

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115-

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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AUGUSTA:  
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1870.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1870.

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CHAP. 477. of the streams, ponds or rivers, in the town of Turner, he shall forfeit two dollars for each trout or pickerel so taken and destroyed, to be recovered by complaint or by action of debt, before any trial justice having jurisdiction, one-half to the use of the town, and half to the use of the complainant.

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

Approved March 17, 1870.

### Chapter 477.

An act to authorize G. W. Berry to extend a wharf and place a buoy into the tide waters of Owl's Head bay, in the city of Rockland.

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

Authorized to  
build wharf and  
place buoy in  
tide water.

SECT. 1. G. W. Berry of Rockland, in the county of Knox, his heirs, associates and assigns, are hereby authorized and empowered to build, extend and maintain in front of his land and privilege near Commercial wharf, in the said city of Rockland, a wharf composed of wood or granite, and extending in a southerly direction into the tide waters of Owl's Head bay, three hundred feet, and to place a dolphin or spar buoy in a southerly direction from same about five hundred feet.

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

Approved March 17, 1870.

### Chapter 478.

An act additional to and to amend the acts incorporating the Knox and Lincoln Railroad Company.

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

Extension of road  
authorized.

Route.

SECT. 1. The Knox and Lincoln Railroad Company is hereby authorized to extend its road from the point where it strikes the eastern side of the Kennebec river, across said river to a point on the western side of said river, at or near the terminus of the Portland and Kennebec Railroad, by a ferry between the points aforesaid, to construct, maintain and extend into the tide waters of said river all necessary and convenient wharves, piers and slips for the use and accommodation of said ferry and the boats and business connected therewith, both on the east and west sides of said river, and to purchase, build, maintain and keep in repair all necessary

Wharves, piers  
and slips.

and proper boats and machinery to perform the business of said company and to run the same at all hours of day and night. And for the purpose aforesaid said company shall have the right to purchase or take and hold, as for railroad purposes, so much of the land and other real estate of private persons or corporations, except the property of the Sagadahoc Ferry Company, as may be necessary and convenient for the location, construction and operation of said ferry; *provided however*, that said wharves, piers and slips shall be so constructed as not unnecessarily to impede or obstruct the navigation of said river.

CHAP. 478.

Boats and machinery.

May take land and other real estate.

Proviso.

SECT. 2. Said Knox and Lincoln Railroad Company is hereby authorized to build and maintain on the east side of said river, at and near the place where said road strikes said river, a wharf extending along said river a distance not exceeding six hundred feet and extending into said river a distance not exceeding two hundred and fifty feet beyond low water mark; and to build and maintain at and near the western terminus of said ferry, all such wharves, extending into tide waters, as may be prescribed or permitted by the municipal authorities of the city of Bath.

Wharves.

SECT. 3. To aid in the construction and equipment of said Knox and Lincoln Railroad, and the ferry, piers, slips, wharves and boats aforesaid, said company is hereby authorized to issue its bonds to an amount not exceeding four hundred thousand dollars, in such amounts and payable at such times as said company may determine, with coupons for interest, at a rate not exceeding four per cent. semi-annually, and to sell and dispose of said bonds to the best possible advantage, or to pledge the same as collateral security for money borrowed; and to mortgage all the property and rights of property of said company, present and prospective, including its franchise, conditioned to pay such bonds and coupons as they shall become due, or convey all said property, rights of property and franchise by deed of trust to secure the payment of said bonds and coupons as they shall become due; *provided however*, said mortgage or deed of trust shall be made subject to a mortgage heretofore made by said company to the several cities and towns which have loaned their credit and issued their bonds in aid of the construction and equipment of said road.

Bonds, coupons, and rate of interest, &amp;c.

Mortgage of property of corporation.

