

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1891.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

by publishing notice of the time, place and object thereof in the Biddeford Journal, at least fourteen days before the time of holding said meeting, and at said meeting the officers of said corporation may be chosen, and such other corporate business done as may be deemed proper.

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

Approved March 19, 1891.

Chapter 257.

An Act to enable the county of Washington to aid in the construction of the Maine Shore Line Railroad.

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

SECT. 1. The county of Washington is hereby authorized to lend its credit for the purpose of aiding the construction of the Maine Shore Line Railroad to the extent of five per cent interest on six hundred and fifty thousand dollars for thirty years, upon the terms and conditions as hereinafter provided.

Company, authorized to lend its credit to Maine Shore Line R.R.

SECT. 2. The said county of Washington is hereby authorized to guarantee the interest upon six hundred and fifty thousand dollars of the first mortgage bonds of the Maine Shore Line Railroad Company, said first mortgage bonds to run thirty years, bearing five per cent interest, payable semi-annually, provided, however, that the said railroad company shall not issue more than eighteen thousand dollars of bonds per mile for the purpose of constructing and equipping its road. No bond shall be issued as hereinafter provided until the entire line shall be under contract and a guarantee is given to the county commissioners and treasurer of Washington county, satisfactory to the said commissioners and treasurer and clerk of court of said Washington county, or a majority thereof that the line shall be completed under the contract for such construction. The bonds of said railroad company when issued to be placed in the hands of a first-class trust company, satisfactory to the treasurer of said county, which trust company shall act as trustee for the bonds.

Company, authorized to guarantee the interest on the bonds of Maine Shore Line R. R. Company.

—bonds, shall not be issued until whole line is under contract.

SECT. 3. On or before the first day of May eighteen hundred and ninety-one, the county commissioners shall issue

County commissioners, shall issue

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warrants to municipal officers, commanding them to call meetings.

warrants, to aldermen of cities, the selectmen of towns, and the assessors of plantations, commanding them to warn and notify the voters of their respective cities, towns and plantations to meet upon a day named in the warrant of said county commissioners, at the places and in the manner provided by law, for holding city, town and plantation meetings, and to then and there give in their votes upon the following question.

Question to be voted upon.

“Shall the county commissioners and county treasurer execute and deliver to the Maine Shore Line Railroad Company, the agreement of the county of Washington to guarantee the interest upon six hundred and fifty thousand dollars of the first mortgage bonds of said company, at five per cent semi-annually for thirty years, and the county commissioners thereafter guarantee such interest on the bonds in behalf of the said county of Washington, the entire first mortgage bonds not to exceed two million dollars or eighteen thousand dollars per mile; the bonds not to run more than thirty years and the rate of interest not to exceed five per cent per annum payable semi-annually, subject to the provisions of the act of the legislature authorizing the same; which agreement and guarantee shall not be executed and delivered after January first, in the year of our Lord one thousand eight hundred and ninety-five?”

How meetings shall be held.

The lists prepared for annual town meetings in eighteen hundred and ninety-one, revised as lists for annual town meetings are revised as provided in the statutes of this state, shall be used at such meetings and the same proceedings to be had as is provided for such city, town or plantation meetings, and they shall be warned, notified and held in the same manner as other city, town and plantation meetings. At said meetings the legal voters shall vote by ballot on said question, those in favor of the same expressing it by the word “yes” upon their ballot, and those opposed thereto, expressing it by the word “no” upon their ballot. The ballots shall then be received, counted and declared in city, town or plantation meetings, and lists of the votes so received shall be made and returned to the clerk of the county commissioners at Machias, in said county, the same as in state elections, the county commissioners shall count the same, declare and record the result. If a majority of all the votes cast are in the affirmative, then the county commissioners and county treasurer of said Washing-

—how the vote shall be taken.

—lists, shall be returned to county commissioners, who shall declare and record result.

—if majority of votes are in the affirmative, county officers shall execute agreement to guarantee bonds.

ton county shall have full authority, and shall within thirty days thereafter, in the name of said county, and in its behalf, execute and deliver to said company the agreement of said county to guarantee the interest upon the first mortgage bonds of said company, as is authorized by said vote, and herein provided by this act.

SECT. 4. The manner of delivering the said bonds to the railroad company, bearing the guarantee of said county of Washington to be as follows. When the work is commenced, monthly estimates shall be made by the engineers in charge of the same as the work progresses,* and he shall issue his certificate showing the pro rata work done upon the road up to that date, which certificate shall be approved by the county commissioners and county treasurer or a competent railroad civil engineer appointed by the county commissioners and county treasurer. If these two engineers cannot agree as to the amount of the certificate, a third man, a competent railroad civil engineer, who shall be agreed upon by the county commissioners and county treasurer and the railroad company, shall be chosen, and the decision made and the certificate signed by any two of the three engineers aforesaid, shall be acted upon and considered an order upon the trustee for the delivery to the railroad company of the amount of its bonds named in said certificate, and said trustees shall deliver to the company or its order stamped with the said guarantee of the county commissioners and county treasurer, one-third of the number of bonds named in such certificate not exceeding in all said six hundred and fifty thousand dollars, and the other two-thirds of said certificate shall be paid in the other bonds of said railroad company mentioned in this act. The compensation of said engineers shall be paid by the railroad company.

