

MAINE STATE LEGISLATURE

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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.

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1855.

PRIVATE AND SPECIAL LAWS ·

OF THE

STATE OF MAINE.

1855.

CHAP. 525. same power and authority as provided by law, when said surveyors are elected by the town.

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

[Approved March 16, 1855.]

Chapter 525.

An act to authorize the town of Wiscasset to aid in the construction of the Kennebec and Wiscasset Railroad.

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

Wiscasset, town of, authorized to loan its credit to the Kennebec and Wiscasset R. R. Company.

SECT. 1. The town of Wiscasset is hereby authorized to loan its credit to the Kennebec and Wiscasset 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.

Terms and conditions.

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 selectmen of said town 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 Wiscasset to its terminus in Richmond, including all necessary bridges and masonry ready for the superstructure, has been completed, then such facts shall be certified by the selectmen to the town treasurer, and he shall forthwith issue to the directors of said company, for the purpose of completing said road, the scrip of said town payable to the holders thereof, at the expiration of twenty years from the date thereof, in the sum of one hundred 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.

Scrip, when to be issued.

—amount of.
Proviso.

Scrip, bond for payment of, &c.

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 town treasurer the bond of said company in the penal sum of three hundred thousand dollars, payable to said town, 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 town may subsequently issue in pursuance of the provisions of this act, and in all respects hold and save the town 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 town, which scrip shall be held by said town as collateral security for the fulfillment of the conditions of said bond; and in default of any one of said conditions, said town may from time to time sell said scrip or any portion thereof, at public auction or auctions, in the cities of 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.

CHAP. 525.

Scrip of company,
delivery of.

—how issued.

—held as collateral
security,
may be sold, &c.

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 town, and the delivery of their bond to the said town to secure the payment of the same, and the scrip subsequently to be issued as herein before provided, to execute and deliver to said town 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 town 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 Lincoln, 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.

Mortgage of road,
&c., to secure
fulfillment of
conditions of
bond.—how executed,
recorded, &c.Organization of
company made
valid.

SECT. 5. For the purpose of foreclosing said mortgage, it shall be sufficient for said selectmen to give notice according to the mode prescribed in the fifth section of the one hundred and twenty-fifth

Mortgage, fore-
closure of.

CHAP. 525. chapter of the revised statutes; which notice may be published in a newspaper printed in said county of Lincoln, and record thereof may be made within thirty days after date of the last publication, in the registry of deeds for the county of Lincoln, 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 town.

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

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 town of Wiscasset 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 selectmen, 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 town 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 town, and shall enable the town 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 town or of the company, under any mortgage, be in any manner affected thereby.

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

—not to be considered a foreclosure.

Receipts of road, how appropriated.

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 town, 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 town 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 money so received to the treasurer of the company, such payment shall be a discharge of all claims of the town 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 town 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 town 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 town treasurer, whose duty it shall be to sue for the same, to be by him held and applied as is herein required.

Receipts, payment of, when made.

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the selectmen may cause a suit in equity to be instituted in the name of the town of Wiscasset, in the supreme judicial court in the county of Lincoln, 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.

Injunction, &c.

—writ of.

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 selectmen of the town 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. 10. The town shall appoint one of the directors of said railroad company from among the stockholders, who shall be chosen annually by the town 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 direct-

—one shall be appointed from among the stockholders.

CHAP. 526. ors. But the right to choose such directors shall cease when the loan contemplated is extinguished.

Directors, right to choose to cease.

SECT. 11. As an additional or cumulative protection for said town, all liabilities which by said town 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 town 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 interests of said town 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 an additional protection.

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 town, voting in town 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 town meetings shall be necessary for the acceptance of this act; and said votes shall, by the selectmen be counted and declared, and said town clerk shall make a record thereof.

When to take effect.

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

[Approved March 16, 1855.]

Chapter 526.

An act to annex certain territory to the town of Wales.

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

Certain territory annexed to the town of Wales.

SECT. 1. That part of the territory within the towns of Leeds and Monmouth, situate southerly of the following line, with all persons having a legal settlement thereon, is hereby set off from said towns and annexed to the town of Wales, in the county of Androscoggin, namely: beginning at the northeast corner of Greene, and running thence southeasterly, in a line corresponding in its course with the dividing line between said towns of Greene and Leeds, to Bangs' brook, so called, near the engine house of the Androscoggin railroad; thence down said brook to the easterly line

Boundaries.