

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

TWENTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1847.

---

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.

---

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

---

1847.

---

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1847.

---

**CHAP. 89.** bridge shall have been thoroughly repaired, and any two of the county commissioners for Lincoln county, shall have decided the same suitably repaired, in good condition, and safe for the public to travel over; and it shall be the duty of said county commissioners, within ten days after they may be requested so to do by said proprietors, to meet at said bridge and decide whether it is or is not safe for public use. And unless said bridge shall be thoroughly repaired and said county commissioners so decide on or before the first day of August, eighteen hundred forty-eight, then this act shall be null and void; *provided however*, that said proprietors may continue to demand and receive toll from passengers until the first day of June next, in case they make such temporary repairs in the mean time as shall, in the opinion of Edward O'Brien, esquire, render the same reasonably safe for travelers.

Proviso.

[Approved August 2, 1847.]

### Chapter 89.

An act to establish the Bangor and Orono Rail Road.

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

**SECT. 1.** Daniel White, Israel Washburn, junior, John Bennock, Nathaniel Treat, Asa W. Babcock, John Goddard, Ebenezer Webster, Wyman B. S. Moor, John A. Poor, Levi Dennett, John B. Hill, Rufus Dwinel, Waldo T. Pierce, Elvator P. Butler, Samuel P. Strickland and William H. McCrillis, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Bangor and Orono Rail Road Company, and by that 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 interruption in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct and finally complete, alter and keep in repair a rail road with one or more sets of rails, or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains and branches leading to any mill or mills situated on the Penobscot river in Bangor and the Penobscot and Stillwater rivers in Orono, and all other necessary appendages, from some point in the city of Bangor, at or near the mouth

Corporators.

Corporate name.

Authorized to locate, construct and keep in repair a rail road.

Location.

of the Kenduskeag stream, to the village of Stillwater, in the town of Orono; and said corporation may by their directors, determine the terminational points of said rail road in Bangor and Orono, and may cause the same to be located and constructed on such route as the said directors, in the exercise of their judgment and discretion, shall judge most favorable and best calculated to promote the public convenience and carry into effect the intentions and purposes of this act: *provided, however*, that said company shall not extend their road into any of the streets of the city of Bangor, without first having the consent of the city council. And said corporation shall be and hereby are 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 other real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said rail road; and they shall also have the right to take, remove and use, for the construction and repair of said rail road, and appurtenances, any earth, gravel, stone, timber, or other materials on or from the lands so taken; *provided, however*, that said land, so taken, shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment; *and provided, also*, that said corporation shall pay for said lands, estate or materials so taken and used such price as they and the owners thereof may mutually agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, 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 public highways. And no application to said commissioners shall be sustained unless made within three years from the time of taking such land or other property; and in case such rail road shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing therein within four rods from such road, which by their liability to be blown down or from their natural falling might obstruct or impair said rail road, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this act. And furthermore said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities provided and prescribed,

Proviso.

Power to take and hold real estate.

Right to remove earth, gravel, &c.

Proviso.

Damages, how ascertained and determined.

Application for damages to be made within 3 years.

Right to remove or fell trees.

Powers, privileges and liabilities.

**CHAP. 89.** respecting rail roads in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this charter.

When any estate is taken of any infant, person non compos mentis, or feme covert, &c.

**SECT. 2.** 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 such corporation for damages or claims for damages by reason of taking such land and estate aforesaid, and give good and valid releases and discharges therefor.

Number of shares constituting capital stock.

**SECT. 3.** The capital stock of said corporation shall consist of not less than one thousand nor more than four thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in five, seven or nine directors, who shall

Directors, how chosen.

be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, 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 board, who shall also be president of the corporation, and shall have authority to choose a clerk who shall be sworn to the 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 fifteen thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this act, in the city of Bangor and the towns of Orono and Oldtown, in this state, and the city of Boston, in Massachusetts, and elsewhere as they shall appoint, to remain open for ten successive days, of which time and place of subscription public notice shall be given in some newspaper printed in Bangor and Boston, twenty days at least previous to opening such subscription; and in case the amount subscribed shall exceed four thousand shares 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. And any five of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation by giving notice in one or more newspapers published in the cities last above named, of the time and place and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

Tenure of office.

Quorum.

President.

Clerk.

Treasurer.

Bond.

