nine directors, who shall be chosen by the members of the Corporation.

Corporate name.

Powers, &amp;c.

Number of shares  
—amount of capital stock.

Government, &amp;c.

Power of President and Directors.

SECT. 3. *Be it further enacted,* That the President and Directors for the time being are hereby authorized and empowered, by themselves, or their Agents, to exercise all the powers herein granted to the Corporation, for the purpose of locating and constructing said Rail Road, and for the transportation of persons, goods and merchandize, and such other powers and authority for the management of the affairs of the Corporation, not heretofore granted, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold lands, materials, engines, cars, and other necessary things, in the name of the Corporation, for the use of said Road, and for the transportation of persons, goods and merchandize, to make such equal assessments, from time to time, on all the shares in said Corporation, as they may deem expedient and necessary, and direct the same to be paid to the Treasurer of the Corporation. And the Treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay his assessment, for the space of sixty days after due notice, by the Treasurer of said Corporation, the Directors may order the Treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the Corporation for the balance, if his share or shares shall sell for less than the assessment due, with interest and cost of sale; and after paying the same, shall be entitled to the overplus, if any remain; *Provided,* that no assessment shall be laid upon any shares in said Corporation of a greater amount in the whole, than one hundred dollars on each share.

May make assessments, &c.

Assessments, how collected in certain cases.

Proviso.

Toll.

SECT. 4. *Be it further enacted,* That a toll be, and is hereby granted and established, for the sole benefit of said Corporation, upon all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates as may be established from time to time, by the Directors of said Corporation. And the

transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules, regulations and provisions as the Directors shall from time to time prescribe and direct; and said road may be used by any person or persons, corporation or corporations, who shall comply with such rules and regulations; *Provided*, that after ten years from the completion of said Railroad whenever the profits arising from tolls, or otherwise, shall exceed the amount of twelve per centum per annum on the actual cost of said Railroad, 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 the rate of 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 Railroad shall have been put in operation, or any section thereof, to make returns to the Governor and Council of the actual cost of said Railroad, 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 disbursements aforesaid, allowed and charged by said Directors, as shall be judged economical, and from such basis

Directors, powers of.

Road subject to the use of any person or Corporation.

Proviso.

Toll may be reduced by Legislature in certain cases.

To make return to Governor and Council.

Legislature may inquire into the affairs of Corporation.

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.

SECT. 5. *Be it further enacted*, That the Directors of said Corporation for the time being, are hereby authorized to erect toll houses, establish gates, appoint toll gatherers, and demand toll upon the road when completed, and upon such parts thereof as shall from time to time be completed.

Powers of Directors.

SECT. 6. *Be it further enacted*, That if any person shall wilfully, 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 implement 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 and recovered before any Justice, or 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 Inquest of the County within which such trespass shall have been committed, for any offence or offences, contrary to the above provisions; and on conviction thereof, before any Court of Common Pleas, to be holden in said County, 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 the conviction may be had.

Penalty for obstructing or damaging said road.

Offenders liable to indictment and fine.

SECT. 7. *Be it further enacted*, That it shall be the duty of the Directors of said Corporation, from year to year, to make a report to the Legislature under oath, of their acts and doings, receipts and expenditures, under the provisions of this Act; and their books shall be open at all

Directors to make a Report to the Legislature annually.

times to the inspection of any Committee of the Legislature, appointed for that purpose; and if such Corporation shall unreasonably neglect or refuse to make such report at the expiration of every year, after the opening of said Rail Road, for every such neglect or refusal, they shall forfeit and pay to the use of the State, a sum not exceeding three thousand dollars, to be recovered by action or indictment in any Court of competent jurisdiction.

Books to be opened for inspection.

Forfeiture.

SECT. 8. *Be it further enacted*, That if the lesser amount of the Stock of said Rail Road mentioned in the second section of this Act shall not have been subscribed, the Corporation organized, and the location of the road filed with the County Commissioners of the County in which the land proposed to be taken for said Rail Road is situate and with the Governor and Council, previous to the first day of January in the year of our Lord one thousand eight hundred and thirty eight, or if the said Corporation shall fail to complete the said Road on or before the first day of January in the year of our Lord one thousand eight hundred and forty one, this Act shall be null and void.

Limitation.

SECT. 9. *Be it further enacted*, That said Corporation shall constantly maintain in good repair, all bridges with their abutments and embankments, which they may construct for the purpose of conducting their Rail Road over any canal, turnpike or other highway, or any private way, or for conducting such private or other highway over said Rail Road.

To maintain bridges, &c.

SECT. 10. *Be it further enacted*, That said Corporation be, and they hereby are authorized and empowered to erect for the sole and exclusive accommodation of the travel on their said Rail Road, a bridge across the waters of Penobscot River, from Milford to Orono, in such place as they may think proper; *Provided*, said bridge shall be so constructed as not to obstruct or unnecessarily impede the navigation of said river; and said Corporation shall be authorized to receive no other or greater rates of toll for passing said bridge than for passing a like distance on any other portion of said Rail Road, and it shall not be lawful

May erect a bridge over the Penobscot.

Proviso.



Restrictions relative to passing the bridge.

for the said Corporation to permit the passing of said bridge at Oldtown by carriages of any description other than those adapted to travelling on the said Rail Road, nor by horses or other animals not attached to such Rail Road carriages, nor by persons on foot, except such persons, carriages, horses or other animals as may be employed in the immediate service of the Corporation.

Provisions of former act not to apply to this company.

SECT. 11. *Be it further enacted*, That the provisions of an Act entitled "an Act concerning Corporations" passed March seventeenth one thousand eight hundred and thirty one, shall not extend or apply to the Company hereby incorporated.

Corporation holden to transport the mail.

SECT. 12. *Be it further enacted*, That the said Corporation shall at all times, when the Postmaster General shall require it, be holden to transport the Mail of the United States from and to such place or places on said Rail Road, as required, for a fair and reasonable compensation. And in case the Corporation and the Post Master General shall be unable to agree upon the compensation, aforesaid, the Legislature of the State shall fix and determine the same.

Compensation—how determined.

**Chapter 112.**

AN ACT to incorporate the Minot Shoe Manufacturing Company.

Approved March 15, 1836.

Names of Corporators.

Corporate name. Powers, &c.

Location.

*Be it enacted by the Senate and House of Representatives in Legislature assembled*, That Asaph Howard, William Ladd, Eliphalet Packard, Lewis Bradford, Benjamin Johnson, their associates, successors, and assigns, be, and they hereby are made a body politic and corporate, by the name of the Minot Shoe Manufacturing Company, for the purpose of manufacturing and dealing in Boots, Shoes and Leather, in the Town of Minot, with power to take and hold any estate, real or personal to an amount not exceeding at any one time thirty thousand dollars; and said Company shall have all the powers and privileges granted to similar Cor-