

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



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1861.

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# FORTIETH LEGISLATURE.

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HOUSE.

No. 19.

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## REPORT

*Of the Special Committee to whom was referred the Governor's Address, relating to Railroad communication into Piscataquis County.*

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Your Committee find that, among the many interests submitted to the consideration of the Legislature in the Governor's Address, that of Piscataquis is among those of the first importance. Considering its physical position, without seaboard, navigable rivers, canals or railroads, together with its various sources of wealth, which under a just and liberal State policy might be developed, not only to the great advantage of the county, but to the commercial interest of the State, we cannot too fully appreciate the patriotism and wisdom of our Chief Magistrate, in so eloquently and earnestly enumerating the great interests of this county, and pressing thereupon your consideration. Nor can we better express our own convictions of a just and enlightened policy, which should be extended towards this section of the State, than in the language held by the Governor upon this subject :

“To attract the investment of capital in the manifold varieties of manufactures, to work the iron mines of Katahdin, to enable Brownville and the neighboring towns to supply the markets of America with slate, to systematize the operations and diversify the employments of those engaged in the lumber trade, and by these to give new incitements and ampler recompense to those who till the soil,

by creating an increased demand and nearer markets for the fruits of their industry—are among the objects which the people of the State will expect the Legislature to promote.”

Your Committee believe that the people will expect and demand that a just and liberal policy should be extended towards all sections of the State, and particularly to the new counties, and that no district holds out so great inducements for liberal encouragement and aid, or promises better returns, by increasing our wealth and numbers, and adding largely to the commercial interests of the State, than Piscataquis county.

In an agricultural point of view, this county claims the attention of the Legislature. Its soil is rich and fertile, and well adapted to all the agricultural products of the State—but owing to its distance from markets, its growth is comparatively slow in population and wealth, having gained less than three hundred inhabitants in the last decade. It possesses large tracts of unsettled lands, which are not inferior to any in the State; and your Committee have good reason to believe, that with railroad communication, the population might be nearly doubled in the next ten years.

While the State has judiciously adopted and adhered to the policy of inviting immigration into its exclusively agricultural regions, by oft-repeated liberal donations of lands within their limits, and money from the Treasury for the construction and maintenance of roads, bridges, mills, school houses, academies, &c., and even set apart lands of immense extent and value for settlers, at a price merely nominal, Piscataquis, though holding within her borders, some 150,000 acres of the public domain, has received merely nothing.

Her water power, the extent and capacity of which cannot be excelled, for all purposes of manufacture and machinery, should attract the interest of the State. And your Committee are of the opinion, that if communications were opened, and a liberal State policy adopted, large and flourishing manufacturing towns would spring up in various portions of the county.

The picturesque scenery of this county too, as seen in her murmuring waterfalls, her placid streams and ponds, her extensive lakes, majestic mountains, and dense forests, has attracted the attention and admiration of visitors from all parts of the country,

and should be an object of State pride, to open an easy and commodious communication, that the pleasure-seeking might enjoy our natural scenes of beauty and grandeur, and the invalid be invited to inhale the pure and bracing atmosphere, and life-giving powers of these haunts of nature.

But of infinitely more importance to the State, is the mineral wealth of this county, consisting of immense and inexhaustible beds of lime rock, quarries of slate superior to any in the world, known to underlie some ten or twelve townships, and mountains of iron ore of excellent quality. Lime kilns are in successful operation, and the State and country could be supplied for all mechanical and agricultural purposes at a low price, with profit to the owners and advantage to the State, with railroad communication for its transportation. The richness of the slate quarries have already attracted the enterprise of several gentlemen of wealth, and two inexhaustible mines have been opened, at an expense of more than a quarter millions of dollars, for successful and (with means of transportation) profitable working. This slate, for roofing purposes, already has a demand from abroad, far beyond the power of the owners to supply, with its present facilities for transportation. Such is its character and quality, that slabs of any required dimensions can be easily quarried, and the various uses for which it may be put for the demands of civilized life at home and abroad, are illimitable. Associated with these quarries is the art of marbleizing the slate into the most beautiful and variegated marble, stronger and more durable than marble itself, and equally adapted to the multiplied uses for which that article is valuable.

