

# MAINE STATE LEGISLATURE

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# SIXTY-FIRST LEGISLATURE.

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HOUSE.

No. 3.

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*To the Honorable Senate and House of Representatives in  
Legislature assembled :*

The undersigned, Lysander Strickland, Mayor of the City of Bangor, for and in behalf of said city, by virtue of an order of the City Council thereof, respectfully presents the accompanying copy of the acts and doings of the City Council of Bangor relative to the extension of the Bangor and Piscataquis Railroad, and ratified by a majority of the legal voters of the City of Bangor on the second Monday of March A. D. 1882, and the acts and doings of the Bangor and Piscataquis Railroad Company and of said city in the premises, and prays that the same, including the contract made the tenth day of January A. D. 1883, by and between said Railroad Company and said City of Bangor, may be ratified, confirmed, legalized and made valid, by the passage of the accompanying "Bill," and as in duty bound will ever pray.

LYSANDER STRICKLAND, *Mayor.*

BANGOR, January 11th, 1883.

# CITY OF BANGOR.

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## IN CITY COUNCIL.

WHEREAS, the City of Bangor now holds eight several mortgages, bearing date respectively, May 8th, 1869, July 31st, 1869, October 9th, 1869, Dec. 14th, 1869, January 21st, 1871, November 18th, 1871, December 24th, 1874, and October 1st, 1876, given by the Bangor and Piscataquis Railroad Company to secure the Bonds of the Company to the City, as therein provided; and

Whereas, a further loan of its credit is found necessary by said Company to locate, extend and complete its road from some point in its present line to a point at or near the foot of Moosehead Lake, and the amount requisite cannot be obtained unless the City shall consent that the security for such loan shall be by a mortgage by the Company of the same estate and property already mortgaged by it to the City, such new mortgage to be in its security superior in its validity, power and effect to said eight several mortgages to the City; and

Whereas, the proceeds of said new loan are to be expended in the completion and equipment of said road to its contemplated northerly terminus, thereby improving and increasing the security of the City, and to purchase and transfer to the City, the second mortgage bonds, so called, of said Railroad Company, in consideration of its waiver of its mortgages as aforesaid; and, as it is believed, the City cannot in any way sustain any loss or damage by its consenting to a new mortgage on the terms above proposed, but will the rather gain a complete and productive security instead of having the present unproductive and unfinished Railroad; and

Whereas, the City is the owner of a majority of the whole stock of said Company, and should control said Company for the protection of its material interests;

Therefore Ordered, That the Directors of the Bangor and Piscataquis Railroad Company be, and they are hereby requested to call a special meeting of the Stockholders of said Company at the earliest

day practicable, to act upon the following articles to be inserted in said call, to wit :

Article 1st. To see if the Company will locate, extend and complete its Railroad from some point in its present line to some point at or near the foot of Moosehead Lake, and cause to be purchased and transferred to the City of Bangor the second mortgage Bonds of said Railroad Company, in consideration of its agreement to waive its mortgages of said Railroad to a new mortgage of the same which shall take precedence of all other mortgages of said road now held, or which may be hereafter held, by said City, including said "Second Mortgage" so called.

Article 2d. To provide for the raising of money necessary to locate, extend and complete said railroad, and for the purchase of said second mortgage bonds of said Railroad Company.

Article 3d. To authorize the Directors to proceed, as soon as satisfactory arrangements are made, to issue bonds and execute a mortgage to two suitable persons, trustees, upon the whole of the said Railroad and its franchises, appurtenances, rolling stock, and all other personal property then held and which may be thereafter acquired to secure said bonds, and to locate, build and complete said extension as soon as practicable, and to do and perform any other act or acts which said Directors may deem necessary to complete said road, and for the purchase and transfer to said City of said second mortgage bonds.

A copy of this order to be given to the President of said Company by the City Clerk.

And it is further Ordered, That Lysander Strickland be and he is hereby appointed Agent of the City of Bangor to attend said meeting of the Stockholders, and then and there and at all adjournments thereof, for and on behalf of said City, to vote upon, and represent the Stock of said City in said Company upon all matters pertaining to the interests of said City ; and said Agent is hereby directed to vote upon the articles hereinbefore specified to be inserted in the call of said meeting as follows, viz : upon

Article 1—In favor of locating, extending and completing said road, and of purchasing and transferring to said City said second mortgage bonds.

