

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1885.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1885.

Chapter 506.

An Act to authorize the Lewiston and Auburn Horse Railroad Company to use Steam or Electricity as a Motive Power.

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

Lewiston and Auburn Horse R. R. Co., authorized to use steam or electricity as motive power.

—proviso.

Liability for damages.

SECT. 1. The Lewiston and Auburn Horse Railroad Company is hereby authorized and empowered to use steam or electricity as a motive power on that portion of its road lying between its stable, as now located in the city of Auburn, and the terminus of its road at Lake Auburn; *provided, however*, if said corporation shall use steam as aforesaid, it shall not employ the ordinary railway locomotive engines, but shall confine its use to the noiseless smoke consuming street railway steam motors or cars; and *provided, further*, that neither the city of Auburn nor the inhabitants thereof, shall be liable for any damages caused by the operation of said railroad by steam or electricity.

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

Approved March 5, 1885.

Chapter 507.

An Act in relation to the Portland and Ogdensburg Railroad Company.

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

City of Portland authorized to lease or sell its interest in P. and O. R. R.

Assent of city council necessary.

Lease or sale not valid unless ratified by vote of people.

SECT. 1. Any domestic or foreign railroad corporation is hereby authorized to acquire by lease or purchase, the whole or any part of the interest of the city of Portland, or of any other person or corporation in the railroad of the Portland and Ogdensburg Railroad Company, or the franchises, rights, powers and privileges appertaining thereto. And the city council of said city is authorized to assent to any lease of said railroad, or to confirm any such lease, so far as any interests of said city are concerned, and to cause to be executed agreements for the sale or lease of said railroad or of any interest of said city therein; *provided, however*, that no lease or agreement for the sale or lease of any interest of said city, in said railroad under the provisions of this act, or of any previous act, shall be valid until the same shall be ratified and

confirmed by a majority vote of the legal voters of the city of Portland, voting in ward meetings duly called according to law. *Provided*, that nothing herein contained, shall authorize incurring by or in behalf of said city any executory obligation or liability, contingent or absolute, except as hereinbefore expressly provided. —proviso.

SECT. 2. The holders of the bonds and coupons secured by the mortgage of said Portland and Ogdensburg Railroad Company, dated the first day of November, in the year of our Lord one thousand eight hundred and seventy-one, shall be entitled to the benefit of section ninety-three chapter fifty-one of the revised statutes, and of all the other provisions of said chapter and of all acts which may be passed in amendment thereof or in addition thereto relating to the formation of corporations, or to the rights, powers and privileges of corporations formed or to be formed by holders of bonds or coupons secured by mortgages from railroad corporations; and such holders of said bonds and coupons secured by the mortgage aforesaid, shall be entitled to the benefit of all the said statutes and acts with reference to all portions of the railway of said Portland and Ogdensburg Railroad Company, whether within or without the state of Maine, and with reference to all the franchises, rights, powers, privileges and obligations of said company whether existing, or exercised, or performed, or intended to be exercised or performed within or without the state of Maine, including the right to construct any uncompleted portion of the railways which said Portland and Ogdensburg Railroad Company is authorized to construct, and including all rights of connection, leasing, purchasing or consolidating with other railways or corporations, whether within or without the state of Maine; subject, nevertheless, to all provisions contained in section one hundred and six of said chapter; and such holders of said bonds and coupons shall have all such rights, privileges, franchises and powers herein conferred, and the benefit of said section ninety-three, and of all the other provisions of said chapter, and of all acts which may be passed amendatory thereof or in addition thereto, whether the mortgage securing said bonds and coupons may be foreclosed in the manner provided in said chapter, or by some decree or judgment of some court of equity or law; so that upon the completion of such fore-

Rights of the holders of bonds and coupons, preserved and protected.

CHAP. 507

closure, in whatever mode the same may be made, such holders of said bonds and coupons, their successors and assigns shall become a corporation as provided in said section ninety-three, with all the aforesaid property, franchises, powers, privileges and obligations whether existing or exercised, or to be exercised within or without the state of Maine.

Rights of persons purchasing at foreclosure sale, protected.

SECT. 3. Section one hundred five of said chapter shall apply to any persons purchasing at any foreclosure sale which may be decreed of any portion of the said railway, franchises, rights, powers and privileges, although said sale may include some parts of said railway, franchises, powers, privileges and rights existing or being exercised or intended to be exercised without the state of Maine, and such purchasers shall have all the benefits of said section one hundred and five and of all the acts and statutes described in section two of this act so far as applicable with reference to all said portions of said railway, franchises, rights, powers and privileges covered by said sale whether existing or exercised or to be exercised within or without the state of Maine. *Provided, however,* that no purchaser or purchasers at any foreclosure sale, nor any person or persons claiming under such purchaser or purchasers shall have the benefit of this section, nor form a corporation until he or they shall make provision for the payment of the floating debt of the Portland and Ogdensburg Railroad Company enumerated in schedule "B" of the liabilities of said company filed with the clerk of courts for the county of Cumberland in the suit Weston F. Milliken et als. in equity versus the Portland and Ogdensburg Railroad Company, and shall have given opportunity for the period of three months to any holder of any bond or coupon secured by the mortgage by virtue of which or for enforcing which said sale was made, to acquire an interest in the purchase by him or them, in the same proportion to all the interest so acquired by said purchase which all the bonds and coupons of such holder bear to the whole amount of bonds and coupons secured by such mortgage; *provided, nevertheless,* such holder shall pay the same proportion of the cost of such purchase, such payment to be made within three months after notice has been given by the purchaser or purchasers, or the persons claiming under them, that they desire to avail

--purchasers shall provide for payment of floating debt before forming new corporation.

himself or themselves of this section, such notice to be published at least six times in some daily newspaper in each of the cities of Portland and Boston. And such holders coming into such purchase shall be associated in the new corporation in proportion to their respective interests; and *provided, further*, that no organization shall be made unless there are represented at the meeting held for the purpose, not less than seventeen hundred thousand dollars in amount of the bonds secured by said mortgage.

SECT. 4. Such new corporation may issue its bonds secured by mortgage upon the whole of its railway, including that portion lying out of the state, or any part thereof, with its franchises and privileges to such amounts as it may, from time to time deem necessary to complete, equip or improve its railway, or to pay any prior incumbrance or indebtedness.

New corporation may issue bonds.

SECT. 5. Such new corporation is authorized to obtain concurrent or other legislation of the state of New Hampshire, for the purposes of giving effect to the rights, powers, privileges and franchises intended to be secured by this act and of enabling it to complete and extend its line of railway within said state of New Hampshire, or elsewhere, and of securing to itself any or all powers, rights, franchises and privileges at any time possessed by the Portland and Ogdensburg Railroad Company within the state of New Hampshire, or elsewhere, or under the laws of said state of New Hampshire.

—authorized to obtain legislation of State of New Hampshire to give effect to rights secured under this act, etc.

Approved March 5, 1885.

Chapter 508.

An Act to establish a Municipal Court in the town of Norway.

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

SECT. 1. A municipal court is hereby established in and for the town of Norway to be denominated the Norway Municipal Court, which shall be a court of record with a seal, and shall consist of one judge, who shall be an inhabitant of the county of Oxford, of sobriety of manners, who shall be appointed as provided in the constitution, and who shall have

Norway municipal court established.

Court of record with seal.

Judge, appointment, term and qualifications.