

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1872.

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1872.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1872.

Chapter 180.**CHAP. 180.**

An act to authorize the city of Portland to aid the construction and western extensions of the Portland and Rochester Railroad.

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

SECT. 1. The city of Portland is hereby authorized to loan its credit to the Portland and Rochester Railroad Company in aid of the construction, equipment, and western extensions of their railroad, subject to the following terms and conditions :

City of Portland authorized to aid in construction of Port. & Rochester Railroad.

SECT. 2. This act shall not take effect unless it shall be accepted by the directors of said railroad company, and by the vote of the inhabitants of said city, voting in ward meetings duly called according to law ; and at least two-thirds of the votes cast at such ward meetings shall be necessary for the acceptance of the act. The returns of such ward meetings shall be made to the aldermen of the city, and by them counted and declared, and the city clerk shall make record thereof.

Act not to take effect except by two-thirds vote of city.

Returns of votes, how made.

SECT. 3. Upon the acceptance of this act as aforesaid, the city treasurer is authorized to make and issue from time to time, for the purposes contemplated in this act, the scrip of said city, in convenient and suitable sums, to the amount of four hundred and fifty thousand dollars, payable to the holder thereof on a term of time not less than twenty nor more than thirty years, with coupons for interest at six per cent. attached, semi-annually or yearly as may be agreed, and to be applied to the construction, equipment, and western extensions of their road exclusively.

Treasurer authorized to issue scrip of city.

Amount of.

Scrip, when payable.

Interest, rate of.

SECT. 4. Upon the delivery of each and every portion of the scrip aforesaid, the directors shall execute and deliver to the city treasurer the bond of the company, in an equal amount, payable to the city, conditioned that the company will duly pay the interest on said scrip, and will provide for the reimbursement of the principal thereof and hold the city harmless on account of the issue of the same, according to the provisions of this act.

Bond of company and conditions of.

SECT. 5. The directors shall also transfer to the city upon the delivery of any portion of the scrip aforesaid, an equal amount of the mortgage bonds of the company, dated September first, eighteen hundred and seventy-one, and secured by a mortgage deed of trust of the franchise and property of said road, bearing date November third, eighteen hundred and seventy-one, heretofore executed by the company and delivered to trustees for the benefit of the holder of said bonds.

Directors to transfer mortgage bonds of road to city.

SECT. 6. The directors shall also transfer to the city upon the delivery of any portion of the scrip as aforesaid, an equal amount in the shares of the company, to be held as collateral security for the bond of the company required to be given in such case. And

Directors to transfer to city shares of road equal in amount to scrip issued.

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Shares as collateral credited on stock books as paid up.

No assessments or dividends paid on collateral shares.

Sinking fund and commissioners.

Commissioners, how appointed.

Shall be sworn.

Bond of.

Compensation.

One per cent. of scrip to be paid into sinking fund.

One per cent. of scrip to be paid annually to city treasurer from income of road for five years.

After five years, one and half per cent. to be paid into city treasury.

Payments to be credited to sinking fund.

Moneys, &c., of sinking fund, to be in care of commissioners.

the shares so held as collateral shall be credited on the stock books of the company as fully paid up, and no assessments shall ever be required on the same, nor shall any dividends be paid thereon nor any right of acting or voting at the meetings of the company be claimed or exercised by reason of said shares, so long as the same shall be held as collateral as aforesaid.

SECT. 7. For the purpose of providing for the reimbursement of the principal of the scrip authorized to be issued by this act, there shall be established a sinking fund and commissioners shall be appointed to manage the same. One of said commissioners shall be appointed by the mayor and aldermen of the city and one by the directors of the company, and in case of a vacancy in the place of either the same shall be supplied by the mayor and aldermen or by the directors respectively. Both of said commissioners shall be appointed and qualified before the delivery to the directors of any of the scrip. The commissioners shall severally be sworn to the faithful discharge of the duties enjoined upon them by this act in presence of the city clerk, who shall make a certificate and record thereof as in the case of the qualification of city officers. Each of the commissioners shall give a bond to the city with satisfactory sureties in the penal sum of ten thousand dollars, conditioned for the faithful discharge of his duty as commissioner. They shall receive such compensation as shall be established by the directors which shall be paid to them by the company.

SECT. 8. Whenever the directors shall receive any portion of the scrip authorized as aforesaid to be delivered to them, they shall pay to the city treasurer one per cent. of the amount of the scrip so delivered, which amount shall be placed by the city treasurer to the credit of the commissioners of the sinking fund, and shall constitute a part of said fund. The directors shall also annually in the month of June, after all of said scrip has been delivered to them, pay to the city treasurer from the income of the road one per cent. of the whole amount of said scrip then outstanding, and shall continue to make these annual payments of one per cent. for five years, but after the expiration of five years the said annual payment from the income of said road shall be increased to one and a half per cent. of the amount of the scrip then outstanding, and these said annual payments of one per cent. for five years and of one and a half per cent. annually thereafter, shall be successively placed to the credit of the commissioners of the sinking fund, and shall constitute a part of said fund.