Article 2—In favor of providing means for the issuing of the bonds of said Company, to be secured by a mortgage of said road and its franchises, appurtenances, rolling stock and all other personal property.

Article 3—In favor of the several propositions suggested in said Article.

And it is further Ordered, That said Agent, Aaron L. Simpson and Thomas W. Vose, be and they are hereby authorized and directed, for and on behalf of the City of Bangor, in writing, by apt words and phrases, to waive the rights of the City of Bangor as first, and second mortgagee of said Railroad, so far that the mortgage which said Company shall execute of said Railroad and its appurtenances, to secure bonds to be issued by said Company, sufficient to locate, extend and complete said road from some point in its present line to some point at or near the foot of Moosehead Lake, and to purchase and transfer to the City of Bangor the "second mortgage bonds" of said Company, so called, not exceeding in all the amount of three hundred thousand dollars of such bonds,—shall take precedence of all the mortgages on said railroad now held and which may be hereafter held by said City, and become a first mortgage on the whole of said road and its franchises, appurtenances, rolling stock and all other personal property, then held and which may be thereafter acquired, to said extent, and no more.

Execution by two of said persons, to be sufficient to bind said City.

Provided, however, that this order shall not be of any force or effect until the following question, viz: "Shall the City of Bangor waive the mortgages now held, and which may be hereafter held by it of the Bangor and Piscataquis Railroad, its franchises, appurtenances, rolling stock and other personal property, so far that a mortgage which the Bangor and Piscataquis Railroad Company may execute of said road, its franchises, appurtenances, rolling stock and other property, to secure bonds to be issued by said Company, to complete said Railroad, and for other purposes, not exceeding in all the amount of three hundred thousand dollars of such bonds, shall take precedence of all the mortgages on said Railroad now held, and which may be hereafter held, (meaning said second mortgage), by said City, and become a first mortgage on the whole of said road and its franchises, appurtenances, rolling stock and all other personal property then held and which may be thereafter acquired, to that extent, and no more," shall have been submitted to the legal voters of the City of Bangor, and affirmed by a majority of said voters, voting thereon, at legal meetings in the several wards, called for the purpose.

And it is hereby further Ordered, That on passage of this order by the City Council and ratification thereof by a majority of the legal voters voting thereon, as aforesaid, the Mayor of the City at the time, cause an act to be presented to the Legislature when it next assembles, to be passed and approved by the Governor, in substance as follows :

“The acts and doings of the City Council of Bangor relative to the extension of the Bangor and Piscataquis Railroad and ratified by a majority of the legal voters of the City of Bangor, on the second Monday in March, A. D., 1882, and all the acts and doings of the Bangor and Piscataquis Railroad Company, and said city, in the premises, are hereby ratified, confirmed, legalized and made valid.”

And our Representatives in the Legislature at the time are hereby requested to use all honorable measures to secure the passage of such an act by the Legislature, and its approval by the Governor.

Whereas, the foregoing Order was passed by the City Council on the twenty-eighth day of February, A. D., 1882, and approved by the Mayor in writing, and

Whereas, on the thirteenth day of March, A. D., 1882, the question proposed in said Order to be submitted to the legal voters of the City of Bangor, was submitted to said voters and affirmed by a majority of the voters voting thereon at legal meetings in the several wards, called for the purpose.

And whereas, at a special meeting of the stockholders of the Bangor and Piscataquis Railroad Company, held at the office of said Company, in Bangor, on Wednesday, the twelfth day of April, A. D., 1882, in pursuance of a call signed by the Clerk of said Company; which call was published in the Bangor Daily Whig and Courier, and the Bangor Daily Commercial, newspapers printed in the County of Penobscot, in their issues of March 28 to April 12 inclusive, to act on the following articles as requested by said order of said City Council :

Article 1. To see if the Company will locate, extend and complete its Railroad from some point in its present line, to some point at or near the foot of Moosehead Lake, and cause to be purchased and transferred to the City of Bangor the second mortgage Bonds of said Railroad Company, in consideration of its agreement to waive its mortgages of said Railroad to a new mortgage of the same which shall take precedence of all other mortgages of said

road now held, or which may be hereafter held, by said City, including said "Second Mortgage" so called.

