

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE

1897

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1897.

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## CHAP. 466

**Chapter 466.**

An Act to amend "An Act authorizing the City of Lewiston to refund a part of its debt," approved February eighteen, eighteen hundred and ninety-seven.

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

Special act,  
amended.

Sect. 1. The private and special act of the legislature, approved February eighteen, eighteen hundred and ninety-seven, authorizing the city of Lewiston to refund a part of its debt, is hereby amended by striking out the words "be signed by the city treasurer" at the end of section one, and insert in lieu thereof the words 'have the printed or lithographed signature of the city treasurer,' so that said section, as amended, shall read as follows:

City may  
issue bonds.

'Sect. 1. To meet its bonds now outstanding and maturing in the year one thousand eight hundred and ninety-seven, the city of Lewiston is authorized to issue bonds to an amount not exceeding one hundred thousand dollars, payable at a period or periods not exceeding thirty years after the date thereof, and bearing interest at a rate not exceeding four per cent per annum, payable semi-annually. Said bonds shall be issued under the seal of the city and shall be signed by the mayor and treasurer of the city, and the coupons attached to said bonds shall have the printed or lithographed signature of the city treasurer.'

—how issued  
and signed.

Sect. 2. This act shall take effect when approved.

Approved March 17, 1897.

**Chapter 467.**

An Act to incorporate the Franklin, Somerset and Kennebec Railway Company.

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

Corpora-  
tors.

Sect. 1. Leonard Atwood, William D. Hewitt, W. H. Ambler of Philadelphia, Pennsylvania; H. H. Rice of Farmington, Frank W. Butler, Andrew Crosswell and George H. Stinchfield of Farmington; H. B. Prescott of New Sharon, Maine, and such other persons as now are or shall hereafter become shareholders in the corporation hereby incorporated, are hereby constituted a body corporate by the name of the Franklin, Somerset and Kennebec Railway Company, with a common seal,

—corporate  
name.

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and shall be hereinafter referred to as the company. The company may lay out, build, own, equip, construct, and operate a line of railway commencing at a point in the village corporation of Farmington, at or near the terminal track of the Sandy River and Maine Central Railroad companies in said Farmington, through Farmington, New Sharon, Mercer, Rome, Smithfield, Belgrade, Oakland and Waterville, to some point in the city of Waterville, county of Kennebec. And said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities provided by the statutes of this state respecting railroads.

Authorized to construct a railroad.

—location.

—powers and privileges.

Sect. 2. The said corporation is authorized to operate its railway by steam or electricity or both. The electric generators may be operated by steam or water power. It is further authorized to carry on the business of an express company and to maintain telephone and telegraph lines for public use. It may also erect and maintain hotels, cottages and pleasure grounds on the line of their road, provided that the right of taking lands or other property shall not extend to property to be used for such last named purposes, and all such lands and properties shall be acquired by purchase and in no other way.

May operate railway by steam or electricity.

—may do an express business, maintain telephone and telegraph lines and hotels.

Sect. 3. The company may acquire by subscription or otherwise stocks, shares, debenture or debenture stocks, or other interests in any company operating or carrying on any kinds of business which the company is hereby authorized to carry on, and may sell or otherwise dispose of the same.

May acquire by subscription stock, etc., of any company doing same kind of business.

Sect. 4. The company may receive, take, hold and enjoy all grants, donations or conveyances of land or other property made to the company, and may sell, lease, mortgage, exchange, or otherwise dispose of the same as may be deemed advisable, for the purpose of aiding in the construction of the railway and works of the company, or for any other of the objects for which the company is incorporated, provided, that any property so acquired, or the proceeds thereof, shall be held and used for the purpose of such grants, donations or conveyances only, and for no other purpose.

May receive donations of land and other property and dispose of the same.

