

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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1867.

FORTY-SIXTH LEGISLATURE.

HOUSE.

No. 97.

Substitute for Senate Document No. 38, moved by Mr. HUTCHINGS of Brewer.

STATE OF MAINE.

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

AN ACT in aid of the construction of railways.

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

SECTION 1. That state aid, in the manner hereinafter
2 provided, shall be given towards the construction and
3 completion of the following lines of railway, viz : To
4 the Portland and Rochester Railroad, from Buxton to
5 the state line, not to exceed thirty miles ; also to the
6 Saco Valley Railroad Company, from the line of the
7 Portland and Rochester Railroad to the state line in
8 the town of Fryeburg, not to exceed thirty miles ;
9 also to the Kennebec, Lincoln and Penobscot Railroad,
10 from the Kennebec river to the city of Rockland, not

11 to exceed forty-five miles ; also to the line of railroad
12 from tide water in the city of Belfast, to the line of
13 the Maine Central Railroad, not to exceed thirty-five
14 miles ; also to the line of railroad from tide water at
15 Winterport to the line of the Maine Central Railroad,
16 not to exceed fifteen miles ; also to the Piscataquis
17 Branch Railroad, from the trunk line of the European
18 and North American Railway to the Brownville Slate
19 Quarries and Katahdin Iron Works, not to exceed
20 forty miles ; also to the Branch Railroad to Aroostook,
21 from some point on the trunk line of the European and
22 North American Railway to the northern boundary of
23 the State of Maine at the St. John river, and a branch
24 to the town of Woodstock, not to exceed one hundred
25 and seventy-five miles ; also to the Newport and
26 Dexter Branch Railroad, from the line of the Maine
27 Central Railroad at Newport to the village of Dexter,
28 not to exceed fifteen miles ; and also to the Oxford
29 Central Railroad, from its present terminus in the
30 town of Sumner to the north bank of the Androscog-
31 gin river at Canton Point, not to exceed fifteen miles ;
32 and also to a line of railroad from Bangor to Ells-
33 worth, not to exceed twenty-five miles.

SECT. 2. The several lines of railroad and branches
2 and extensions to be constructed under the provisions
3 of this act, shall be made on such grades and with

4 such gauges and curvatures, and of such class and
5 character respectively, as the governor and council
6 shall determine, and the routes and locations of the
7 said lines and the said several branches and extensions
8 shall also in all cases be subject to the approval of the
9 governor and council.

SECT. 3. If any company or body corporate, now or
2 hereafter to be organized, shall construct the first be-
3 fore mentioned lines of railroad, and the said branches
4 or extensions, or any of them, to an extent of ten
5 miles, and any one of the said lines to the acceptance
6 of the governor and council, it shall be lawful for the
7 governor, by and with the advice of council, to issue
8 to such company, or party constructing the same, the
9 scrip of said State of Maine, in convenient and suit-
10 able sums payable to the holder thereof, on a term of
11 not less than twenty nor more than thirty-five years,
12 with coupons for interest attached for six per cent. per
13 annum, payable semi-annually, at the rate of ten
14 thousand dollars per mile for each mile of railroad
15 constructed to the acceptance of the governor and
16 council, and so on at the same rate per mile until said
17 lines shall be completed, but not to exceed the dis-
18 tances hereinbefore set forth, to each railroad company,
19 nor more than five hundred miles in all.

SECT. 4. That for the purpose of securing the speedy and efficient completion of all or any of the lines of railroad or branches and extensions in the first section of this act mentioned ; the State of Maine shall have a primary mortgage or first charge, in favor of the state, upon such line or lines of railroad and the branches and extensions to be built by such company or body corporate, and upon the stations, station houses, rolling stock and property of every description, which shall attach immediately upon the advance of any portion of the state aid ; in all cases the scrip shall bear date from the delivery thereof, and the proceeds thereof shall be applied exclusively to the construction and necessary furniture and equipment of the line or lines of railroad, to aid the construction of which such scrip was issued.

SECT. 5. Upon the delivery of each and every portion of the scrip aforesaid, the directors shall execute and deliver to the state treasurer the bond of the company in an equal amount, and a mortgage of its road and franchise, payable to the state, conditioned that the company will pay the interest on said scrip, and will provide for the reimbursement of the principal thereof, and hold the state harmless on account of the issue of the same, according to the provisions of this act.

SECT. 6. If any company shall at any time neglect
2 or omit to pay the interest which may become due
3 upon any portion of the scrip issued and delivered
4 under the provisions of this act, the State of Maine
5 may take actual possession in the manner hereinafter
6 provided, of the railroad, of all the property, real and
7 personal, of the company, and of the franchise thereof,
8 and may hold the same and apply the income thereof
9 to make up and supply such deficiencies of interest.
10 A written notice, signed by the treasurer of state, and
11 served upon the president or treasurer or any direc-
12 tor of the company, or if there are none such, upon
13 any stockholder in the company, stating that the state
14 thereby takes actual possession of the railroad and of
15 the property and franchise of the company, shall be a
16 sufficient actual possession thereof, and shall be a
17 sufficient legal transfer of all the same for the purposes
18 aforesaid to the state, and shall enable the state to
19 hold the same against any other transfers thereof, and
20 against any other claims thereon, until such purposes
21 have been fully accomplished.

