

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 737

*House of Representatives, March 22, 1911.
Reported by Mr. Peters from committee on Legal Affairs and
ordered printed under joint rules.*

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Farmington and Augusta Railway
Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. E. E. Richards, A. L. Fenderson, J. P. Whorff
2 and Joseph C. Holman of Farmington, Maine, Frank B.
3 Livingstone of Boston, Mass., W. J. Gilpatrick of Saco,
4 Maine, Levi T. Williams of Augusta, Maine, Dr. Heber
5 Bishop of Boston, Mass., and their associates, successors
6 and assigns are hereby made a body corporate under the
7 name of Farmington and Augusta Railway Company, with
8 all the rights, powers and privileges incident to corporation,
9 with authority to construct, maintain and operate by elec-
10 tricity or animal or any other power a street railway with

11 convenient single or double tracks, side tracks or turnouts,
12 with all necessary or convenient lines of poles, wires, ap-
13 pliances, appurtenances or conduits, commencing at some
14 convenient point in the town of Farmington, in the county of
15 Franklin, and extending in and through said Farmington,
16 and through Farmington Falls, so-called, and New Sharon,
17 in said Franklin county, and through the towns of Vienna,
18 Mount Vernon, Readfield, Manchester and the city of
19 Augusta, in the county of Kennebec, all in the state of
20 Maine, to a railroad station, hotel or at some point at or near
21 a place of public convenience, upon the highways and prop-
22 erty to be fixed and determined by the municipal officers of
23 the towns or city after the right of way has been granted by
24 said town or towns or city and assented to in writing by said
25 corporation. Said corporation shall, before commencing the
26 construction of its road, present to the railroad commission-
27 ers a petition for approval of location, defining its courses,
28 distances and boundaries, accompanied by a map of the pro-
29 posed route and location as to streets, roads and ways, of the
30 municipal officers of the city and towns in which said rail-
31 road is to be constructed in whole or in part and with a re-
32 port and estimate prepared by a skillful engineer. If the
33 municipal officers, upon written application therefor, neglect
34 for thirty days to approve a route and location as to streets,
35 roads or ways, or if they refuse to approve such a location,
36 or if such route and location approved by them is not ac-
37 cepted by the corporation, in either case said corporation may

38 appeal to the next term of the Supreme Judicial Court to be
39 held in any county where any part of said railroad is located
40 more than thirty days from the expiration of said thirty
41 days, or from the date of such refusal, or from the approval
42 of a location that is not accepted by the corporation, or other-
43 wise, as the case may be, excluding the day of the commence-
44 ment of the session of said court. The appellant shall serve
45 written notice of such appeal upon said municipal officers
46 fourteen days at least before the session of said court and
47 shall at the first term file a complaint setting forth substan-
48 tially the facts of the case, if the appeal is then entered and
49 not afterwards, the court shall appoint a committee of three
50 disinterested persons, who shall be sworn, and if one of them
51 dies, declines or becomes interested the court may appoint
52 some suitable person in his place. They shall give such no-
53 tice as the court has ordered, view the proposed route or
54 routes and location or locations and make their report at
55 the next term of the court after their appointment, defining
56 wherein the route and location as to streets, roads or ways,
57 as determined by them, which, after acceptance and entry
58 of judgment thereon, shall forthwith be certified to the rail-
59 road commissioners and received by them in lieu of the ap-
60 proval of the municipal officers. Costs may be taxed and
61 allowed as the court may order. A failure to appeal shall
62 not bar the corporation from making a new application to
63 municipal officers. Said commissioners shall upon presen-
64 tation of such petition, appoint a day for a hearing thereon,

65 and the petitioner shall give such notice thereof as said com-
66 missioners deem reasonable and proper, in order that all per-
67 sons interested may have an opportunity to appear and ob-
68 ject thereto. At such hearing any party interested may ap-
69 pear in person or by counsel. The board of railroad com-
70 missioners, after hearing the petition, shall, if they approve
71 such location, subject to the provisions of section twelve of
72 chapter fifty-three of the revised statutes of Maine, then de-
73 termine whether public convenience requires the construc-
74 tion of such road and make a certificate of such determina-
75 tion in writing, which certificate shall be filed with their
76 clerk within thirty days after such hearing. Within five
77 days after the filing of such certificate with him, the clerk
78 shall notify all who have become parties of record as afore-
79 said, or their counsel, of such determination and decision by
80 sending to each party or counsel, by mail, a certified copy of
81 such certificate so filed with him. If the board of railroad
82 commissioners approve such location and find that public
83 convenience requires the construction of such road, the cor-
84 poration may proceed with the construction of said road,
85 provided that it first files with the clerk of county com-
86 missioners for the county in which said street railroad is
87 to be located a copy of the location and a plan aforesaid, and
88 another copy of the state with the board of railroad com-
89 missioners. Any extension of, or addition to, or variation
90 from the location may be made in accordance with and sub-
91 ject to the foregoing provisions.

