

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1864.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1864.

FORTY-THIRD LEGISLATURE.

SENATE.

No. 21.

STATE OF MAINE.

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

AN ACT to provide means for the defence of the north-eastern frontier.

[New draft, as amended by the House.]

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

SECTION 1. Whereas, the legislature of Maine by
2 resolves unanimously adopted, and approved by the
3 governor on the thirty-first day of January, A. D.
4 eighteen hundred and sixty-three, asked protection of
5 the United States government in the language follow-
6 ing: “Maine expects and earnestly demands, that
7 “measures be taken at once by the general govern-
8 “ment for the protection of its northeastern frontier,
9 “and that this can be accomplished only by a military
10 “railroad from Bangor to the St. John river,” it is

11 hereby enacted, that to aid in the construction of
12 such a line of railway, the proceeds of the sale of tim-
13 ber on ten townships of the public lands of this state,
14 which townships shall be designated under the direc-
15 tion of the governor, state treasurer and land agent,
16 who are constituted a board for this purpose, shall be
17 paid into the treasury of the state for the use of the
18 European and North American Railway Company,
19 upon the terms and conditions hereinafter expressed,
20 and the timber on these ten townships shall be advertised
21 in a newspaper having the largest circulation in the
22 counties where located, and three months in two news-
23 papers having the largest circulation in the cities of
24 Portland and Bangor. Sealed proposals shall be
25 received by the governor, state treasurer and land
26 agent, and a record of the proposals be made and kept
27 in the land office, which shall be open to any one after
28 the day of sale, and said sale shall be in one-eighth
29 sections of townships; and all moneys, securities or
30 lands received on account of the claims of Maine upon
31 the United States government which accrued prior to
32 eighteen hundred and sixty, viz: The claims for in-
33 terest on moneys heretofore received from the United
34 States for the value of lands assigned to occupants un-
35 der the fourth article of the treaty of Washington, and
36 for timber cut on the territory formerly in dispute be-

37 tween the United States and Great Britain, after de-
38 ducting the expenses of obtaining the same, shall be
39 paid into the treasury of the state for the use of the
40 European and North American Railway Company, on
41 the terms and conditions hereinafter expressed.

SECT. 2. As soon as said railway company shall
2 have constructed and completed its line by the run-
3 ning of cars from Bangor to Lincoln, and have notified
4 the governor of the state of that fact, and that said
5 company has located its line to the boundary of New
6 Brunswick, and is ready to proceed with the further
7 construction of said railway, it shall be lawful for the
8 governor to approve of said location, and to notify said
9 company of the same, and thereupon the said company
10 shall be entitled to the benefit of the provisions of this
11 act; and thereafter as soon as said company shall
12 construct and complete by the running of cars, ten
13 additional miles of railway from Lincoln toward the
14 mouth of the Mattawamkeag, the governor shall pay
15 over to said company such sum as may then be in the
16 hands of the treasurer derived from the proceeds of
17 such sales of timber; and of such claims, at the rate
18 of ten thousand dollars per mile for said ten miles, or
19 *pro rata* for any sum then in hand, less than at the
20 rate of ten thousand dollars per mile, and so on from

21 time to time at the same rate of ten thousand dollars
22 per mile, or *pro rata*, as fast as an additional ten
23 miles is completed, until the line shall be completed
24 from Bangor to the boundary line of New Brunswick ;
25 and as soon as said railway company shall locate a line
26 from some point in embranchment thereof in a north-
27 erly direction toward the Aroostook river, and com-
28 plete ten miles from said main line by the running of
29 cars thereon, the governor shall pay to said company
30 at the rate of ten thousand dollars per mile, or *pro*
31 *rata*, for each mile of railway so built and completed
32 from their main line in a northerly direction, from the
33 proceeds of the lands and claims hereinbefore set forth,
34 and so on from time to time as an additional ten miles
35 shall be completed by the running of cars, until the
36 entire line of said railway shall be completed to the
37 northern boundary of the state, with a branch line to
38 the St. John river at Woodstock.

