

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventieth Legislature.

HOUSE.

No. 218

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 to
2 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. Also
5 for the location, construction, repair and convenient use of
6 its railroad, the right to purchase or take and hold as for
7 public uses, land and all material in and upon it; the land so
8 taken shall not exceed four rods in width, except when
9 greater width is necessary for the purpose of excavation and
10 embankments, and for side tracks and buildings, as pro-
11 vided by law and provided also that in all cases said corpo-
12 ration shall pay for such land, estates and materials, such
13 price as they and the owners thereof may mutually agree
14 upon, and in case said parties shall not otherwise agree, the
15 said corporation shall pay such damages as may be ascer-
16 tained and determined, as provided in the General Laws re-
17 specting 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 also

5 authorized and empowered to connect its line or lines with
6 those of any other telegraph or telephone company or corpor-
7 ation, or to sell or lease its line or lines of telegraph and
8 telephone property, either before or after completion to any
9 other telegraph or telephone company or corporation upon
10 such terms as may be mutually agreed upon, which sale or
11 lease shall be binding upon the parties; or may purchase or
12 lease any other line or lines of telegraph or telephone upon
13 such terms as may be mutually agreed upon.

Sect. 6. Said corporation is hereby given the right to con-
2 nect with the Maine Central or any other railroad upon such
3 terms and at such places as may be agreed upon by the re-
4 spective corporations operating said railroads and may sell
5 or lease its line or lines to any other railroad corporation,
6 which latter company is hereby authorized to enter into such
7 contract of sale or lease, and the directors of the two corpor-
8 ations may enter into such contract for the running of the
9 road or roads and for the purchase, sale or lease thereof, as
10 the directors of the two contracting companies, in the exer-
11 cise of their best judgment and discretion, may deem for the
12 advantage of their respective corporations, subject to the
13 approval of a 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, as
5 provided in section 5 of chapter 51 of the Revised Statutes.

Sect. 8. Said corporation shall have two years in which
2 to complete and file the location of said railroad; provided,
3 however, that they may proceed with the construction of any
4 portion of said line having first presented to the board of
5 railroad commissioners a petition for approval of location,
6 accompanied with a map of such portion of said line about to

7 be constructed, upon an appropriate scale and with a profile
8 of the rail on the relative scales of profile paper in common
9 use, and with a report and estimate prepared by a skilful
10 engineer from actual survey. The board of railroad com-
11 missioners shall, on presentation of said petition appoint a
12 day for hearing thereon, and the petitioners shall give such
13 notice thereof as said board deems reasonable and proper in
14 order that all persons may have an opportunity to appear
15 and object thereto. If the board of railroad commissioners
16 after hearing the petition, approve the proposed location, the
17 corporation may proceed with the construction thereof; pro-
18 vided, that they first file with the clerk of the county through
19 which such portion of said road, about to be constructed,
20 passes, a plan of the same, defining its courses, distances
21 and boundaries and another copy of the same with the rail-
22 road commissioners, but the location so filed shall not vary
23 except to avoid expense of construction, from the route first
24 presented to said board of commissioners, unless said vari-
25 ation is approved by them; and said location together with
26 any variations made therein shall be filed within one year
27 from the time of the approval of said location in the office of
28 the secretary of state; provided, also, that a majority of the
29 directors file with said railroad commissioners a certificate
30 under oath, signed by them, that capital stock to the amount
31 of \$6,000 per mile, for every mile of said road about to be
32 constructed, has been subscribed in good faith by responsible
33 parties and that five per cent thereof has been paid in, in
34 cash to the treasurer of said corporation.

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

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

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

Sect. 12. The corporation shall make payment to the state
2 the fees required by section 3 of chapter 51 of the Revised
3 Statutes, and the same shall be in full for all fees.

Sect. 13. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 22, 1901.

Reported by Mr. KALER of Scarboro, from Committee on Railroads,
Telegraphs and Expresses, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*