

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,
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1860.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1860.

by action of debt, one half to the use of the poor of the town or plantation wherein the offences shall have been committed, and the other half to the use of the person who shall sue therefor.

CHAP. 471.

—how appropriated.

[Approved March 20, 1860.]

Chapter 471.

An act to authorize the city of Bangor to aid in the construction of the Aroostook 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 loan its credit to the Aroostook Railroad Company, in aid of the construction of their railroad, not exceeding however the sum of fourteen thousand dollars per mile, upon their compliance with the following terms and conditions.

City of Bangor authorized to loan its credit to the Aroostook Railroad Company.

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 fifty thousand dollars has been subscribed to the stock of said company, to be expended in the construction of their road, and the purchase of the right of way, 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 completing said road, the scrip of said city, payable to the holders thereof at the expiration of thirty years from the date thereof, at the rate of fourteen thousand dollars per mile, not to exceed the sum of eight hundred and fifty thousand dollars with coupons for interest attached, payable semi-annually; *provided however*, that the whole amount of said scrip shall not exceed the sum of eight hundred and fifty thousand dollars; *and provided further*, that said scrip may be subdivided and issued in lieu thereof, for such sums as the parties may deem expedient. And one hundred and forty thousand dollars of said scrip may be issued on the completion of ten miles of said road, and one hundred and forty thousand dollars more on the completion of each additional ten miles from its point of departure towards Mattawamkeag point till the whole sum is exhausted, to be applied to the construction of its line between Mattawamkeag point and its southern terminus.

Terms and conditions.

Scrip, when payable.

—amount of, &c.

—how payable.

Proviso.

Further proviso.

Scrip, when to be issued.

—how applied.

SECT. 3. 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 fifteen hundred thousand dollars pay-

Bond for, and payment of, &c.

CHAP. 471.

—of company,
delivery of.

—held as
collateral
security.

—may be sold,
&c.

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

—how exe-
cuted, record-
ed, &c.

Organization
of company
deemed valid.

Mortgage,
foreclosure of.

able to the 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 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, Portland, 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.

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 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; 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 ninetieth 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. CHAP. 471.

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 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 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 of 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.

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

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

—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 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 calen-

Receipts of road, how appropriated.

Payment of, when made.

CHAP. 471. dar 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 and 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 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
 ---writ of. 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.

Directors, &c.,
 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 the provisions of the act establishing said company, and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

City to appoint
 one director
 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, when
 to cease.

Lien created as
 additional
 protection.

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 its appendages, and all 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. CHAP. 472.

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 two years 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 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. Act, acceptance of, &c.

SECT. 13. An act entitled "an act to authorize the city of Bangor to aid in the construction of the Aroostook Railroad," approved April fourth, in the year eighteen hundred and fifty-nine, is hereby repealed. Act of 1859, repealed.

[Approved March 20, 1860.]

Chapter 472.

An act to incorporate the People's Pacific Railroad Company.

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

SECT. 1. J. W. Porter, J. R. Bachelder, E. Wells, Jabez True, John Benson, Joshua Dunn, Seth Parlin, James A. Bicknell, Wyman B. S. Moor, Reuben B. Dunn, John Dorr, F. Stevens, John S. Abbot, Algernon S. Washburn, Thomas M. Andrews, George D. Stanley, Edward A. Nason, Edward Fenno, Jeremiah Fenno, Ebenezer G. Brown, Amos Stickney, Solyman Heath, Joseph Burton, Joseph J. Eveleth, Francis Davis, John W. Chase, William J. Kilburn, A. D. Brown, Ezekiel Holmes, John W. Veazie, Joseph Piper, Benjamin F. Barton, James L. Child, Sylvanus Caldwell, Jr., George W. Ricker, Benjamin F. Morse, Stephen Patten, John Osgood, George S. Carpenter, Daniel C. Stanwood, Francis Chase, Stephen Deering, Enoch Libby, Josiah Perham, I. S. Worthington, J. M. Becket, H. Williams, David Wilder, Jr., E. W. Ridgway, Alexander Holmes, E. B. Phillips, A. Firth, J. E. Perley, Benjamin French, George W. McLellan, George L. Bean, George S. Bullans, Abial Abbott, Wm. H. Spooner, E. D. Amidown, Alexander De Corporators.