

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 203.

CHAP. 203.

An act to authorize the town of Norway to loan its credit to the Norway Manufacturing Company.

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

SECT. 1. The town of Norway is authorized to loan its credit to the Norway Manufacturing Company, in aid of the purchase and the improvement of its water power, and of the erection of such buildings as may be necessary for manufacturing purposes, in amount not exceeding fifty thousand dollars, subject to the following terms and conditions.

May loan its credit.

Purpose.

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 selectmen for the time being of said town, that the sum of twenty thousand dollars has been subscribed and paid in cash, or its equivalent, in such real estate, or buildings, as may be necessary for the operations of said company for manufacturing purposes, and for the improvement of the water power of said company, or for the purchase of such real or other property, as may be necessary, 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 such improvements as may be necessary to carry on the operations of said company, 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 twenty years from the date thereof, not to exceed the amount aforesaid with coupons for interest attached, payable semi-annually, all, both principal and interest, payable at the Norway Savings Bank, in said Norway, and the Canal National Bank in Portland. The same to be signed by the town treasurer and countersigned by the first selectman of said town.

Subscriptions.

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

By whom signed.

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 treasurer the bond of said company in the penal sum of seventy-five thousand dollars, payable to said town conditioned to save it 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 the like coupons 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, at public auction, in

Directors to execute and deliver bond to treasurer in penal sum of \$75,000.

Condition.

Scrip of company to be delivered town.

Purpose.

Sale of scrip in case of default.

CHAP. 203. the city of Portland, and in said Norway, 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.

Mortgage of water power and other property, by whom signed, &c.

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 town, and the delivery of their bond to said town to secure the payment of the same, to execute and deliver to said town a mortgage of the water power, 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 said 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 and legal form, and shall contain apt and sufficient terms to secure to said town 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 Oxford, shall to all intents and purposes be, and the same is hereby declared to be a full and complete transfer 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.

Foreclosure of mortgage.

SECT. 5. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the selectmen of said town 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 Paris, 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 Oxford, 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 water power and to all the property and franchise aforesaid, absolute in said town.

Town may take possession of property in case of failure to comply with condition of bond.

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 town may take actual possession in the manner hereinafter provided, of the whole of said water power, 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

Income, how applied.

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 town thereby takes actual possession of the whole of said water power, 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 town, and shall enable the town to hold the same against any other claims thereon until such purposes have been fully accomplished.

Possession, how taken.

SECT. 7. All moneys received by or for said manufacturing 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 town, in manner and for the purposes herein provided, and shall, after the notice given to the persons receiving the same respectively, be by them paid to the town 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 town 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 by him be paid to the town treasurer, after deducting the amount expended in operating said manufacturing company; 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 money received as foresaid, 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 treasurer, whose duty it shall be to sue for the same, to be by him held and applied as herein required.

Moneys received after notice of intention of town to take possession to be held by the town, how applied.

Payment of money without notice.

Treasurer of company to pay over to town treasurer certain moneys.

SECT. 8. For the purpose of effecting the object prescribed in the two preceding sections, the selectmen may cause a suit in equity to be instituted in the name of the town, in the supreme judicial court in the county of Oxford, 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

Actions in the name of the town may be instituted.

Writs of injunction, &c.

CHAP. 204.

be within the power, and according to the course of proceedings of courts of equity, as the necessities of the case may require.

Directors and other officers, neglect to choose.

Selectmen may appoint.

SECT. 9. If said manufacturing 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 five persons, or any other necessary officers, and the persons so appointed shall have all the authority and power 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.

Liabilities of town, lien, &c.

SECT. 10. As an additional or accumulative protection for said town, all liabilities which by said town may be assumed or incurred under or by virtue of any 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 water power, its franchise, and of all its appendages, and all real and personal property of said manufacturing company, which lien shall have the preference and be prior to all other liens and incumbrances whatever, and shall be enforced, and the rights and interest of said town 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.

Acceptance of act.

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 town, voting in meeting duly called according to law, within three years after the approval of this act by the governor; and at least two-thirds of the votes cast at such meeting shall be necessary for the acceptance of this act. The town 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 the act shall take effect and be in full force thereafter on said town.

Record of proceedings by clerk.

Approved March 3, 1869.

Chapter 204.

An act to enable Charles A. Nealley to build his wharf into tide waters of Penobscot river, in Brewer.

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

Building of wharf into tide waters, authorized.

SECT. 1. Charles A. Nealley and his heirs and assigns, are hereby authorized to build and maintain a wharf in Brewer, upon the margin of Penobscot river, upon his land lying between the