With railroad communication to Bangor, and the consequent saving of freight, of not less than \$4 per ton, its production would at once be increased and afforded at rates that would utterly and forever foreclose all importation, and bring the various articles within the reach of all. Only twelve miles distant from the slate is the iron mountain, where private enterprise has already erected buildings, furnaces, &c., with all needful apparatus for manufacturing iron, at an expense of more than half a million dollars, all of which has been abandoned on the account of expensive transportation. With a railroad, it could be successfully worked, and even

the ore itself, profitably forwarded and shipped elsewhere for smelting, thereby greatly enhancing the commerce of the State.

In view of what the development of the mineral wealth has done for England, and even many of our own States, and Pennsylvania in particular, at an outlay of many millions of dollars in the construction of canals and railroads, in aid of just such interests as Piscataquis presents, your Committee would recommend a liberal policy be extended to her, believing it would inaugurate an era in the history of the State, of unparalleled prosperity in wealth and population.

The contrast afforded by the census and valuation of the last decade, between Massachusetts and Maine, in view of the meager natural resources of the former, and the undeveloped wealth of the latter, demands of us the most serious considerations, and invites the adoption of the same liberal policy which has characterized the parent State, and placed her in her present exalted position.

Your Committee are of the opinion that the time has fully come, when the State should take an advance step towards the adoption of a more enlightened, liberal and just policy; that Piscataquis county presents a condition of things inviting and warranting the adoption of such a policy, and that they recommend this Legislature to grant an act of incorporation for a railroad leading from tide waters into that mineral region, believing as they do that no similar enterprize would be so conducive to all the great interests and prosperity of the State.

Per order.

J. H. RAMSDALL.

# STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
SIXTY-ONE.

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AN ACT to incorporate the Bangor and Piscataquis Rail-  
road Company.

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

SECTION 1. Ira Crocker, James Dunning, Charles  
2 B. Abbot, Thomas Nason, John L. Hodsdon, C. H.  
3 Crocker, Charles A. Everett, A. M. Robinson, John  
4 H. Ramsdell, Phineas Tolman, W. W. Willard, C. L.  
5 Dunning, Peter Perham, Joseph Chase, Ephraim Flint,  
6 Adams H. Merrill, Henry Hudson, Thomas S. Pullen,  
7 A. G. Lebroke, Charles E. Kimball, C. H. B. Wood-  
8 bury, their associates, successors and assigns, are here-  
9 by made and constituted a body corporate and politic,  
10 by the name of the Bangor and Piscataquis Railroad  
11 Company ; and by this name may sue and be sued,  
12 plead and be impleaded, and shall have and enjoy all  
13 proper remedies at law and in equity to secure and

14 protect them in the exercise and use of the rights and  
15 privileges, and in the performance of the duties here-  
16 inafter granted and enjoined, and to prevent all inva-  
17 sions thereof, or interruptions in exercising and per-  
18 forming the same ; and the said corporation is hereby  
19 authorized and empowered to locate, construct, and  
20 finally complete, alter and keep in repair, a railroad,  
21 with one or more sets of rails or tracks, with all situa-  
22 ble bridges, tunnels, viaducts, turnouts, culverts, drains,  
23 and all other necessary appendages, from some point  
24 between the south line of the city of Bangor and the  
25 north line of the town of Oldtown, in the county of  
26 Penobscot, on the westerly side of the Penobscot river,  
27 with the right to connect with any railroad from Ban-  
28 gor to Oldtown, or elsewhere ; thence in the most prac-  
29 ticable direction to Browville, in the county of Piscat-  
30 aquis, and the Katahdin Iron Works, so called, in the  
31 same county, with a branch from the town of Milo up  
32 the valley of the Piscataquis to Moosehead lake, in  
33 said county of Piscataquis ; and said corporation shall  
34 be, and hereby are, invested with all the powers, priv-  
35 ileges and immunities which are or may be necessary  
36 to carry into effect the purposes and objects of this act,  
37 as herein set forth ; and for this purpose said corpora-  
38 tion shall have the right to purchase, or to take and  
39 hold so much of the land and the real estate of private



