

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

SENATE.

No. 13.

STATE OF MAINE.

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

AN ACT to authorize the formation and regulation of
railroad corporations.

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

SECTION 1. Any number of citizens of the state of
2 Maine, not less than twelve, may form a company for
3 the purpose of conducting, maintaining and operating
4 a railroad for public use in the conveyance of persons
5 and property, and for that purpose may make and sign
6 articles of association, in which shall be stated the
7 name of the company, the places from and to which
8 the road is to be constructed and operated, the length
9 of such road as near as may be, and the name of the
10 several towns and county or counties through which
11 the same is to be constructed, the amount of the cap-
12 ital stock of the company, which shall be at least ten

13 thousand dollars for every mile of road proposed to be
14 constructed, and the number of shares of which said
15 capital stock shall consist, and the names and places
16 of residence of the president and at least six of the
17 directors of the company, who shall manage the affairs
18 of the company and until others are chosen to fill their
19 places, and on compliance with the foregoing pro-
20 visions such articles of association shall be acknowl-
21 edged by at least four of the directors before some
22 officer qualified to take acknowledgment of deeds and
23 other instruments in writing, and shall be filed in the
24 office of the secretary of state, who shall endorse
25 thereon the day on which they were filed, and record
26 the same in a book for that purpose; and thereupon
27 the said articles of association shall become and be a
28 charter for the said corporation or company, and the
29 persons who have so subscribed such articles of asso-
30 ciation, and all persons and corporations who shall be-
31 come stockholders in such company, shall be and con-
32 stitute a corporation by the name specified in such
33 articles of association, and shall possess the powers
34 and privileges following :

35 First, to sue and be sued, complain and defend in
36 any court of law or equity.

37 Second, To make and use a common seal.

38 Third, To hold, purchase and convey such real and

39 personal estate as the purposes of the corporation shall
40 require.

41 Fourth, to appoint such subordinate officers and
42 agents as the business of the corporation shall require.

43 Fifth, To make by-laws, not inconsistent with any
44 existing law, for the management of its property and
45 regulation of its affairs and the transfer of its stock.

SECT. 2. Such articles of association shall not be
2 filed and recorded in the office of the secretary of state
3 until at least ten thousand dollars of stock for every
4 mile of railroad proposed to be made is subscribed
5 thereto, and ten per cent. paid thereon in cash to the
6 directors named in said articles of association, nor until
7 there is annexed thereto an affidavit, made by at least
8 three of the directors named in said articles, that the
9 amount of stock required by this section has been in
10 good faith subscribed and ten per cent. in cash paid
11 thereon as aforesaid, which affidavit shall be filed and
12 recorded with the articles of association.

SECT. 3. A copy of any article of association filed
2 and recorded in pursuance of this act or of the record
3 thereof, with a copy of the affidavit aforesaid endorsed
4 thereon or annexed thereto and certified to be a copy
5 by the secretary of state or his deputy, shall be evi-
6 dence of the incorporation of such company and of the
7 facts therein stated.

SECT. 4. When such articles of association and affidavit are filed and recorded as hereinbefore provided, the directors of such association shall, in case the whole of the capital is not before subscribed, keep open books of subscription at their general office, and at such other places as they may deem expedient, to fill up the capital stock of the company, giving such notice as they may deem expedient, and shall continue to receive subscriptions until the whole capital stock is subscribed. At the time of subscribing, every subscriber shall pay to the directors ten per cent. in cash of the amount subscribed, and no subscription shall be received or taken without such payment.

SECT. 5. Whenever the foregoing provisions have been complied with, the persons named as corporators in such articles of association, are hereby authorized to carry into effect the objects named therein as fully as any corporation heretofore created by law; and said corporation thus created shall be entitled to exercise all the rights, powers and privileges, and be subject to all existing laws of the state regulating the rights and powers of railroad companies; and said company shall commence to construct the proposed road within two years from their organization as aforesaid, and shall open and complete the road within five years.

SECT. 6. Whenever any railroad company, created
2 and incorporated under the provisions of this act, shall
3 in the opinion of the directors thereof require an
4 increase of their capital stock, in order to complete
5 and equip their road, and carry out the full intent and
6 meaning of their charter, they shall, if authorized by
7 a majority of the stockholders at a meeting called for
8 that purpose, file with the secretary of state a certifi-
9 cate setting forth the amount of such desired increase,
10 and thereafter such company shall be entitled to have
11 such increased capital as is fixed by said certificate ;
12 *provided*, that the original stock and increased capital
13 shall in no case exceed forty thousand dollars per mile.

SECT. 7. The officers of any company incorporated
2 in pursuance of this act shall be a president, treasurer
3 and a board of directors, consisting of at least seven
4 and not more than twelve, as shall be fixed by the
5 corporators thereof at their meeting to choose directors
6 of said company, a majority of whom shall be citizens
7 of this state.

SECT. 8. The president and directors of any railroad
2 created under this act shall have power to borrow
3 money not exceeding the amount of capital stock sub-
4 scribed, and issue the bonds of the company therefor
5 in such amounts as shall not exceed double the amount
6 actually paid up of the capital stock subscribed, the

7 proceeds whereof shall be actually expended in the
8 construction and equipment of their road ; these bonds
9 to be payable at such times not exceeding fifty years
10 from the date thereof, and at such place and at such
11 rate of interest as said directors shall find most advan-
12 tageous for such company, and may secure the pay-
13 ment of said bonds and interest by a mortgage on said
14 road, franchises and other property of the company.

SECT. 9. Said corporation shall have the right to
2 establish and collect such tolls for the transportation
3 of persons and freight over its road as the directors
4 shall deem fair and reasonable, and have a lien on its
5 freight therefor, but such tolls shall be submitted to
6 and approved by the railroad commissioners, and be
7 subject to change and control by the legislature.

SECT. 10. Whenever the line of any railroad located
2 under the provisions of this act, shall cross any navi-
3 gable water, the corporation shall have the right to
4 build a bridge and make a crossing over the same ;
5 but said bridge, its materials, plan and mode of con-
6 struction shall first be approved by the railroad com-
7 missioners ; and the draw thereof shall be of such
8 dimensions as shall in the opinion of the commissioners
9 not unnecessarily impede navigation. The place of
10 crossing, also, shall first be approved by the commis-
11 sioners.

SECT. 11. All acts or parts of acts inconsistent here-
2 with are hereby repealed so far as they may affect any
3 corporation that may be organized under this act ; and
4 the legislature hereby reserves the right to alter or
5 amend this act, and to regulate corporations formed
6 under it, at any time.

STATE OF MAINE.

IN SENATE, January 28, 1870.

Reported by Mr. CUSHING of Waldo, from the Committee on Railroads, Ways and Bridges, and on his motion laid on the table and 700 copies ordered to be printed.

SAMUEL W. LANE, *Secretary.*