How and when bonds shall be delivered to company.

SECT. 5. The net earnings of said road after paying for the operating expenses and repairs, shall be applied to the payment of the interest of the bonds, first, to pay the interest upon the residue of the whole issue of the first mortgage bonds after deducting six hundred and fifty thousand dollars guaranteed as aforesaid by Washington county; and secondly, to the payment of the interest upon the six hundred and fifty thousand dollars so guaranteed. It being the intent and meaning of this act that the county of Washington shall

Net earnings, shall be applied to payment of interest on bonds.

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guarantee, and pay the interest upon the six hundred and fifty thousand dollars of bonds aforesaid, or any deficiency if any there be, after applying that portion of the net earnings of the road applicable to the payment of the interest upon the six hundred and fifty thousand dollars aforesaid, as is provided for in the first part of this section.

Issue of stock and bonds, per mile, limited.

SECT. 6. The issue of stock and bonds of said Maine Shore Line Railroad, upon that portion of its line between Hancock Junction, or the point of departure from the Bar Harbor Branch of the Maine Central Railroad, and Eastport and Calais, shall not exceed eighteen thousand dollars of stock and eighteen thousand dollars of first mortgage bonds per mile.

Amount to be paid by county, how raised.

SECT. 7. The amount annually paid by said county under the provisions of this act shall be assessed upon the several cities, towns and plantations, as an addition to the county tax, and collected as other county taxes. And the treasurer of Washington county is hereby authorized and empowered to make such temporary loans of money, on the credit of the county as may be necessary to carry out the provisions of this act. And said treasurer shall on or before the date upon which the coupons of said bonds become due semi-annually, pay over to the trustee for the said bonds the interest due upon said six hundred and fifty thousand dollars or any deficiency that may exist, after applying to such payment that portion of the net earnings applicable thereto as provided in section five of this act. And the treasurer of said railroad company shall at least once each year make a statement to the said county treasurer showing the gross amount earned, and the amount of operating and all other expenses connected with the running of said road and a statement of the amount of money that he has deposited with said trustee, applicable to the payment of the interest upon the bonds issued by said railroad company under this act.

—temporary loan, authorized.

—treasurer of railroad company, shall annually make statement of gross amount earned.

Deed of trust, shall provide for refunding of all sums paid by county.

SECT. 8. The deed of trust securing said bonds shall contain suitable clauses providing that all sums paid for interest by said county, shall be refunded to said county out of the net earnings, as fast as a surplus accrues from said earnings, after paying operating expenses, repairs, and the interest upon the whole issue of bonds; also providing that in all legal or equitable proceedings under said trust deed, the

rights of said county shall be as fully protected as the holders and owners of the bonds of the road or coupons thereof.

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SECT. 9. Any towns in said county of Washington that have heretofore voted aid for building the said Maine Shore Line Railroad, shall upon the acceptance of this act by the people and its execution in all its provisions by the said county, be released from all obligations on account of such votes or from any claims of said railroad company therefor.

Towns having heretofore voted to aid railroads, released from all obligations.

SECT. 10. While said Washington county is liable under said guarantee, the county treasurer of said Washington county, ex-officio, shall be one of the board of directors of said railroad company, who shall be elected at the annual meeting of said railroad company, and the by-laws of said Maine Shore Line Railroad Company shall be amended to conform herewith, before said county commissioners and county treasurer shall execute said guarantee as hereinbefore provided.

County treasurer, ex-officio, shall be one of the board of trustees.

SECT. 11. No lease of the Maine Shore Line Railroad Company shall be made to any person or corporation, without provision being made for full protection and refunding to said county of Washington, for all sums of money paid by them or for which they are liable under this act.

No lease of road shall be made without provision for protection of county.

SECT. 12. All taxes annually received by the state from said Maine Shore Line Railroad Company under chapter six of the revised statutes, and acts amendatory thereto, or under any laws hereafter enacted, shall be annually paid by the state to the treasurer of said Washington county for the use of said county to an amount not to exceed the net amount of interest paid by said county on its guarantee aforesaid during the year preceding.

All state taxes shall be paid over to the county treasurer.

SECT. 13. This act shall take effect when approved.

Approved March 20, 1891.

Chapter 258.

An Act to incorporate the Madawaska Log Driving Company.

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

SECT. 1. W. H. Cunliffe, Robert Connors, B. W. Mallett, C. H. Dickey, John Kilburn, Duncan McIntosh, Arthur

Corporators.