SECT. 3. In case the Commonwealth of Massachu-
2 setts shall assign and transfer to the European and
3 North American Railway Company, or to the State of
4 Maine in trust for said company, the claims jointly
5 held by her with Maine against the general govern-
6 ment, to aid the construction of said railroad, and also
7 release and discharge or assign and transfer the bal-

8 ance due from the State of Maine for the purchase of
9 of her interests in the public lands lying in Maine,
10 under date October fifth, eighteen hundred and fifty-
11 three, it shall be lawful for the governor, state treas-
12 urer and land agent, to transfer to said company all
13 the public lands lying on waters of the Penobscot and
14 St John river, for the uses and purposes set forth in
15 this act. *Provided, however,* that there shall be ex-
16 cepted from said conveyance and from the operations
17 of this act, all timber and lumber and lands granted
18 or voted by the present or any preceding legislature,
19 reserving to the state the right to locate such grants
20 within the present year of our Lord eighteen hundred
21 and sixty-four, or within the time or times limited
22 therefor in the several acts or resolves granting the
23 same, all lands heretofore reserved or set apart for
24 for public schools, and all lands set apart and desig-
25 nated for settlement under existing laws; and all the
26 lands set apart for the purposes of settlement, shall be
27 sold to settlers, upon the same terms and conditions
28 by the land agent, as is now authorized by law. And
29 it is further provided, that all lands conveyed to said
30 company under this act, which are in the opinion of
31 the governor, state treasurer and land agent, suitable
32 for settlement, shall be surveyed into lots by said com-

pany, of suitable sizes for the purposes of settlement, not exceeding one hundred and sixty acres to any one lot, which lands shall be open to settlers at a price not exceeding one dollar per acre, on condition of a continued residence thereon for five years, and performance of such settling duties as are now required by the state. And said company is charged with the duty of encouraging immigration into the state, and shall be required to appoint a suitable emigrant agent, and annually publish such plans, statements and other information, as shall give to the public a better knowledge of the extent, value and situation of the public lands of Maine, now open for settlement, and cause this information to be printed in our own and other languages, and distributed into other states of this Union, and into foreign lands. And the legislature of this state shall have the right at all times to inquire into the manner in which these trusts are executed, and to pass any laws that may be necessary, and to impose fines and penalties to secure a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined. *Providing and excepting*, that no lands belonging to the State of Maine, lying within the county of Piscataquis, shall be taken by virtue of this act for the purpose of aiding in the construction

58 of the trunk line of the European and North American
59 Railway; but that all of said lands lying in said
60 county of Piscataquis, shall be and are hereby appro-
61 priated under the limitations and restrictions relating
62 to other lands herein granted, and shall be applied
63 in aid of the construction of a branch of said rail-
64 way extending to the slate quarries in the valley
65 of the Pleasant river at Brownville, and to the Katah-
66 din Iron Works, from any point on the line of said
67 railway between Oldtown and Lincoln, as provided in
68 section two of "an act authorizing the further exten-
69 sion of the European and North American Railway,"
70 passed at the present session of the legislature.

SECT. 4. All benefits of this act shall be forfeited
2 by said European and North American Railway Com-
3 pany, upon the appropriation and use of the proceeds
4 of timber or lands hereby granted to any other pur-
5 pose than the construction of the main line of said
6 railway or branches into Aroostook and Piscataquis
7 counties.

SECT. 5. This act shall take effect on its approval
2 by the governor.

STATE OF MAINE.

.IN SENATE, March 11, 1864.

Reported in the House, from the Committee on Frontier and Coast Defences, and amended, and on motion of Mr. MANSON, laid on the table, and 350 copies of the bill in a new draft, as amended by the House, ordered to be printed for the use of the Legislature.

EZRA C. BRETT, *Secretary.*