Sect. 5. Generally the company may take, hold and enjoy real and personal property of every description, and may sell, exchange, mortgage, lease or otherwise dispose of the same as may be deemed advisable in the interests of the company, and the company may do these and all such other things, not con-

May take and hold real and personal property.

CHAP. 467 trary to the laws for the time being in force in the state, as are incidental or conducive to the foregoing objects, or any of them.

Capital stock.

Sect. 6. The capital stock of the company shall be one hundred thousand dollars, divided into shares of fifty dollars each, which shall be personal property, transmissible and assignable as such; and the company shall have the power from time to time, to increase its capital stock to a sum not exceeding five hundred thousand dollars, by the issue of new shares of an amount equal in the whole to that sum, upon a vote of a majority of the shareholders at a meeting duly called for that purpose, by a notice in writing to each shareholder, as provided by the general statutes.

May issue construction shares for labor and material.

Sect. 7. The company may issue construction shares to an amount not exceeding fifty thousand dollars, in denominations of one-fifth share of ten dollars, par value, which shall be issued for labor performed and material furnished in the construction of the road and for no other purpose. They shall be exchangeable for shares of the common stock and shall bear interest at the rate of five per cent from date of issue until redeemed by the company. The company shall have power to redeem said stock of one-fifth shares at any time they may elect, by paying to the holders thereof, principal or par value and accrued interest.

—shall be exchangeable for common stock.

—redemption of.

May issue bonds.

Sect. 8. The directors of the company are hereby empowered under the authority of a majority vote of shares represented at a meeting called for the purpose, to issue bonds under the seal of the company, signed by the president or other presiding officer, and countersigned by the secretary or treasurer, and such bonds may be made payable at such times and in such manner, and at such places in the state of Maine or elsewhere, and bearing such rate of interest, not exceeding six per centum per annum, as the directors think proper, and the directors shall have power to issue and sell, or pledge all or any such bonds at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking; provided always, that the amount of the bonds so issued, sold or pledged shall not exceed in the whole the sum of eight thousand dollars per mile to be issued on the railway constructed or under contract to be constructed.

—amount limited.

May issue paid up stock and

Sect. 9. The directors may make and issue as paid up stock, shares in the company, and may allot and hand over such shares,

and also mortgage bonds of the company in payment of right of way, plant, rolling stock or materials of any kind, and also for the services of or work done by contractors, engineers, solicitors, or other persons who may have been, are, or may be engaged in promoting the undertaking and interests of the company, and in whole or partial payment for the purchase, lease or other acquisition of railways, lands and other property; and such allotments of stock or bonds shall be binding on the company, and the paid up stock shall not be assessable thereafter for calls or other purpose; provided always, that no stock shall be so issued beyond the amount of capital hereinbefore authorized.

Sect. 10. The capital stock of the company shall be applied in the first place to the payment of all expenses and disbursements necessarily or reasonably incurred, whether before or after the passing of this act, in connection with the organization of the company and the making of the surveys, plans and estimates connected with the works and operations hereby authorized, and all the remainder of such money shall be applied to the making, completing, equipping and maintaining of the said railway and other purposes of this act, and to no other purpose whatever.

Sect. 11. The company may secure the bonds to be issued by them by a mortgage deed or mortgage deeds, creating such mortgages, charges and incumbrances upon the whole or any part or parts of the undertaking, and the tolls and revenue of the company present or future, or both, and the other property, real and personal, of the company, as are described in any such deed, but such rents and revenues shall be subject in the first instance, to the payment of the actual working expenses of the railway, and by any such deed the company may grant to the holder of such bonds, or to the trustee or trustees named in such deeds, all and every the power and remedies granted by this act in respect of the said bonds, and all other powers and remedies not inconsistent with this act, and all such powers, rights and remedies as are so contained in such mortgage deed shall be valid, binding and available to the bond holders in manner and form as therein provided.