SECT. 9. The commissioners shall have the care and management of all the moneys and securities at any time belonging to said fund; but the moneys uninvested and the securities shall be in the custody of the city treasurer, who shall be by virtue of his

office treasurer of the sinking fund, and shall be responsible on his official bond to the city for the safe keeping of the moneys and securities of said fund. He shall pay out and deliver any of said moneys or securities only upon the warrant of the commissioners.

SECT. 10. The commissioners shall from time to time at their discretion, invest the moneys on hand securely, so that they shall be productive, and the same may be loaned on mortgage of real estate or to any county or upon the pledge of the securities of any county in this state, or invested in the bonds of the state or of any county in the state, or of the city of Portland or of the United States. Any portion of said fund may be invested in the city scrip authorized by this act, and such scrip shall not be thereby extinguished but shall be held by the commissioners like their other investments for the purposes of the fund. And the commissioners may from time to time sell and transfer any of said securities.

SECT. 11. The sinking fund and all the sums which shall be added thereto by accumulation upon the investments thereof shall be reserved and kept inviolate for the redemption and reimbursement of the principal of said scrip at the maturity thereof, and shall be applied thereto by the commissioners.

SECT. 12. Any of the shares in the stock of the railroad company held by the city as collateral may be sold and transferred by direction of the commissioners of the sinking fund, with the consent of the directors of the railroad company, whenever an exchange thereof can be advantageously made for any of the city scrip authorized by this act, or whenever said scrip can be advantageously purchased with the proceeds of any such sale of such collateral shares. And the scrip so purchased or taken in exchange shall be thereupon cancelled and extinguished, and the amount thereof shall be endorsed on the respective bonds of the railroad company, given on the issue and delivery of such scrip.

SECT. 13. The commissioners shall keep a true record of all their proceedings and of all the moneys paid into said fund, and of the investments made of the same, and shall annually in the month of September report to the mayor and aldermen and to the directors of the railroad company their proceedings for the year, the amount and condition of the fund, and the income of the several parts thereof. And their records and the accounts of the fund, and the securities belonging thereto, shall at all times be open to the inspection of such committee as may be appointed for that purpose by the mayor and aldermen or by the directors of the company.

SECT. 14. To secure the faithful discharge of the several trusts confided to the said commissioners under this act, the supreme judicial court is hereby empowered upon the complaint of the

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Moneys, &c., uninvested, to be in custody of city treasurer.

Moneys, &c., how paid out by treasurer.

Moneys may be invested.

May be invested in city scrip.

Securities, &c., may be sold or transferred.

Sinking fund to be kept for redemption of principal of scrip.

Stock held by city may be sold.

Scrip purchased to be cancelled.

Commissioners to keep a true record of proceedings, &c.

Records, &c., open to inspection of committee.

Commissioners may be removed in case of failure to perform their trusts.

CHAP. 180. mayor and aldermen, or of the directors of the railroad company, against the said commissioners or either of them concerning any of said trusts and duties, by summary process according to the course of proceedings in equity, to hear and adjudge upon the matter of such complaint, and to issue thereon any suitable writ or process and make any proper decree to compel the discharge and performance of such trusts and duties, and to remove the said commissioners or either of them; and in case of such removal the vacancy shall be immediately supplied as provided in the seventh section of this act.

Vacancies, how filled.

City treasurer authorized to issue scrip after acceptance of this act.

SECT. 15. The city treasurer is hereby authorized to issue and deliver to the directors of the railroad company the scrip of said city to the amount of one hundred thousand dollars immediately after the acceptance of this act by the city, and to issue and deliver the balance of the scrip authorized by this act, in such sums and at such times thereafter as the directors shall certify to be needed to complete the construction, equipment and western extensions of the road.

Act, when to take effect in part.

SECT. 16. This act shall take effect and be in force from and after its approval by the governor so far as to empower the directors of the railroad company and the inhabitants of the city to act upon the question of accepting the same, as provided in the second section of this act. And the several ward meetings of the inhabitants for that purpose shall be called and holden within one year after such approval. And if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of this act shall take effect and be in full force.

When to take effect in whole.

Certain mortgage deed and bonds of company, made valid.

SECT. 17. The deed of mortgage and of trust, bearing date November third, eighteen hundred and seventy-one, made and executed by said Portland and Rochester Railroad Company to H. J. Libby and Frederick Fox of Portland, and John A. Waterman of Gorham, as trustees, and the bonds of the said company according to their terms which said mortgage deed is designed to secure, are hereby made valid and obligatory upon said company; and all the acts and doings of the annual meeting of the Portland and Rochester Railroad Company, held October, eighteen hundred seventy-one, be and are hereby made valid.

Approved February 29, 1872.