

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)

ACTS AND RESOLVES

PASSED BY THE

EXTRA SESSION OF THE THIRTY-SECOND LEGISLATURE, 1853,

AND THE

THIRTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE,

1854.

~~~~~  
Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
Feb. 26, 1840, and March 16, 1842.  
~~~~~

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1854.

CHAP. 200. said company, which acceptance shall be recorded on their books. And if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of the act shall take effect, and be in full force.

[Approved March 1, 1854.]

Chapter 200.

An act to authorize the city of Bangor to aid the construction of the Oldtown and Lincoln Railroad.

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

Bangor authorized to loan its credit to the Oldtown and Lincoln R. R. Company.
Amount.

SECT. 1. The city of Bangor is hereby authorized to loan its credit to the Oldtown and Lincoln Railroad Company, in aid of the construction of their railroad, not exceeding however the sum of three hundred and twenty-five thousand dollars, upon their compliance with the following terms and conditions.

Road from Milford to Lincoln.

SECT. 2. If this act shall be accepted as hereinafter provided, and said company shall, within three years from its approval, produce evidence satisfactory to the mayor and aldermen of said city for the time being, that the sum of two hundred and twenty-five thousand dollars has been collected from the subscriptions to the stock of said company, and paid in, and actually expended in the purchase of the right of way, and the construction of that section of their road extending from the terminus of said road in the town of Milford, to its terminus in the town of Lincoln, and that the road bed for such section, including all necessary bridges and masonry, ready for the superstructure, has been completed, then such facts shall be certified by the mayor and aldermen to the city treasurer, and he shall forthwith issue to the directors of said company, for the purpose of completing said road, the scrip of said city, payable to the holders thereof, at the expiration of twenty years from the date thereof, in the sum of two hundred and twenty-five thousand dollars, with coupons for interest attached, payable semi-annually. *Provided, however,* that said scrip of two hundred and twenty-five thousand dollars may be subdivided, and issued in such sums, and at such times thereafter, as may be convenient for said company; and in like manner if said company shall, within three years from the approval of this act, produce evidence satisfactory to the mayor and aldermen of said city for the time being, that the further sum of one

Scrip, when to be issued.

--amount of.

Proviso.

hundred thousand dollars has been collected from the subscriptions to the stock of said company, in addition to the aforesaid sum of two hundred and twenty-five thousand dollars, and paid in, and actually expended in the construction of their road, and that the road bed of that section of the road extending from the aforesaid terminus in Lincoln to Mattawamkeag point, has been completed, with all the necessary bridges and masonry, ready for the superstructure, then such facts shall be certified by the mayor and aldermen to the city treasurer, and he shall forthwith issue to the directors of said company, for the purpose of completing said road, the scrip of said city, payable to the holders thereof, at the expiration of twenty years from the date thereof, in the further sum of one hundred thousand dollars, with coupons for interest attached, payable semi-annually. And said scrip of one hundred thousand dollars, may be subdivided, and issued in such sums, and at such times thereafter, as may be convenient for said company.

Road from Lincoln to Mattawamkeag point.

Scrip of city, when to be issued.

SECT. 3. Concurrent with the delivery of the first scrip, as aforesaid, the president and directors of said company, in their official capacity, shall execute and deliver to said city treasurer, the bond of said company, in the penal sum of seven hundred and fifty thousand dollars, payable to said city; conditioned that said company will duly pay the interest on said scrip, and the principal thereof, and the principal and interest of all other scrip which said city may subsequently issue in pursuance of the provisions of this act, and in all respects hold and save the city harmless on account of the issue of the same. And shall also execute and deliver to said treasurer, the scrip of said company, payable to the holders thereof, at the same time, and for the same amount, as the scrip then issued by said treasurer to said company, with the like coupons attached; and the scrip of said company shall in all cases subsequently be issued in sums corresponding in dates and amounts with the scrip of said city, which scrip shall be held by said city as collateral security for the fulfillment of the conditions of said bond; and in default of any one of said conditions, said city may, from time to time, sell said scrip, or any portion thereof, at public auction, or auctions, in the cities of Bangor, Boston, or New York, after sixty days notice, in writing, to the president or one of the directors, or three of the stockholders, of said company, naming therein the time and place of sale; and the net proceeds thereof shall be endorsed on said bond.

Bond of company to city to secure payment of interest, &c., on scrip.

Scrip of company to be given as collateral.

—may be disposed of, &c.

CHAP. 200.

Mortgage of road to secure fulfillment of bond.

—how executed, &c.

Organization made valid.

Foreclosure of mortgage.

City of Bangor may take actual possession of road in certain cases.

