

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

SENATE.

No. 57.

MINORITY REPORT

Of Committee on Railroads, Ways and Bridges, to which was referred bill an act to incorporate the Union Depot Company.

The bill proposes to create a private corporation with a capital of a million of dollars, with power to erect and maintain a union depot for passengers in the city of Portland, and to "take" and hold under the provisions of the general laws of this State applicable to taking lands by railroad companies for their road beds, so much real estate as may be necessary for the construction and convenient use of said depot, "including land necessary for tracks for the approach and accommodation of such railroads as may occupy said Union Depot or any portion thereof, and to charge a reasonable toll or compensation on all railroads that may occupy or use said depot or any part of the same."

At a late day in the session (the 18th day of February), this highly important bill was presented to the Legislature *without previous notice*; and as it involves legislation largely affecting the rights of owners of private property, the passage of the bill at the present session would seem to be against the spirit of the law regulating such case. The hearing before the committee was had on the first and second days of March, without any notice, except the mention in a Portland paper of the fact that such an act of incorporation was asked for, notwithstanding the bill authorizes a private corporation to "take" with or without the consent of the owners, private property for the use of such corporation. Remonstrances were before the committee from the city of Portland, acting through its city government, the Portland Gas Company,

having a capital of some three hundred thousand dollars invested in property affected by the bill, and from several owners of real estate to the value of three hundred thousand dollars more.

It is believed that the foregoing statement of facts affords sufficient and just reasons for a reference of the whole matter to the next Legislature.

The undersigned of the committee to whom the bill was referred, believing that there is no immediate necessity calling for the proposed depot, and hearing no public sentiment manifested for it, while the most strenuous opposition to the bill is made by the city of Portland, and other parties interested, are of the opinion that by a reference to the next Legislature opportunity will be afforded for the corporators to confer with the railroad companies they propose to convene, and mature a definite plan for the measure they propose, at the same time giving the public an opportunity to weigh and judge of the wisdom of the grant of power asked for, and for parties whose private property is liable to be taken without their consent to make such legal resistance as they may desire against any invasion of their rights.

But the undersigned regard the bill as highly objectionable in many of its features, and in its present form, so far in advance of any previous legislation of the kind, and so dangerous to private rights that important changes should be made in it before it is allowed to become a law—to none of which changes will the corporators consent.

First, The bill is so general in its character that it is difficult to comprehend its precise purposes, and it should not be adopted without limitations and restrictions.

Second, The grant of power to locate the proposed depot and to take lands, is so broad, general and indefinite as to render it improper, unreasonable and unsafe even to be conferred upon any private corporation.

Third, It proposes to take private property for public uses, when the same is not required by the public exigencies—in direct violation of the Constitution of this State.

It will be perceived that the bill charters a private corporation, with power to "take" lands and erect and maintain a general railroad depot, which may or may not be used by any railroad at its option, and then only upon such terms as this corporation may impose. The private property taken by virtue of this bill becomes

the property of the corporation, and may or may not be appropriated to any public use. Surely there can be no public exigency that requires such a measure as this. The granting of such powers as are asked by this bill would be an act of the sovereign power, acting in the most harsh and objectionable shape in which that power can be applied in civil matters, solicited as they are by individuals for the purpose of private speculation and individual benefit.

But even if there was a necessity for such a corporation as the passage of this bill would establish, then it seems clearly just that the corporators ought to come to the Legislature with some definite plan, chart, survey or location of the premises which they propose to take instead of asking the powers contained in this bill to "take" and hold property anywhere in the city of Portland. The corporators having failed to present any such plan or location, and for other reasons given, the undersigned recommend a reference of the bill to the next Legislature.

All of which is respectfully submitted.

T. H. CUSHING.
DANIEL HOLLAND.
ISAAC FOSTER.

March 8, 1870.

STATE OF MAINE.

IN SENATE, March 10, 1870.

Presented by Mr. CUSHING, and on his motion laid on the table and ordered to be printed.

SAMUEL W. LANE, *Secretary.*