

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

EXTRA SESSION OF THE THIRTY-SECOND LEGISLATURE, 1853,

AND THE

THIRTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE,

1854.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1854.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1854.

CHAP. 320.

May hold real
and personal
estate.

SECT. 2. Said corporation may hold real and personal estate to the amount of five hundred thousand dollars in value, and shall have all the privileges and be subject to all the duties and liabilities of corporations as defined by the laws of this state.

First meeting.

SECT. 3. Any two of the corporators may call the first meeting of the corporation in such manner as they may think proper.

[Approved April 10, 1854.]

Chapter 320.

An act to incorporate the Aroostook Railroad Company.

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

Corporators.

SECT. 1. Nathaniel Blake, Elijah L. Hamlin, John Winn, Waldo T. Pierce, William H. McCrillis, Samuel P. Strickland, Samuel F. Hersey, Leonard March, Solomon Parsons, John Appleton, William H. Mills, Jonathan Eddy, George P. Sewall, Stephen B. Pattee and Daniel Sanborn, are hereby made a

Corporate name.

body politic and corporate by the name of the Aroostook Railroad Company; and said company is hereby authorized and

Power to locate
and construct
road, &c.

empowered to locate, construct, alter and keep in repair a railroad, with one or more sets of rails or tracks and all necessary appendages, from some point near the bank of the

Line of road.

Mattawamkeag river at its mouth or outlet into the Penobscot, thence up said Mattawamkeag, or diverging therefrom, and northerly to any point or points on the northerly line of this state; and to locate and construct, as aforesaid, such branches north of the mouth of the Mattawamkeag aforesaid, as said corporation may determine to be necessary, on such routes as the directors of said corporation shall judge most favorable and best calculated to promote the public convenience; and said corporation shall have all the powers, privileges and immunities necessary to carry into effect the purposes and objects of this act, and shall be subject to the duties and liabilities now prescribed by the general laws of this state in relation to railroads, not inconsistent with the provisions of this act.

General powers,
privileges, &c.

And for these purposes 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

May purchase
and hold real
and personal
estate.

CHAP. 320.

necessary for the location, construction and convenient operation of said road; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials, from the lands so taken; *provided, however*, that said lands 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 in all cases said corporation shall pay for such 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 to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have a 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 railroad, 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.

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 said 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.

SECT. 3. If said railroad shall, in the course thereof, cross any navigable rivers or streams, the said corporation are hereby authorized and empowered to erect, for their sole and exclusive use on their said railroad, a bridge across each of said rivers or streams; *provided* said bridge or bridges shall be so

Right to take materials for constructing road.

Proviso.

Compensation for materials, &c.

—how determined in case of disagreement.

Application to estimate damages to be made within three years.

Right to remove obstructions.

Lands taken of persons under guardianship, &c., damages for, how adjusted.

Navigable waters, &c., crossing of.

CHAP. 320. constructed as not unnecessarily to obstruct or impede the navigation of said waters.

Capital stock.

SECT. 4. The capital stock of this company shall consist of not less than twenty, and not more than fifty thousand shares, divided into shares of one hundred dollars each; and the immediate government and direction of the affairs of said corporation shall be vested in five, seven or nine directors, who shall be chosen 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 their board, who shall also be president of the corporation; they 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 bond to the corporation, with sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, conditioned for the faithful discharge of his trust.

Directors.

President.

Clerk.

Treasurer.

Subscription books.

SECT. 5. For the purpose of receiving subscriptions to the said stock, books shall be opened at such time and in such places as shall be deemed expedient by the persons named in the first section of this act; and in case the amount subscribed shall exceed the number of shares authorized by this act, the same shall be distributed among all the subscribers according to such regulations as the persons aforesaid shall prescribe before the opening of said books.

Excess of subscription, how distributed.

President and directors, powers of.

