

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

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FORTY-SIXTH LEGISLATURE.

HOUSE.

No. 49.

STATE OF MAINE.

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

AN ACT to authorize the town of Houlton to aid in the construction of the Houlton Branch Railroad.

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

SECTION 1. The town of Houlton is hereby authorized to loan its credit to the Houlton Branch Railroad Company, in aid of the construction of their railroad, in a sum not to exceed fifty thousand dollars, upon their compliance with the following terms and conditions ; *provided however*, that this act shall not take effect, unless and until the same shall have been accepted by a vote of the directors of the railroad company within three years after its approval by the governor ; and also within the same time by a vote of the

11 legal voters of said town, taken in a public town
12 meeting, called by the selectmen for that purpose, and
13 at least two-thirds of the votes cast at such meeting
14 shall be necessary for the acceptance of this act.

SECT. 2. Upon the acceptance of this act as afore-
2 said, the selectmen of the town shall certify the same
3 to the town treasurer, and he shall issue to the direc-
4 tors of said company, to be expended in the construc-
5 tion and furnishing of said road and the purchase of
6 the right of way, the scrip of said town, payable to the
7 holder thereof, at the expiration of twenty years from
8 date, with coupons for interest attached, payable
9 annually, to the amount of ten thousand dollars, in
10 sums of one hundred dollars each; said scrip to be
11 countersigned by the selectmen before issue. And as
12 the road shall progress towards completion, and in
13 accordance with the judgment of the selectmen of said
14 town, for the time being, the town treasurer may make
15 further issue of said town scrip, countersigned by the
16 selectmen, to the directors of said company, in situa-
17 ble and convenient sums to the amount the town shall
18 have decided to loan, payable in like manner as the
19 first amount of issue.

SECT. 3. Concurrent with the issue and delivery of
2 the town scrip as aforesaid, and at such several times
3 as such scrip may be issued, the president and direc-

4 tors of said company, in their official capacity, shall
5 execute and deliver to the then treasurer of said town
6 the bond of said company, the penal sum of said bond
7 to be double the amount of the scrip authorized or
8 determined to be issued at that time; said bond shall
9 be made payable to the inhabitants of said town, and
10 shall be conditioned that said company will duly pay
11 the interest on such scrip of said town as shall be
12 issued at the time of the date of the bond respectively;
13 and also the principal thereof, according to the tenor
14 of the scrip, and in all respects, will hold and save
15 harmless the inhabitants of said town on account of the
16 issue of the same. The president and directors of said
17 company shall also, simultaneously with the issue of
18 said scrip by said town, make, execute and deliver to
19 the then town treasurer, the scrip of said company
20 payable to the holder thereof, at the same time and to
21 the same amount as the scrip then issued by said
22 treasurer to said company, with like coupons for inter-
23 est attached, which scrip shall be held by said town as
24 collateral security for the fulfilment of the conditions
25 of said bond, and in default of any one of said condi-
26 tions, said town may, from time to time, sell said
27 scrip, or any portion thereof, by public auction, or
28 auctions, in the cities of Bangor, Portland, Boston or
29 New York, or either of them, after sixty days notice

30 in writing to the president, or one of the directors, or
31 any three of the stockholders of said company, naming
32 therein the time and place of sale. The net proceeds
33 of all such sales shall be endorsed on said bond.

SECT. 4. The president and directors of said com-
2 pany are hereby authorized, and it shall be their duty,
3 in their official capacity, upon the several receipts of
4 said town scrip, and upon the delivery of each of said
5 bonds to said town to secure the payment of the same,
6 to execute and deliver to said inhabitants, in the per-
7 son of their treasurer, a mortgage without prior incum-
8 brance, unless it be a preceding mortgage to said town,
9 of said Houlton Branch Railroad, and of all the prop-
10 erty, real and personal of said company, including the
11 franchise thereof. Said mortgage shall be executed
12 according to the laws of this state, and shall be in due
13 and legal form, and shall contain apt and sufficient
14 terms to secure the said town a fulfilment of the con-
15 ditions in said bond contained.

SECT. 5. For the purpose of foreclosing said mort-
2 gage for condition or conditions broken, it shall be
3 sufficient for the then selectmen and treasurer of said
4 town to give notice, according to the mode prescribed
5 in the statutes of this state for the foreclosure of mort-
6 gages, by publication of notice thereof, which may be
7 published in any newspaper printed in the county of

8 Aroostook, or in the city of Bangor, and a record
9 thereof may be made within thirty days after the date
10 of the last publication, in the registry of deeds of
11 Aroostook county, which publication and record shall
12 be sufficient for the purpose of such foreclosure. Upon
13 the expiration of three years, if all the conditions shall
14 not within that time have been fulfilled, the foreclosure
15 shall be complete, and shall make the title to said
16 road, and to all the property and franchise aforesaid,
17 absolute in the inhabitants of said town.

SECT. 6. If the directors of said company shall, at
2 any time, neglect or omit to pay the interest which
3 may become due upon any portion of the scrip issued
4 and delivered under the provisions of this act, or to
5 pay the principal as it shall become due, or to comply
6 with any of the conditions of said bonds, the inhabit-
7 ants of said town, by their municipal officers may take
8 actual possession, in the manner hereinafter provided,
9 of said railroad and of all the property, real and per-
10 sonal of the company and of the franchise thereof, and
11 may hold the same, and apply the income thereof, to
12 make up and supply such deficiency, and all further
13 deficiencies that may occur while the same are so held,
14 until such deficiency shall be fully made up and dis-
15 charged. A written notice signed by the then select-
16 men and treasurer of said town, and served upon the

17 president or treasurer, or any director of said company,
18 or if there be none such, upon any stockholder of the
19 company, stating that the inhabitants of said town
20 thereby take actual possession of said railroad, and of
21 the property and franchise of the company, shall be a
22 sufficient actual possession thereof, and shall be a legal
23 transfer of all the same for the purposes aforesaid to
24 said inhabitants, and shall enable them to hold the
25 same against any other claims thereon, until such
26 purposes have been fully accomplished.

