

# MAINE STATE LEGISLATURE

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# FIFTY-FIFTH LEGISLATURE.

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HOUSE.

No. 55.

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## STATE OF MAINE.

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

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AN ACT to authorize the formation of railroad corporations.

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*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 gauge 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 the  
3 provisions of sections one and two of this act have been  
4 complied with, said board shall endorse upon the arti-  
5 cles 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  
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 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, to be paid by the state.

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.

## AMENDMENT "A."

Add to section eleven the following :

2 "To be paid by the state, and their bills for such  
3 services shall be audited and approved by the governor  
4 and council before being paid."

## AMENDMENT "B."

Strike out section twelve and insert as follows :

SECT. 12. That when land is taken by a railroad  
2 corporation under sections two and three of said chap-  
3 ter fifty-one of revised statutes, "for side tracks, de-  
4 pots, wood-sheds, repair shops and car, engine and  
5 freight houses," as provided in said sections one and  
6 two, or for gravel pits, as provided by chapter seventy  
7 of eighteen hundred seventy-two, approved February  
8 nineteen, eighteen hundred seventy-two, the railroad  
9 commissioners shall at the same time it is so taken  
10 estimate the value of the land so taken, and their  
11 award shall be final in the matter. And when so  
12 requested by the owner, the railroad commissioners  
13 shall require the railroad corporation to give security  
14 for the payment of their said award to said owner ;  
15 and in case of neglect or refusal to do so as ordered by

16 said commissioners, said corporation shall have no  
17 right to enter to occupy the premises so taken.

SECT. 13. In case of land taken by a railroad corpo-  
2 ration for the location of its main track or line, the  
3 damages claimed for land so taken shall be estimated  
4 by the railroad commissioners. Said commissioners  
5 shall, upon written application therefor by the corpora-  
6 tion or owners of the land, order notice and appoint a  
7 place of hearing in the manner provided in section  
8 three of said chapter fifty-one aforesaid, and upon the  
9 return day of said order of notice shall view the prem-  
10 ises, hear the parties and determine and fix the sum  
11 said corporation shall pay therefor (and their award  
12 shall be final); and all duties now imposed by existing  
13 statutes upon county commssioners with reference to  
14 railroads, shall be performed by the railroad commis-  
15 sioners.

AMENDMENT "C" TO AMENDMENT "B."

Strike out in the thirteenth section, after the word  
2 "therefor," the following words: "and their award  
3 shall be final."

## AMENDMENT "D" TO AMENDMENT "B."

Add to section thirteen the following :

2    "*Provided* that either party aggrieved by the deci-  
3 sion of the railroad commissioners may appeal to the  
4 term of supreme judicial court next holden in the  
5 county where the land is located."

## AMENDMENT "E."

Add to section six :

2    *Provided further*, that no railroad shall be made  
3 across tide waters where vessels can navigate, without  
4 special permission of the legislature first obtained.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 2, 1876. }

Amended as per sheets "A," "B," "C," "D" and "E," and  
ordered printed with the amendments, on motion of Mr. MARTIN  
of Camden.

ORAMANDAL SMITH, *Clerk.*