Books to be opened for receiving subscriptions,

—for ten days.

Notice to be given.

In case the amount subscribed shall exceed 4000 shares.

First meeting, how called,

**SECT. 4.** Said corporation shall have power to make, ordain and

CHAP. 89.

establish all necessary by-laws and regulations, consistent with the constitution and laws of this state, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

By laws.

SECT. 5. 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, constructing and completing said rail road, and for the transportation of persons, goods and property, of all descriptions, and all such powers and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant: to purchase and hold within or without the state, land, materials, engines and cars, and other necessary things, in the name of the corporation, for the use of said rail road and for the transportation of persons, goods and property of all descriptions; to make such equal assessments from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and progress of the work 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 any assessment on his share or shares for the space of thirty days after such notice is given, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares, at public auction, after giving notice as may be prescribed as aforesaid 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 assessments due thereon with the interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due with the interest and costs of sale; *provided, however*, that no assessment shall be laid upon any share in said corporation of a greater amount in the whole, than one hundred dollars.

Powers vested in president and directors.

If subscriber or stockholder neglect to pay any assessment for 30 days after notice, &c.—to be sold after notice.

If the shares do not pay for the assessments, delinquent holder for balance.

If sale exceeds the amount due, he is entitled to overplus.

SECT. 6. A toll 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 by them upon said road, at such rate as may be agreed upon and established from time to time, by the directors of said corporation—the transportation of persons and property; the construction of wheels; the forms of cars and carriages; the weights of loads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations and provisions, as the directors shall from time to time prescribe and direct.

Toll granted.

Rate, how determined.

Cars, carriages, &c., to conform to regulations of directors.

## CHAP. 89.

The legislature may authorize the constructing of any other rail roads coming from certain directions, with said road.

Rates of toll to be charged connecting roads.

Not to obstruct private ways, highways, &c.

Gates to be erected for protection of travelers.

Bridges, abutments, &c., to be kept in good repair.

Authorized to build bridges over tide or navigable waters.

Proviso.

Fences shall be maintained on each side of said rail road.

Penalty for neglect.

SECT. 7. The legislature may authorize any other company or companies to connect any other rail road or rail roads with the rail road of said corporation, coming from a northerly, easterly or north westerly direction; and said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported to the rail road of such corporation on such other rail roads as may hereafter be authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation so that the rates of toll and freight on such passengers and goods and other property as may be received from such other rail roads, so connected with said rail road as aforesaid, shall not exceed the general rates of freight and toll on said rail road received for freight and passengers at any of the deposites of said corporation.

SECT. 8. If the said rail road in the course thereof shall cross any private way, the said corporation shall so construct said rail road, as not to obstruct the safe and convenient use of such private way; and if the said road shall in the course thereof cross any canal, turnpike, rail road or other highway, the said rail road shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike, or other highway; and the said rail road shall have power to raise or lower such turnpike, highway or private way so that said rail road, 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 travelers on said turnpike, rail road, highway or private way.

SECT. 9. Said rail road 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, highway or private way, or for conducting such private way or turnpike over their rail road.

SECT. 10. If said rail road shall in the course thereof, cross any tide waters, navigable rivers or streams, the said corporation are hereby authorized and empowered to erect for the sole and exclusive travel on their said road, a bridge across each of said rivers or streams or across any such tide waters: *provided*, said bridge or bridges shall be so constructed as not unnecessarily to obstruct or impede the navigation of said waters.

SECT. 11. Said rail road corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their rail road, where the same passes through enclosed or improved lands, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fence said corporation shall be liable to be indicted in the district court for the



county where such fence shall be insufficient, and shall be fined in such sum as shall be adjudged necessary to repair the same, and such fine shall be expended for the erection or repair of said fence under the direction of an agent appointed by said court as in case of fines imposed upon towns for deficiency of highways.

Fine, how expended.

SECT. 12. 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 road as required, for a fair and 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 said corporation 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 engines, carriages and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places and convey 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 the said corporation fulfilling on its part all and singular the several obligations and duties 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 merchandize to pass over said rail road 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 in connection with their own trains, the passenger and any other cars of any other incorporated company that may hereafter construct a rail road connecting with that hereby authorized, such other company being subject to all the provisions of the sixth and seventh sections of this act, as to rates of toll and all other particulars enumerated in said sections.