SECT. 7. All moneys received by or for the said
2 railroad company, after notice aforesaid, from any
3 source whatever, and by whomsoever the same shall be
4 received, shall belong to, and be held for, the use and
5 benefit of the inhabitants of said town, in manner and
6 for the purposes herein provided, and shall, after no-
7 tice given to persons receiving the same respectively,
8 be by them paid to the treasurer of said town, which
9 payment shall be an effectual discharge from all claims
10 of the company therefor. All moneys received by the
11 treasurer of the company after such notice, or in his
12 hands at the time such notice may be given, shall be
13 by him paid to the town treasurer, after deducting the
14 amount expended, or actually due for the running ex-
15 penses of the road, for the services of the officers of the
16 company, and for necessary repairs. Such payments

17 to the town treasurer shall be made at the end of every
18 calendar month, and shall be by him applied to the
19 payment of all the interest and principal due as afore-
20 said, and any person who shall pay or apply any
21 moneys received as aforesaid, in any manner contrary
22 to the foregoing provisions, shall be liable therefor, and
23 the same may be recovered, in an action for money
24 had and received, in the name of the treasurer of said
25 town, whose duty it shall be to sue for the same, to be
26 by him held and applied as herein required.

SECT. 8. For the purpose of effecting the objects
2 prescribed in the two preceding sections, the select-
3 men and treasurer of said town may cause a suit in
4 equity to be instituted in the name of the inhabitants
5 of Houlton, in the supreme judicial court in the county
6 of Aroostook, against said company, directors; or any
7 other person necessary for the purpose of discovery,
8 injunction, account, or other relief under the provis-
9 ions of this act; and any judge of the court may issue
10 writ of injunction, or any other suitable process on any
11 such bill in vacation, or in term time, with or without
12 notice; and the court shall have jurisdiction of the
13 subject matter of such bill, and shall have such pro-
14 ceedings, and make such orders and decrees as may be
15 within the power, and according to the course of pro-

16 ceedings of courts of equity, as the necessities of the
17 case may require.

SECT. 9. If the said railroad company shall after
2 notice of possession, as aforesaid, neglect to choose
3 directors thereof or any other necessary officers, or
4 none such shall be found, the selectmen and treasurer
5 of said town shall appoint a board of directors, con-
6 sisting of not less than seven persons, or any other
7 necessary officers; and the persons so appointed shall
8 have all the power and authority of officers chosen, or
9 appointed or selected, under the provisions of the act
10 establishing such company, and upon their acceptance
11 such officers shall be subject to all the duties and
12 liabilities thereof.

SECT. 10. As an additional or cumulative protection
2 for said town, all liabilities which may be assumed
3 or incurred by said town under or by virtue of any of
4 the provisions of this act, shall at the time, and by
5 force thereof, and for the security and payment of the
6 same, create in favor of said town a lien on said rail-
7 road, its franchise and all its appendages, and all real
8 and personal property of said railroad corporation;
9 which lien shall have preference, and be prior to all
10 other liens and incumbrances whatever, on said road,
11 and all the other property of said railroad corporation;

12 and said lien shall be enforced, and all the rights and
13 interests of said town shall be protected, when neces-
14 sary, by suitable legal process, or by suitable and
15 proper judgments, injunctions or decrees of said su-
16 preme judicial court on a bill, or bills in equity, which
17 power is hereby specially conferred on said court.
18 And it is hereby provided that the said lien, provided
19 for in this section, shall not be deemed waived or
20 ineffectual by the acceptance, on the part of the in-
21 habitants of said town or their proper officers, of any
22 mortgage or other securities contemplated by the pro-
23 visions of this act, or otherwise.

SECT. 11. If at any time the president and directors
2 of said company deem it expedient or necessary for
3 the purpose of equipping, constructing or managing
4 said railroad, to assign its charter, with all its prop-
5 erty real or personal, and the rights and interests
6 under it, or pertaining thereto, or to grant or lease the
7 use of said road to any other party, parties, or rail-
8 road company with which it may, in any way, be con-
9 nected or interested, they are hereby empowered to
10 execute and deliver such transfers, leases or convey-
11 ances as may be necessary for the accomplishment of
12 such purpose ; *provided however*, that all loans or ad-
13 vances, made by said town, be first amply secured,

14 guarantied or paid to such town, and that the inhabi-
15 tants thereof shall first assent to such grant, assign-
16 ment, transfer or lease, by a two-thirds vote, at a
17 meeting regularly called by the selectmen for that
18 purpose.

SECT. 12. Said town may at any time assign, lease
2 or wholly transfer, all its right, title and interest in
3 said railroad, and in the title, property and appenda-
4 ges thereof, upon receipt of satisfactory indemnifica-
5 tion, security or payment for all loans, advances or
6 indebtedness made or incurred on account of said rail-
7 road or company; *provided* the inhabitants thereof
8 shall first so determine at a meeting duly called for
9 the consideration of said question.

SECT. 13. The provisions of this act shall be in force
2 from and after its approval by the governor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 9, 1867. }

Reported by Mr. SPEAR, from the Committee on Railroads,
Ways and Bridges, and ordered to be printed.

FRANKLIN M. DREW, *Clerk.*