

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1876.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1876.

Chapter 120.

CHAP. 120.

An act to authorize the Formation of Railroad Corporations.

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

SECT. 1. Any number of persons not less than ten, a majority of whom shall be citizens of this state, may form a company for the purpose of constructing, maintaining and operating a railroad for public use in the conveyance of persons and property within this state, and for that purpose may make and sign articles of association in which shall be stated the name of the company, the gauge of the road, the places from which and to which the road is to be constructed, maintained and operated, the length of such road, as near as may be, and the name of each town and county in this state through which or into which it is to be made; the amount of the capital stock of the company, which shall not be less than six thousand dollars for every mile of road proposed to be constructed of the gauge of four feet eight and a half inches, nor less than three thousand dollars per mile for any narrower gauge, and the number of shares of which said capital stock shall consist, and the names and places of residence of at least five persons, a majority of whom shall be citizens of this state, who shall act as directors of the proposed company, and shall manage its affairs until others are chosen in their places. Each subscriber to such articles of association shall subscribe thereto his name, place of residence, and the number of shares of stock he agrees to take in said company.

Railroad companies, how formed.

Articles of association.

Capital stock.

Gauge of road.

Shares.

Directors.

Articles of association, subscription to.

SECT. 2. Said articles of association shall not be filed and recorded in the manner provided in section three of this act until the capital stock named in section one has been subscribed thereto, in good faith, by responsible parties, and five per cent. paid thereon in cash to the directors named in said articles of association, nor until there is endorsed thereon or annexed thereto, an affidavit made by a majority of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed, and five per cent. paid thereon in cash as aforesaid, and that it is intended in good faith to construct, maintain and operate the road mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

—when filed.

SECT. 3. Whenever it shall be shown to the satisfaction of the board of railroad commissioners that all the provisions of sections one and two of this act have been complied with, said board shall endorse upon the articles of association a certificate of such fact and the approval of the board in writing. The secretary of state shall, upon the payment of the sum of twenty dollars to the use

—approval of, by railroad commissioners.

—when recorded.

CHAP. 120.

Secretary of state shall issue a certificate.

Certificate, form of.

—evidence of establishment of corporation.

—to be recorded.

First meeting, how called.

Capital stock, how increased.

of the state, cause the same with the endorsement thereon, to be recorded, and shall issue a certificate in the following form :

STATE OF MAINE.

Be it known that, whereas, [here the names of the subscribers to the articles of association to be inserted] have associated themselves together with the intention of forming a corporation under the name of [here the name of the corporation shall be inserted] for the purpose of building and operating a railroad between [here insert the description of the road contained in the articles of association] and have complied with the statutes of this state in such cases made and provided. Now, therefore, I, [here the name of the secretary to be inserted] secretary of the State of Maine, do hereby certify that said [names of subscribers] their associates and successors, are legally organized and established as an existing corporation under the name of [name of corporation] with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto. Witness my official signature hereunto subscribed, and the seal of the State of Maine hereunto affixed, this _____ day of _____, in the year of our Lord [day, month and year inserted.] The secretary of state shall sign the same and cause the seal of the state to be thereto affixed, and such certificate shall be conclusive evidence of the organization and establishment of such corporation at the date of such certificate. The secretary shall also cause a record of such certificate to be made, and a copy of such record duly certified may with like effect as the original certificate be given in evidence to prove the existence of such a corporation.

SECT. 4. The first meeting for the purpose of organizing such corporation, shall be called by a notice, signed by five or more of the subscribers to such articles of association, stating the time, purpose and place of such meeting, a copy of which notice shall, seven days at least before the day appointed for such meeting, be given to each subscriber, or left at his usual place of business or place of residence, or deposited in the post office, post paid, and addressed to him at his usual place of business or residence; and whoever gives such notice, shall make affidavit of his doings, which shall be recorded in the records of the company.

