

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE.

1875.

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1875.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1875.

CHAP. 58.

assume all the liabilities thereof, and all collectors of taxes for Medway plantation are empowered to collect all unpaid taxes, and required to pay the same into the treasury of said town, as a part of the resources of said town.

Approved February 8, 1875.

Chapter 58.

An act to incorporate the Maine State Pure Blood Jersey Stock Association.

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

Corporators.

SECT. 1. N. R. Pike, G. B. Bradford, Elliott Wood, C. N. Maxwell, A. C. Carr, S. L. Webb, E. W. Kelley, F. I. Bishop, B. P. Briggs, Amos Wheeler, Squire Bishop, S. N. Kent, F. Buck, George Blodgett, J. H. Hill, M. Norris, E. Gage, H. Otis, J. M. Metcalf, P. H. Snell, S. Greeley, L. H. Snell, S. Guild, F. M. Woodward, J. L. Metcalf, L. Jones, J. R. Nelson, G. A. Pike, C. S. Robbins, S. T. Floyd, C. A. Wing, A. R. Lincoln, T. Robinson, O. W. Gardner, Benjamin Lincoln, John T. Vose, J. F. Hallett, Samuel Kimball, Moses H. Alexander, A. C. Taylor, George Allen, with their associates and successors, be and hereby are

Corporate name.

made a body corporate and politic by the name of the Maine State Pure Blood Jersey Stock Association, having its place of business at Winthrop, in the county of Kennebec, with all the powers and privileges and subject to all the duties and liabilities provided by the laws of this state concerning corporations, so far as consistent therewith.

Powers, privileges and liabilities.

Approved February 8, 1875.

Chapter 59.

An act to authorize the city of Bangor to aid the construction of a railroad into Aroostook county.

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

Bangor authorized to loan credit to N. Aroostook R. R. Co.

SECT. 1. The city of Bangor is hereby authorized to loan its credit to the Northern Aroostook Railroad Company, in aid of the construction of its railroad into Aroostook county, from a point on the line of the railroad of the consolidated European and North American Railway Company, in the town of Mattawamkeag, by the way of the valley of east branch or its tributaries, or Salmon

stream and Island Falls, to or near to the village of Presque Isle, in the town of Presque Isle, by the way of the town of Houlton, either by constructing and finishing the main line through Houlton, or a branch from the main line into said Houlton, by such route as may be found by its directors most convenient and feasible, to an amount not exceeding fifteen thousand dollars per mile, upon its compliance with the terms and conditions following.

Amount of loan.

SECT. 2. If this act shall be accepted as hereinafter provided, and said company shall before the first day of January, eighteen hundred and seventy-eight, locate its line, and shall before the first day of January, eighteen hundred and eighty, complete its railroad, or any section of five miles, as hereinafter provided, with a gauge of not less than four feet, eight and one-half inches, and duly fenced as the law requires, between said Mattawamkeag and said Presque Isle, to the approval of the mayor and aldermen of said city of Bangor, as a first-class railroad, and shall have performed the other conditions hereinafter named, then said company shall be entitled to receive the full amount of fifteen thousand dollars per mile, and at that rate for such part of said line of said railroad as shall from time to time be so completed as hereinafter provided.

Act, acceptance of.

Conditions of loan.

Amount of loan per mile.

SECT. 3. When said company shall complete five miles of said railroad from its terminus in Mattawamkeag towards said Presque Isle, then it shall be entitled to receive from said city of Bangor its scrip, as hereinafter provided, to the amount of fifteen thousand dollars per mile for each and every mile so completed, and the like sum per mile for every five additional miles and fractional parts thereof so constructed and completed, and so on until the whole of said line of railroad is constructed and completed as a first-class railroad, to the satisfaction of the mayor and aldermen of said city of Bangor, for the time being, all payments to be made by the scrip of said city, which shall be signed by the city treasurer and countersigned by the mayor of said city, and shall bear date of the first issue and delivery thereof, and payable in Boston to the holder thereof, and be of such denominations of not less than one hundred dollars nor more than five thousand dollars, as the directors of said company may determine, with coupons for interest attached, at the rate of seven per cent. per annum, payable semi-annually, on the first day of April and October, in each year, free from any government internal revenue tax, principal and interest payable in the lawful currency of the United States, and the principal payable in thirty years from the day of the date of the first issue of said scrip.

Company, when entitled to scrip.

Loan, payment of, to be made in scrip.

Scrip, how issued and payable.

SECT. 4. The line of said railroad shall be divided into two divisions. The first division shall be from its starting point in Mattawamkeag, to a point in or near Presque Isle, and the second division shall be from said point in or near Presque Isle, to the St.

Line of road to be divided into divisions.