Holden to transport the U. S. mail.

Compensation, how determined.

Duty of said corporation after they commence taking toll, in regard to rail road cars, &c.

Lien created on articles transported.

Not obliged to permit any engine, &c., other than their own upon their track.

Proviso.

SECT. 13. If any person shall willfully and maliciously or wantonly and contrary to law obstruct the passage of any carriage on said rail road, or in any way spoil, destroy or injure 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 offense, 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

If any person shall willfully injure said road, &c.

Penalty.

<p><b>CHAP. 89.</b> —how appropriated.</p>	<p>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 the trespass shall have been committed, for any offense or offenses 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.</p>
<p>Amount of fine and term of imprisonment.</p>	<p><b>SECT. 14.</b> Said corporation shall keep in a book for that purpose, a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall be open at all times 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 net profits derived from the income of said road.</p>
<p>Accounts to be kept.</p>	<p><b>SECT. 15.</b> All real estate purchased by said corporation for the use of the same under the fifth section of this act shall be taxable to the said corporation by the several towns, cities and plantations in which said lands may lie, in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same as other real estate of the same quality in such town, city or plantation and not otherwise; and the shares owned by the respective stockholders shall be deemed personal estate and be taxable as such to the owners thereof, in the places where they reside and have their homes. And whenever the net income of said corporation shall have amounted to ten per centum per annum, upon the cost of the road and its appendages and incidental expenses the directors shall make a special report of the fact to the legislature, from and after which time one moiety or such other portion as the legislature may from time to time determine of the net income from said rail road accruing thereafter over and above ten per centum per annum first to be paid to the stockholders, shall be annually paid over by the treasurer of said corporation as a tax, into the treasury of the state for the use of the state. And the state may have and maintain an action against said corporation to recover the same. But no other tax than is herein provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.</p>
<p>Treasurer to make annual exhibit to the legislature.</p>	<p><b>SECT. 16.</b> The annual meeting of the members of said corporation shall be holden on the second 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</p>
<p>Real estate of said corporation, how taxed.</p>	<p>first to be paid to the stockholders, shall be annually paid over by the treasurer of said corporation as a tax, into the treasury of the state for the use of the state. And the state may have and maintain an action against said corporation to recover the same. But no other tax than is herein provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.</p>
<p>Shares, how taxed.</p>	<p>no other tax than is herein provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.</p>
<p>When net income shall amount to ten per cent, &amp;c.</p>	<p>no other tax than is herein provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.</p>
<p>A certain portion over and above ten per centum to be paid into the state treasury.</p>	<p>no other tax than is herein provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.</p>
<p>No other tax shall ever be exacted.</p>	<p>no other tax than is herein provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.</p>
<p>Annual meeting.</p>	<p>no other tax than is herein provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.</p>
<p>Directors, how chosen.</p>	<p>no other tax than is herein provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.</p>

himself or by proxy being entitled to as many votes as he holds shares. And the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

CHAP. 90.  
Special meetings.

SECT. 17. 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 franchises herein and hereby granted may have been used and employed by said corporation and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities or obligations. And this charter shall not be revoked, annulled, altered, limited, or restrained, without consent of the corporation, except by due process of law.

Power of the legislature to inquire into the doings of the corporation.

SECT. 18. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the county or counties through which the same shall pass on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-two, or if the said corporation shall fail to complete said rail road on or before the thirty-first day of December, eighteen hundred and sixty, in either of the above mentioned cases this act shall be null and void.

Certain conditions to be complied with.

SECT. 19. Nothing herein contained shall be construed as preventing the Bangor and Piscataquis Canal and Rail Road Company from building a road parallel to this, between the point on the Penobscot river where any branch of such road diverging from the Hathorn meadows, (so called,) may strike the same, and the Kenduskeag stream by virtue of any act authorizing them to do so.

Nothing herein contained to prevent the Bangor and Piscataquis Canal and Rail Road Company from building a road parallel to this, &c.

[Approved August 2, 1847.]

### Chapter 90.

An act to incorporate the Waldo Agricultural Society.

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

SECT. 1. Isaac Twombly, William G. Sibley, Harry Hazeltine, Isaiah Murch, Ephraim A. Pitcher, John Hodgdon, Alfred Sawyer, Charles H. Thompson, Samuel Marden, Mark S. Stiles, Allen

Corporators.