

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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1887.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

Chapter 138.

An Act to incorporate the Castine and Bangor Railroad Company.

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

SECT. 1. A. M. Devereux, George M. Warren, George W. Perkins, William G. Sargent, Aaron Chamberlain, Frank Hooper, Willis A. Ricker, John Whiting, William M. Lawrence, Alexander B. Jones, William H. Sargent, Augustus Perkins, Charles H. Hooper, John F. Rea, Curtis Stevens, Isaac Hutchinson, John N. Gardner, Jerry Jones, George L. Weeks, E. F. Davis, Alfred F. Adams, George A. Wheeler, R. Woodbury, Fred W. Foster, Edward E. Philbrook, I. L. Shepard, James Adams, Frank P. Wood, Daniel F. Davis, Eugene C. Nichols, William H. Kirkpatrick, Edward B. Nealley, H. A. Merrill, H. C. Goodnow, Charles Hayward and Company, George W. Ladd, A. G. Wakefield, Benjamin Lewis, J. C. Towle and Company, Sprague Adams, A. B. Farnham, Charles W. Roberts, Charles E. Field, N. H. Bragg and Sons, Frank D. Pullen, C. W. Tilden, James Emery, Rufus H. Emery, J. Robert Emery, A. C. Swazey, Parker Spofford, Ambrose White, A. F. Fellows, S. A. Cobb, Edward Swazey, Thomas K. Swazey, F. H. Moses, E. B. Gardner, J. P. Hooper, Isaac Partridge, A. J. Jordan, J. S. Condon, A. R. Buck, F. B. Gross, J. H. Marks, E. P. Walker, their associates, successors and assigns, are hereby made and constituted a body corporate and politic, by the name of the Castine and Bangor 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 exercises 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 or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turn-outs, culverts, drains and all other necessary appendages, from some point at or near the tide water in the southern part of the town of Castine; thence northerly, through the towns of Castine, Penobscot, Orland, Bucksport, Orrington and Brewer, or Dedham, Holden and Brewer; thence to some point above

Corporators.

Corporate name.

Authorized to construct a railroad.

Route.

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the Penobscot river toll bridge at Bangor, crossing the Penobscot river at Bangor so as to connect with any railroad at Bangor or Brewer. 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, that in all cases said corporation shall pay for such lands, estates or materials so taken and used, such price as they and the 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 within four rods of said road which by their liability to be blown down, or 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. Said company is hereby authorized and empowered to construct or lease a bridge across the Penobscot river at Bangor, and to construct one or more bridges across the tide waters at Penobscot and Castine, and to build, erect and maintain any piers, wharves, buildings or other conveniences on the shores and landing places in the towns of Penobscot and Castine, provided, that said corporation shall pay a just

Authorized to take private property.

Damages, how ascertained.

Authorized to construct bridges across tide waters.

Proviso.

compensation for such rights and privileges, 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 nor more than fifteen thousand shares of one hundred dollars each, par value, and the government and direction of the affairs of said company shall be vested in seven directors, who shall be chosen by the stockholders from their number and who shall hold their office till 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 in one printed in the county of Hancock, 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 this 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 object of this grant, to purchase and hold lands and materials, engines and

Capital stock.

Officers, how chosen.

Subscriptions to stock, how received.

First meeting, how called.

Powers and duties of president and directors.

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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 necessary 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 cost of sale, provided, however, that no assessment shall be laid upon any shares in said corporation to a greater amount than one hundred dollars in the whole.

Tolls established.

SECT. 4. A toll is hereby granted and established for the sole benefit of said corporation, on 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.

—lien on articles transported, for payment of.

By-laws.

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.

Penalty for injuring property, etc.

SECT. 6. If any person shall willfully 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 offense, treble such damage as shall be proved before the justice, court or jury before which the trial shall be held, 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 which such conviction may be had.

SECT. 7. When said corporation shall take any land or other estate, as aforesaid, of any infant, person non compos mentis or femme covert, whose husband is under guardianship, the guardian of such infant or person non compos mentis, and such femme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for the damages or claims for damages by reason of taking such lands and estate, as aforesaid, and give good and valid releases and discharges therefor.

Damages for taking land of any infant, etc., how settled.

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 city and the several towns 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 or towns, 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.

Real estate, how taxed.

—stock, how taxed.

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

Other lines authorized to make connections, but no discrimination in rates, shall be made against such lines.

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corporation nor 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 or freight coming from or going to such connecting railroads, shall be transported promptly and at the same rate of toll and freights charged by said corporation for transportation, commencing and terminating on its own line of railroad.

May issue bonds and mortgage property.

SECT. 10. For the purpose of raising means and funds to accomplish the object and purpose 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 hereafter acquired by said corporation, made to such persons or trustees and in such form and manner as the directors may approve and prescribe.

Shall erect sufficient fences.

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 land or land that may be hereafter improved.

Authorized to connect with other roads, or lease line.

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 on such time as the members, at a meeting regularly called for that purpose shall determine.

Annual meeting.

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 a special meeting of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

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 interest of the subscribers, the success of the corporation, and the completion and equipment of the road, and any city or town in the counties of Penobscot or Hancock 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 the percentage prescribed by the laws of this state 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 on such time or 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 city 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 expend and use all such money in the manner designated by such vote, and in no other manner.

May issue non-preferred and preferred stock.

Towns may subscribe for stock, or loan credit.

SECT. 15. If 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 the railroad shall pass, within five years, or if said corporation shall fail to complete said railroad within eight years, then in either of the above mentioned cases, this act shall be null and void as to all that part of said road not completed and finished on the expiration of the time last above named.

When act shall be void.

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