

MAINE STATE LEGISLATURE

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FIFTY-FIFTH LEGISLATURE.

HOUSE.

No. 21.

STATE OF MAINE.

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

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 ten, 2 a majority of whom shall be citizens of this state, may 3 form a company for the purpose of constructing, main- 4 taining and operating a railroad for public use in the 5 conveyance of persons and property within this state, 6 and for that purpose may make and sign articles of as- 7 sociation in which shall be stated the name of the com- 8 pany, the guage of the road, the places from which and 9 to which the road is to be constructed, maintained and 10 operated, the length of such road, as near as may be, 11 and the name of each town and county in this state

12 through which or into which it is to be made ; the
13 amount of the capital stock of the company, which
14 shall not be less than ten thousand dollars for every
15 mile of road proposed to be constructed of the guage
16 of four feet eight and a half inches, nor less than six
17 thousand dollars per mile for any narrower guage, and
18 the number of shares of which said capital stock shall
19 consist, and the names and places of residence of at
20 least five persons, a majority of whom shall be citizens
21 of this state, who shall act as directors of the proposed
22 company, and shall manage its affairs until others are
23 chosen in their places. Each subscriber to such arti-
24 cles of association shall subscribe thereto his name,
25 place of residence, and the number of shares of stock
26 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 direct-
9 ors named in said articles, that the amount of stock
10 required 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 such
14 articles of association, which affidavit shall be recorded
15 with the articles of association as aforesaid.

SECT. 3. Whenever it shall be shown to the satisfac-
2 tion 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 the
13 subscribers to the articles of association to be inserted]
14 have associated themselves together with the intention
15 of forming a corporation under the name of [here the
16 name of the corporation shall be inserted] for the
17 purpose of building and operating a railroad between
18 [here insert the description of the road contained in
19 the articles of association] and have complied with the
20 statutes of this state in such cases made and provided,
21 Now, therefore, I, [here the name of the secretary to
22 be inserted] secretary of the State of Maine, do hereby

23 certify that said [names of subscribers] their associates
24 and successors, are legally organized and established
25 as an existing corporation under the name of [name of
26 corporation] with the powers, rights and privileges,
27 and subject to the limitations, duties and restrictions,
28 which by law appertain thereto. Witness my official
29 signature hereunto subscribed, and the seal of the
30 State of Maine hereunto affixed, this ——— day of — ,
31 in the year of our Lord [day, month and year inserted.]
32 The secretary of state shall sign the same and cause
33 the seal of the state to be thereto affixed, and such
34 certificate shall be conclusive evidence of the organi-
35 zation and establishment of such corporation at the
36 date of such certificate. The secretary shall also cause
37 a record of such certificate to be made, and a copy of
38 such record duly certified may with like effect as the
39 original certificate be given in evidence to prove the
40 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 the
16 petition, shall approve the proposed location, and that
17 the public convenience requires the construction of
18 such road, the corporation may proceed with the con-
19 struction of their road ; *provided* they shall first file
20 with the clerk of the court of county commissioners of
21 each county through which the road passes, a plan of
22 the location of the road, defining its courses, distances
23 and boundaries, and another copy of the same with
24 the board of railroad commissioners ; but the location
25 so filed shall not vary, except to avoid expense of con-
26 struction, from the route first presented to said board
27 of commissioners, unless said variation shall be ap-
28 proved by them. And said location, together with
29 any variation that be made therein, shall be filed
30 within two years from the time when the articles of
31 association are filed in the office of 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 capital,
6 its corporate existence and 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 and
3 every second year thereafter. Such commissioners
4 shall hold office for two years commencing on the first
5 of 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 im-
8 posed by law upon the present board of railroad com-
9 missioners 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. 10. 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
9 establish them, after due notice and hearing, for a
10 time not exceeding one year. And the commissioners
11 before directing said hearing shall give opportunity to
12 the company complained of to reply to the charge
13 made against it.

SECT. 11. The compensation to the railroad com-
2 missioners shall be five dollars per day for each and
3 every day while on actual duty.

SECT. 12. The duties imposed by existing statutes
2 upon county commissioners with regard to damages
3 for real estate taken by companies formed under this
4 act and relative to cattle guards and passes shall be
5 performed by the railroad commissioners.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 26, 1876. }

Reported from the Committee on Constitutional Amendments
by Mr. PIKE of Calais, and ordered printed under the Joint Rule.

ORAMANDAL SMITH, *Clerk.*