

MAINE STATE LEGISLATURE

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Seventieth Legislature.

HOUSE.

No. 47.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ONE.

AN ACT to incorporate the Pownal and Yarmouth Railroad
Company.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. Frank W. Carlton, John S. Hyde, John
2 Scott, William G. King and their associates, successors
3 and assigns, are hereby created a body corporate by the
4 name of the Pownal & Yarmouth Railroad Company,
5 with all the powers, privileges and immunities and subject
6 to all the duties and liabilities provided in the general laws
7 respecting railroads, not inconsistent with the express
8 provision of this act.

Sect. 2. Said corporation is authorized to survey, locate,
2 construct, maintain, operate, alter and keep in repair a

3 railroad of standard gauge, commencing at the quarry of
4 the Bath Granite Company in the town of Pownal in the
5 county of Cumberland, and extending southerly through
6 the towns of Pownal, North Yarmouth, Yarmouth and
7 Freeport all in said county of Cumberland, to the wharf
8 of said Bath Granite Company on Cousins river in said
9 town of Yarmouth.

Sect. 3. Said corporation is authorized and empowered
2 to operate its railroad by steam, electricity or any other
3 motive power; provided, however, that said corporation
4 may operate its railroad for the transportation of freight
5 only.

Sect. 4. Said corporation is hereby granted the right
2 to purchase and hold water privileges and other real estate,
3 for the purpose of erecting and maintaining power houses
4 for the generating of electricity or other motive power.
5 Also for the location, construction, repair and convenient
6 use of its railroad, the right to purchase or take and hold
7 as for public uses, land and all material in and upon it;
8 the land so taken shall not exceed four rods in width, except
9 when greater width is necessary for the purpose of excava-
10 tion and embankments, and for side tracks and buildings,
11 as provided by law and provided also that in all cases said
12 corporation shall pay for such land, estates and materials,
13 such price as they and the owners thereof may mutually
14 agree upon, and in case said parties shall not otherwise
15 agree, the said corporation shall pay such damages as may
16 be ascertained and determined, as provided in the General
17 Laws respecting railroads.

Sect. 5. Said corporation is hereby authorized to own,
2 construct, maintain and operate a line or lines of tele-

3 graph and telephone upon and along its lines of railroad,
4 with power to establish tolls on said line or lines. It is
5 also authorized and empowered to connect its line or lines
6 with those of any other telegraph or telephone company
7 or corporation, or to sell or lease its line or lines of tele-
8 graph and telephone property, either before or after com-
9 pletion to any other telegraph or telephone company or
10 corporation upon such terms as may be mutually agreed
11 upon, which sale or lease shall be binding upon the
12 parties ; or may purchase or lease any other line or lines
13 of telegraph or telephone upon such terms as may be
14 mutually agreed upon.

Sect. 6. Said corporation is hereby given the right to
2 connect with the Maine Central or any other railroad and
3 may sell or lease its line or lines to any other railroad
4 corporation, which latter company is hereby authorized
5 to enter into such contract of sale or lease, and the
6 directors of the two corporations may enter into such con-
7 tract for the running of the road or roads and for the
8 purchase, sale or lease thereof, as the directors of the two
9 contracting companies, in the exercise of their best judg-
10 ment and discretion, may deem for the advantage of their
11 respective corporations, subject to the approval of a
12 majority of the stock in each corporation.

Sect. 7. The capital stock of said corporation shall not
2 be less than \$6,000 for every mile of road proposed to be
3 constructed, to be divided into shares of one hundred
4 dollars each ; but it may be increased from time to time,
5 as provided in section 5 of chapter 51 of the Revised
6 Statutes.

Sect. 8. Said corporation shall have two years in which
2 to complete and file the location of said railroad; pro-
3 vided, however, that they may proceed with the construc-
4 tion of any portion of said line having first presented to
5 the board of railroad commissioners a petition for approval
6 of location, accompanied with a map of such portion of
7 said line about to be constructed, upon an appropriate
8 scale and with a profile of the rail on the relative scales of
9 profile paper in common use, and with a report and esti-
10 mate prepared by a skilful engineer from actual survey.
11 The board of railroad commissioners shall, on presenta-
12 tion of said petition appoint a day for a hearing thereon,
13 and the petitioners shall give such notice thereof as said
14 board deems reasonable and proper in order that all per-
15 sons may have an opportunity to appear and object
16 thereto. If the board of railroad commissioners after
17 hearing the petition, approve the proposed location, the
18 corporation may proceed with the construction thereof;
19 provided, that they first file with the clerk of the county
20 through which such portion of said road, about to be con-
21 structed, passes, a plan of the same, defining its courses,
22 distances and boundaries and another copy of the same
23 with the railroad commissioners, but the location so filed
24 shall not vary except to avoid expense of construction,
25 from the route first presented to said board of commis-
26 sioners, unless said variation is approved by them; and
27 said location together with any variations made therein
28 shall be filed within one year from the time of the
29 approval of said location in the office of the secretary of
30 state; provided, also, that a majority of the directors file
31 with said railroad commissioners a certificate under oath,

32 signed by them, that capital stock to the amount of \$6,000
33 per mile, for every mile of said road about to be con-
34 structed, has been subscribed in good faith by responsible
35 parties and that five per cent thereof has been paid in, in
36 cash to the treasurer of said corporation.

Sect. 9. The first meeting of said corporation may be
2 called by any two of said corporators, giving notice in
3 writing to their several associates; and said corporation
4 may make such by-laws as are proper and not inconsistent
5 with the laws of the state.

Sect. 10. The officers of said corporation shall consist
2 of a board of directors, president, clerk, treasurer and
3 such other officers as may be provided in the by-laws;
4 the powers and duties of the officers shall be such as pre-
5 scribed in the by-laws.

Sect. 11. Said corporation is hereby authorized to
2 make, issue and secure, by first mortgage of all and sin-
3 gular its property real and personal, including its railroad
4 authorized by this act, its equipment and appurtenances,
5 and all its rights, privileges, franchises and easements, as
6 it may hereafter require by lease or otherwise, or such
7 part or parts of its said property, railroad equipment,
8 appurtenances, rights, privileges and easements, as it
9 may deem best, bonds in such sum and to such an amount
10 as the stockholders and directors may determine. The
11 corporation is also authorized to provide a sinking fund
12 or funds for the payment of said bonds so issued.

Sect. 12. Said corporation shall have the right to
2 extend its main line, as provided in the general laws of
3 the state and all the provisions of this act shall apply to
4 all extensions so made.

Sect. 13. The corporation shall make payment to the
2 state the fees required by section 3 of chapter 51 of
3 the Revised Statutes, and the same shall be in full for all
4 fees.

Sect. 14. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, January 31, 1901.

Tabled pending reference, by Mr. SHAW of Bath, and ordered printed.

W. S. COTTON, *Clerk.*