Article 2. To provide for the raising of money necessary to locate, extend and complete said Railroad, and for the purchase of said second mortgage bonds of said Railroad Company.

Article 3. To authorize the Directors to proceed, as soon as satisfactory arrangements are made, to issue bonds and execute a mortgage to two suitable persons, trustees, upon the whole of the said Railroad and its franchises, appurtenances, rolling stock, and all other personal property then held and which may be thereafter acquired to secure said bonds, and to locate, build and complete said extension as soon as practicable, and to do and perform any other act or acts which said Directors may deem necessary to complete said road, and for the purchase and transfer to said City of said second mortgage bonds.

Said Stockholders passed the following votes, namely :

Voted, That the Directors of the Bangor and Piscataquis Railroad Company be hereby authorized and requested, as soon as practicable, to locate, extend and complete the Railroad of said company from some point in its present line, to some point at or near the foot of Moosehead Lake, as contemplated by the charter of said Company, which points said Directors are authorized to select and determine.

Voted, That the said Directors are hereby authorized and requested to cause the second mortgage Bonds, so called, of said Company, to be purchased at a price not exceeding Forty Thousand Dollars, and to be transferred to the City of Bangor in consideration that said City will waive all its several mortgages of said Railroad, to a new mortgage upon the whole of said Railroad, and of its franchises, appurtenances, rolling stock, and all other personal property now held by said City, or which said City may hereafter acquire, to secure the payment of Bonds of said Company hereafter to be issued to the amount of not exceeding Three Hundred Thousand Dollars, which mortgage shall take precedence of all other mortgages now held by said City, or which may be hereafter held by said City, including the second mortgage, and that said Directors be fully authorized and empowered to make all contracts with said City necessary to procure the waiver by said City, of its said first mortgage, and the transfer of said Bonds to said City.

Voted, That in order to raise money necessary to locate, extend, and complete said Railroad between said termini and for the pur-

chase and transfer of said second mortgage Bonds to said City, said Directors be hereby authorized and directed to make, execute and issue the Bonds of said Company to an amount not exceeding Three Hundred Thousand Dollars, with coupons for interest attached, payable semi-annually, and at such rate of interest as may be agreed on by said Directors. Said Bonds to bear such date or dates, and to be of such denominations, and numbers, and payable at such place or places, and at such time or times as said Directors may determine.

Voted, That said Directors of said Company be hereby authorized, and directed, as soon as satisfactory arrangements can be made, and they deem it expedient to issue said Bonds, to make and execute to two suitable persons in trust, a mortgage upon the whole of said Railroad between its terminus in Oldtown, and its contemplated terminus at or near the foot of Mosehead Lake, and of its franchises, appurtenances, rolling stock, and all other personal property then held, and which may thereafter be acquired by said Company, to secure the payment of said bonds, said mortgage to take precedence of all other mortgages on said Railroad, as a first mortgage.

Voted, That said Directors be hereby authorized to do and perform all other act or acts, which the said Directors may deem necessary to complete said Railroad, and for the purchase and transfer to said City of the said second mortgage bonds.

Now, therefore, be it known that said Bangor and Piscataquis Railroad Company in consideration of the premises, and in consideration of the waiver, by said City of Bangor, of all its several mortgages on said railroad, as hereinafter expressed, does hereby promise to, and agree with said city, that within a reasonable time, not exceeding two years from and after its approval by the Governor, said Company will purchase, or cause to be purchased, all the second mortgage bonds, so called, of said Company, being all the bonds secured by a certain mortgage of said railroad dated the first day of February, A. D. 1871, to Franklin Muzzy and John S. Ricker, trustees therein named, and transfer the same, including the title thereto, to said City of Bangor.

