

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

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1869.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1869.

Chapter 150.

An act to amend former acts, and additional thereto, relating to the Kennebec and Wiscasset Railroad Company.

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

Route.

SECT. 1. The Kennebec and Wiscasset Railroad Company is hereby authorized to construct its road from some point at or near tide water in the town of Wiscasset, in a northerly direction, to a point on the west side of Kennebec river, between the south line of Gardiner and the north line of Augusta, and to connect with the Portland and Kennebec Railroad, or with the Somerset and Kennebec Railroad, and may construct bridges, with suitable draws therein, as may be prescribed by the board of railroad commissioners, over any tide waters on the line of said road; *provided* said road shall be located and constructed within five years from the passage of this act.

Bridges and draws over tide waters authorized. Proviso.

Municipal subscriptions authorized and regulated.

SECT. 2. To aid in the construction and equipment of said railroad, bonds payable to the bearer thereof within twenty-five years, with coupons for interest at three per cent. semi-annually, may be issued by the following towns and cities, in amounts not exceeding the sums hereafter named, to be determined by the two-thirds vote of the qualified voters of said towns and cities, given in at meetings thereof called according to law for that purpose, to wit: Wiscasset, one hundred and eighty thousand dollars; Dresden, fifty thousand dollars; Alna, fifty thousand dollars; Whitefield, fifty thousand dollars; Pittston, ninety thousand dollars; the city of Gardiner, one hundred and fifty thousand dollars. Said bonds shall not be delivered to said railroad company until at least seventy-five thousand dollars of the stock of said company has actually been subscribed, paid in, and expended in the construction of said road; which fact shall be determined by the certificate of the treasurer of said corporation, under oath, a copy of which certificate shall be recorded by the town or city clerk of each town or city issuing bonds by authority of this act.

Bonds, when to be delivered.

All bonds to bear same date. When payable.

SECT. 3. All bonds shall bear the same date, and one-tenth part thereof issued by any city or town shall be made payable each year after fifteen years from said date; and it shall be the duty of said railroad company to pay all the bonds that may be thus issued for its benefit, with the coupons thereon, as the same shall fall due and become payable.

Mortgage of road and franchise to cities and towns issuing bonds, &c.

SECT. 4. Said railroad company shall execute and deliver to the cities and towns issuing bonds as aforesaid, a mortgage of all its property and rights of property in said road, present and prospective, including its franchise, conditional to pay all such bonds and coupons as they shall become due, and to hold said cities and towns harmless therefrom.

SECT. 5. In case said railroad company shall fail to pay said coupons as they shall fall due on said bonds at maturity, and said failure shall continue for the space of sixty days after demand shall have been made on the treasurer therefor, it shall be lawful for the municipal officers of any city or town whose bonds or coupons shall have been dishonored, to call a meeting of the municipal officers of the cities and towns named in said mortgage, by publishing a notice of the time, place and object of said meeting three weeks successively in some public newspaper printed in one of the counties of Kennebec and Lincoln; and if at such meeting, which shall be organized by the choice of a chairman and clerk, the latter to be duly sworn, it shall be made to appear that such failure to pay as aforesaid continues, the municipal officers thus assembled may proceed to choose, by ballot, a board of managers, consisting of not more than nine members, a majority of whom shall constitute a quorum, who shall organize by the choice of a secretary and president, and may choose any other officers which under the charter and by-laws of said company may be chosen by a board of directors; and said board of managers shall be authorized to take possession of said road, and all its property and rights of property therewith connected, and operate the same, and shall have all the powers, and be subject to all the duties and liabilities of a board of directors, and shall hold their offices for one year from the time of their election and until others are chosen in their stead. Said managers shall make a report of their doings and of the amount of money they have received and paid out on account of said railroad, to a meeting of the municipal officers of the cities and towns aforesaid, at least once in every year, which meeting shall be called by the president and secretary of said board of managers. When sufficient money has been received by said board over and above what is necessary to pay the expenses for operating said road, including necessary repairs and improvements, to pay all coupons and bonds then due and unpaid, it shall surrender said road, with all its property and rights of property, to said company. In the election of said board of managers, the municipal officers aforesaid shall be entitled to one vote for every hundred dollars in bonds issued by their respective cities or town, and the major part of the municipal officers of each city or town shall control the vote thereof. While in their possession, said road shall be operated in the name of the Kennebec and Wiscasset Railroad Company. If the failure to pay said coupons or bonds shall continue for the space of twenty full years after possession shall have been taken under the mortgage as aforesaid, the same shall be thereby fully foreclosed, unless prior to that time a sufficient tender of payment shall have been made by or on behalf of said company.

CHAP. 150

Proceedings in case of failure to pay coupons, &c.

Managers may be chosen.

Their authority, liabilities, &c.

Tenure of office.

Shall report their doings to municipal officers.

Possession and foreclosure.

CHAP. 151.Managers may
lease, &c.

SECT. 6. Said railroad company or said managers, when said railroad is in their possession as aforesaid, may contract with any other railroad company or other parties to operate said road, or may lease the same for a term of years; *provided, however*, any contract for operating said road, or for the lease thereof by said managers, shall terminate when the possession of the road shall be restored to said company in manner as before provided.

Bonds, by whom
signed.

SECT. 7. The bonds herein authorized to be issued shall be signed by the mayor and treasurer of cities, and by one of the selectmen and treasurer of the towns issuing them, and countersigned by the president of said railroad company, and shall contain endorsement: "Issued for the benefit of the Kennebec and Wasscasset Railroad Company by the _____ of _____."

SECT. 8. This act shall take effect when approved.

Approved February 23, 1869.

Chapter 151.

An act to incorporate the Bradley and Oldtown Bridge Company.

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

Corporators.

SECT. 1. Samuel F. Harrison, W. J. Parlin, Samuel Bullen, G. F. Barton, J. B. McIntosh, A. C. Bean, C. H. Miller, with their associates and successors, are hereby constituted a body corporate by the name of the Bradley and Oldtown Bridge Company, for the purpose of erecting and keeping in repair a bridge over the Penobscot river from Great Works in Bradley to West Great Works in Oldtown, and said corporation shall have power to purchase and hold such personal and real estate as may be necessary to carry said object into effect, to prosecute and defend suits at law, to have and use a common seal, to make by-laws for the management of their concerns not repugnant to the laws of the state, and to have and enjoy all the powers and privileges incident to or usually granted to similar corporations.

Corporate name.

Purpose.

Power.

Location.

Construction,
materials, height,
passageways, &c.

SECT. 2. Said bridge shall be erected across the Penobscot river at or near Bradley village in the county of Penobscot, shall be constructed of good materials of a suitable height from the water, and not less than twenty feet wide, and railings for safety of passengers, and sufficient passage ways shall be left for the passage of rafts and logs and timber.

Toll granted.

Rates of toll.

SECT. 3. A toll is hereby granted and established for the benefit of said corporation, according to the rates following, to wit: for every foot passenger, one cent; for each horse and rider, six cents; for each sleigh, sled, cart or wagon drawn by one beast,