

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1858.



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1858.

THIRTY-SEVENTH LEGISLATURE.

SENATE.]

[No. 27.

STATE OF MAINE.

The Joint Standing Committee on State Lands and State Roads, to which was referred so much of the Governor's Message, as refers to the sale and settlement of the public lands; also, the Memorial of the State Agricultural Society, in relation to the same subject; also the petition of William Willis and other citizens of Portland, and a large number of other petitions from different parts of the State, in aid of said memorial, have had the same under consideration, and ask leave to

REPORT,

A bill, entitled "An act to aid the Aroostook Railroad Company, increase the value and promote the sale and settlement of the public lands."

Also, a bill entitled "A resolve providing for an amendment of the constitution respecting a loan of the credit of the State, and the amount of its indebtedness," which are herewith submitted.

E. L. HAMLIN, *Chairman.*

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT.

AN ACT to aid the Aroostook Railroad Company, increase the value and promote the sale and settlement of the public lands.

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

SECTION 1. The credit of the state is hereby pledged
2 to the Aroostook Railroad Company, to an amount
3 not exceeding two millions of dollars, to aid it in the
4 construction of its road, thereby to promote a more
5 speedy sale and settlement of the public lands. Such
6 credit to be afforded only upon the conditions and in
7 the manner following:

8 For each ten miles of its road completed ready for
9 the rolling stock, there shall be issued and delivered
10 by the treasurer of the state to the treasurer of said
11 company of the bonds hereinafter described, twelve
12 thousand dollars for each mile of said ten, upon pro-

13 duction of a certificate of the commissioners provided
14 for in its act of incorporation, stating that ten miles
15 or ten additional miles have been completed as afore-
16 said.

SECT. 2. The treasurer of the state shall prepare
2 bonds from time to time in suitable sums payable to
3 the holder thereof, in forty years from date, with
4 interest at the rate of six per cent. per annum, paya-
5 ble semi-annually, in the city of Portland, with cou-
6 pons for that interest attached, payment of which pays
7 the interest on the bond. Such bonds shall be signed
8 by the treasurer and countersigned by the governor of
9 the state, obliging the state to pay the sum named in
10 the bond in manner aforesaid.

SECT. 3. There is a lien hereby created and estab-
2 lished in favor of the state prior to all other liens and
3 titles upon said railroad and its equipment; and on
4 all its property in use by it at the time of failure to
5 perform and on its franchise, to secure performance
6 by the company of the conditions of said bonds. And
7 in case of failure to perform all those conditions re-
8 quired by the bonds to be performed by the state, the
9 legislature of the state may provide by law for the
10 enforcement of such lien and for an entrance by the
11 state or its agents into possession of said road and

12 property and for a disposition thereof according to its
13 pleasure.

SECT. 4. Upon each delivery of bonds as aforesaid,
2 the directors of said company shall make, execute and
3 deliver to the treasurer of the state, a bond of the
4 company, payable to the state, conditioned to pay to
5 the state the amount of the bonds received at the
6 times and with the interest provided for in the bonds
7 and coupons received, and to save the state harmless
8 on account thereof. No bonds are to be delivered to
9 the treasurer of the corporation without proof that
10 this act has been accepted by it.

SECT. 5. The state engages to set apart and appro-
2 priate one-half of the proceeds of the sales of the pub-
3 lic lands, to be applied to the payment of the coupons
4 for interest as aforesaid. Should such proceeds
5 amount to more than sufficient to pay said coupons of
6 interest, the residue is to be set apart and appropri-
7 ated as a fund in the treasury of the state to bear an
8 interest of six per cent. per annum, or be paid out
9 and otherwise invested in safe loans bearing such an
10 interest; such fund, with the accumulated interest, to
11 be applied towards payment of the principal of said
12 bonds issued by the state. The governor, council and
13 treasurer of the state, for the time being, shall consti-

14 tute a board to determine the amount of such proceeds
15 and to set the same apart, to cause payment to be
16 made, or a fund to be retained or invested, as is herein
17 provided, and to do all other necessary acts respecting
18 said net proceeds. Any remainder of said fund to be
19 the property of the state.

SECT. 6. When it has been ascertained by the
2 counting of the votes by the governor and council
3 given respecting an amendment of the constitution in
4 the sixth article of the amendments, that a majority
5 thereof are in favor of such amendment, that fact shall
6 be published in the state paper by the secretary of
7 state, and after such publication, no lands shall be
8 sold for settlement by virtue of the laws existing at
9 the time of the passage of this act.

