

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115-

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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1870.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1870.

CHAP. 379.**Chapter 379.**

An act to authorize the city of Rockland to aid in the construction of the Lime Rock Railroad.

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

City may loan its credit, limit thereof.

SECT. 1. The city of Rockland is hereby authorized to loan its credit to the Lime Rock Railroad Company in aid of the construction of their railroad, to an amount not exceeding fifty thousand dollars, upon the following terms and conditions :

Conditions.

SECT. 2. If this act shall be accepted as hereinafter provided, and said company shall within three years, to the approval of the mayor and aldermen of said city, expend the sum of twenty-five thousand dollars, in the construction of said railroad, then the said company shall be entitled to receive such sum, not exceeding fifty thousand dollars, as said city may determine, payments to be made by the scrip of said city, payable to the holder thereof in such sums as the directors of said road may determine, with coupons for interest attached, payable semi-annually, the principal payable in twenty years from the date thereof, and all payable in Boston, and the same to be signed by the city treasurer and countersigned by the mayor of said city.

Payments, when made.

Payable, when and where.

Bond of corporation to city, and conditions thereof.

SECT. 3. Concurrent with the issue and delivery of said city scrip as aforesaid, the president and directors of said company, in their official capacity, shall execute and deliver to the said treasurer the bond of said company, the penal sum in said bond to be double the amount of the scrip authorized to be issued ; said bond shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued at the time of the date of the bond and also the principal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the said city on account of the issue of the same.

Scrip to issue, and delivery of bond.

SECT. 4. The president and directors of said company are hereby authorized, and it shall be their duty, in their official capacity, upon the receipt of said city scrip, and upon the delivery of their bond to said city to secure the payment of the same, to execute and deliver to said city treasurer, a mortgage, without prior incumbrance of their railroad, and all of the property real and personal, including the franchise thereof ; said mortgage shall be executed according to the laws of this state, and shall be in due and legal form, and shall contain apt and sufficient terms to secure the said city the fulfilment of the conditions in said bond contained.

Mortgage to city of corporate property.

Foreclosure of mortgage, when and how made.

SECT. 5. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the said mayor and aldermen to give notice according to the mode prescribed in the

revised statutes for the foreclosure of mortgages, by publication of notice thereof, which may be published in a newspaper printed in Rockland, and a record thereof may be made within thirty days after the date of the last publication in the registry of deeds for the county of Knox, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after such publication, if the conditions shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title to said road, and to all the property and franchise aforesaid, absolute in said city.

SECT. 6. If the directors of said company shall, at any time, neglect or omit to pay the interest, which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bond, the city of Rockland may take actual possession in the manner hereinafter provided of the whole of said railroad, and of all the property real and personal of the company, and of the franchise thereof, and may hold the same and apply the income thereof to make up and supply such deficiency, and all further deficiencies that may occur while the same are so held, until such deficiencies shall be fully made up and discharged. A written notice, signed by the mayor and aldermen, and served upon the president or treasurer, or any director of the company, or if there are none such, upon any stockholder of the company, stating that the city thereby takes actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for the purposes aforesaid to the city, and shall enable the city to hold the same against any other claims thereon until such purposes have been fully accomplished.

City may take possession of road upon non-fulfillment of conditions.

Notice.

SECT. 7. All moneys received by or for the said railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to, and be held for the use and benefit of the city in manner and for the purposes herein provided, and shall, after notice given to persons receiving the same respectively, be by them paid to the city treasurer, which payment shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice, shall make payment of moneys so received to the treasurer of the company, such payment shall be a discharge of all claims of the city therefor; all moneys received by the treasurer of the company, after such notice, or in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended, or actually due for the running expenses of the road, for the services of the officers of the company, and for

Income of road, how held and applied.

All moneys there-after received made payable to city.

CHAP. 379. repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or apply any moneys received as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received, in the name of the city treasurer, whose duty it shall be to sue for the same, to be by him held and applied as herein required.

How enforced,
and powers of S.
J. court in regard
thereto.

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city of Rockland, in the supreme judicial court, in the county of Knox, against said company, directors or any other person as may be necessary for the purpose of discovery, injunction, account, or other relief under the provisions of this act; and any judge of the court may issue a writ of injunction, or any other suitable process, on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings, and make such orders and decrees, as may be within the power, and according to the course of proceedings of courts of equity, as the necessities of the case may require.

Directors and
officers, election
of.

SECT. 9. If the said railroad company shall, after notice of possession as aforesaid, neglect to choose directors thereof, or any other necessary officers, or none such shall be found, the mayor and aldermen of the city shall appoint a board of directors, consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

City may appoint
two directors.

SECT. 10. The city shall appoint two of the directors of the said railroad company from among the stockholders, who shall be chosen annually by the city council in joint ballot, before the annual meeting of said company for the choice of their officers, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from the company, as any other director. But the right to choose such directors shall cease when the loan contemplated is extinguished.

—their authority
and compensa-
tion.

Limitation.

SECT. 11. As an additional or cumulative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act shall at the time, and by force thereof, and for the security and payment of the same, create in favor of said city a lien on the whole of said railroad, its franchise, and all its appendages, and all real and

Lien, how enforced,
and conditions
of.

personal property of said railroad corporation, which lien shall have preference and be prior to all other liens and incumbrances whatever on the said road and all the other property of said railroad corporation, and said lien shall be enforced and all the rights and interests of said city shall be protected when necessary by suitable and proper judgments, injunction or decrees of said supreme judicial court, on a bill or bills in equity, which power is hereby specially conferred on said court. And it is hereby provided that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city of any mortgage or other securities contemplated by the provisions of this act, or otherwise.

Acceptance of act, mode of.

SECT. 12. This act shall not take effect or be of any force until the city council of said city by a concurrent vote of at least two-thirds of the members of each branch present and voting, shall submit the same to a vote of the people of the city, and the legal voters of the city in legal ward meetings, shall by a vote of two-thirds of all the votes thrown in the city at such meetings adopt the same. But if within one year from the approval of this act the city shall accept this act by such concurrent vote of the city council and of the citizens as aforesaid, then the act shall be in force thereafter, and be binding upon the city according to its true tenor and effect, but not otherwise.

When to take effect.

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

Approved February 28, 1870.

Chapter 380.

An act to incorporate the Hartland Savings Bank.

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

SECT. 1. Archibald Linn, Enoch E. Brown, James Fuller, Harris Pushor, Lawrence Williams, S. E. Prescott, George Lancey, John S. Page, H. J. Robinson, J. H. Chapman, A. J. Moore, A. T. Bowman and George C. Goodale, their associates, successors and assigns, are hereby constituted a body politic and corporate by the name of the Hartland Savings Bank; with full power by that name to prosecute suits at law and in equity, to have and to use a common seal, and to establish such by-laws, rules and regulations, as are necessary for the government and management of their concerns, and not repugnant to the laws of this state. Said corporation shall be established in the village of Hartland, in the county of Somerset, and shall be subject to all the liabilities and

Corporators.

Name and powers.

By-laws.

Location.