

MAINE STATE LEGISLATURE

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FIFTY-SECOND LEGISLATURE.

HOUSE.

No. 13.

STATE OF MAINE.

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

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 twenty-five, a majority of them being inhabitants of
3 this state, may associate themselves together by arti-
4 cles in writing, with the intention of forming a cor-
5 poration for the purpose of locating, constructing
6 maintaining and operating a railroad for public use in
7 the conveyance of persons and property ; and upon
8 complying with the provisions of section eight of this
9 act, shall, with their associates and successors, be and
10 remain a corporation, with all the powers, privileges
11 and immunities, and subject to all the duties, liabili-

12 ties, restrictions and remedies set forth in all general
13 laws which now are or hereafter may be in force
14 relating to railroad corporations, except as is herein
15 otherwise provided.

SECT. 2. The articles of association shall set forth
2 the name of the corporation; the termini of the rail-
3 road proposed to be built; its length, as near as may
4 be, and the name of each city, town and county
5 through or into which it will extend; the gauge
6 of the railroad; the amount of capital stock of the
7 corporation, which shall be not less than eight thou-
8 sand dollars for each mile of road, when the gauge is
9 four feet eight and a half inches, or more, and not
10 less than four thousand dollars for each mile when the
11 gauge is three feet six inches or less, and divided into
12 shares of one hundred dollars each; and the names of
13 at least seven and not more than nine persons to act as
14 a board of directors until others are chosen by the
15 corporation. Each associate shall subscribe to the
16 articles his name, residence, post office address, and
17 the number of shares of stock which he agrees to
18 take; but no subscriber shall be bound to pay beyond
19 ten per centum of the amount of his subscription,
20 unless a corporation is duly established under the pro-
21 visions of this act.

SECT. 3 The corporate name assumed shall be one

2 not in use by any other railroad corporation in this
3 state, shall contain the words "railroad company" at
4 the end thereof, and shall be changed only by act of
5 the legislature.

SECT. 4. The directors shall be subscribers to the
2 articles of association, and a majority of them shall be
3 inhabitants of this state. They shall appoint a clerk
4 and a treasurer, who shall perform the duties of, and
5 hold their respective offices until a clerk and treasurer
6 of the corporation are chosen. Such clerk and treas-
7 surer shall be inhabitants of this state, and have their
8 offices in one of the counties in which the road is
9 located. The directors shall fill any vacancy in their
10 board, or in the office of clerk or treasurer, caused by
11 resignation, death, or other disability.

SECT. 5. The directors shall cause a copy of the
2 articles of association to be published in the state
3 paper and in one or more newspapers, if any, in each
4 county in which the road is proposed to be located, at
5 least once a week for three successive weeks, and also
6 cause a copy of said articles to be posted in some
7 public place in each city or town in which said road
8 is proposed to be located, all to be done at least three
9 weeks before proceeding to fix the route of said road.
10 The sworn certificate of the clerk of the association
11 shall be evidence of the posting and publication.

SECT. 6. After visiting each town or city through
2 which the proposed road is to pass, and hearing parties
3 interested, the directors shall fix the route of said
4 road, and cause a certificate thereof, with the names
5 of the owners or occupants of all lands proposed to be
6 taken for such road, to be recorded in the clerk's
7 office of each county in which the road is located.
8 The directors shall cause to be prepared a map and
9 profile of the route on an appropriate scale, together
10 with the report of a skilful engineer, based on actual
11 examination and survey, showing the kind and amount
12 of excavation, filling, bridging and masonry required,
13 the number of highways and other railroads, if any,
14 and of navigable streams and tide-waters to be crossed,
15 and the manner of crossing the same, the general
16 profile of the surface of the country through which the
17 road will pass, the feasibility of the route, the manner
18 of constructing the road, and a detailed estimate of
19 the cost of construction.

SECT. 7. When the amount of capital stock named
2 in section two has been subscribed to the articles of
3 association in good faith by responsible parties, and at
4 least ten per centum of the par value of each share
5 thereof actually paid in cash to the treasurer of the
6 association, the directors, clerk and treasurer shall
7 endorse upon the articles of association, or annex

8 thereto, their certificate, setting forth these facts, and
9 that it is intended in good^d faith to locate, construct,
10 maintain and operate the railroad fixed as aforesaid,
11 and shall also annex to said articles said certificate of
12 publication, and the certificate fixing the route of
13 said railroad, and shall present the same to the rail-
14 road commissioners, together with the map and report
15 of the engineer for their inspection; and said map
16 shall be deposited with said commissioners.

SECT. 8. Whenever it is shown to the satisfaction
2 of the board of railroad commissioners that the require-
3 ments of this act preliminary to the establishment of
4 the corporation have been complied with, said board
5 shall endorse upon the articles of association or annex
6 thereto, a certificate, setting forth the fact that the
7 requirements of the law appear to have been complied
8 with. The directors shall thereupon file the articles
9 of association, with all the certificates endorsed thereon
10 or annexed thereto, in the office of the secretary^o of
11 state; who upon the payment to him of fifty dollars,
12 shall record the same in a book to be kept for that
13 purpose, and shall issue a certificate substantially in
14 the following form:

15 STATE OF MAINE.

16 Be it known that whereas [names of the subscribers
17 to the articles of association] have associated them-

18 selves with the intention of forming a corporation
19 under the name of the [name of the corporation] for
20 the purpose of locating, constructing, maintaining and
21 operating a railroad [description of the road as in the
22 articles of association] and have complied with the
23 statutes of this state in such cases made and provided ;
24 now, therefore, I, [name of the secretary] secretary of
25 the State of Maine, do hereby certify that the persons
26 aforesaid, their associates and successors, are legally
27 established as a corporation, under the name of the
28 [name of the corporation] with all the powers, privi-
29 leges and immunities, and subject to all the duties,
30 liabilities, restrictions and remedies set forth in all
31 general laws which now are or hereafter may be in
32 force relating to railroad corporations.

