

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1872.

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

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1872.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1872.

CHAP. 140. meeting, by notice in some newspaper published in Bath, at least seven days before the meeting.

SECT. 5. This act shall take effect when approved.

Approved February 22, 1872.

Chapter 140.

An act to incorporate the Bangor and Calais Shore Line Railroad Company.

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

Corporators.

SECT. 1. S. P. Strickland, S. H. Blake, Geo. W. Ladd, James Dunning, C. P. Brown, Henry A. Wood, Geo. C. Pickering, A. L. Simpson, Seth Tisdale, H. M. Hall, John D. Hopkins, N. K. Sawyer, Robert Gerry, Jr., John F. Whitcomb, Charles H. Macomber, John West, William H. Card, John U. Hill, Gilbert E. Simpson, William L. Guptill, Handy Leighton, George L. Baker, Joseph W. Sawyer, Mariner S. Fickett, James W. Moore, Alexander Campbell, D. W. Campbell, James A. Milliken, William Freeman, Jr., Samuel Campbell, John W. Coffin, Harrison Hume, Melbourn H. Willey, Samuel Ray, B. F. Willey, Albert M. Nash, Holmes W. Ramsdell, Joseph W. Coffin, Joseph Crandon, James L. Buckman, John H. Crandon, Daniel J. Sawyer, John Plummer, J. C. Nash, Horace C. Hall, William B. Elwell, John F. Harmon, George Walker, Ignatius Sargent, John K. Ames, Edwin Longfellow, Hiram Gardiner, George W. Drisco, Mason H. Wilder, Stephen Longfellow, William H. Hemenway, S. H. Talbot, John C. Talbot, William H. Pope, George W. Pope, Jeremiah Foster, T. W. Allan, Peter E. Vose, N. S. Allen, D. K. Hobart, W. T. Hobart, George K. Hatch, Horace Harmon, Charles H. Haskell, A. G. Buck, Charles Deering, N. B. Nutt, Charles Paine, Samuel D. Leavitt, Samuel Adams, W. W. Bragdon, Enoch Fisher, Gideon Mayo, F. A. Pike, E. C. Gates, their associates, successors and assigns, are hereby made and constituted a body corporate and politic, by the

Corporate name

the name of the Bangor and Calais Shore Line Railroad Company, and by this 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 of the rights and privileges hereinafter granted, and to prevent all invasions thereof or interruptions in the exercise and enjoyment of the same; and the said corporation is hereby authorized and empowered to locate, construct and complete, alter and keep in repair, a railroad with one

General powers, privileges, &c.

Location, construction, &c. of railroad.

or more sets of rails or tracks, and of a gauge not less than three feet, or more than four feet eight and one-half inches, with all suit-

able bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point in the city of Bangor, so as to connect with any railroad in said city, and thence to some point above the Penobscot river toll bridge, crossing the Penobscot river at Brewer; thence extending easterly through Brewer, Orrington or Holden, Dedham, or the north part of Bucksport and Orland to Ellsworth; thence easterly through Hancock, Franklin, Sullivan, or Gouldsboro', No. Seven Plantation and Steuben to Cherryfield, with the right to pass through Millbridge, if found expedient so to do; thence easterly through either Harrington, Columbia, Columbia Falls, Jonesboro', Centerville, Whitneyville, Marshfield to Machias; thence northeasterly through East Machias, Marion, Edmunds or Whiting, and either of the towns of Dennysville, Pembroke, Charlotte, Robbinston, Meddybemps and Baring, to the city of Calais, and with the right to construct a branch from the trunk line, at or near East Machias to Lubec. And said corporation shall be and hereby is invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the objects and purposes of this act; and for this purpose said corporation shall have the right to purchase, or to take and hold so much of the land and real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad; 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 material, on or from the land so taken; *provided however*, that said land so taken shall not exceed six rods in width, except where greater width is necessary for the purposes 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 owner or owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, the said corporation shall pay such damages as shall be ascertained and determined by the county commissioners of the several counties in which such lands or estates, or materials may be situated, in the same manner and under the same conditions as are by law provided in the general laws of the state regarding railroads; and the land so taken by said corporation shall be held by it in like manner as lands taken and appropriated for highways. And no application to said county 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 woodland or forests, the said company shall have the right to fell or remove any trees standing therein within four rods of said road, which by their liability to be blown down, or from their

Line of road.