SECT. 7. For the purpose of foreclosing any such
2 mortgage upon the property and franchise of any com-
3 pany delinquent under this act, it shall be sufficient
4 for the treasurer of state, on the order of the governor

5 and council, to give notice according to the mode pre-
6 scribed by law, which notice may be published in the
7 state paper, and record thereof may be made within
8 thirty days after the date of the last publication in the
9 registry of deeds for the county or counties in which
10 such railroad shall be located, which publication and
11 record shall be sufficient for the purpose of such fore-
12 closure. Upon the expiration of three years from and
13 after such publication, if the conditions of such mort-
14 gage shall not within that time have been performed,
15 the foreclosure shall be complete, and shall be suffi-
16 cient to make the title to all the property and fran-
17 chise aforesaid absolute in the state. And any trans-
18 fer of any of the personal property of the company
19 made after publication of such notice of foreclosure,
20 without the consent of the governor and council, shall
21 be wholly void ; but lawful transfers and changes of
22 any of the personal property of the company, not in-
23 cluding the franchise and the rails actually laid and
24 the right of way, may be made, notwithstanding such
25 mortgage, before publication of notice to foreclose as
26 aforesaid ; and all personal property acquired by the
27 company, by purchase, exchange or otherwise, after
28 the execution and delivery of any such mortgage, shall
29 be covered and held thereby.

SECT. 8. It shall be lawful for the governor and
2 council at any time after any foreclosures of any line,
3 branch or extension, as set forth in this act, to sell
4 any such line of railroad, branch or extension, with all
5 rights and properties acquired by such foreclosure, at
6 public auction, to the highest bidder, after six months
7 notice in the state paper, setting forth time, place and
8 purposes of such sale, and the deed of the treasurer of
9 state, approved by the governor and council, shall be
10 a perfect title thereto, to any purchaser or purchasers
11 at such sale.

SECT. 9. In case of any entry as aforesaid upon and
2 possession of any line of railroad set forth in this act
3 by authority thereof, the governor and council are
4 authorized to appoint a superintendent of any line of
5 railway held by the state, who shall give bonds for the
6 faithful discharge of the duties imposed upon him by
7 law or by order of the governor and council, and will
8 be subject at all times to removal at the pleasure of
9 the governor and council. And it shall be the duty of
10 such superintendent to report annually to the governor
11 and council his doings in the premises, his receipts
12 and expenditures of any road under his charge, and
13 make such other returns as may be required by the
14 legislature or governor and council.

SECT. 10. Any city or town in this state may, by a
2 two-thirds vote, grant money to aid the construction of
3 any line of railway mentioned in this act, not to ex-
4 ceed in all the sum of five per cent. on the last state
5 valuation ; payments to be made in sums not exceed-
6 ing one per cent. per annum of the valuation aforesaid.
7 And it shall be lawful for any city or town as afore-
8 said to raise by vote the sums aforesaid, and apply the
9 same as aforesaid, and to assess the necessary amount
10 on the polls and estates in each town, as other taxes
11 are raised, by authority of law. And it shall be law-
12 ful for each city and town to pay the right of way or
13 land damages agreed upon, assessed or awarded in the
14 construction of any line or lines of railway, through
15 their respective cities or towns, in addition to the do-
16 nation of money contemplated in the foregoing section
17 of this act, and to pay for the same as other debts of
18 cities or towns are paid, and to raise the necessary
19 monies therefor, by assessments, as for other town
20 debts.

SECT. 11. Before any state aid shall be advanced to
2 any railroad company in this state under the authority
3 of this act, it shall be made to appear to the satisfac-
4 tion of the governor and council, that an amount of
5 money in the form of paid up stock subscription, or

6 donations in money, or both shall have been made and
7 expended on such line in the construction and equip-
8 ment of said road, equal to the amount of state aid
9 granted and issued under the authority of this act.

SECT. 12. This act shall not take effect until one
2 year from and after the date of its approval by the
3 governor, nor at that time, unless the constitution of
4 this state shall have been so amended as to authorize
5 the loan of credit, as in this act provided. But in
6 case an amendment of the constitution has been recom-
7 mended by a two-thirds vote of both branches of the
8 legislature, and adopted by a vote of the people of the
9 state, authorizing the loans herein provided, then, and
10 in that case, at the expiration of one year from the
11 date of the approval hereof by the governor, this act
12 shall become a law.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February —, 1867. }

Moved by Mr. HUTCHINGS of Brewer, to Senate Document
No. 38, and ordered to be printed.

FRANKLIN M. DREW, *Clerk.*