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 first scrip from said city, and the delivery of their bond to said city, to secure the payment of the same, and scrip subsequently to be issued, as hereinbefore provided, to execute and deliver to said city, a mortgage of said railroad, and of all the property of the company, real and personal, which they then have or may subsequently acquire, together with their franchise, without prior incumbrance; which mortgage shall be signed by the said president in his official capacity, and shall be executed according to the law of this state, and shall be in due and legal form, and shall contain apt and sufficient terms to secure to said city the fulfillment of all the conditions in said bond contained; and said mortgage, so executed, and delivered and recorded in the registry of deeds for the county of Penobscot, shall to all intents and purposes be, and the same is hereby declared to be, a full and complete transfer of said railroad, of all the property of said company, real and personal, then or subsequently to be acquired, and of said franchise, subject only to the conditions therein contained, any law to the contrary notwithstanding. And all the proceedings in the organization of said company and choice of directors shall be deemed valid and regular.

SECT. 5. For the purpose of foreclosing said mortgage, it shall be sufficient for said mayor and aldermen to give notice according to the mode prescribed in the fifth section of the one hundred and twenty-fifth chapter of the revised statutes, which notice may be published in a newspaper printed in Bangor, and record thereof may be made within thirty days after the date of the last publication, in the registry of deeds for the county of Penobscot; 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 of said mortgage shall not within that time have been performed, the foreclosure shall be complete and shall make the title of the railroad, and to all the property and franchise aforesaid, absolute in said city.

SECT. 6. If the directors of the 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 Bangor may take actual possession, in the manner herein-after provided, of the railroad, 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 deficiencies, 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 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 purpose aforesaid to the city, and shall enable the city to hold the same against any other transfer thereof, and against any other claim thereon, until such purposes have been fully accomplished. Such possessions shall not be considered as an entry for foreclosure under any mortgage hereinbefore provided. Nor shall the rights of the city or of the company under any mortgage in any manner be affected thereby.

Possession,
notice of, &c.

—not to be
considered as a
foreclosure.

SECT. 7. All moneys received by or for the 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 the 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 salaries of the officers of the company, and for 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 any

Receipts of road
after notice, how
appropriated.

CHAP. 200. 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.

Injunction, &c.

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 Bangor, in the supreme judicial court in the county of Penobscot, against the railroad company, its directors or any other persons 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 powers and according to the course of proceedings of courts of equity as the necessities of the case may require.

--writ of.

Directors, how chosen in case of neglect of company.

SECT. 9. If the 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 provisions of the act establishing said company; and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

One director to be chosen from among the stockholders.

SECT. 10. The city shall appoint one of the directors of 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 director shall cease when the loan contemplated is extinguished.

Right to choose director to cease.

Lien created as further security.

SECT. 11. As an additional, or accumulative 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 said railroad, its franchise, and all of its appendages, and all the real and personal property of said railroad corporation; which

lien shall have the preference, and be prior to all other liens and incumbrances whatever; and shall be enforced, and the rights and interests of said city protected, when necessary, by suitable and proper judgments, injunctions, or decrees of said supreme judicial court, on a bill or bills in equity; which power is hereby specially conferred on said court.

SECT. 12. This act shall not take effect unless it shall be accepted by said company, and by a vote of the inhabitants of said city, voting in ward meetings, duly called according to law, within six months after the approval of this act by the governor; and at least two-thirds of the votes cast at such ward meetings shall be necessary for the acceptance of this act. The return of such ward meetings shall be made to the aldermen of said city, and by them counted and declared, and said city clerk shall make a record thereof. And in case this act is accepted by the inhabitants of said city of Bangor and the said company, the thirteenth section of the act of incorporation of said company, approved March eighth, Anno Domini, eighteen hundred and fifty-two, is hereby repealed.

Act, when to
take effect.

Sec. 13, ch. 507,
special laws of
1852, repealed.

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

[Approved March 1, 1854.]

Chapter 201.

An act creating the Bridgton Centre Village Corporation.

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

SECT. 1. The territory embraced within the limits of school district number six, in the town of Bridgton, in the county of Cumberland, and all that part of school district number seventeen, in said town, except Josiah Hazen and his estate, and so much of Benjamin Walker's estate as is known as the Potter farm, Nathan Hamlin and his estate, Eben Chapman and his estate, Josiah C. Hoyt and his estate, and Stuart Holmes and his estate, and the following persons and estates from school district number three, in said town, to wit: Augustus Perley and his homestead, Samuel Davis, junior, and his estate, Benjamin Cleaves and his estate, the estate of Caleb F. Page, Joshua Stowe and his estate, George Dodge and his estate, John Dodge

Limits of terri-
tory embraced in
the corporation.