Sect. 2. Said corporation may also maintain and operate
2 said railway upon and over any lands where land damages
3 have been mutually settled by the corporation and owners
4 thereof.

Sect. 3. Said corporation shall have power from time to
2 time to fix such rates of compensation for transporting per-
3 sons or property as it may think expedient, and generally
4 shall have all the powers and subject to all the limitations of
5 corporation as set forth in chapter forty-seven of the Re-
6 vised Statutes.

Sect. 4. Said corporation may make contracts with other
2 persons or corporations to supply it with power for all pur-
3 poses.

Sect. 5. The capital stock of said corporation shall be five
2 hundred thousand dollars (\$500,000) which may be increas-
3 ed by a majority vote of the stock holders, at any time or
4 times, to such an amount as they may deem necessary or
5 expedient.

Sect. 6. Said corporation is hereby authorized to hold stock
2 in other corporations not to exceed five hundred thousand
3 dollars, (\$500,000).

Sect. 7. Said corporation is hereby authorized to issue
2 bonds in such an amount and on such time as may from time
3 to time be determined in aid of the purposes specified in this
4 act, and to secure the same by mortgage of its franchise and
5 property.

Sect. 8. Said corporation may change the location of said

2 railroad, by first obtaining the written consent of the mu-
3 nicipal officers of said towns or city or by the usual pro-
4 cedure provided by law and make additional locations subject
5 to the foregoing provisions and conditions.

Sect. 9. Nothing in this act shall be construed to prevent
2 the proper authorities of any towns or the city included in
3 this act from entering upon and temporarily taking up the
4 soil in any street, town or county road occupied by said rail-
5 way, for any purposes for which they may now lawfully take
6 up the same.

Sect. 10. Such corporation is hereby authorized to lease
2 or sell all its property and franchises on such terms as it
3 may determine, also to consolidate with or to acquire by
4 lease, purchase or otherwise the lines, property and franchises
5 of any other railway, whose line as constructed or chartered
6 would form connecting or continuous lines with the lines of
7 this company, and in such case this corporation shall be en-
8 titled to all the privileges, and be subject to all appropriate
9 conditions and limitations, contained in the charter thus
10 united with or acquired.

Sect. 11. Said corporation shall not be required to run
2 cars upon its road when the line of the road is blocked with
3 snow or ice, or when the convenience or wants of the public
4 do not demand it.

Sect. 12. Whenever it is practicable to use poles or any
2 electric lights, belonging to any telephone or telegraph com-
3 pany or any tree or structure of any kind for any of the

4 wires of said corporation, and the owners thereof consent to
5 the free use of the same at a price satisfactory, said corpora-
6 tion shall have the right to use the same; and the decision as
7 to the practicability of such use shall be left to three persons
8 skilled in the science of electricity, one chosen by said cor-
9 poration, one by the municipal officers of the town of Farm-
10 ington, and the third by the two so chosen; the decision of
11 the majority of said board shall be final and the expense of
12 said tribunal shall be borne by said corporation. In the
13 erection and maintenance of its poles, posts and wires, said
14 corporation shall be subject to the general laws of the state
15 regulating the erection of posts and lines for the purposes of
16 electricity.

Sect. 13. Said corporation shall be and is hereby author-
2 ized and empowered to purchase or take and hold as for
3 public uses for the location, construction and convenient use
4 of its railroad any land outside the limits of street, roads or
5 ways, and all materials in and upon the same, notwithstand-
6 ing that it may be practicable to locate said railroad in such
7 streets, roads or way, provided that the procedure in taking
8 such land and materials or limitations or manner of deter-
9 mining and paying damages shall be the same as provided
10 by Revised Statutes, chapter fifty-one, in case of lands taken
11 for steam railroads.

Sect. 14. Said corporation shall be and is further author-
2 ized and empowered to acquire by purchase real or personal

3 estate for any lawful purpose and to hold, occupy, lease, sell
4 and convey the same.

Sect. 15. Said corporation is hereby authorized and em-
2 powered to cross any public bridges within said towns or
3 city, already erected, but the authority determining whether
4 such crossing shall be permitted shall rest with the municipal
5 officers of said towns or city aforesaid liable for the repair
6 of such bridges respectively, who shall impose such condi-
7 tions and terms as they may deem expedient. It case the
8 county is liable for the repair of a bridge, the county com-
9 missioners of such county shall have authority in the
10 premises.

Sect. 16. The first meeting shall be called by one or more
2 of the incorporators by giving notice thereof stating the
3 time, place and purpose of the meeting to each incorporator
4 in writing, or by publishing in one newspaper printed in the
5 county of Kennebec and one newspaper printed in the county
6 of Franklin, at least fourteen days prior to the time appoint-
7 ed therefor.