CHAP. 59.

First division scrip, when to be issued.

Bond of company to be given.

—conditions of.

Second division scrip, when to be issued.

Bond of company to be given.

—conditions of.

Scrip of company to be issued.

—to be held as collateral security

—may be sold for non-fulfilment of conditions of bond.

John river. Before the issue of any of said scrip by said city of Bangor, the first division of said line of said railroad shall be surveyed and located, and the length thereof determined, and concurrent with the issue and delivery of the first amount of said scrip, the president and directors of said company in their official capacity shall execute and deliver, or cause to be executed and delivered to the treasurer of said city, for said city, the bond of said company, the penal sum thereof to be double the amount of the scrip which said city is hereby authorized to issue to aid in the construction of said first division of said line of railroad. Said bond shall be made payable to the city of Bangor, and be conditioned that said company will duly pay the interest on all the scrip which shall be at the time of the execution of said bond, or which shall at any time thereafter be issued by said city of Bangor in aid of the first division of said line of railroad and delivered to said company, free of said tax, and the principal thereof according to the tenor of said scrip and coupons, and in all respects will hold and save harmless said city on account of the issue of the same. Before the issue by said city of Bangor of any scrip in aid of the construction of the second division of said line of railroad, said line of railroad of said second division shall be surveyed and located, and the length thereof determined, and concurrent with the issue and delivery of the first amount of said scrip in aid of the construction of said division of said railroad, the president and directors of said company, in their official capacity, shall execute or cause to be executed, the bond of said company, the penal sum thereof to be double the amount of the scrip which said city is hereby authorized to issue to aid in the construction of said division of said line of railroad, and in other respects said bond shall contain like provisions and clauses, and be similar to the bond to be executed upon the issue of scrip by said city in aid of the construction of said first division of said line of railroad. The president and directors of said company shall also in case of the issuing of the scrip of said city as hereinbefore provided, and simultaneously therewith, make, execute and deliver, or cause to be made, executed and delivered to the said city treasurer, the scrip of said company, payable to the holder thereof, at the same place and time, and for the same denominations and amounts as the scrip then issued by said city treasurer to said company, with like coupons for interest attached, which said scrip shall be held by said city as collateral security for the fulfilment of the conditions of said bond, and in default of any of said conditions, said city may from time to time sell said scrip, or any portion thereof, by public auction or auctions, in the cities of Bangor and Boston, 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.

SECT. 5. The president and directors of said company are hereby authorized, and it shall be their duty in their official capacity, upon the receipt of the first issue of scrip by said city, and upon the delivery of the bond first above named, in order to secure the payment of such city scrip as shall be issued and delivered to said company at that time, or at any time thereafter, in aid of the construction of the first division of said line of railroad, to execute and deliver, or cause to be executed and delivered to said city treasurer for said city, a mortgage of its railroad aforesaid, as the same is located, from its terminus in Mattawamkeag to a point in or near Presque Isle, and as the same then is or may thereafter be built, constructed and finished under and according to the provisions of its charter and acts passed in amendment thereof, and all the property of said company, real and personal, which said company then has, or may thereafter acquire, together with all the rights, franchises and privileges of said company, without prior incumbrance, which mortgage shall contain apt and sufficient words and terms to secure the fulfilment of the conditions of said bond, and be in due and legal form, and executed by such officer of said company as said directors may direct by their vote ; and upon the delivery and receipt of the first issue of scrip by said city in aid of the construction of the second division of said line of railroad, and upon the delivery of the bond second above named, it shall also be the duty of said directors in their official capacity, in order to secure the payment of such city scrip as shall be issued and delivered to said company at that time, or at any time thereafter, in aid of the construction of the second division of said line of railroad, to execute and deliver to said city treasurer for said city, a mortgage of its railroad aforesaid as the same is located from its terminus in Mattawamkeag, to the Saint John river, and as the same then is or thereafter may be built, constructed and finished, from its terminus in Mattawamkeag to the Saint John river, under and according to the provisions of its charter and acts passed in amendment thereof, and all the property of said company, real and personal, which said company then has or may thereafter acquire, together with all the rights, franchises and privileges of said company, without prior incumbrance, except the mortgage hereinbefore provided to be made by said company to said city, which mortgage shall contain like provisions and words, and be executed in like manner as the mortgage first above made ; and said mortgages so executed and recorded in the registry of deeds in the county of Penobscot shall

Mortgage to secure payment of scrip, first division.

Second division.

—conditions of.

CHAP. 59.

to all intents and purposes be and the same is hereby declared to be a full and complete transfer of said railroad, and of all the property of said company, real or personal, then owned by said company, or subsequently to be acquired by it, wherever the same may be found or situated, and also all the rights, franchises and privileges acquired or held by said company, by its charter and acts in amendment thereof, subject only to the conditions contained in said mortgages.

