

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

SENATE.

No. 1.

STATE OF MAINE.

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

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 fifty, a majority of them being inhabitants of this
3 state, may associate themselves together by articles in
4 writing for the purpose of forming a corporation to
5 locate, construct, maintain and operate a railroad for
6 public use in the conveyance of persons and property ;
7 and upon complying with the provisions of section ten
8 of this act, shall, with their associates and successors,
9 be and remain a corporation, with all the powers and
10 privileges, and subject to all the duties, liabilities and
11 restrictions set forth in all general laws which now are
12 or hereafter may be in force relating to railroad corpo-
13 rations, except as is herein 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 ; and the gauge
6 of the railroad ; the amount of the capital stock of the
7 corporation, which shall be not less than twelve 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 seven thousand dollars for each mile when
11 the gauge is three feet, and divided into shares of one
12 hundred dollars each ; and the names of at least nine
13 persons to act as a board of directors who shall man-
14 age its affairs until others are chosen by the corpora-
15 tion. Each associate shall subscribe to the articles
16 his name, residence, post office address, and the num-
17 ber of shares of stock which he agrees to take ; but
18 no subscriber shall be bound to pay beyond five per
19 centum of the amount of his subscription, unless a
20 corporation is duly established under the provisions of
21 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 to keep a record of their doings, and a treasurer, who 5 shall hold their respective offices until a clerk and 6 treasurer of the corporation are chosen. The directors 7 shall fill any vacancy in their board, or in the office of 8 clerk or treasurer, caused by resignation, death, or 9 other disability.

SECT. 5. The directors shall cause a copy of the 2 articles of association to be published in one or more 3 newspapers in each county in which the road is pro- 4 posed to be located, at least once a week for three 5 successive weeks, and also cause a copy of said arti- 6 cles to be posted in each city or town in which said 7 road is proposed to be located, at least three weeks 8 before proceeding to fix the route of said road. The 9 sworn certificates of the clerk shall be evidence of the 10 posting and publication.

SECT. 6. The directors shall prepare a map of the 2 proposed route on an appropriate scale; with a profile 3 thereof on a vertical scale of ten to one as compared 4 with the horizontal scale; and with the report of a 5 skillful engineer, based on actual examination and 6 survey, showing the kind and amount of excavation, 7 filling, bridging and masonry required, the number of

8 highways and other railroads, if any, and of navigable
9 streams and tide-waters to be crossed, and the manner
10 of crossing the same, the general profile of the surface
11 of the country through which the road will pass, the
12 feasibility of the route, the manner of constructing the
13 road, and a detailed estimate of the cost of construc-
14 tion.

SECT. 7. Whenever the selectmen of any town or
2 the mayor and aldermen of any city named in the
3 articles of association, after notice to parties interested
4 within the town or city, exhibition of the map, and
5 hearing, shall agree with the directors as to the pro-
6 posed route or any route of their railroad in said town
7 or city, such agreement shall be sufficient to fix the
8 same; and said selectmen or mayor and aldermen
9 shall sign a certificate of the same, setting forth said
10 route, to be given to the directors.

SECT. 8. Whenever the directors fail to agree with
2 the selectmen of any town or the mayor and aldermen
3 of any city as to the route of their railroad in such
4 town or city, either party may petition the board of
5 railroad commissioners to fix the route in said town or
6 city, who, after due notice to said parties shall hear
7 the same and fix the route in such town or city. Said
8 board shall make a certificate setting forth the route
9 as fixed by them; and the same shall be certified by

10 the clerk of said board to said parties. The costs of
11 the petition shall be paid by the railroad. All varia-
12 tions from the route first proposed shall be made upon
13 the map, by the railroad.

SECT. 9. 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 five per centum of the par value of each and every
5 share thereof actually paid in cash to the treasurer of
6 the 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 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 several certificates fixing the route
13 of said railroad, and shall present the same to the rail-
14 road commisssoners, together with the map and report
15 of the engineer for their inspection; and said map
16 shall be deposited with said commissioners.

