

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# FIFTY-FIRST LEGISLATURE.

---

HOUSE.

No. 2.

---

---

## STATE OF MAINE.

---

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

---

---

AN ACT to authorize the formation of railroad corporations.

---

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

SECTION 1. Any number of persons, not less than  
2 ten, may form a company for the purpose of construct-  
3 ing, maintaining and operating a railroad for public  
4 use in the conveyance of persons and property within  
5 this state, 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, maintained and operated,  
9 the length of such road as near as may be, and the  
10 name of each town and county in this state through  
11 which or into which it is to be made, the amount of  
12 the capital stock of the company which shall not be

13 less than twenty thousand dollars for every mile of  
14 road proposed to be constructed, and the number of  
15 shares of which said capital stock shall consist, and  
16 the names and places of residence of at least five per-  
17 sons who shall act as directors of the proposed com-  
18 pany, and shall manage its affairs until others are  
19 chosen in their places. Each subscriber to such arti-  
20 cles of association shall subscribe thereto his name,  
21 place of residence, and the number of shares of stock  
22 he agrees to take in said company.

SECT. 2. Said articles of association shall not be  
2 filed and recorded in the manner provided in section  
3 three of this act, until at least ten thousand dollars of  
4 stock for every mile of railroad proposed to be con-  
5 structed is subscribed thereto, and five per cent. paid  
6 thereon in good faith and in cash to the directors  
7 named in said articles of association, nor until there is  
8 endorsed thereon or annexed thereto, an affidavit made  
9 by at least five of the directors named in said articles  
10 that the amount of stock required by this section has  
11 been in good faith subscribed and five per cent. paid  
12 thereon in cash as aforesaid, and that it is intended in  
13 good faith to construct, maintain and operate the road  
14 mentioned in such articles of association, which affidavit  
5 shall be recorded with the articles of association as  
16 aforesaid.

SECT. 3. Whenever it shall be shown to the satisfaction of the board of railroad commissioners that all the provisions of sections one and two of this act have been complied with, said board shall endorse upon the articles of association a certificate of such fact and the approval of the board in writing. The secretary of state shall upon the payment of the sum of \$— cause the same, with the endorsement thereon, to be recorded, and shall issue a certificate in the following form:

STATE OF MAINE.

Be it known that, whereas, [here the names of the subscribers to the articles of association to be inserted] have associated themselves together with the intention of forming a corporation under the name of [here the name of the corporation shall be inserted] for the purpose of building and operating a railroad between [here insert the description of the road contained in the articles of association] and have complied with the statutes of this state in such cases made and provided, Now therefore, I, [here the name of the secretary to be inserted] secretary of the State of Maine, do hereby certify that said [names of subscribers] their associates and successors, are legally organized and established as an existing corporation under the name of [name of corporation] with the

27 powers, rights and privileges, and subject to the limi-  
28 tations, duties and restrictions, which by law appertain  
29 thereto. Witness my official signature hereunto sub-  
30 scribed, and the seal of the State of Maine hereunto  
31 affixed, this —— day of —— in the year of our Lord  
32 [day, month and year inserted.]

33 The secretary of state shall sign the same and cause  
34 the seal of the state to be thereto affixed, and such  
35 certificate shall be conclusive evidence of the organi-  
36 zation and establishment of such corporation at the  
37 date of such certificate. The secretary shall also cause  
38 a record of such certificate to be made, and a copy of  
39 such record duly certified may with like effect as the  
40 original certificate be given in evidence to prove the  
41 existence of such a corporation.

SECT. 4. The first meeting for the purpose of organ-  
2 izing such corporation shall be called by a notice  
3 signed by five or more of the subscribers to such arti-  
4 cles of association, stating the time, purpose and place  
5 of such meeting, a copy of which notice shall, seven  
6 days at least before the day appointed for such meet-  
7 ing, be given to each subscriber or left at his usual  
8 place of business or place of residence, or deposited in  
9 the post office, post paid, and addressed to him at his  
10 usual place of business or residence; and whoever  
11 gives such notice shall make affidavit of his doings,

12 which shall be recorded in the records of the com-  
13 pany.

