

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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.
1867.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1867.

CHAP. 287. prevent said company from continuing to insure upon the same principles and in the same manner as heretofore, nor in any way affect the insurance already made under the act to which this is additional.

When in force. **SECT. 10.** This act shall take effect from and after its approval by the governor, but shall not be binding upon the company until accepted by them.

Approved February 18, 1867.

Chapter 287.

An act to authorize the town of Houlton to aid in the construction of the Houlton Branch Railroad.

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

Town may loan credit.

SECT. 1. The town of Houlton is hereby authorized to loan its credit to the Houlton Branch Railroad Company, in aid of the construction of their railroad, in a sum not to exceed fifty thousand dollars, upon their compliance with the following terms and conditions; *provided however*, that this act shall not take effect, unless and until the same shall have been accepted by a vote of the directors of the railroad company within three years after its approval by the governor; and also within the same time by a vote of the legal voters of said town, taken in a public town meeting, called by the selectmen for that purpose, and at least two-thirds of the votes cast at such meeting shall be necessary for the acceptance of this act.

Limit and conditions of same.

Scrip of town, when and how payable, &c.

SECT. 2. Upon the acceptance of this act as aforesaid, the selectmen of the town shall certify the same to the town treasurer, and he shall issue to the directors of said company, to be expended in the construction and furnishing of said road, and the purchase of the right of way, the scrip of said town, payable to the holder thereof, at the expiration of twenty years from date, with coupons for interest attached, payable annually, to the amount of ten thousand dollars, in sums of one hundred dollars each; said scrip to be countersigned by the selectmen before issue. And as the road shall progress towards completion, and in accordance with the judgment of the selectmen of said town, for the time being, the town treasurer may make further issue of said town scrip, countersigned by the selectmen, to the directors of said company, in suitable and convenient sums to the amount the town shall have decided to loan, payable in like manner as the first amount of issue.

SECT. 3. Concurrent with the issue and delivery of the town scrip as aforesaid, and at such several times as such scrip may be issued, the president and directors of said company, in their official capacity, shall execute and deliver to the then treasurer of said town the bond of said company, the penal sum of said bond to be double the amount of the scrip authorized or determined to be issued at that time; said bond shall be made payable to the inhabitants of said town, and shall be conditioned that said company will duly pay the interest on such scrip of said town 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 inhabitants of said town on account of the issue of the same. The president and directors of said company shall also, simultaneously with the issue of said scrip by said town, make, execute and deliver to the then town treasurer, the scrip of said company payable to the holder thereof, at the same time and to the same amount as the scrip then issued by said treasurer to said company, with like coupons for interest attached, which scrip shall be held by said town as collateral security for the fulfilment 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, by public auction, or auctions, in the cities of Bangor, Portland, 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 bonds.

CHAP. 287.

Bond of corporation and conditions of same.

Scrip of corporation, how issued, held, and in default of conditions 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 several receipts of said town scrip, and upon the delivery of each of said bonds to said town to secure the payment of the same, to execute and deliver to said inhabitants in the person of their treasurer, a mortgage without prior incumbrance, unless it be a preceding mortgage to said town, of said Houlton Branch Railroad, and of all 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 town a fulfilment of the conditions in said bond contained.

Mortgage, how executed and conditions of same.

SECT. 5. For the purpose of foreclosing said mortgage for condition or conditions broken, it shall be sufficient for the then selectmen and treasurer of said town to give notice, according to the mode prescribed in the statutes of this state for the foreclosure of mortgages, by publication of notice thereof, which may be published in any newspaper printed in the county of Aroostook, or in the city of Bangor, and a record thereof may be made within thirty

Foreclosure of same, how and when made.

CHAP. 287. days after the date of the last publication, in the registry of deeds of Aroostook county, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years, if all the conditions 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 the inhabitants of said town.

Possession of road and franchise, how taken and held by town.

