

MAINE STATE LEGISLATURE

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SIXTIETH LEGISLATURE.

HOUSE.

No. 58.

STATE OF MAINE.

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

AN ACT to incorporate the Kennebec and Franklin
Railroad Company.

WHEREAS, The public interest will be promoted by
2 the charter and construction of a railroad from
3 some point in Farmington, in the county of Frank-
4 lin, through the town of Chesterville in said county,
5 and through the towns of Vienna, Mt. Vernon, Fay-
6 ette, Wayne, Readfield, Winthrop, Monmouth and
7 Manchester, in the county of Kennebec, or such of
8 them as the directors of said corporation deem
9 advisable, to some point at or near the Kennebec
10 river between the north line of the city of Augusta
11 and the south line of the city of Gardiner, in said
12 county of Kennebec; and whereas, said railroad
13 would run in the same general direction as the

14 Maine Central and Androscoggin railroad already
15 constructed, and within ten miles of the same; and
16 whereas, the objects of the proposed corporation
17 cannot be attained under the general laws for the
18 formation of railroad corporations, therefore

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

SECTION 1. — — — their associates, succes-
2 sors and assigns, are hereby made and constituted
3 a body politic and corporate, by the name of the
4 Kennebec and Franklin Railroad Company; and
5 by that name may sue and be sued, plead and be
6 impleaded, and shall have and enjoy all proper
7 remedies at law and in equity to secure and pro-
8 tect them in the exercise and use of all the
9 rights and privileges and in the performance of
10 the duties hereinafter granted and enjoined, and to
11 prevent all invasions thereof or interruptions in
12 exercising the same. And the said corporation is
13 hereby authorized and empowered to locate, con-
14 struct and finally complete, alter, equip and keep
15 in repair a railroad, with one or more sets of rails
16 or tracks, with all suitable bridges, tunnels, via-
17 ducts, turnouts, culverts, drains, and all other
18 necessary appendages, from some point in Farming-
19 ton, in the county of Franklin, through the town

20 of Chesterville, in said county, and the towns of
21 Vienna, Mt. Vernon, Fayette, Wayne, Readfield,
22 Winthrop, Monmouth and Manchester, all in the
23 county of Kennebec, or such of them as the direc-
24 tors of said corporation may deem advisable, to
25 some point at or near the Kennebec river, between
26 the north line of the city of Augusta and the south
27 line of the city of Gardiner, in said county of Ken-
28 nebec; and said corporation is hereby invested
29 with all the powers, privileges and immunities which
30 may be necessary to carry into effect the purposes
31 and objects of this act; and for these purposes said
32 corporation shall have the right to take and hold,
33 or to purchase so much of the land and other real
34 estate of private persons and corporations as may
35 be necessary for the location, construction and con-
36 venient operation of said railroad; and they shall
37 also have the right to take, remove and use for the
38 construction and repair of said railroad and appur-
39 tenances, any earth, gravel, stone, timber, or other
40 materials on or from the land so taken; *provided*,
41 *however*, that the land so taken shall not exceed six
42 rods in width except when greater width is neces-
43 sary for embankment or excavation; *and provided*,
44 *also*, that in all cases said corporation shall pay for
45 such lands, estate or materials so taken or used

46 such price as they and the owners thereof may
47 mutually agree upon; and in case said parties shall
48 not otherwise agree, said corporation shall pay such
49 damages as shall be ascertained and determined by
50 the county commissioners for the county in which
51 such lands or property may be situated, in the same
52 manner and under the same conditions and limita-
53 tions as are by law provided in the case of dama-
54 ges for the laying out of highways; and no appli-
55 cation to said county commissioners to estimate
56 said damages shall be sustained unless made within
57 three years from the time of taking such land or
58 other property; and in case such railroad shall pass
59 through any woodland or forest, the said company
60 shall have the right to fell and remove any trees
61 standing therein within four rods of said railroad,
62 which by their liability to be blown down, or from
63 their natural falling might obstruct or impair said
64 railroad, by paying a just compensation therefor, to
65 be recovered in the same manner as provided for
66 the recovery of other damages in this act; and said
67 corporation shall have all the powers, privileges
68 and immunities, and be subject to all the duties
69 and liabilities provided by the statutes of this state
70 respecting railroads.

SECT. 2. The capital stock of said corporation
2 shall consist of not more than six thousand shares
3 of one hundred dollars each; and the immediate
4 government and direction of the affairs of said
5 corporation shall be vested in not less than five nor
6 more than nine directors, who shall be chosen by
7 the members of said corporation in the manner
8 hereinafter provided, and shall hold their offices
9 until others shall have been duly elected and qual-
10 ified in their stead, and a majority of them shall
11 constitute a quorum; and they shall elect one of
12 their number to be president of the board, and he
13 shall also be president of the corporation; and the
14 directors shall have authority to choose a clerk who
15 shall be sworn to the faithful discharge of his
16 duties, and a treasurer, who shall be sworn and
17 also give bond to the corporation with sureties to
18 the satisfaction of the directors, in a sum of not
19 less than twenty thousand dollars, for the faithful
20 discharge of his trust.

