

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1864.

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

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1864.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1864.

at Winterport into the tide waters of Penobscot river, in a manner not to injure the navigation of said river.

CHAP. 406.
the extension
of.

SECT. 2. This act shall take effect when approved.

Approved March 25, 1864.

Chapter 406.

An act to authorize the city of Bangor to aid the construction of the European and North American Railway.

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 European and North American Railway Company in aid of the construction of their railroad, not exceeding, however, five hundred thousand dollars, upon their compliance with the following terms and conditions :

City of Bangor authorized to loan its credit in aid of the E. and N. A. Railway Co.

SECT. 2. If this act shall be accepted as is hereinafter provided, and said company shall within three years from its approval, finish and complete their line of railway from Bangor to Lincoln by the running of cars thereon, then such fact shall be certified by the mayor and aldermen of the city to the city treasurer, and he shall forthwith issue to the directors of said company, for the purpose of building, furnishing and completing said road, the scrip of said city payable to the holder thereof, in sums of one thousand dollars each, with coupons for interest attached payable semi-annually, the principal payable in thirty years from the date thereof, and all payable in Boston or New York, the same to be signed by the city treasurer and countersigned by the mayor of said city.

Terms and conditions.

Scrip, issuing of.
—how payable.

SECT. 3. Concurrent with the issue and delivery of said city scrip as aforesaid, 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 said bond to be double the amount of the scrip authorized to be issued at that time ; said bond 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 bond 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 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

Bond for, and payment of, &c.

—of company, and delivery of.

CHAP. 406.

—shall be held
by city as
collateral.

—in default,
may sell, &c.

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

—how
executed, &c.

Mortgage,
foreclosure of.

—notice of,
how given.

After three
years if condi-
tion is not
fulfilled,
foreclosure
shall be
complete.

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

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 Bangor, 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 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 city scrip and upon the delivery of their bond to said city to secure the payment of the same, to execute and deliver to said city treasurer, a mortgage, without prior incumbrance, of their railroad from Bangor to Lincoln, and all of the property real and personal of said company, including the franchise thereof; said mortgage 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 the said city the fulfilment of the conditions in said bond contained.

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

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 Bangor 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.

Possession,
notice of, &c.
how given.

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 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.

Receipts of
road, how
appropriated.

Payments 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 Bangor, in the supreme judicial court, in the county of Penobscot, 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 de-

Injunction, &c.

—writ, issuing
of.

CHAP. 406.

crees, 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.

Directors, &c.,
how chosen in
case of neglect
of company.

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.

City shall
appoint one
director from
among the
stockholders.

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.

—right to
choose, when
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 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 personal property of said railroad corporation, which lien shall have preference and be prior to all other liens and incumbrances whatever on the said road from Bangor to Lincoln, and all the other property of said railroad corporation, 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, injunction 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.

—how
enforced.

—not deemed
waived, &c., by
acceptance of
other securities.

Act, acceptance
of, &c.

SECT. 12. This act shall not take effect until it shall have been duly accepted by the said city of Bangor by a vote of the legal voters thereof voting in ward meetings duly and legally called, within eleven months from and after its approval, and by a majority at least of three-fourths of the legal voters of said city present and voting at said meetings as aforesaid; nor shall said act take effect until the same shall be duly accepted by the city council of said city by concurrent vote of the two boards of said council

and by a majority of five-sevenths of the aldermen present and voting and a majority of three-fourths of the common council at a meeting duly called for the purpose, at least thirty days subsequent to its acceptance by vote of the city as hereinbefore provided. 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.

CHAP. 407.

Vote, return of.

—if accepted, &c.

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

Approved March 25, 1864.

Chapter 407.

An act relating to board of persons in Penobscot county jail.

SECT. 1. The county commissioners of Penobscot county are hereby authorized to regulate the amount to be allowed for the board of persons committed to the jail in said county, the same not to exceed for each person, two dollars and fifty cents a week.

Board of prisoners, how regulated.

SECT. 2. This act shall take effect when approved by the governor.

Approved March 25, 1864.

Chapter 408.

An act to incorporate the Trustees of the Maine General Provision Baptists.

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

SECT. 1. James M. Buzzell, John A. Bodge, John L. Cooley, Walker Parker, Matthias Murch, Thomas Maberry, Josiah Fogg, John Warren, Willis B. Kemp and William Haley, and their associates, be and they hereby are constituted a body politic and corporate by the name of the Trustees of the Maine General Provision Baptists, and they and their successors in office shall be and continue a body politic by that name forever ; and the number of said trustees shall never exceed thirteen nor less than five, a majority of whom shall constitute a quorum, but a less number may adjourn from time to time.

Corporators.

Corporate name.

Trustees, number of, limited.