Sect. 12. If the company makes default in paying the principal or interest on any of the bonds hereby authorized, at the time when the same, by the terms of such bonds becomes due and payable, then at the next ensuing annual general meeting of the company, and at all subsequent meetings, all holders of

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allot same in payment of materials, etc.

—paid up stock not assessable.

How capital shall be applied.

May secure bonds by mortgage.

—rents and revenue shall first be applied to payment of working expenses.

Holders of defaulted bonds, shall have the right to be directors.

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—right shall not be exercised, unless bonds have been registered.

—exercise of right shall not restrain other rights of holders of such bonds.

Bonds shall be transferable.

Company may receive aid from towns and persons.

Shall grant reasonable facilities for traffic to other lines upon joint agreement.

May sell or lease to other lines or make mutual

bonds so being and remaining in default, shall in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors, and for voting at meetings, as they would possess if they had fully paid up shares of the company to a corresponding amount; provided nevertheless, that the right given by this section shall not be exercised by any bondholder, unless the bonds in respect to which he claims to exercise such right have been first registered in his name in the same manner as is provided by law for the registration of shares of the company; and for that purpose the company shall be bound on demand to register any of the said bonds in the name of the holder thereof, and to register any transfer thereof in the same manner as a transfer of shares. Provided also, that the exercise of the right given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of such bonds are entitled.

Sect. 13. All bonds, debentures and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery until registry thereof in manner provided in the next preceding section, and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Sect. 14. The company may receive from any town, or from any persons or body corporate, municipal or politic, aid, towards the construction, equipment or maintenance of the railway line, or objects contemplated by this act, by way of gifts, subsidies or bonuses in land, money or securities, or by loans, or by way of guarantee, or by providing rights of way for such line, or any part thereof, or objects free of expense to the company, upon such terms or conditions as may be agreed upon.

Sect. 15. The company shall be bound to grant such traffic arrangements to all companies whose railways connect with the railway lines of the company as will offer reasonable facilities for traffic, subject to such conditions as the companies may jointly determine.

Sect. 16. The company may enter into agreements with any corporation or persons owning or controlling any railway or other property or undertaking, for the sale or lease to the com-



pany of such railway property or undertaking, or for mutual traffic arrangements, running powers or other privileges, between such corporations or persons and the company, in connection with their respective railways, property or undertaking, provided that any such agreement shall not go into operation until it shall have been approved by a majority of the votes at a regularly called general meeting of the shareholders of the company and approved by them.

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traffic ar-  
range-  
ments.

Sect. 17. A toll is hereby granted for the benefit of said corporation, upon all passengers and property which may be conveyed or transferred on or over each line of railway or branches, at such rates as may be established by its directors, and on such business as it may do over its telephone and telegraph lines, and through its express facilities, subject to such general laws in relation thereto as are or may from time to time, be established by the legislature.

Tolls  
granted.

Sect. 18. The said Leonard Atwood, William D. Hewitt, W. H. Ambler, H. H. Rice, Frank W. Butler, Andrew Crosswell, George H. Stinchfield, H. B. Prescott and Nathaniel Harding shall be the provisional directors of said company, and they shall have all the powers vested in directors duly appointed under this act until a proper organization of the company.

Provis-  
ional  
directors.

Sect. 19. The first meeting of the corporation may be called by any three of the corporators above named, by notice thereof in writing given or mailed to each corporator at least ten days before such meeting. Any corporator may act at such meeting by proxy.

First meet-  
ing, how  
called.

Sect. 20. This act shall cease and determine if actual surveys are not made and completed over that portion of the line commencing at its terminal in Farmington and through the towns of Farmington and New Sharon to a point on the west bank of the Sandy river at New Sharon village, on or before August first, eighteen hundred and ninety-seven, and the completion of that portion of the line on or before December thirty-first, eighteen hundred and ninety-eight, and the completion of the whole line to Waterville, before the thirty-first day of December, eighteen hundred and ninety-nine.

When act  
shall cease.

Sect. 21. This act shall take effect when approved.