SECT. 10. Whenever it is shown to the satisfaction
2 of the board of railroad commissioner that the require-
3 ments of this act preliminary to the establishment of
4 the corporation have been complied with, the clerk of
5 said board upon their order, shall endorse upon the
6 articles of association or annex thereto, a certificate,

7 setting forth the fact that the requirements of the law
8 appear to have been complied with, the directors
8 shall thereupon file the articles of association, with all
10 the certificates endorsed thereon or annexed thereto,
11 in the office of the secretary of state ; who upon the
12 payment to him of fifty dollars, shall record the same
13 in a book to be kept for that purpose, and shall issue a
14 certificate substantially in 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 and
29 privileges, and subject to all the duties, liabilities and
30 restrictions set forth in all general laws which now are
31 or hereafter may be in force relating to railroad corpo-
32 rations.

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 quarterly returns of fees, and paid into
44 the treasury.

SECT. 11. The first meeting of the corporation shall
42 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 usual place of business or
7 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.

SECT. 12. Such corporation may enter with its rail-
2 road upon, unite with and use any other railroad which
3 it may cross or meet, subject to the provisions of law ;

4 but such railroad shall not in any case be constructed
5 across an existing railroad except in such manner as
6 shall be approved by the board of railroad commis-
7 sioners, nor across navigable or tide-waters except
8 with the approval of said commissioners, and in such
9 manner as shall be approved by the said board.

SECT. 13. Whenever any party is aggrieved by the
2 location of such railroad, by reason of its crossing his
3 land in such manner as to be of grievous damage,
4 when such damage could be avoided without serious
5 injury to others, such party shall have the right,
6 within thirty days after having been furnished with
7 the plan required by law, of his land taken for the
8 construction of the road, to petition the county com-
9 missioners of the county where the land lies, who shall
10 give due notice, and hear the parties. And if it shall
11 appear that such location will greatly and unnecessa-
12 rily damage the complainant, and that the same can
13 be changed so as to avoid such damage, in whole or
14 in part, without material detriment to the line of the
15 railroad, and without great injury to other parties, the
16 commissioners shall change such location accordingly.
17 Said commissioners shall hear the parties, either at
18 their regular meeting or at a meeting called by their
19 chairman for the purpose, and shall make and give to
20 each party a certificate of their determination in the

21 premises, within sixty days after receiving the peti-
22 tion. The compensation of said commissioners, which
23 shall not exceed three dollars per day, their necessary
24 expenses and the cost of the petition, shall be paid by
25 the corporation, unless the commissioners shall decide
26 that the petition is frivolous, in which case such com-
27 pensation, expenses and cost shall be paid by the peti-
28 tioner. And such compensation and expenses of the
29 commissioners shall be retained by them to their own
30 use.

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. 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. 16. Whenever the corporation does not begin
2 the construction of its road and expend thereon at
3 least five per centum of the amount of its original
4 capital stock, within one year after the date of the
5 certificate of its establishment, and does not complete
6 and put in operation its road within four years after
7 said date, its corporate powers and existence shall
8 cease.

SECT. 17. No other railroad corporation shall sub-
2 scribe for, take or hold any stock or bonds of any
3 railroad corporation organized under this act, whether
4 directly or indirectly, unless specially authorized by
5 the legislature.

SECT. 18. There shall be three railroad commis-
2 sioners elected at the next annual election, and every
3 second year thereafter. Such commissioners shall
4 hold office for two years commencing on the first of
5 January next, when the term of office of the present
6 board of railroad commissioners shall end. The com-
7 missioners so elected shall discharge the duties imposed
8 by law upon the present railroad commissioners, as
9 well as those imposed by this and subsequent acts of
10 the legislature. In electing railroad commissioners,
11 each voter shall be permitted to vote for two persons
12 and no more and the three persons having the highest
13 number of votes shall be declared elected. In case of

14 a failure to elect one or more of said commissioners,
15 by reason of a tie vote, the governor shall appoint so
16 many as may be necessary to fill up the board, and he
17 shall also fill any vacancies that may occur in the
18 board by death, resignation or otherwise.

SECT. 19. The provisions of this act, and the
2 franchises, rights, powers, privileges, duties and liabil-
3 ities of railroad corporations established under this or
4 any other general act, may be altered, amended, or
5 repealed, and the legislature may annul or dissolve
6 any such corporation.

SECT. 20. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, January 8, 1874.

Presented by Mr. WEBB of Kennebec, and laid over to be
printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*