40 persons and corporations, as may be necessary for the  
41 location, construction and convenient operation of said  
42 railroad and branch ; and they shall also have the right  
43 to take, remove and use for the construction and repair  
44 of said railroad and appurtenances, any earth, gravel,  
45 stone, timber, or other materials on or from the land  
46 so taken ; *provided, however,* this said land so taken  
47 shall not exceed six rods in width, except where  
48 greater width is necessary for the purposes of excava-  
49 tion or embankment ; and *provided, also,* that in all  
50 cases said corporation shall pay for such lands, estate  
51 or materials so taken and used, such price as they and  
52 the owner or respective owners thereof may mutually  
53 agree on ; and in case said parties shall not otherwise  
54 agree, the said corporation shall pay such damages as  
55 shall be ascertained and determined by the county  
56 commissioners for the county where such land or other  
57 property may be situated, in the same manner and  
58 under the same conditions and limitations as are by  
59 law provided in the case of damages by the laying out  
60 of highways ; and the land so taken by said corpora-  
61 tion shall be held as lands taken and appropriated for  
62 highways. And no application to said commissioners  
63 to estimate said damages shall be sustained, unless  
64 made within three years from the time of taking such  
65 land or other property ; and in case such railroad

66 company shall pass through any wood land or forests,  
67 the said company shall have a right to fell or remove  
68 any trees standing therein within four rods of such  
69 road, which by their liability to be blown down, or  
70 from their natural falling, might obstruct or impair  
71 said railroad, by paying a just compensation therefor,  
72 to be recovered in the same manner as provided for the  
73 recovery of other damages in this act.

SECT. 2. The capital stock of said corporation shall  
2 consist of not less than five thousand, nor more than  
3 twenty thousand shares, and the immediate govern-  
4 ment and direction of the affairs of said corporation  
5 shall be vested in nine, eleven or thirteen directors,  
6 who shall be chosen by the members of said corpora-  
7 tion in the manner hereinafter provided, and shall hold  
8 their office until others shall have been duly elected  
9 and qualified to take their place, a majority of whom  
10 shall form a quorum for the transaction of business,  
11 and they shall elect one of their number to be presi-  
12 dent of the corporation, and shall have authority to  
13 choose a clerk, who shall be sworn to the faithful dis-  
14 charge of his duty, and a treasurer who shall be sworn,  
15 and also give bonds to the corporation, with sureties to  
16 the satisfaction of the directors, in a sum not less than  
17 ten thousand dollars, for the faithful discharge of his

18 trust ; and for the purpose of receiving subscriptions  
19 to the said stock, books shall be opened under the di-  
20 rection of the persons named in the first section of this  
21 act, at such times as they may determine, in the city  
22 of Bangor, and in the towns of Dover, Milo and  
23 Brownville, and elsewhere, as they shall appoint, to  
24 remain open for five successive days at least, of which  
25 time and place of subscription public notice shall be  
26 given in one newspaper printed in each of the counties  
27 of Penobscot and Piscataquis, ten days before the  
28 opening of such subscriptions ; and any seven of the  
29 persons named in the first section of this act, are here-  
30 by authorized to call the first meeting of said corpor-  
31 ation, for the choice of directors and organization, by  
32 giving notice in one or more newspapers published as  
33 above named, of the time and place and the purposes  
34 of such meeting, at least fourteen days before the  
35 time mentioned in such notice.

SECT. 3. When said corporation shall take any land  
2 or other estate, as aforesaid, of any infant, person non  
3 compos mentis, or feme covert, whose husband is under  
4 guardianship, the guardian of such infant, or person  
5 non compos mentis, and such feme covert, with the  
6 guardian of her husband, shall have full power and  
7 authority to agree and settle with said corporation for

8 damages, or claims for damages by reason of taking  
9 such land and estate as aforesaid, and give good and  
10 valid releases and discharges therefor.

SECT. 4. The president and directors for the time  
2 being are hereby authorized and empowered by them-  
3 selves or their agents, to exercise all the powers herein  
4 granted to the corporation, for the purposes of loca-  
5 ting, constructing and completing said railroad and  
6 branch, and for the transportation of persons, goods  
7 and property of all descriptions, and all such powers  
8 and authority for the management of the affairs of the  
9 corporation, as may be necessary and proper to carry  
10 into effect the objects of this grant, to purchase and  
11 hold land, materials, engines and cars, and other neces-  
12 sary things in the name of the corporation, for the use  
13 of said road, and for the transportation of persons,  
14 goods and property of all descriptions; to make such  
15 equal assessment from time to time, on all the shares  
16 in said corporation as they may deem expedient  
17 and necessary in the execution and progress of the  
18 work, and direct the same to be paid to the treasurer  
19 of this corporation. And the treasurer shall give no-  
20 tice of all such assessments; and in case any subscriber  
21 or stockholder shall neglect to pay any assessment on  
22 his share or shares, for the space of thirty days after  
23 such notice is given or shall be prescribed by the by-