Mortgage, foreclosure of.

SECT. 6. For the purpose of foreclosing either of said mortgages for condition broken, it shall be sufficient for the mayor and aldermen of said city 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 Bangor, and a record thereof made within thirty days after the date of the last publication, in the registry of deeds for the county of Penobscot, which publication and record shall be sufficient for the purpose of foreclosure, upon the expiration of three years from and after the first publication as aforesaid, if the conditions shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title to said railroad and to all said property, real and personal, and said rights, franchise and privileges absolute in said city.

City of Bangor may take possession of road.

SECT. 7. If the directors of said company shall at any time neglect or omit to pay the interest and said tax which may become and as it 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 becomes due, or to comply with any of the conditions of said bond, the city of Bangor may take possession in the manner hereinafter provided, of the whole of said railroad, and of all the property, real and personal, of said company, and of the rights, franchises and privileges thereof, and may hold the same, and apply the income thereof to make up and supply such deficiencies that may occur while the same are so held, until all deficiencies shall be fully made up and discharged. A written notice, signed by the mayor and a majority of the aldermen, and served upon the president or treasurer, or any director of said company, or if there are none such, upon any stockholder of said company, stating that the city thereby takes actual possession of the whole line of railroad, and of the property and franchise of the company, shall be sufficient actual possession thereof, and shall be a legal transfer of the same, for the purposes aforesaid, to the city, and shall enable the city to hold the same against any other claims thereon, until such purposes have been fully accomplished.

Notice of possession, how given.

Moneys received, how appropriated

SECT. 8. All moneys received by and for the said railroad company after notice 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 said city, 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 city treasurer, which payment shall be an effectual discharge from all claims of said company therefor; but if any person without notice shall make payment of moneys so received to the treasurer of said company, such payment shall be a discharge of all claims of the city therefor against such person. All moneys received by the treasurer of said company after such notice, or in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended or actually due for the running expenses of the road, for the services of the officers and employes of the company, and for repairs necessary for conducting the ordinary operations of the road, such payments to the city treasurer shall be made at the end of every calendar month, and shall be by him applied to the payment of the interest and such tax 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 therefor, and the same may be recovered in an action for money had and received in the name of the city treasurer, whose duty it shall be to sue for the same, to be by him held and applied as herein-before required.

Payments, when made, and how applied.

Moneys misapplied, liability of parties for.

SECT. 9. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city of Bangor, in the supreme judicial court, in the county of Penobscot, against said company, directors or any other persons, 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, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such suits, 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.

—remedy in case of.

SECT. 10. If said company shall at any time neglect or omit to pay the interest which may become due, and as it shall become due, upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal thereof as it shall become due, or said government tax, or to comply with any of the provisions of said bond, then said city of Bangor may take actual possession of said road with all its appurtenances, and manage the same as fully as a board of directors of said company for the time being, may appoint the requisite officers and agents and discharge

City of Bangor may take possession of road in certain cases.

CHAP. 59.

City of Bangor
may fix rates of
fare, &c.

—may apply
earnings of road.

—may relinquish
control of road.

Proviso.

Lien not dis-
charged by
release of road.

Directors shall be
appointed in case
of neglect of road.

Lien created.

the same, may fix the rate of fare and tolls, subject to the restrictions of the charter of said company, and may demand and receive the same, with the right to prosecute and defend suits in the name of said company, and may do all things which said company itself or the directors thereof might or could lawfully do; and after paying the running expenses, said city may apply sufficient of the earnings of said road to keep it and its buildings and equipments in repair, and to prevent any deterioration thereof, and to provide for such new rolling stock as may be necessary, and then to apply the residue of said earnings to the payment of said interest, coupons, scrip or bonds as aforesaid, and government tax, and whenever said interest and all dishonored coupons, scrip or bonds, secured by said mortgage referred to in this act, shall have been paid, together with interest at the rate of seven per cent. per annum upon all payments made by said city on account of dishonored coupons, and all other advances made by said city to or for said company, said city shall relinquish the control of said road and deliver any property of said company in its possession to said company or its assigns; *provided however*, said city, its officers or agents, while operating said road under the provisions of this section, shall not be liable except for malefeasance or fraud, and shall have the right to apply any funds received from the earnings of said road to pay any damages that may arise in the management thereof, for which said city shall be liable in law to third parties; and the delivery back to said company of any property of said company, in its possession, shall be no discharge of its lien thereon, nor prevent said city from again taking possession of said road and property on any future breach of the condition of said bonds, or any failure to hold and save harmless said city from all damages claimed by third persons.

