

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1860.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26,
1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1860.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1860.

Staples, their associates and successors, are hereby created a body corporate by the name of the Casco Mutual Fire Insurance Company, with all the powers and privileges, and subject to all the duties and liabilities prescribed in the revised statutes, relating to similar corporations.

CHAP. 450.

Corporate name.
Powers, privileges, &c.

SECT. 2. Said company may insure in the town of Casco only, their respective dwelling houses, stores, shops, barns and other buildings, household furniture and merchandise, the contents of any building within said town, against loss or damage by fire originating in any cause, other than by design in the insured.

May insure only in the town of Casco.

SECT. 3. The directors of said company, at their annual meeting in each year, shall make a full report of the condition of the company, giving a detailed account of their expenses, the amount of property actually insured at that time, and the amounts of all debts due to and from the company, but shall not be required to publish the same in any newspaper as is required in section thirty-two of chapter forty-nine of the revised statutes.

Directors, duties of.

—not required to publish.

SECT. 4. No policy shall be issued by said company until applications for insurance shall have been made to the amount of twenty thousand dollars.

Policies, when they may be issued.

SECT. 5. This act shall take effect from and after its approval by the governor.

[Approved March 17, 1860.]

Chapter 450.

An act to authorize the city of Bath to lend its aid in the construction of an extension of the Androscoggin Railroad from the town of Leeds to the town of Topsham or Brunswick.

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

SECT. 1. The city of Bath is hereby authorized to loan its credit to the Androscoggin Railroad Company, to aid in the construction of an extension of their railroad, from any point in its present road in the town of Leeds to connect with the Kennebec and Portland Railroad in the town of Topsham or Brunswick, in a sum not exceeding two hundred thousand dollars, subject to the following conditions, terms and provisions.

Bath authorized to loan its credit to the Androscoggin Railroad Co.

Amount.

SECT. 2. If this act shall be accepted, as is hereinafter provided, and the directors of said company shall, within nine months after its acceptance by said city, produce satisfactory evidence to the mayor and aldermen of said city for the time being, that a sum of money not less than fifty thousand dollars has been raised by actual subscription by said company, and paid in and actually expended

Terms and conditions.

Strip, when to be issued.

CHAP. 450. in the construction of the extension of their road, and the purchase of the right of way, from or near the junction in the town of Leeds to the town of Topsham or Brunswick, then such fact 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 building, furnishing and completing said extension of the road, the scrip of said city payable to the holders thereof at the expiration of thirty years from the date thereof, in the sum of one hundred thousand dollars, with coupons for interest attached payable semi-annually; and if said company shall, within twenty-four months produce evidence to the satisfaction of the mayor and aldermen that a further sum of fifty thousand dollars has been raised by actual subscription and expended in the same manner on the extension of their road as before mentioned, then such fact shall be certified to the city treasurer as before provided, and he shall forthwith issue similar scrip to the directors of said road for the further sum of one hundred thousand dollars, being in all two hundred thousand dollars; and said scrip may be subdivided into such sums as the parties may deem expedient.

—amount of.

—further amount.

—whole amount.

Scrip, bond for payment of, &c.

Scrip of company, delivery of.

SECT. 3. Concurrent with the issue and delivery of said city scrip as aforesaid, in each case the president and directors of said company, in their official capacity, shall execute and deliver to the said treasurer the bond of said company, the penal sum in each bond to be double the amount of the scrip authorized to be issued at that time; said bonds shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued at the time of the date of the bonds respectively, and also the principal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the said city on account of the issue of the same; the said president and directors of said company shall also, in each case of the issuing of the scrip of said city, as provided in section two of this act, and simultaneously therewith make, execute and deliver to the said city treasurer the scrip of said company payable to the holder thereof, at the same time and for the same amount as the scrip then issued by said treasurer to said company, with like coupons for the interest attached; which said scrip shall be held by said city as collateral security for the fulfilment of the conditions of the 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, by public auction or auctions, in the cities of Bath, Boston or New York, or either of them, after sixty days notice in writing to the president, or one of the directors, or any three of the stockholders of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be endorsed on one of said bonds.

—to be held as collateral.

—in default, may be sold.