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 inhabitants of said town, by their municipal officers may take actual possession, in the manner hereinafter provided, 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 deficiency shall be fully made up and discharged. A written notice signed by the then selectmen and treasurer of said town, and served upon the president or treasurer, or any director of said company, or if there be none such, upon any stockholder of the company, stating that the inhabitants of said town thereby take actual possession of said 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 said inhabitants, and shall enable them to hold the same against any other claims thereon, until such purposes have been fully accomplished.

Moneys accruing to road after notice of possession, how taken, held and applied.

SECT. 7. All moneys received by or for the said railroad company, after notice aforesaid, from any source whatever, and by whomsoever the same shall be received, shall belong to, and be held for, the use and benefit of the inhabitants of said town, 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 treasurer of said town, which payment shall be an effectual discharge from all claims of the company 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 service of the officers of the company, and for necessary repairs. 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

Reservation for expenses and regulations as to time of payments.

therefor, and the same may be recovered, in an action for money had and received, in the name of the treasurer of said town, whose duty it shall be to sue for the same, to be by him held and applied as herein required. CHAP. 287.

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the selectmen and treasurer of said town may cause a suit in equity to be instituted in the name of the inhabitants of Houlton, in the supreme judicial court in the county of Aroostook, against said company, directors, or any other person 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.

Suits, injunctions, &c. Powers of S. J. C. relating to same.

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 and treasurer of said 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 or selected, under the provisions of the act establishing such company, and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

Government of road after notice of possession by town.

SECT. 10. As an additional or cumulative protection for said town, all liabilities which may be assumed or incurred by said town 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 town 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 preference, and be prior to all other liens and incumbrances whatever, on said road, and all the other property of said railroad corporation; and said lien shall be enforced, and all the rights and interests of said town shall be protected, when necessary, by suitable legal process, or 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 the inhabitants of said town or their proper officers, of any mortgage

Liens, how created and enforced.

CHAP. 288. or other securities contemplated by the provisions of this act, or otherwise.

Leases and sale,
how and by
whom made.

SECT. 11. If at any time the president and directors of said company deem it expedient or necessary, for the purpose of equipping, constructing or managing said railroad, to assign its charter, with all its property, real or personal, and the rights and interests under it, or pertaining thereto, or to grant or lease the use of said road to any other party, parties, or railroad company with which it may in any way be connected or interested, they are hereby empowered to execute and deliver such transfers, leases or conveyances as may be necessary for the accomplishment of such purpose; *provided however*, that all loans or advances made by said town be first amply secured, guarantied or paid to such town, and that the inhabitants thereof shall first assent to such grant, assignment, transfer or lease, by a two-thirds vote, at a meeting regularly called by the selectmen for that purpose.

Proviso as to
same.

Transfer of title
and interest of
town in road,
how made and
conditions of
same.

SECT. 12. Said town may at any time assign, lease or wholly transfer all its right, title and interest in said railroad, and in the title, property and appendages thereof, upon receipt of satisfactory indemnification, security or payment for all loans, advances or indebtedness made or incurred on account of said railroad or company; *provided* the inhabitants thereof shall first so determine at a meeting duly called for the consideration of said question.

SECT. 13. This act shall take effect when approved by the governor.

Approved February 18, 1867.

Chapter 288.

An act to further limit the jurisdiction of the municipal court of the city of Biddeford.

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

Limit of
exclusive
jurisdiction.

SECT. 1. The municipal court of the city of Biddeford shall have exclusive jurisdiction in no civil action in which the debt or damages demanded does not exceed twenty dollars, unless both parties thereto have their residence in the city of Biddeford, or unless some person residing in said city is in good faith summoned as trustee of a party defendant residing in the county of York.

Limit of
concurrent
jurisdiction.

SECT. 2. The jurisdiction of said court in civil actions, concurrent with the supreme judicial court, shall be and is hereby limited to actions in which the debt or damages does not exceed fifty dollars, and in which the defendant, or one of the defendants, if more than one, resides in either the city of Biddeford or the town of Saco.