SECT. 11. If said company shall after due notice of possession, as aforesaid, neglect to choose directors thereof, or other necessary officers, or none such shall be found, the mayor and aldermen of the city 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 under the provisions of the acts establishing said company, and they shall upon their acceptance of such offices be subject to all the duties and liabilities thereof.

SECT. 12. As an additional or cumulative protection for said city, all liabilities which by said city may be assumed or incurred under and by virtue of any of the provisions of this act, shall, at the time, and by the force thereof, and for the security and payment of the same, create in favor of said city a lien on the whole of said road, its rights, franchises and privileges and all its appen-

dages, and all real and personal property of said company owned and held by it at the date of the first mortgage herein-before authorized to be given, and all the property, real and personal, which said company shall thereafter acquire ; said lien shall continue till all the city scrip herein-before authorized to be issued, shall be paid and cancelled, and all other liabilities and indebtedness not secured by said mortgages, which lien shall have preference and be paid prior to all other liens and incumbrances whatever, on all of said road as located and constructed, and on said rights, franchise and privileges, and on all property, real and personal, of said company ; and said lien shall be enforced, and all the rights and interests of said city shall be protected when necessary, by suitable and proper judgments, injunctions or decrees of the supreme judicial court, in a suit or suits in equity, which power is hereby specially conferred on said court, and it is hereby provided that the said lien, provided in this section, shall not be deemed waived or ineffectual by the acceptance on the part of said city of any mortgage or other securities contemplated by the provisions of this act, or otherwise.

Lien to continue till obligations are discharged.

—when enforced.

SECT. 13. The city may appoint, under this act, two directors of said company, who shall be annually chosen by the city council in joint ballot, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from said company as any other directors ; but the right to choose such director shall cease when the loan contemplated shall be extinguished. The directors so chosen need not be stockholders in the company. Removal from the city of Bangor of a city director shall create a vacancy, and a city director may be removed by concurrent vote of the two boards of city council ; all vacancies in the office of city director may be filled as provided for the choice of same.

Directors to be chosen by city.

—vacancies in office.

SECT. 14. This act shall not take effect or be of any force until the city council of said city, by a concurrent vote, by at least two-thirds of the members of each branch of the city council, present and voting, shall submit the same to a vote of the legal voters of the city, in ward meetings, and the legal voters of the city, in legal ward meetings, shall, by a vote of two-thirds of all the votes thrown in the city at such meeting, adopt the same ; but if within one year from the approval of this act, said city shall accept said act by such concurrent vote of such city council and of said legal voters, as aforesaid, then said act shall be in force thereafter, and be binding upon said city, according to its true tenor and effect, but not otherwise. Said ward meetings shall be called at such time or times as the mayor and aldermen may appoint, and be notified and warned, held, returns made,

Act, when to take effect and be in force.

Ward meetings, how called.

CHAP. 60.

declared and recorded, agreeably to provisions of the city charter of said city for calling and holding ward meetings for the choice of city officers and returns thereof.

Company may
construct a
branch road.

SECT. 15. In case, in the opinion of the directors of the Northern Aroostook Railroad Company, it will be more for the interest of the company and of more advantage for the public, not to build and construct the main line of said railroad through the town of Houlton, then said company shall have the right, and it is hereby authorized and empowered to build, construct, finish and maintain a branch railroad from such point on the main line as the directors shall find most convenient, into said Houlton, and for that purpose said company shall have all the powers, rights and privileges granted to and conferred upon it by the act incorporating said company and acts subsequently passed in addition thereto and in amendment thereof, and subject to all the duties and liabilities imposed by such acts upon said company.

Rights, privileges
and liabilities of
company.

SECT. 16. This act shall take effect when approved.

Approved February 8, 1875.

Chapter 60.

An act authorizing the Continental Mills to reduce the par value of its stock, and to issue new shares.

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

Authorized to
reduce capital
stock.

SECT. 1. The Continental Mills, a corporation established by the laws of this state, is hereby authorized to reduce its present capital stock by reducing the present number of its shares to such number as shall be established and voted by the stockholders thereof, at a meeting to be specially called for that purpose, within one year from the passage of this act.

—to issue new
shares.

SECT. 2. Said corporation is also authorized to issue new shares of the par value of one hundred dollars, to such an amount that in addition to the capital stock, as it shall be established under the authority of section first of this act, the total capital stock shall not exceed the sum of two million dollars. Such new shares shall be offered to the present stockholders in said corporation in proportion to the amount of old stock held by them at the time of the issue of such new shares, and if not accepted by them within thirty days after such offer, said shares shall be disposed of in such manner as shall be prescribed by vote of the company.

Shares, how dis-
posed of.