Proviso

SECT. 4. In case said company shall fail to pay said second mortgage coupons as they become due or said second mortgage bonds at the maturity thereof, and said failure shall continue for the space of sixty days after demand shall have been made on the treasurer of said company therefor, or if there shall be no treasurer, upon any director of said company, any three of the holders of said bonds shall be authorized to call a meeting of the holders of said bonds by publishing a notice of the time, place and object of said meeting three weeks successively in some public newspaper

Failure to pay mortgage coupons, proceedings in case of.

CHAP. 478. printed in one of the counties of Knox, Lincoln or Sagadahoc; 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 holders of such bonds 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, who shall be duly sworn, and a 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 a written notice signed by the president and secretary of said managers, served upon the president, treasurer or any director of said company, stating that said managers take actual possession of the whole of said railroad, and of all the property and rights of property, real and personal, of the company, and of the franchise thereof, for the purpose of foreclosing said second mortgage or deed of trust, shall terminate all right of said company to the possession or control of any of said property or franchise and shall be a legal transfer of all the same for the purpose aforesaid to said managers; and said managers shall be entitled to the actual possession of said road and all the property and rights of property and franchise of the said company, and to all needful or proper processes in law and equity to have, recover and retain such possession, and shall operate said road and shall have all the powers and be subject to all the liabilities of a board of directors, and shall hold their offices for one year from the time of their election and until others shall be chosen in their stead, except as hereinafter provided. In the election of said managers, said second mortgage bondholders shall be entitled to one vote for every one hundred dollars of such bonds held by them respectively; while in their possession said road shall be operated in the name of the managers of the Knox and Lincoln Railroad Company. Said managers shall apply the net earnings of said road, first to the payment of the coupons of the bonds issued by said cities and towns as aforesaid, and of the principal thereof as it shall become due and payable, and the balance of such net earnings if any there shall be, to the payment of the coupons of said second mortgage bonds and of the principal thereof as the same shall become due and payable. Said managers shall make a report of their doings and of the amount of money they have received and expended on account of said railroad, to a meeting of the second mortgage bondholders, at least once in every year, which meeting shall be called by the president and secretary of said board of managers. If at any time within three years from the time of the service of the written notice aforesaid upon the president, treasurer or director of said company, sufficient money shall be received by said board over and above

Foreclosure of mortgage.

Managers to operate the road in their own name.

Earnings, how applied.

Report of doings of managers to be made once a year.

what is necessary to pay the expenses of operating said road, including necessary repairs and improvements, and to pay all the coupons and bonds of the several cities and towns aforesaid that shall have become due and payable, and also all second mortgage coupons and bonds that shall have become due and payable, said managers shall surrender said road and all its property and rights of property to said company. If the failure to pay or tender payment of the second mortgage coupons or matured bonds shall continue for the space of three years from the time of the service of the written notice aforesaid, as aforesaid, then the second mortgage shall thereby be fully foreclosed and the title to the road, franchise, property and rights of property shall become absolute in the second mortgage bondholders, to be held by them, their heirs, successors and assigns forever, in the proportions in which said bonds are held by said holders; *provided however*, that all said proceedings and said foreclosure and title shall be subject to the prior right and claim of the said several cities and towns that have issued bonds as aforesaid for this loan in aid of said road.

SECT. 5. Said managers, after said written notice has been served as aforesaid, may contract with any 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 a lease thereof by said managers shall terminate when possession of the road shall be restored to said company, in the manner before provided.

SECT. 6. The bonds herein authorized to be issued shall be signed by the president and treasurer of said company. If the bonds shall be secured by a deed of trust, the trustees shall be appointed by the directors of said company, and any vacancies in the board of trustees shall be filled by said directors until the service of the written notice as aforesaid, and after that time vacancies in the board of trustees shall be filled by said managers until said road shall be restored to said company in the manner aforesaid.

SECT. 7. This act shall take effect when approved.

Approved March 17, 1870.

CHAP. 478.

Payment of liabilities and surrender of road.

Foreclosure of second mortgage, time of payment limited to three years.

Proviso.

Managers may contract to operate said road.

Bonds to be signed by president and treasurer.