

# 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. 343.

## Chapter 343.

An act authorizing the city of Bath to determine how far wharves and piers may extend into the Kennebec river.

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

Wharves, &c., in  
the city of Bath,  
building of,  
regulated.

SECT. 1. The city of Bath is hereby authorized to determine by their city council how far wharves, piers and buildings may be extended into and over the Kennebec river within the limits of said city, and they are hereby authorized to cause all obstructions of any description in and over said river, not authorized by law, to be removed.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved April 14, 1854.]

## Chapter 344.

An act to authorize the city of Calais to aid in the construction of the Lewy's Island Railroad.

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

City of Calais  
authorized to  
loan its credit to  
Lewy's Island  
R. R. Co.

SECT. 1. The city of Calais is hereby authorized to loan its credit to the Lewy's Island Railroad Company in aid of the construction of their railroad, not exceeding, however, the sum of one hundred and fifty thousand dollars, upon their compliance with the following terms and conditions.

Act, acceptance  
of.

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 one hundred and fifty 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 the road, and that the road bed for the whole distance from its terminus in Baring to its terminus at Lewy's lake in Princeton, 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 one hundred

Scrip when to  
be issued.

—when payable.

—amount of.

and fifty thousand dollars, with coupons for interest attached, payable semi-annually; *provided, however*, that said scrip of one hundred and fifty thousand dollars may be subdivided and issued in such sums and at such times thereafter, as may be convenient for said company.

CHAP. 344.

Proviso.

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 three hundred 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 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 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 the treasurer to the 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 Calais, 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.

Scrip, bond of company for payment of, &amp;c.

Scrip of company, delivery of, &amp;c.,

—to be held as collateral security.  
—may be sold.

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 the said city, to secure the payment of the same, and the 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 said 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 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

Mortgage of road, &amp;c., to secure fulfillment of conditions of bond.

Mortgage, how executed, &amp;c.

CHAP. 344.

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 Washington, 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 of the organization of said company, and choice of directors, shall be deemed valid and regular.

Organization deemed valid.

Mortgage, foreclosure of.

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 said city of Calais, 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 Washington, which publication and record shall be sufficient for the purposes 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 to the railroad, and to all the property and franchises aforesaid, absolute in said city.

Possession of road, &c., may be taken by the city of Calais in certain cases.}

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 becomes due, or to comply with any of the conditions of said bond, the city of Calais may take actual possession in the manner hereinafter 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 are so 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 in 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

—notice of, how given.

purposes aforesaid, to the city, and shall enable the city to hold the same against any other transfers thereof, and against any other claims thereon, until such purposes have been fully accomplished. Such possession 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, be in any manner affected thereby.

Possession of road not to be considered 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 payments 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 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 is herein required.

Receipts of road, how appropriated.

—payment of, when made.

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 Calais, in the supreme judicial court in the county of Washington, against the railroad company, its 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

Injunction, &c.

—writ of.

CHAP. 344. 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.

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.

Directors, one to be appointed 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 directors. But the right to choose such directors shall cease when the loan contemplated is extinguished.

—right to choose to cease.

Lien created as additional protection.

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 times and by force thereof and for the security and payments of the same, create in favor of said city a lien on said railroad, its franchise, and of all its appendages, and on 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 interest 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.

Act, acceptance of, &c.

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 by the governor of this act. 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 alder-



men of said city, and by them counted and declared, and said city clerk shall make a record thereof.

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

When to take effect.

[Approved April 14, 1854.]

### Chapter 345.

An act to incorporate the White Lime Rock Company.

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

SECT. 1. Ephraim Hall, C. Rankin, S. Rankin, Davis Tilson and George S. Snow, and their associates, successors and assigns, are hereby made a body corporate by the name of the White Lime Rock Company, for the purposes of draining or removing the water by steam or otherwise from the range of quarries known by the name of the flat quarries, situated in Rockland.

Corporators.

Corporate name.

Purposes of corporation.

SECT. 2. Said corporation may hold real or personal estate for the purposes of this act not exceeding ten thousand dollars.

May hold real and personal estate.

SECT. 3. Said company may enter upon, dig up and use any land or lime rock necessary or convenient for the purposes of draining said quarries.

May construct drains.

SECT. 4. If said corporation, in the exercise of the powers granted in the preceding section, shall damage the owners of land or lime quarries by digging, removing or using the same, the owners of said lime quarries or land shall be entitled to compensation, and in case such owners and said corporation shall not mutually agree upon the sum to be paid, such owners may cause their damage to be assessed by a committee of three disinterested men, who shall be appointed by any judge of the supreme judicial court.

Damages, compensation for.

—how determined in case of disagreement.

SECT. 5. When the water from any portion of said quarries is so removed as to render digging of the rock practicable, the owner or owners of quarries so drained, being corporators, shall, as soon thereafter as practicable, dig up their said rock in such a manner as shall give each corporator the benefit of the improvement made by such draining.

Rock to be removed as soon as practicable after drainage of quarries.

SECT. 6. In case any member of said corporation shall neglect to comply with the requirements of the preceding section, then

Proceedings in case of neglect.