—how and when 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 the first issue of said city scrip, and upon the delivery of their bonds to the said city to secure the payment of the same, to execute and deliver to said city treasurer a mortgage of said extension of their railroad from Leeds to Topsham or Brunswick, and of all the property of said extension, which they then have or may subsequently acquire, and also the franchise of said extension, without prior incumbrance; and the said mortgage shall be so made as to embrace not only the said extension, but also the original road of said company from Leeds to Farmington, and of all the property of said road, including the franchise thereof, subject however to prior uncanceled mortgages upon the same. Said mortgage shall be so made as to cover not only the city scrip then issued, but all the scrip which may thereafter be issued under the provisions of this act; and being so made, it shall be deemed and held to be good and valid, and a security to said city for all the scrip it may issue to said directors. It shall be signed by the president of said company in his official capacity, and shall be executed according to the laws 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 the conditions in said bonds contained; and said mortgages so executed and delivered, and recorded in the registry of deeds for the county of Sagadahoc, shall to all intents and purposes be, and the same is hereby declared to be a full and complete transfer of said extension from Leeds to Topsham or Brunswick, and of all the property of said extension, real and personal, then or subsequently to be acquired, and of said franchise, and also a full and complete transfer of the said road from Leeds to Farmington, and of all the property of said road, including the franchise thereof, subject only to prior uncanceled mortgages on the same; said transfers being subject only to the conditions contained in said mortgages, any law to the contrary notwithstanding. 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 for conditions broken, it shall be sufficient for the said mayor and aldermen to give notice according to the mode prescribed in the revised statutes for the foreclosure of mortgages, by publication of notice thereof, which may be published in a newspaper printed in Bath, and a record thereof may be made within thirty days after the date of the last publication in the registry of deeds for the county of Sagadahoc, 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

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

—how executed, recorded, &c.

Organization of company made valid.

Mortgage, foreclosure of.

—notice of, how given.

—record of, how made.

Expiration of.

CHAP. 450.

shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title of said extension and of said road, and to all the property and franchise aforesaid, absolute in said city.

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

SECT. 6. If the directors of said 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 bonds, the city of Bath may take actual possession in the manner hereinafter provided, of the whole of said railroad, and 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 deficiency, 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 whole line 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 claims thereon until such purposes have been fully accomplished. Such possession shall not be considered an entry for foreclosure, under any mortgages hereinbefore provided; nor shall the rights of the city, or of the company, under any mortgages, in any manner be 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 said 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 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 services 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

Treasurer of company to pay over to city treasurer.

—payment of, when made.

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 herein required.

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 Bath, in the supreme judicial court, in the county of Sagadahoc against said company, 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 power, 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 said 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 the 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 by company.

SECT. 10. The city shall appoint one of the directors of the 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.

—one shall be appointed from among the stockholders.

—right to choose, when to cease.

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 time, and by force thereof, and for the security and payment of the same create in favor of said city, a lien on the whole of said railroad, its franchise, and all its appendages and all real and per-

Additional or accumulative protection.

—lien created.

CHAP. 451. sonal property of said railroad corporation, which lien shall have preference and be prior to all other liens and incumbrances whatever, on the said extension from Leeds to Topsham or Brunswick, and on the road from Leeds to Farmington, and on all the other property of said railroad corporation, subject only to prior uncanceled mortgages; and said lien shall be enforced, and all the rights and interests of said city shall be 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. And it is hereby provided, that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city, of any mortgage or other securities contemplated by the provisions of this act, or otherwise.

—not waived,
&c.

Act, acceptance of, &c.

SECT. 12. This act shall not take effect unless it shall be accepted by said corporation within six months from and after its approval; and also, by said city, by a vote of the legal voters thereof voting in public meeting duly and legally called within six months from and after its approval; and at least two thirds of the legal voters of said city, present and voting at said meeting as aforesaid, shall be necessary for the acceptance of this act on the part of said city. The vote of said public meeting shall be ascertained and declared in open town meeting, and if the act shall be accepted, as aforesaid, then after such acceptance and record thereof, all the parts of this act shall take effect and be in full force thereafter.

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

[Approved March 17, 1860.]

Chapter 451.

An act to incorporate the Maine Steam Road-carriage Company.

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

SECT. 1. Jeremiah Fenno, Nathan Perry, Jr., and Carlostin Jewett, with their associates, successors and assigns, are hereby created a body corporate under the name of the Maine Steam Road-carriage Company, with power by that name to prosecute and defend suits at law, to have and use a common seal, and make by-laws and regulations from time to time for the management of the affairs of said corporation not repugnant to the laws of this state, and to hold such property, real or personal, as may be desirable to effect the objects of such corporation, and to enjoy all the powers and be

Corporators.

Corporate name.

By-laws.

May hold real and personal estate.
Powers, &c.