SECT. 6. The president and directors for the time being are authorized by themselves or their agents to exercise all the powers herein granted to the corporation for the purpose of locating and constructing said railroad, and for the transportation of persons and property, and all such power as may be necessary and proper to carry into effect the objects of this grant, and to make such equal assessments from time to time on all the shares subscribed, as they may deem expedient in the prosecution and progress of the work, and direct the same to be paid to the treasurer of the corporation. 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 provided by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares, at public auction, after giving such notice as

Treasurer, duty of.
Assessments on shares of delinquent subscribers, how collected.

may be prescribed by the by-laws, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent stockholder or subscriber shall be held accountable 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 thereon, with interest and costs of sale; *provided, however*, that no assessment shall be laid upon any shares of a greater amount in the whole than one hundred dollars.

Proviso.

SECT. 7. A toll is hereby granted for the sole benefit of said corporation upon all persons and property which may be conveyed upon said road, at such rate as may be established from time to time by the directors. The transportation of persons and property shall be in conformity with the rules and regulations to be prescribed by the directors.

Tolls.

Transportation.

SECT. 8. 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.

—mails.

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 the said corporation, after they shall commence the receiving of tolls,

—compensation for, how determined.

shall be bound at all times to have said railroad 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 railroad, other than its own, furnished and provided for that purpose, as herein enjoined and required: *provided, however*,

Road to be kept in good repair.

Vehicles for transportation, &c.

Lien for payment of toll.

Cars, &c., of other roads prohibited from passing over said road.

that said corporation shall be under obligations to transport over said road, in connection with their own trains, the passenger and other cars of any other incorporated company that may hereafter construct a railroad 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.

Proviso.

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Willful and malicious mischief, penalty for.

Offenders liable to indictment.

Real and personal estate, where taxable.

Net income over ten per cent. per annum, how appropriated.

SECT. 9. If any person shall willfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said railroad, or in any way spoil, injure or destroy said railroad or any part thereof, or anything 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 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 such 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.

SECT. 10. All real estate purchased by said corporation for the use of the same, under the fifth section of this act, shall be taxable to said corporation by the several towns, cities and plantations in which said lands 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 city, town 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 of such other portion as the legislature may from time to time determine of the net income of said railroad accruing thereafter over and above ten per centum per annum, first to be paid to the stockholders, shall annually be 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 therefor to recover the same. But no other tax than herein is provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

SECT. 11. 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 railroad, and for the transportation of persons, goods and property of all descriptions, and all such power 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 land, materials, engines and 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 property of all descriptions; to make such equal assessment 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 such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent stockholder or subscriber shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessment 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 interest and costs of sale; *provided, however*, that no assessment shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

President and directors, powers and duties of.

Assessments.

---notice of, to be given.

Assessments on shares of delinquent subscribers, how collected.

Proviso.

SECT. 12. The annual meeting of the members of said corporation shall be holden on the second Monday in June, or such other days 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 himself or 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.

Annual meeting.

Directors, how chosen.

SECT. 13. 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

Right of legislature to investigate the doings of the corporation.

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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 annulled, revoked, altered, limited or restrained, without the consent of the corporation, except by due process of law.

First meeting.

SECT. 14. 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 city of Bangor, of the time and place and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

Road, when to be put under contracts for building.

SECT. 15. No section or sections of said road shall be put under contract to be built until three-quarters at least of the estimated cost (by a competent engineer) of building said section or sections shall be subscribed by responsible persons.

Charter to be void under certain contingencies.

SECT. 16. 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 counties through which or any part of which the same shall pass, on or before the thirty-first day of December, in the year eighteen hundred and fifty-eight, or if said corporation shall fail to complete at least twenty miles of said road within eight years from the passage of this act, this grant shall be void. But if said location of said road is made as aforesaid, and twenty miles thereof completed within the period aforesaid, then said corporation may locate and construct any branch or branches thereof at any time after said period.

[Approved April 10, 1864.]

Chapter 321.

An act to incorporate the Maine Mining, Quarrying and Stone Dressing Company.

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

Corporators.

SECT. 1. That Arch Wilson, Pliny Cutler, William H. Foster, their associates, successors and assigns be and they are hereby created and constituted a body politic and corporate by the name of the Maine Mining, Quarrying and Stone Dressing Company, and by that name shall have succession and shall be capable to sue and be sued in any court of law or equity, to

Corporate name.

Rights, &c.