May construct a branch road.

Powers, privileges, &c.

May take and hold real and personal estate.

Materials may be taken for construction.

Proviso; width of land to be taken.

Proviso.

Corporation shall pay for land and materials taken.

In case of disagreement, damages how adjusted.

Application for damages to be made within three years.

May remove trees.

CHAP. 140.

Damages, how ascertained.

Capital stock.

Shares.

Shares may be increased.

Government to be vested in nine directors.

How chosen.

Quorum.

President.

Clerk.

Treasurer.

Bonds.

Stock books to be opened.

Notice for subscription to be given.

First meeting for choice of directors.

President and directors authorized to exercise the powers of the corporation.

May hold lands, &c.

Assessments.

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

SECT. 2. The capital stock of said company shall consist of not less than one thousand shares of one hundred dollars each, par value, but the number of such shares may be from time to time increased, at the discretion of the stockholders, to an amount not exceeding twenty thousand shares, and the government and direction of the affairs of said company shall be vested in nine directors, who shall be chosen by the stockholders from their number, and shall hold their office until others have been chosen in their place, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be president and one to be vice president of the company, 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 company with sureties to the satisfaction of the directors, in a sum not less than ten thousand dollars, for the faithful discharge of his trust; and for the purpose of receiving subscriptions to said stock, books shall be opened under the direction of the persons named in the first section of this act, at such times as they may determine, in the city of Bangor and elsewhere as they shall appoint, to remain open for thirty successive days at least, of which time and place of subscription, public notice shall be given in one newspaper printed in said Bangor, and one of each of the counties of Hancock and Washington, ten days before the opening of such subscriptions; and any seven of the persons named in the first section of this act are hereby authorized to call the first meeting of said company, for the choice of directors and organization, by giving notice in one or more newspapers published as before named, of the time, place and purposes of such meeting, at least fourteen days before the time mentioned in such notice.

SECT. 3. 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 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 lands, 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 equal assessments from time to time on all shares in said corporation as they may deem expedient and neces-

sary in the execution and progress of the work, and direct the same to be paid to the treasurer of this 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 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; *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.

Notice of assessments to be given.

Neglect to pay assessments, shares may be sold.

Delinquent stockholder accountable for balance due on assessments.

SECT. 4. 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 rates as may be agreed upon and established from time to time by the directors of said corporation, and a lien is hereby created on all articles transported for said tolls. 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 said road, shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Toll.

Lien for payment of tolls.

Transportation and construction, how regulated.

SECT. 5. Said corporation shall have power to make, ordain and establish all the necessary by-laws and regulations consistent with the constitution and the 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 and regulations.

SECT. 6. If any person shall wilfully and maliciously or wantonly and contrary to law obstruct the passage of any carriages on said railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction of or for the use of said road, he, she or they or any person or persons 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 which 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

Wilful and malicious injury.

Penalty for.

Offenders liable to indictment.

CHAP. 140.

Fine.

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 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 which such conviction may be had.

Estate taken of any infant, &c., damages, how settled.

SECT. 7. 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 lands and estate as aforesaid, and give good and valid releases and discharges therefor.

Real estate to be taxable.

SECT. 8. All real estate purchased by said corporation for the use of the same under the third section of this act, shall be taxable to said corporation by the several cities, towns and plantations in which said land lies, in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same as other adjacent lands 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.

Connections with other roads authorized.

SECT. 9. The legislature may authorize any other railroad company to make connections with the railroad of this company at any point on the line of its route, and no discrimination in the rates of freight or passengers shall be made by this corporation, nor by any party or parties who may operate its line of railroad or any part thereof, against railroad corporations having the right to connect with the railroad of this company, but all passengers and all freight coming from or going to such connecting railroads, shall be transported promptly and at the same rates of toll and freights charged by said corporation for transportation commencing and terminating on its own line of railroad.

Rates of transportation to be uniform.