SECT. 7. All lands suitable for settlement shall,
2 after the constitution has been so amended, be man-
3 aged and sold under the direction of the governor,
4 council, treasurer and land agent of the state for the
5 time being, who shall constitute a board for that pur-
6 pose; and who shall from time to time cause such
7 lands to be surveyed into lots of one hundred and
8 sixty acres each, and the character of each lot to be
9 noted on a plan of such survey to be returned to the
10 land office. The board shall then cause a minimum

11 price to be noted on each lot. The land agent may
12 then, under their direction, sell and convey such lots
13 or a part of a lot at that price or at any price exceed-
14 ing it, obtaining the best price for cash or on such
15 credit as said board may prescribe. No title shall be
16 conveyed to a purchaser on credit, except by deed
17 conditioned that payment be made therefor according
18 to the terms of purchase. The board shall make
19 return of their doings to the legislature during the
20 month of January of each year.

SECT. 8. This act shall not take effect or be in force
2 until after the constitution has been so amended as to
3 allow the state to loan its credit and to become in-
4 debted not exceeding two millions of dollars to aid
5 the Aroostook Railroad Company to construct its rail-
6 road; nor until it shall have been ratified or re-enacted
7 by a legislature existing after such amendment of the
8 constitution has been made.

STATE OF MAINE.

RESOLVES providing for an amendment of the constitution respecting a loan of the credit of the state, and the amount of its indebtedness.

Resolved, Two-thirds of both branches of the legislature concurring, that the constitution of this state be amended in the sixth article of the amendments, by inserting after the word "case" in the second line, these words, "except to aid the Aroostook Railroad Company for the construction of its railroad not exceeding two millions of dollars;" and by inserting after the word "war" in the seventh line, these words, "or to aid the Aroostook Railroad Company for the construction of its railroad, not exceeding two millions of dollars."

Resolved, That the aldermen, of cities, the selectmen of the several towns, and the assessors of the several plantations, are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations in the manner prescribed by law, at their next annual meetings in the month of Septem-

7 ber, to give in their votes on the question whether the
8 amendment proposed by the preceding resolve shall
9 be made. The votes shall be by ballot, those in favor
10 of the amendment by the word "yes" and those op-
11 posed to it by the word "no" upon their ballots.
12 The ballots shall be received, sorted, counted, and
13 declared in open ward, town and plantation meetings,
14 and a record thereof made. Lists of such votes shall
15 be made by the aldermen, selectmen, assessors, and
16 clerks of the cities, towns and plantations, and returned
17 to the office of the secretary of state, in the same man-
18 ner as votes for senators. The governor and council
19 shall count the same and make return thereof to the
20 next legislature, and if a majority of the votes are
21 found by the legislature to be in favor of said amend-
22 ment, the constitution is accordingly amended.

Resolved, That the secretary of state transmit an
2 attested and printed copy of the preceding resolves to
3 the several cities, towns and plantations, with suitable
4 blank returns prepared by him in conformity thereto.