And said City of Bangor, in consideration of the premises, and in the further consideration of said promise of said Bangor and Piscataquis Railroad Company, does hereby promise to, and agree with said Railroad Company to waive and does hereby, simulta-



neously with the execution of this contract by said Company, waive the rights of the City of Bangor as first and second mortgagee of said railroad, so far that the mortgage, which said Company shall execute of said railroad, and its appurtenances, to secure bonds to be issued by said Company, sufficient to locate, extend and complete said road from some point in its present line to some point at or near the foot of Moosehead Lake, and to purchase and transfer to the City of Bangor, the "second mortgage bonds" so called, of said Company,—not to exceed in all the amount of three hundred thousand dollars of such bonds,—shall take precedence of all the mortgages on said railroad now held, and which may be hereafter held by said city, and become a first mortgage on the whole of said road, and its franchises, appurtenance, rolling stock, and all other personal property then held, and which may be thereafter acquired, to said extent and no more. This contract to take effect when ratified and confirmed by the Legislature of Maine, and approved by the Governor thereof as aforesaid.

In witness whereof said Bangor and Piscataquis Railroad Company has caused its name to be hereto signed and its seal affixed hereto by its Directors, Moses Giddings, A. G. Wakefield, John S. Ricker, Wm. B. Hayford, Wm. H. Strickland, J. S. Wheelwright, C. L. Marston, M. S. Drummond, Arad Thompson, T. S. Moor, and A. M. Robinson, in their official capacity, who are duly authorized thereto by said votes of said Stockholders passed April 12th, A. D. 1882, and said City of Bangor has caused its name to be signed and its seal to be affixed hereto, by Lysander Strickland, Aaron L. Simpson, and Thomas W. Vose, who are duly authorized thereto for, and on behalf of said City of Bangor, by a vote of the City Council of said city, passed February 28th, A. D. 1882, this tenth day of January, one thousand eight hundred and eighth-three.

Signed, sealed and delivered in presence of Noah Woods. Victor Brett.

Bangor and Piscataquis Railroad Company, by Moses Giddings, A. G. Wakefield, John S. Ricker, W. B. Hayford, Wm. H. Strickland, Jos. S. Wheelwright, C. L. Marston, M. S. Drummond, A. Thompson, T. S. Moor, A. M. Robinson, Directors. [B. & P. R. R. Seal.]

City of Bangor, by Lysander Strickland. Aaron L. Simpson. Thomas W. Vose. [City of Bangor Seal.]

STATE OF MAINE. }  
PENOBSCOT, ss., January 10, 1883. }

Then personally appeared Moses Giddings, A. G. Wakefield, John S. Ricker, Wm. B. Hayford, Wm. H. Strickland, J. S. Wheelwright, C. L. Marston, M. S. Drummond, Arad Thompson, T. S. Moor and A. M. Robinson, in their official capacity, and Lysander Strickland, Aaron L. Simpson, and Thomas W. Vose, and severally acknowledged the above instrument to be the free act and deed of said Bangor and Piscataquis Railroad Company, and the free act and deed of said City of Bangor. Before me, Noah Woods, Justice of the Peace.

A true copy. Attest:

VICTOR BRETT, City Clerk.

# STATE OF MAINE.

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

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AN ACT to ratify, confirm, legalize and make valid  
the acts and doings of the Bangor and Piscataquis  
Railroad Company and of the city of Bangor, rela-  
tive to the extension of the Bangor and Piscataquis  
Railroad.

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

SECTION. 1. The acts and doings of the city council  
2 of the city of Bangor, relative to the extension of  
3 the Bangor and Piscataquis Railroad, passed Febru-  
4 ary twenty-eighth, A. D. eighteen hundred and eigh-  
5 ty-two, and ratified by a majority of the legal  
6 voters of the city of Bangor on the second Monday  
7 of March, A. D. eighteen hundred and eighty-two,  
8 and all the acts and doings of the Bangor and  
9 Piscataquis Railroad Company and of the city of  
10 Bangor in the premises, including the contract  
11 made and executed January tenth, A. D. eighteen

12 hundred and eighty-three, relative to said exten-  
13 sion, by and between said Bangor and Piscataquis  
14 Railroad Company and said city of Bangor, are  
15 hereby ratified, confirmed, legalized and made  
16 valid.

SECT. 2. This act shall take effect when approved  
2 by the governor.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
January 15, 1883. }

Mr. THATCHER of Bangor, presented bill an act entitled "an act to ratify, confirm, legalize and make valid the acts and doings of the Bangor and Piscataquis Railroad Company and the City of Bangor, relative to the extension of the Bangor and Piscataquis Railroad," and on his motion it was ordered printed.

ORAMANDAL SMITH, *Clerk.*