SECT. 10. For the purpose of raising means and funds to accomplish the objects and purposes of this act, said corporation is hereby authorized to make and issue its bonds in such form and manner, and payable at such time as the directors may under the circumstances deem advisable, and it may secure the principal and interest of said bonds by a mortgage of its railroad and all its lands, property, rights, privileges and franchises then possessed, held or owned, or thereafter acquired by said corporation, made to such persons or trustees and in such form and manner as the directors may approve and prescribe.

May issue bonds.

Payment of, how secured.

SECT. 11. Said corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, when the same passes through enclosed or improved lands, or land that may be hereafter improved.

Fences.

SECT. 12. The corporation is hereby invested with power to make connections with any other railroad or railroads, and on such terms as the members may deem expedient and proper, and it is hereby authorized to lease the road either before or after it shall be completed, or to take a lease of any other railroad connecting with it, on such terms and for such time as the members at a meeting regularly called for that purpose shall determine.

Connections with other roads, terms of.

May lease road.

SECT. 13. The annual meeting of the members of said corporation shall be holden on such day as shall be determined by their by-laws, and 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.

Special meetings, how called.

SECT. 14. The corporation shall be authorized to issue non-preferred and preferred stock upon such terms and conditions and to such persons and corporations, and with such limitations and restrictions as may be deemed most for the interests of the subscribers, the success of the corporation, and the completion and equipment of the road; and any cities in the counties of Penobscot, Hancock and Washington, and any towns situated in either of said counties deeming themselves interested in having said railroad constructed, or to be benefited thereby, may subscribe at par value for any amount of either class of said stock, or loan their credit, or both by a vote of two-thirds of the legal voters of any such city or town, present at any meeting legally called therefor, not to exceed fifteen per cent. of the amount of the state valuation of such city or town; and such vote shall be obligatory on such city or town for the payment of the amount so subscribed or loaned, and said cities and towns may issue their bonds for such stock or loan, on such time and terms as may be agreed upon by them and the company, with interest payable semi-annually, at a rate not exceeding six per cent. and for a period not exceeding thirty years, and all stock so subscribed for by said cities or towns shall be represented in said corporation by the municipal authorities thereof, and any such city or town specified in this section may in such vote designate on what part of said railroad line, or between what specified points on said railroad line, any money so voted to be raised by such city or town shall be expended and used; and said corporation shall use and expend all

Preferred and non-preferred stock.

Towns interested, may subscribe for stock.

Not exceeding 15 per cent. of valuation.

Towns may issue bonds.

Stock taken by towns, how represented in corporation.

Money raised, how expended.

CHAP. 141. such money in the manner designated by such vote and in no other manner.

Organization,
location and com-
pletion, when to
be made.

SECT. 15. If the said corporation shall not have been organized, and the location according to actual survey of the route, filed with county commissioners of the several counties through which the railroad shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-four, or if said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-six, then in either of the above mentioned cases, this act shall be null and void as to all that part of said railroad not completed and finished on or before the date last above named.

SECT. 16. This act shall take effect when approved.

Approved February 22, 1872.

Chapter 141.

An act to incorporate the Norway Branch Railroad Company, and to authorize the Norway Village Corporation to aid the same.

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

Corporators.

SECT. 1. H. Upton, George L. Beal, I. N. Small, Henry C. Reed, D. W. Beal, D. C. Saunders, E. W. Howe, Jesse Howe, Calvin E. Evans, Freeland Howe, I. A. Dennison, E. A. Cole, H. M. Bearce, F. S. Oxnard, George P. Jones, George B. Rowe, J. Churchill, their assigns, associates and successors, are hereby made and constituted a body politic and corporate by the name of

Corporate name.

the Norway Branch Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall enjoy all proper remedies at law and in equity, to secure and protect them in the exercise and use of their rights and privileges, and in the performance of their duties, and said corporation is hereby authorized and empowered to locate and construct and finally complete, alter and keep in repair a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point in or near the village of Norway, thence to South Paris, connecting at that point with the Grand Trunk Railroad, and said corporation shall be, and hereby is invested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes of this act.

General privi-
leges.

Authorized to
locate, complete
and keep in
repair, railroad.

Route.