SECT. 5. In case the capital stock of any company  
2 formed under this act is found to be insufficient for  
3 constructing and operating its road, such company  
4 may increase its capital stock from time to time to  
5 any amount for the purposes aforesaid. Such increase  
6 must be sanctioned by a vote in person or by proxy of  
7 two-thirds in amount of all the stockholders of the  
8 company, at a meeting of said stockholders called by  
9 the directors of the company for that purpose.

SECT. 6. Every corporation organized under this  
2 act, before commencing the construction of its road,  
3 shall present to the board of railroad commissioners a  
4 petition for approval of location, accompanied with a  
5 map of the proposed route on an appropriate scale, and  
6 with a profile of the line on a vertical scale of ten to  
7 one compared with the horizontal scale, and with a  
8 report and estimate prepared by a skillful engineer  
9 from actual survey. The board of railroad commis-  
10 sioners shall, on presentation of such petition, appoint  
11 a day for a hearing thereon, and the petitioners shall  
12 give such notice thereof as said board shall deem rea-  
13 sonable and proper, in order that all persons interested  
14 may have an opportunity to appear and object thereto.  
15 If the board of railroad commissioners, after hearing

16 the petition, shall approve the proposed location, and  
17 that the public convenience requires the construction  
18 of such road, the corporation may proceed with the  
19 construction of their road. But no objection shall be  
20 considered conclusive, or location refused, solely be-  
21 cause said proposed railway may run parallel to, or  
22 come in competition with, any other existing or pro-  
23 posed railroad; *provided* they shall first file with the  
24 county commissioners of each county through which  
25 the road passes, a plan of the location of the road,  
26 defining its courses, distances and boundaries, and  
27 another copy of the same with the board of railroad  
28 commissioners, but the location so filed shall not vary  
29 from the route first presented to said board of com-  
30 missioners, unless said variation shall be approved by  
31 them. And said location shall be filed within two  
32 years from the time when the articles of association  
33 are filed in the office of the secretary of state.

SECT. 7. If any corporation formed under this act  
2 shall not within three years after its articles of asso-  
3 ciation are filed and recorded in the office of the secre-  
4 tary of state, begin the construction of its road and  
5 expend thereon ten per cent. of the amount of its  
6 capital, or shall not finish the road and put it in opera-  
7 tion in five years from the time of filing its articles of

8 association as aforesaid, its corporate existence and  
9 power shall cease.

SECT. 8. Every corporation organized under this  
2 act shall within one year after any part of their road  
3 has been constructed and opened for operation, cause  
4 to be made a map and profile thereof and of the land  
5 taken or obtained for the use thereof, and file the same  
6 in the office of the secretary of state; and also like  
7 maps of the parts thereof located in different counties,  
8 and file the same in the offices for recording deeds in  
9 the county in which such parts of roads shall be.  
10 Every such map shall be drawn on a scale and on  
11 paper to be designated by the board of railroad com-  
12 missioners, and certified and signed by the president  
13 and engineer of the corporation.

SECT. 9. There shall be three railroad commissioners  
2 elected at the next annual election, and every second  
3 year thereafter. Such commissioners shall hold office  
4 for two years, commencing on the first of January  
5 next, when the term of office of the present board of  
6 railroad commissioners shall end. The commissioners  
7 so elected shall discharge the duties imposed by law  
8 upon the present railroad commissioners, as well as  
9 those imposed by this and subsequent acts of the legis-  
10 lature. In electing railroad commissioners, each voter  
11 shall be permitted to vote for two persons and no more,



12 and the three persons having the highest number of  
13 votes shall be declared elected. In case of a failure  
14 to elect one or more of said commissioners, by reason  
15 of a tie vote, the governor shall appoint so many as  
16 may be necessary to fill up the board, and he shall  
17 also fill any vacancies that may occur in the board by  
18 death, resignation or otherwise.

SECT. 10. Railroad companies organized under this  
2 act shall have the full benefit of and be subject to the  
3 provisions of chapter fifty-one of the revised statutes,  
4 and in all respects shall have the same rights, and be  
5 subject to the same liabilities, as if specially incorpo-  
6 rated by the legislature.

---

## STATE OF MAINE.

---

IN HOUSE OF REPRESENTATIVES, }  
January 17, 1872. }

Referred to Committee on Railroads, Ways and Bridges, and  
ordered to be printed.

S. J. CHADBOURNE, *Clerk.*