

MAINE STATE LEGISLATURE

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FIFTY-FIRST LEGISLATURE.

HOUSE.

No. 7.

STATE OF MAINE.

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

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 persons, not less than
2 ten, a majority of whom shall be citizens of this state,
3 may form a company for the purpose of construct-
4 ing, maintaining and operating a railroad for public
5 use in the conveyance of persons and property within
6 this state, and for that purpose may make and sign
7 articles of association, in which shall be stated the
8 name of the company, the gauge of the road, the
9 places from and to which the road is to be constructed,
10 maintained and operated, the length of such road as
11 near as may be, and the name of each town and county
12 in this state through which or into which it is to be

13 made; the amount of the capital stock of the company,
14 which shall not be less than ten thousand dollars for
15 every mile of road proposed to be constructed of the
16 gauge of four feet eight and a half inches, nor less
17 than six thousand dollars per mile for any narrower
18 gauge, and the number of shares of which said capital
19 stock shall consist, and the names and places of resi-
20 dence of at least five persons, a majority of whom shall
21 be citizens of this state, who shall act as directors of
22 the proposed company, and shall manage its affairs
23 until others are chosen in their places. Each sub-
24 scriber to such articles of association shall subscribe
25 thereto his name, place of residence, and the number
26 of shares of stock 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 the capital stock named in sec-
4 tion one has been subscribed thereto, in good faith, by
5 responsible parties, and five per cent. paid thereon in
6 cash to the directors named in said articles of associa-
7 tion, nor until there is endorsed thereon or annexed
8 thereto, an affidavit made by a majority of the directors
9 named in said articles, that the amount of stock re-
10 quired by this section has been in good faith sub-
11 scribed and five per cent. paid thereon in cash as
12 aforesaid, and that it is intended in good faith to con-

13 struct, maintain and operate the road mentioned in
14 such articles of association, which affidavit shall be
15 recorded with the articles of association as aforesaid.

SECT. 3. Whenever it shall be shown to the satis-
2 faction of the board of railroad commissioners that all
3 the provisions of sections one and two of this act have
4 been complied with, said board shall endorse upon the
5 articles of association a certificate of such fact and the
6 approval of the board in writing. The secretary of
7 state shall, upon the payment of the sum of twenty
8 dollars to the use of the state, cause the same, with
9 the endorsement thereon, to be recorded, and shall
10 issue a certificate in the following form :

11 STATE OF MAINE.

12 Be it known that, whereas, [here the names of
13 the subscribers to the articles of association to be
14 inserted] have associated themselves together with
15 the intention of forming a corporation under the
16 name of [here the name of the corporation shall be
17 inserted] for the purpose of building and operating a
18 railroad between [here insert the description of the
19 road contained in the articles of association] and have
20 complied with the statutes of this state in such cases
21 made and provided, Now therefore, I, [here the name
22 of the secretary to be inserted] secretary of the State
23 of Maine, do hereby certify that said [names of sub-

24 sscribers] their associates and successors, are legally
25 organized and established as an existing corporation
26 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 company.

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 any
5 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 com-
8 pany, at a meeting of said stockholders called by the
9 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 clerk of the court of county commissioners of each
25 county through which the road passes, a plan of the
26 location of the road, defining its courses, distances and
27 boundaries, and another copy of the same with the
28 board of railroad commissioners; but the location so
29 filed shall not vary from the route first presented to
30 said board of commissioners, unless said variation shall
31 be approved by them. And said location shall be
32 filed within two years from the time when the articles
33 of association are filed in the office of the secretary of
34 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. Every
10 such map shall be drawn on a scale and on paper to
11 be designated by the board of railroad commissioners,
12 and certified and signed by the president and engineer
13 of the corporation.

SECT. 9. There shall be three railroad commissioners
2 elected at the next annual election of state officers,
3 and every second year thereafter. Such commission-
4 ers shall hold office for two years, commencing on the
5 first of January next, when the term of office of the
6 present board of railroad commissioners shall end.
7 The commissioners so elected shall discharge the duties
8 imposed by law upon the present railroad commis-
9 sioners, as well as those imposed by this and subse-

10 quent acts of the legislature. In electing railroad
11 commissioners, each voter shall be permitted to vote
12 for two persons and no more, and the three persons
13 having the highest number of votes shall be declared
14 elected. In case of a failure to elect one or more of
15 said commissioners, by reason of a tie vote, the gover-
16 nor, with the consent and advice of the council, shall
17 appoint so many as may be necessary to fill up the
18 board, and he shall also fill any vacancies that may
19 occur in the board by death, resignation or otherwise.

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 upon what shall at any time be
6 deemed by the railroad commissioners a sufficient com-
7 plaint, by interested and responsible parties, that the
8 tolls are unreasonably high, they may revise and estab-
9 lish them, after due notice and hearing, for a time not
10 exceeding one year.

SECT. 10. The compensation to the railroad commis-
2 sioners shall be dollars per day, each, for each and
3 every day while on actual duty. And the governor
4 and council are hereby authorized to audit such bills
5 and to assess upon and collect of the railroad corpora-
6 tions of the state, in such proportion as they shall

7 deem equitable, the necessary amount to pay the
8 same.

SECT. 11. 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 23, 1872. }

Reported from the Committee on General Railroad Law, by Mr.
PIKE of Calais, and ordered printed.

S. J. CHADBOURNE, *Clerk.*