

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1867.

CHAP. 191.

Chapter 191.

An act to make valid the doings of the town of Palmyra relating to school districts.

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

Doings in relation to school districts made valid.

SECT. 1. All the doings of the town of Palmyra at its annual meetings heretofore held, in determining the number and limits of school districts therein and in establishing, altering, discontinuing, or annexing to others, are hereby made valid in as full and ample a manner as though there had previously been had by said town all the proceedings required by law in the premises.

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

Approved January 25, 1867.

Chapter 192.

An act to authorize certain towns to grant aid in the construction and completion of the Dexter and Newport Railroad.

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

Dexter, Corinna and Parkman authorized to loan credit.

SECT. 1. The towns of Dexter, Corinna and Parkman, and each of them, or so many of them as shall accept this act, are severally authorized to loan their respective credits to the Dexter and Newport Railroad Company in aid of the construction and completion of their railroad, in amounts not exceeding the sums as follows, viz : the town of Dexter, one hundred and twenty-five thousand dollars ; the town of Corinna, fifty thousand dollars, and the town of Parkman, fifteen thousand dollars, subject to the following terms and conditions.

Amounts.

Conditions under which scrip of town may be issued.

SECT. 2. If this act shall be accepted as hereinafter provided, and said company shall within two years from its approval, produce evidence satisfactory to the selectmen for the time being of the towns accepting the same, that the sum of seventy-five thousand dollars has been subscribed and paid in cash 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 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 in sums of one thousand dollars or less, as the parties may deem expedient, at the expiration of thirty years from the date thereof, not to exceed the sums aforesaid for each town respectively, with coupons for interest attached, payable semi-annually, all, both principal and interest, payable in Dexter, Portland and Boston,

Amounts of same.

When and where payable, and by whom signed.

the same to be signed by the town treasurer and countersigned by the first selectman of the town issuing the scrip. CHAP. 192.

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 town treasurers the bond of said company in the penal sum of three hundred thousand dollars, payable to said towns conditioned to save them harmless on account of the issue of the same. And shall also execute and deliver to said treasurers 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 treasurers to said company, with the like coupons attached, which scrip shall be held by said towns as collateral security for the fulfilment of the conditions of said bond; and in default of any one of said conditions, said towns may from time to time sell said scrip or any portion thereof, at public auction, 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.

Bond of corporation, amount and conditions of payment.

Scrip of Railroad, to whom issued, amount and how held.

In default of condition, how, when and where scrip may be disposed of.

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 towns, and the delivery of their bond to said towns to secure the payment of the same, to execute and deliver to said towns 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 laws of this state, and shall be in due legal form, and shall contain apt and sufficient terms to secure to said towns the fulfilment 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.

Mortgage, how executed, conditions and record of same.

SECT. 5. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the selectmen of said towns 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

Foreclosure of mortgage, by whom and how effected.

CHAP. 192. 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 franchises aforesaid, absolute in said towns.

In default of payments by company, towns may take possession of road and franchise.

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 bond, the said towns 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 selectmen, and served upon the president or treasurer, or any director of the company, or if there be none such, upon any stockholder of the company, stating that the towns thereby take 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 said towns, and shall enable the towns to hold the same against any other claims thereon until such purposes have been fully accomplished.

Income, how held and applied.

Notice of possession, how given, &c.

Moneys accruing to road after notice of possession, to be paid to town treasurers.

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 towns 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 town treasurers, or some one of them, 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 towns 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 treasurers or some one of them, after deducting the amount expended, or actually due for the running expenses of the road, for services 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

Deduction for expenses, salaries and repairs.

Payments to be made monthly.

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 treasurers, whose duty it shall be to sue for the same, to be by them held and applied as herein required.

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 towns, 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 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.

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 selectmen 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.

SECT. 10. As an additional or accumulative protection for said towns, all liabilities which by said towns 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 towns a lien on said railroad, its franchise, and all of 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 towns 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.

SECT. 11. This act shall not take effect unless it shall be accepted by said company, and by a vote of the inhabitants of said towns voting in meetings duly called according to law, within two years after the approval of this act by the governor; and at least

CHAP. 192.

Enforcement of foregoing provisions, how and by whom made.

Suits, injunction, &c., and powers of S. J. C. relating thereto.

Towns may appoint directors and officers for road after notice of possession.

Authority and duties of same.

Liens, how created and enforced.

When to take effect and regulation as to same.

CHAP. 193. two-thirds of the votes cast at such meetings shall be necessary for the acceptance of this act. The respective town clerks 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 the act shall take effect and be in full force thereafter on the towns so accepting the same.

Approved January 25, 1867.

Chapter 193.

An act to authorize Patrick Gillise, David L. Brown and James Whalen to build fish-weirs within certain limits in West Quoddy Bay.

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

Location.

Boundaries.

Conditions as to obstruction of navigation.

Signals.

SECT. 1. Patrick Gillise, David L. Brown and James Whalen are hereby authorized to erect and maintain fish-weirs in the waters of West Quoddy Bay, so called, in the town of Lubec, within the following described limits :—beginning at a point ten rods east of the eastern part of Samuel Mowry's fish-weir, and west of the ship channel in said bay ; thence south twenty-two degrees east fifty rods, by the westerly side of said channel ; thence south two degrees west eighty rods, by said channel ; thence south sixty degrees west sixty-five rods ; thence north two degrees east eighty rods ; thence north twenty-two degrees west fifty rods ; thence north sixty degrees east sixty-five rods, to the place of beginning ; *provided however*, that any weir erected or built within the above described limits shall not be so constructed as to obstruct the navigation of said channel or bay.

SECT. 2. Suitable poles shall be placed on such weirs as shall mark their location when covered by the tide, with proper signals thereon, each pole to be no less than ten feet above the tide at high water.

Approved January 25, 1867.

Chapter 194.

An act to incorporate the Lewiston Equitable Co-operative Society.

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

Corporators.

SECT. 1. Linneus Cheetham, William T. Burke, Isaac Bagnall, Samuel Brooks, Thomas Casson, John Duckworth, John Ashworth,