24 laws of said corporation, the directors may order the  
25 treasurer to sell such share or shares at public auction,  
26 after giving such notice as may be prescribed, as afore-  
27 said, to the highest bidder, and the same shall be  
28 transferred to the purchaser, and such delinquent sub-  
29 scriber or stockholder shall be held accountable to the  
30 corporation for the balance, if his share or shares shall  
31 sell for less than the assessments due thereon, with the  
32 interest and costs of sale, and shall be entitled to the  
33 overplus, if his share or shares shall sell for more than  
34 the assessments due, with interest and costs of sale ;  
35 *provided, however*, that no assessment shall be laid upon  
36 any shares in said corporation, of a greater amount in  
37 the whole, than one hundred dollars.

SECT. 5. A toll is hereby granted and established  
2 for the sole benefit of said corporation, upon all passen-  
3 gers and property of all descriptions which may be  
4 conveyed or transported by them upon said road, at  
5 such rates as may be agreed upon and established from  
6 time to time by the directors of said corporation. The  
7 transportation of persons and property, the construction  
8 of wheels, the form of cars and carriages, the rights of  
9 roads, and all other matters and things in relation to  
10 said road, shall be in conformity with such rules, regu-  
11 lations and provisions, as the directors shall from time  
12 to time prescribe and direct.

SECT. 6. The legislature may authorize any other  
2 company or companies, to connect any other railroad  
3 or railroads with the railroad of said corporation, at  
4 any point on the route of said railroad. And said  
5 corporation shall receive and transport all persons,  
6 goods and property of all descriptions which may be  
7 carried and transported to the railroad of said corpora-  
8 tion, on such other railroads as may be hereafter au-  
9 thorized to be connected therewith, at the same rates  
10 of toll and freight, as may be prescribed by said cor-  
11 poration, so that the rates of freight and toll of such  
12 passengers and goods and other property as may be  
13 received from such other railroads so connected with  
14 said road as aforesaid, shall not exceed the general  
15 rates of freight and toll on said railroad, received for  
16 freight and passengers, at any of the deposits of said  
17 corporation.

SECT. 7. If said railroad in the course thereof, shall  
2 cross any private way, the said corporation shall so  
3 construct said railroad, as not to obstruct the safe and  
4 convenient use of such private way ; and if said rail-  
5 road shall in the course thereof, cross any canal, rail-  
6 road, or the highway, the said railroad shall be so  
7 constructed, as not to obstruct the safe and convenient  
8 uses of such canal or highway, and the said corporation  
9 shall have power to raise or lower such highway or

10 private way, so that the said railroad if necessary, may  
11 conveniently pass over or under the same, and erect  
12 such gate or gates thereon, as may be necessary for  
13 the safety of travellers on said railroad, highway or  
14 private way, and shall keep all bridges and embank-  
15 ments necessary for the same in good repair.

SECT. 8. Said railroad corporation shall erect and  
2 maintain, substantial, legal and sufficient fences on  
3 each side of the land taken by them for their railroad,  
4 wherever the same passes through enclosed or improved  
5 lands, or lands that may be hereafter improved.

SECT. 9. The said corporation shall at all times,  
2 when the postmaster general shall require it, be holden  
3 to transport the mail of the United States from and to  
4 such place or places on said road as may be required,  
5 for a fair and reasonable compensation ; and in case  
6 the corporation and the postmaster general shall be  
7 unable to agree upon the compensation aforesaid, the  
8 legislature of the state shall determine the same ; and  
9 the said corporation, after they shall commence the  
10 receiving of tolls, shall be bound at all times to have  
11 said railroad in good repair, and a sufficient number of  
12 engines, carriages and vehicles for transportation of  
13 persons and articles, and be obliged to receive at all  
14 proper times and places and carry the same, when the  
15 appropriate tolls therefor shall be paid or tendered ;

16 and a lien is hereby created on all articles transported,  
17 for said tolls, and said corporation fulfilling on its part  
18 all and singular the several obligations and duties by  
19 this section imposed and enjoined upon it, shall not be  
20 held, or bound to allow any engine, locomotive, cars,  
21 carriages, or other vehicle, for the transportation of  
22 persons or merchandise to pass over said railroad, other  
23 than its own, furnished and provided for that purpose,  
24 as herein enjoined and required; *provided, however,*  
25 that said corporation shall be under obligation to trans-  
26 port over said road the passenger and other cars of any  
27 other incorporated company, that may hereafter con-  
28 struct a railroad connecting with that hereby author-  
29 ized, such other company being subject to all the pro-  
30 visions of the fifth and sixth sections of this act, as  
31 to rates of toll and all other particulars enumerated in  
32 said sections.

