

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

SENATE.

No. 77.

STATE OF MAINE.

The Committee on Judiciary, to which was referred the order of the Legislature directing them to investigate the question of the gift of the State lands for the construction of the European and North American Railroad, and to ascertain whether the conditions named in the deed of the said lands by the State have been complied with, have made the investigation directed and beg leave to submit the following

REPORT.

It has been popularly believed that the gift of the State lands referred to was upon the condition that the railroad company should build a trunk line to the eastern boundary, and a branch line to the northeastern boundary through Aroostook county. We find nothing in the land grant to warrant this belief. The grant was divided into two parts, the ten township grant and the general public land grant. The ten township grant provided in substance that the proceeds of the townships should be used *pro rata*, for the construction of the main line, and the surplus, if any, to build a branch line into Aroostook county. By a later act, the ten township grant was repealed, so that it does not affect the question involved. But had there been no repealing act, the

fact that the main line absorbed all the proceeds and no surplus remained relieved the company from its obligation to build a branch line.

The general grant, we find, was made upon condition that the proceeds should be applied to "the construction of the main line of said railway or branches into Aroostook and Piscataquis counties." The language of the grant can be construed as meaning simply this, that the proceeds should be applied first to the main line, and next to the branches. Subsequently the company, by authority of the State, mortgaged these lands to secure the bonds issued to and in the construction of its road. The proceeds of these bonds the company applied to the construction of its main line. Subsequently, the conditions of the mortgage having been broken, the mortgage was legally foreclosed and the title to these lands became absolute in the first mortgage bond-holders. From these facts it is evident that there has been no surplus to apply to the construction of the branch line. These conditions seemed to have been complied with.

The requirements as to immigration and selling lands to settlers we do not consider as conditions affecting the title of the lands granted. But, in any event, before calling upon the company to comply with this requirement, it was the duty of the State to designate the lands so to be opened up for settlement. We do not find, by any evidence before us, that the company has been at fault in this particular in any instance where the State has performed its duty.

In the limited time allowed us for the investigation we are unable to report upon all the details of the question. We find no evidence that the conditions of the grant have not been complied with, and would respectfully report that legislative action is inexpedient.

Per order,

H. M. HEATH, for Committee.

STATE OF MAINE.

IN SENATE, March 8, 1887.

Reported by Mr. HEATH, from Committee on the Judiciary, and,
pending acceptance, laid on table to be printed on motion by same Senator.

CHARLES W. TILDEN, *Secretary*.