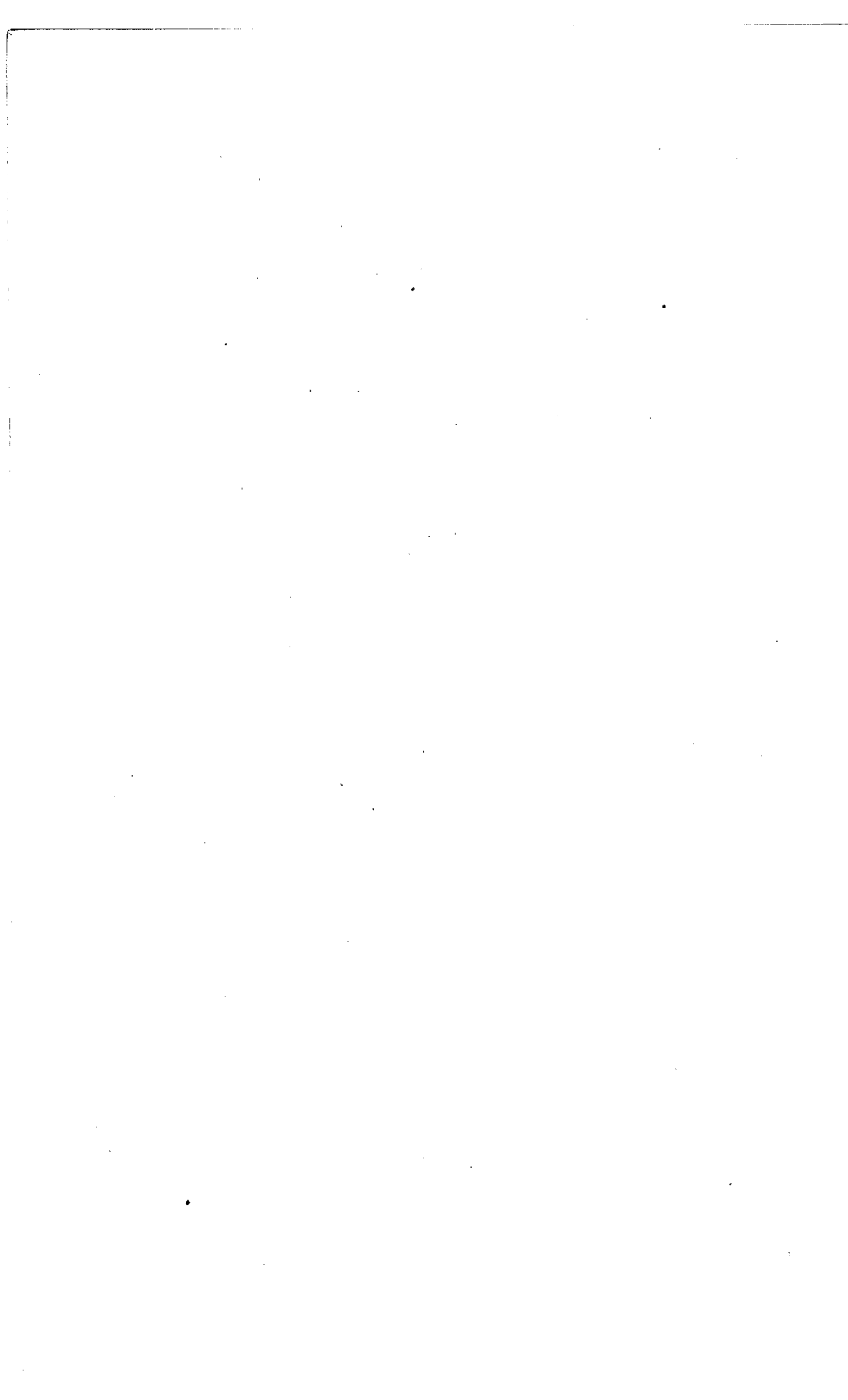
STATE OF MAINE.

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IN SENATE, Feb. 27, 1858.

ORDERED, That 350 copies of the foregoing bill and resolves, be printed for the use of the Legislature.

ATTEST:

JOSEPH B. HALL, *Secretary.*



# STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT.

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An Act to incorporate the Aroostook Railroad Company.

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

SECTION 1. That G. K. Jewett, Samuel F. Hersey,  
2 George Stetson, George W. Smith, G. L. Boynton,  
3 G. W. Pickering, E. S. Coe, W. H. McCrillis, S. H.  
4 Dale, Solomon Parsons, Walter Brown, Charles Hay-  
5 ward, Charles Stetson, S. P. Strickland, H. E. Pren-  
6 tiss, Hastings Strickland, S. H. Blake, Isaiah Stetson,  
7 J. W. Stinchfield, E. L. Hamlin, A. A. Wing, Asa  
8 Smith, Thomas S. Ranney, Jonathan Eddy, Daniel B.  
9 Hinckley, Nathaniel Blake, A. M. Roberts, Franklin  
10 Muzzey, Joseph Porter, E. G. Dunn, W. C. Hammatt,  
11 Shepard Cary, Joseph B. Hall, S. B. Pattee, Eben-  
12 ezer Woodbury, P. P. Burleigh, John McClusky,  
13 Samuel Larrabee, Moses Buck, Winslow Staples, Wil-