SECT. 3. Said corporation shall have power to
2 make, ordain and establish all necessary by-laws
3 and regulations consistent with the constitution
4 and the laws of this state, for their own govern-
5 ment, and for the due and orderly conducting of

6 their affairs and the management of their prop-
7 erty.

SECT. 4. The president and directors for the
2 time being are hereby authorized and empowered,
3 by themselves or their agents, to exercise all the
4 powers herein granted to the corporation for the
5 purpose of locating, constructing and completing
6 said railroad, and for the transportation of persons,
7 goods and property of every description, and all
8 such power and authority as may be necessary and
9 proper to carry into effect the objects of this grant;
10 to purchase and hold land, materials, engines,
11 houses, cars, and all other necessary things in the
12 name of the corporation for the use of said rail-
13 road, and for the transportation of persons, goods
14 and property of every description; to make such
15 equal assessments from time to time on all the
16 shares in said corporation as they may deem expe-
17 dient and necessary in the execution and progress
18 of the work, and direct the same to be paid to the
19 treasurer of this corporation; and the treasurer
20 shall give notice of all such assessments, and in
21 case any subscriber or stockholder shall neglect
22 to pay any such assessment on his shares within a
23 space of thirty days after such notice is given as
24 shall be prescribed by the by-laws of said corpora-

25 tion, the directors may order the treasurer to sell
26 such shares to the highest bidder at public auction,
27 after giving such notice as may be prescribed as
28 aforesaid, and the same shall be transferred to the
29 purchaser, and such delinquent subscriber or
30 stockholder shall be held accountable for the bal-
31 ance, if his shares shall sell for less than the assess-
32 ment due thereon with the interest and costs of
33 sale, and shall be entitled to the overplus if his
34 shares shall sell for more than the assessments due
35 with interest and costs of sale; *provided, however,*
36 that no assessment shall be laid upon any share of
37 said corporation of a greater amount in the whole
38 than one hundred dollars.

SECT. 5. A toll is hereby granted for the benefit
2 of the said corporation upon all passengers and
3 property which may be conveyed or transported
4 on or over its railroad at such rate as may be
5 established by its directors, subject to such general
6 laws in relation to railroad companies as are or
7 may from time to time be established by the legis-
8 lature.

SECT. 6. The corporation is hereby authorized
2 to make connections with any other railroads on
3 such terms as it may deem proper, and to lease its
4 road and property either before or after it shall

5 have been completed, on such terms as it may de-
6 termine.

SECT. 7. If the said corporation is not organized,
2 and the location of its route according to actual
3 survey is not filed with the county commissioners
4 of the counties in which the same shall be located,
5 on or before the thirty-first day of December, in
6 the year of our Lord one thousand eight hundred
7 and eighty-four; or if it shall fail to complete its
8 road on or before the thirty-first day of December,
9 in the year of our Lord one thousand eight hun-
10 dred and eighty-six, then, in either of the above
11 mentioned cases, this act shall be null and void as
12 to all that part of said railroad not completed and
13 finished on or before the date last above named.

SECT. 8. The legislature shall at all times have
2 the right to enquire into the doings of the corpor-
3 ation, and the manner in which the privileges and
4 franchises herein granted have been used and em-
5 ployed by said corporation; and to correct and pre-
6 vent all abuses of the same, and to pass any laws
7 imposing fines and penalties upon said corporation,
8 which may be necessary more effectually to compel
9 a compliance with the provisions, liabilities and
10 duties hereinbefore set forth and enjoined; but not

11 to impose any other or further duties, liabilities or
12 obligations.

SECT. 9. Said corporation is authorized to issue
2 its bonds to an amount not exceeding six hundred
3 thousand dollars, in such form as the directors may
4 deem advisable, and to secure the same by a mort-
5 gage of its road, franchise and property, or in any
6 other manner.

SECT. 10. Any seven of the corporators named
2 in this act, at a meeting held for that purpose, on
3 seven day's notice in writing given by any three
4 of the corporators to each of the others, are author-
5 ized to accept this act and organize the corpora-
6 tion.

SECT. 11. This act shall take effect when ap-
2 proved.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
February 9, 1881. }

Reported by Mr. BRADSTREET, from Committee on Railroads,
and ordered printed under Joint Rule.

ORAMANDAL SMITH, *Clerk.*