

# 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

## THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

---

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

---

**AUGUSTA:**  
STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

---

PRIVATE AND SPECIAL LAWS ·

OF THE

STATE OF MAINE.

1855.

---

Deaf, dumb and blind, six thousand dollars,	6,000 00	<u>CHAP. 416.</u>
Agricultural societies, four thousand dollars,	4,000 00	
Insane state paupers, four thousand dollars,	4,000 00	
County taxes, five thousand three hundred thirty-six dollars, and sixty-six cents,	5,336 66	
Bank commissioners, one thousand dollars,	1,000 00	
Military purposes, one thousand dollars,	1,000 00	
Agricultural productions to Penobscot Indians, one thousand dollars,	1,000 00	
Indian annuities, nineteen hundred dollars,	1,900 00	
Board of agriculture, one thousand dollars,	1,000 00	
Interest on lands, reserved for public uses, one thou- sand dollars,	1,000 00	
Passamaquoddy Indian fund, fifteen hundred dollars,	1,500 00	
Binding and stitching, five hundred dollars,	500 00	
Library, three hundred dollars,	300 00	
Contingent fund of Secretary, two hundred dollars,	200 00	
Porter and messenger, one hundred dollars,	100 00	
Indices, one hundred and fifty dollars,	150 00	
Inspectors of state prison, two hundred dollars,	200 00	
Trustees insane hospital, eight hundred dollars,	800 00	
Forfeited lands, seven hundred dollars,	700 00	
<hr/>		
Five hundred fourteen thousand three hundred sev- enty-two dollars, and sixty-seven cents,	\$514,372 67	

[Approved February 10, 1855.]

### Chapter 416.

An act to authorize the city of Bangor to extend further aid to the construction of the Penobscot and Kennebec Railroad.

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

SECT. 1. The city of Bangor is hereby authorized to make a further loan of its credit to the Penobscot and Kennebec Railroad Company, in aid of the construction of their railroad, not exceeding, however, the sum of three hundred thousand dollars, subject to the following terms and conditions :

City of Bangor authorized to loan its credit to the Penobscot and Kennebec Railroad Co. Amount.

SECT. 2. The city scrip, to be issued under this act, shall be subdivided into such sums as the directors of said corporation may deem expedient, and made payable to the holders thereof, with coupons of interest attached, payable semi-annually. Said scrip

Scrip, how to be issued.

—how payable and redeemable.

CHAP. 416. shall bear date of the time of its issue, and shall be made payable and redeemable, as follows, viz: Twenty thousand dollars of the same at the end of five years from the date thereof, and twenty thousand dollars thereof each year thereafterwards. *Provided, however,* that the whole amount of said scrip shall not exceed said sum of three hundred thousand dollars.

Proviso.

Directors to be citizens of Bangor.

SECT. 3. During the continuance of this loan a majority of the directors shall be and remain citizens of Bangor during the term for which they may be elected.

Scrip, when to be issued.

SECT. 4. If this act shall be accepted as hereinafter provided, the mayor and aldermen shall certify that fact to the city treasurer, and he shall forthwith issue to the directors of said company, for the use of said corporation, said city scrip, to the amount of two hundred thousand dollars; and he shall likewise issue the further sum of one hundred thousand dollars of said scrip, to said directors, whenever the mayor and aldermen shall certify to him these facts, viz:

—amount of.

*First,* That the second mortgage now existing on said road, and the bonds secured thereby, are cancelled.

*Second,* That said company have established and are running their regular train of cars over their whole road from Bangor to Waterville.

—bond for payment of, &c.

SECT. 5. Concurrent with the delivery of said 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 six hundred thousand dollars, payable to said city, conditioned that said company will duly pay the interest on said scrip and the principal thereof, 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. 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.

—of company, delivery of.

—held as collateral security.

—may be sold, &c.

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

SECT. 6. 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 scrip, from said city, and the delivery of their

bond to said city, to secure the payment of the same, 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, except the mortgage to said city already existing, 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.

Mortgage, how executed, recorded, &c.

Organization of company made valid.

SECT. 7. For the purpose of foreclosing said mortgage, it shall be sufficient for the 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 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 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 franchise aforesaid, absolute in said city.

Mortgage, foreclosure of.

SECT. 8. 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 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 shall be fully made up and discharged. A written notice signed by the mayor and aldermen and served upon the pres-

In case of neglect of company to pay principal or interest of scrip, city of Bangor may take possession of road.

Possession, notice of, &c., how given.

CHAP. 416. ident 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 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.

Possession not to be considered a foreclosure.

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 such mortgage, be in any manner affected thereby.

Receipts of road, how appropriated.

SECT. 9. 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 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.

-payment of, when made.

Injunction, &c.

SECT. 10. 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 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 powers and according to the course of proceedings of courts of equity, as the necessities of the case may require.

CHAP. 416.  
Injunction, writ of.

SECT. 11. 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, how chosen in case of neglect of company.

SECT. 12. 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 all of 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, except the liens and incumbrances already existing in favor of said city, 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.

Lien created as additional protection.

SECT. 13. 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, 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; but this act shall take effect from and after its approval by the governor, so far as to empower the railroad company and the inhabitants of the city to act upon the question of accepting the same. The several ward meetings of the inhabitants for that purpose shall be called and holden within six months after such

Act, acceptance of, &c.

—to take effect.



CHAP. 417. approval; and the same time shall be allowed for its acceptance by the 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 February 12, 1855.]

---

### Chapter 417.

An act to amend certain acts passed by the last legislature.

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

Chap. 243, 286,  
311, and 352,  
amended.

SECT. 1. Chapter two hundred and forty-three, approved the twenty-second day of March; chapter two hundred and eighty-six, approved the first day of April; chapter three hundred and eleven, approved the seventh day of April; and chapter three hundred and fifty-two, approved the fifteenth day of April, of the private and special acts, passed in the year of our Lord one thousand eight hundred and fifty-four, are hereby amended by inserting before each of said chapters, or acts, immediately after their respective titles, the words, "Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:"

Certain corpora-  
tions, rights,  
powers, &c.,  
made valid.

SECT. 2. Any corporation created or intended to be created, or whose powers and privileges were enlarged or modified, or intended to be enlarged or modified by either of the acts named in the first section of this act, shall have the same rights and powers, and be subject to the same liabilities, and the acts, proceedings, votes and contracts of such corporation, and the acts and doings of the officers and members thereof, shall have the same force and validity, as if the enacting words aforesaid had constituted a part of said acts, respectively, at the time of their passage.

SECT. 3. This act shall take effect from and after its approval by the governor.

[Approved February 12, 1855.]