14 liam R. Hersey, Ira Fish, William Douglass, Richard  
15 Libbey, John Lane, James Dunning, Leonard Jones,  
16 D. F. Leavitt, their associates, successors and assigns,  
17 are constituted a corporation by the name of the  
18 Aroostook Railroad Company, and by that name may  
19 sue and be sued, plead and be impleaded. Said cor-  
20 poration is authorized to locate, construct, alter, and  
21 repair, a railroad with one or more tracks, from any  
22 point in either of the towns of Oldtown or Milford,  
23 in the county of Penobscot, to any point in the county  
24 of Aroostook, to be designated as hereinafter provided.  
25 When said railroad shall pass through woodlands or  
26 forests, any trees standing within four rods of said  
27 railroad may be felled and removed by paying all  
28 damages occasioned thereby, to be recovered in the  
29 same manner as other damages occasioned by a con-  
30 struction of the road. The location is not to be  
31 effectual until it, including its terminus in the county  
32 of Aroostook, has been approved by three commis-  
33 sioners to be appointed by the governor with advice  
34 of council. Said corporation shall have all the pow-  
35 ers, privileges and immunities and be subject to all  
36 the duties and liabilities contained in chapter fifty-one  
37 of the revised statutes.

SECT. 2. The capital stock of said company shall

2 consist of not less than one thousand nor more than  
3 thirty thousand shares of one hundred dollars each,  
4 which shares are not liable to assessment beyond that  
5 amount. When one thousand shares have been sub-  
6 scribed for by ten or more responsible persons, the cor-  
7 poration may be organized; and it shall have all the  
8 rights and privileges and be subject to all the liabili-  
9 ties and duties contained in the forty-sixth chapter of  
10 the revised statutes.

SECT. 3. A toll is hereby granted for the benefit of  
2 said company, upon all passengers and property trans-  
3 ported upon said road, at such rate as may from time  
4 to time be established by its directors, subject to such  
5 general laws in relation to railroads as are, or may be  
6 from time to time, established by the legislature.

SECT. 4. The corporation shall transport over its  
2 road the mail of the United States when required by  
3 the postmaster general, for a reasonable compensa-  
4 tion, which, if not determined by agreement, may be  
5 by the legislature of the state.

SECT. 5. Said company shall have a lien upon all  
2 property transported on said railroad for the amount  
3 due therefor until delivered, and be entitled to detain  
4 the same, until the amount be fully paid.

SECT. 6. The legislature shall at all times have the

2 right to inquire into the doings of the corporation,  
3 and into the manner in which the privileges and fran-  
4 chises herein and hereby granted may have been used  
5 and employed by said corporation, and to correct and  
6 prevent all abuses of the same, and to pass any laws  
7 imposing fines and penalties upon said corporation,  
8 which may be necessary more effectually to compel a  
9 compliance with the provisions, liabilities and duties  
10 hereinbefore set forth and enjoined, but not to impose  
11 any other or further duties, liabilities or obligations.  
12 And this charter shall not be revoked, annulled, al-  
13 tered, limited or restrained, without the consent of the  
14 corporation, except by due process of law.

SECT. 7. The Arcostook Railroad Company is hereby  
2 authorized to take an assignment of the charters and  
3 franchises of "the Bangor, Oldtown and Milford Rail-  
4 road Company," of "the Penobscot Railroad Com-  
5 pany," and of "the Oldtown and Lincoln Railroad  
6 Company," and to purchase their respective roads and  
7 rights of way, or either of them, and all property and  
8 rights used by or connected with them, or either of  
9 them, or to take a lease for any period of time of all  
10 or either of said franchises, railroads, property and  
11 rights. And said three last named corporations are  
12 respectively authorized to make an assignment, sale,



13 or lease, as aforesaid, to the corporation first above  
14 named, which shall then be subject to all the provis-  
15 ions contained in the charter of the corporation  
16 making and receiving it; but the Aroostook Railroad  
17 Company shall obtain a release of the property, rights  
18 and franchise of the Oldtown and Lincoln Railroad  
19 Company before commencing the construction of their  
20 road; and thereupon said last named corporation shall  
21 be dissolved.

SECT. 8. If the Aroostook Railroad Company shall  
2 fail to have its railroad located and its location ap-  
3 proved, as herein provided, before the thirty-first day  
4 of December, eighteen hundred and sixty-three, or  
5 shall fail to commence the construction thereof before  
6 the thirty-first day of December, eighteen hundred  
7 and sixty-eight, this act shall be void.

8 The three persons first named in the first section of  
9 this act may call the first meeting of the corporators,  
10 by an advertisement, setting forth the time and place  
11 thereof, published in one or more of the newspapers  
12 published in the city of Bangor, two weeks prior to  
13 the time of such meeting.

STATE OF MAINE.

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IN SENATE, February 27, 1858.

ORDERED, That 350 copies of the foregoing bill be printed in connection with the report of the Committee on State Lands and State Roads.

ATTEST:

JOSEPH B. HALL, *Secretary.*