SECT. 5. In case the capital stock of any company formed under this act is found to be insufficient for constructing and operating its road, such company may increase its capital stock from time to time, to any amount, for the purposes aforesaid. Such increase must be sanctioned by a vote, in person or by proxy, of two-thirds in amount of all the stockholders of the company, at a meeting of said stockholders, called by the directors of the company for that purpose.

SECT. 6. Every corporation organized under this act, before commencing the construction of its road, shall present to the board of railroad commissioners a petition for approval of location, accompanied with a map of the proposed route on an appropriate scale, and with a profile of the line on a vertical scale of ten to one compared with the horizontal scale, and with a report and estimate prepared by a skilful engineer from actual survey. The board of railroad commissioners shall, on presentation of such petition, appoint a day for a hearing thereon, and the petitioners shall give such notice thereof as said board shall deem reasonable and proper, in order that all persons interested may have an opportunity to appear and object thereto. If the board of railroad commissioners, after hearing the petition, shall approve the proposed location, and that the public convenience requires the construction of such road, the corporation may proceed with the construction of their road; *provided*, they shall first file with the clerk of the court or county commissioners of each county through which the road passes, a plan of the location of the road, defining its courses, distances and boundaries, and another copy of the same with the board of railroad commissioners; but the location so filed shall not vary, except to avoid expense of construction, from the route first presented to said board of commissioners, unless said variation shall be approved by them. And said location, together with any variation that be made therein, shall be filed within two years from the time when the articles of association are filed in the office of secretary of state. *Provided further*, that no railroad shall be made across tide waters where vessels can navigate, without special permission of the legislature first obtained.

Petition for approval of location.

—hearing on.

Notice to be given

When corporation may proceed with construction of road.
Proviso.

Location not to vary, except to avoid expense.

—to be filed within two years.

Proviso.

SECT. 7. If any corporation formed under this act shall not, within three years after its articles of association are filed and recorded in the office of the secretary of state, begin the construction of its road, and expend thereon ten per cent. of the amount of its capital, its corporate existence and power shall cease.

Construction of road to be commenced within three years.

SECT. 8. Every corporation organized under this act shall within one year after any part of their road has been constructed and opened for operation, cause to be made a map and profile thereof, and of the land taken or obtained for the use thereof, and file the same in the office of the secretary of state; and also like maps of the parts thereof located in different counties, and file the same in the offices for recording deeds in the county in which such parts of road shall be. Every such map shall be drawn on a scale and on paper to be designated by the board of railroad commissioners, and certified and signed by the president and engineer of the corporation.

Map and profile of road to be filed in secretary of state's office.

Maps, how drawn.

CHAP. 121.

Tolls.

SECT. 9. Said corporation shall have the right to establish and collect such tolls for the transportation of persons and freight over its road as the directors shall deem fair and reasonable, and have a lien on its freight therefor, but, upon what shall, at any time, be deemed by the railroad commissioners a sufficient complaint, by interested and responsible parties, that the tolls are unreasonably high, they may revise and establish them, after due notice and hearing, for a time not exceeding one year. And the commissioners, before directing said hearing, shall give opportunity to the company complained of to reply to the charge made against it.

—may be revised.

Compensation of railroad commissioners.

SECT. 10. The compensation to the railroad commissioners shall be five dollars per day for each and every day while on actual duty, to be paid by the state, and their bills for such services shall be audited and approved by the governor and council before being paid.

Approved February 22, 1876.

Chapter 121.

An act to amend section one hundred and seventeen of chapter eighty-two of the Revised Statutes, relating to Division of Accounts.

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

Sec. 117, ch. 32, R. S., amended.

Section one hundred and seventeen of chapter eighty-two is hereby amended, so as to read as follows :

Costs in suits on division of accounts.

‘SECT. 117. When a plaintiff brings divers suits at the same term of a court against the same party, which might have been joined in one, or divides an account that might all have been sued for in one action, and commences successive suits upon parts of the same, or brings more than one suit on a joint and several contract, he shall recover costs in only one of them, and on only one of the judgments shall execution run against the body of the same defendant, unless the court after notice to the defendant, and hearing, certifies that there was good cause for commencing them.’

Approved February 22, 1876.