SECT. 10. If any person shall wilfully and mali-  
2 ciously, or wantonly and contrary to law, obstruct the  
3 passage of any carriages on such railroad, or in any  
4 way spoil, injure or destroy said railroad, or any part  
5 thereof, or any thing belonging thereto, or any mate-  
6 rials or implements to be employed in the construction  
7 of, or for the use of said road, he, she or they, or any  
8 person or persons assisting, aiding or abetting such  
9 trespass, shall forfeit and pay to said corporation, for



10 every such offence, treble such damages as shall be  
11 proved before the justice, court or jury before whom  
12 the trial shall be had, to be sued for before any justice,  
13 or in any court proper to try the same, by the treas-  
14 urer of said corporation, or other officer whom they  
15 may direct to the use of said corporation ; and such  
16 offender or offenders shall be liable to indictment by  
17 the grand jury of the county within which the tres-  
18 pass shall have been committed, for any offence or  
19 offences contrary to the above provisions ; and upon  
20 conviction thereof before any court competent to try  
21 the same, shall pay a fine not exceeding five hundred dol-  
22 lars to the use of the state, or may be imprisoned for  
23 a term not exceeding five years, at the discretion of  
24 the court before whom such conviction may be had.

SECT. 11. Said corporation shall keep, in a book for  
2 that purpose, a regular account of all their disburse-  
3 ments, expenditures and receipts, and the books of  
4 said corporation shall at all times be open to the in-  
5 spection of the governor and council, and of any  
6 committee duly authorized by the legislature, and at  
7 the expiration of every year the treasurer of said cor-  
8 poration shall make an exhibit, under oath, to the  
9 legislature, of the profits derived from the income of  
10 said railroad.

SECT. 12. All real estate purchased by said corporation for the use of the same under the fourth 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. 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 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 to the treasurer of said corporation, as a tax in 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

26 other tax than herein is provided shall ever be levied  
27 or assessed on said corporation, or any of their privi-  
28 leges or franchises.

SECT. 13. The annual meeting of the members of  
2 said corporation shall be holden on the first Monday  
3 in January, or such other day as shall be determined  
4 by the by-laws, at such time and place as the directors  
5 for the time being shall appoint, at which meeting the  
6 directors shall be chosen by ballot, each proprietor by  
7 himself or proxy being entitled to as many votes as he  
8 holds shares ; and the directors are hereby authorized  
9 to call special meetings of the stockholders, whenever  
10 they shall deem it expedient and proper, giving such  
11 notice as the corporation by their by-laws shall direct.

SECT. 14. The legislature shall at all times have  
2 the right to inquire into the doings of the corporation,  
3 and into the manner in which the privileges and fran-  
4 chises herein and hereby granted, may have been used  
5 and employed by said corporation. And to correct  
6 and prevent all abuses of the same, and to pass any  
7 laws imposing fines and penalties upon said corpora-  
8 tion which may be necessary, more effectually to com-  
9 pel a compliance with the provisions, liabilities and  
10 duties hereinbefore set forth and enjoined, but not to  
11 impose any other or further duties, liabilities or obli-  
12 gations.

SECT. 15. If the said corporation shall not have  
2 been organized, and the location according to actual  
3 survey of the route filed with the county commissioners  
4 of the counties through which the same shall pass, on  
5 or before the first day of January in the year of our  
6 Lord one thousand eight hundred and sixty-three, or  
7 if the said corporation shall fail to complete said rail-  
8 road to Piscataquis river, on or before the first day of  
9 January in the year of our Lord one thousand eight  
10 hundred and sixty-six, in either of the above mentioned  
11 cases, this act shall be null and void.

## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 12, 1861. }

Reported by Mr. J. H. RAMSDELL, from the Joint Select Committee on so much of the Governor's message as relates to railroad communication into the county of Piscataquis, and on his motion laid on the table, and 500 copies ordered to be printed, together with the report of Committee, for the use of the Legislature.

CHARLES A. MILLER *Clerk.*