33 In witness whereof, I have hereunto subscribed my
34 official signature, and affixed the seal of said state,
35 this day of in the year . [Day,
36 month and year.]

37 The certificate, so executed, shall be recorded with
38 the articles of association ; and the original certificate,
39 or a duly certified copy of the record thereof, shall be
40 conclusive evidence of the establishment of the corpo-
41 ration at the date of such certificate. All moneys
42 received by the secretary under this section, shall be

43 included in his returns of fees, and paid into the
44 state treasury.

SECT. 9. The first meeting of the corporation shall
2 be called by a notice signed by a majority of the
3 directors, stating the time, place and purpose of such
4 meeting ; and the clerk shall, seven days at least
5 before the day appointed therefor, deliver to each sub-
6 scriber, or leave at his last and usual place of business
7 or residence, or deposit in the post office, prepaid, and
8 directed to him at his post office address, a copy of
9 such notice. The clerk shall make an affidavit of his
10 doings in regard thereto, which shall be recorded with
11 the records of the corporation, and a duly attested
12 copy of the records shall be evidence in all cases that
13 the notice was given as therein stated.

SECT. 10. Such meeting, at which the president of
2 the board of directors, or in his absence the clerk
3 temporarily until a chairman is chosen, shall preside,
4 may adopt by-laws prescribing the time and place for
5 holding the annual meetings and the manner of calling
6 future meetings ; may choose a clerk, treasurer and
7 not less than seven nor more than nine directors ; and,
8 if necessary for the completion of their road, may
9 increase the capital stock of the corporation. The
10 clerk, treasurer and a majority of the directors shall
11 be inhabitants of this state, and hold office until the

12 annual meeting next succeeding their election, or
13 until successors are chosen. The principal office of
14 the company shall be in one of the counties in which
15 the road is located. The laws of the state relating to
16 corporations, so far as they are applicable and not
17 inconsistent with the provisions herein contained, shall
18 apply to railroad corporations established under this
19 act.

SECT. 11. Such corporation, for the location, con-
2 struction and convenient use of its road for necessary
3 tracks, side tracks, depots, wood-sheds, repair shops,
4 and car, engine, and freight houses, may purchase or
5 take and hold, as for public uses, land, and all mate-
6 rials in and upon it, to the extent, and with the
7 restrictions and limitations, and subject to the remedies
8 for damages for real estate so taken provided by the
9 general laws of the state relating to railroads; *pro-*
10 *vided however*, that such corporation shall not take
11 the road bed and lands within the limits of their
12 actual location by purchase or otherwise, or necessary
13 depot grounds of other railroads, without the written
14 consent of such companies, except in case of crossing,
15 or making connections with such roads as provided by
16 law; *and provided further*, that in crossing navigable
17 or tide waters, such corporation shall establish suitable
18 draws and conveniences for navigation.

SECT. 12. Railroads located by such corporation
2 may cross highways, but shall not pass along the same
3 without leave of the town. The conditions and man-
4 ner of crossing shall be first determined as provided
5 by law. Nor shall such railroads cross or pass along
6 any street in a city without the written consent of the
7 mayor and aldermen, stating the manner and condi-
8 tions thereof, to be recorded in the records of the
9 county commissioners.

SECT. 13. If the capital stock of the corporation is
2 found to be insufficient for the construction or equip-
3 ment of its road, the directors, upon being authorized
4 by a majority of the votes at a meeting of the stock-
5 holders called for the purpose, may increase the same
6 from time to time, to the amount necessary for the
7 purposes aforesaid, a certificate of which shall be filed
8 with the secretary of state.

SECT. 14. Within one year after its road is com-
2 pleted and put in operation, the corporation shall cause
3 a map and profile thereof, with tables of grade and
4 curvature, and a statement of the other characteristics
5 of the road, in such form as the board of railroad
6 commissioners may prescribe, to be certified by its
7 president and engineer, and filed in the office of the
8 secretary of state.

SECT. 15. Whenever the corporation does not begin
2 the construction of its road and expend thereon at
3 least ten per centum of the amount of its original
4 capital stock, within two years after the date of the
5 certificate of its establishment, its corporate powers
6 and existence shall cease. Whenever such corpora-
7 tion does not complete and put in operation its road
8 within five years after the date of the certificate of its
9 establishment, its corporate powers shall be confined
10 to such portion of said road as shall have been con-
11 structed and put in operation within that time.

SECT. 16. This act shall take effect when approved
2 by the governor.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 29, 1873. }

Reported from the Committee on Judiciary, by Mr. DINGLEY,
and ordered printed under the rules.

S. J. CHADBOURNE, *Clerk.*