

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

SENATE.

No. 129.

STATE OF MAINE.

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

AN ACT to empower the county of Aroostook to further aid
in the construction of the Bangor and Aroostook Railroad
in said county, and to acquire and hold additional preferred
stock of the Bangor and Aroostook Railroad Company.

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

SECTION 1. The county of Aroostook is hereby author-
2 ized to aid in the further construction of the Bangor and
3 Aroostook Railroad in said county in addition to the aid
4 which said county was authorized to give by chapter 250
5 of the Private and Special Laws of 1891, by subscribing
6 for and purchasing additional preferred stock of the Ban-
7 gor and Aroostook Railroad Company to an amount not
8 exceeding two hundred and twenty-eight thousand dollars

9 (\$228,000.) And the annual net earnings of said railroad
10 company shall be applied first: to the payment of a
11 dividend to the amount of five per cent upon so much
12 preferred stock of said company as has been or may be
13 issued to said county pursuant to the terms of said chap-
14 ter 250 of the Private and Special Laws of 1891. Second:
15 to the payment of a dividend to the amount of five per
16 cent on the preferred stock of said company which it has
17 or may issue pursuant to chapter 312 of the Private and
18 Special Laws of 1891. Third: to the payment of a
19 dividend to the amount of five per cent upon the preferred
20 stock of said company, which it is authorized to issue by
21 this act, and does so issue and all such dividends shall be
22 paid in the order named and before any dividend shall be
23 declared or paid upon the common stock of said company,
24 but at no time, shall the dividends upon the common
25 stock be greater than the dividends on the preferred
26 stock.

SECT. 2. There shall be submitted to the voters of the
2 several towns and organized plantations in said county
3 within ninety days after the approval of this Act, the
4 following proposition: "Shall the county of Aroostook
5 subscribe for and purchase additional preferred stock of
6 the Bangor & Aroostook Railroad Company, to an amount
7 not exceeding two hundred and twenty-eight thousand
8 dollars (\$228,000)," and it is hereby made the duty of
9 the county commissioners of said county to appoint a day
10 within that time for meetings to vote thereon; and to
11 notify the selectmen of towns and assessors of plantations
12 thereof, leaving a sufficient time for calling said meetings
13 in the usual form for town meetings. Said commissioners
14 shall cause to be prepared, printed forms for the warrants

15 and returns of said meetings and transmit them with their
16 notifications to town and plantation officers, as above
17 prescribed.

SECT. 3. The selectmen of towns and assessors of
2 plantations in said county, shall call meetings on the day
3 appointed, by issuing and posting warrants therefor as for
4 other town meetings. No such meeting shall be opened
5 before ten o'clock in the forenoon or later than one o'clock
6 in the afternoon and the polls shall be kept open until five
7 o'clock in the afternoon and then be closed.

SECT. 4. At said meetings the vote shall be taken by
2 printed or written ballots, and those in favor of said propo-
3 sition shall vote "yes," and those opposed shall vote
4 "no," and the ballots cast shall be sorted and counted
5 and the vote declared in open meeting. The municipal
6 officers shall preside as at state elections, and make return
7 thereof to the county commissioners by depositing in
8 some post office in said county, within twenty-four hours
9 after the close of said poll, their return of the votes cast,
10 post paid, directed to the clerk of courts at Houlton in
11 said county, to be transmitted by mail; or personally
12 deliver the same to said clerk within that time.

SECT. 5. The county commissioners of said county
2 shall meet at the court house in Houlton, ten days after
3 said meetings, and canvass the returns and declare the
4 result and the result shall then be recorded by the clerk
5 of courts and be certified on the record by said commis-
6 sioners and clerk, which said record shall be the only
7 record required of the vote cast under this act, and in
8 case a majority of the ballots cast and returned as afore-
9 said, are in favor of said proposition, said commissioners
10 shall carry out the provisions of this act, as ratified by

11 such vote, in the manner hereinafter provided. But if a
12 majority of the ballots cast and returned as aforesaid are
13 opposed to said proposition, then after the expiration of
14 six months from the date of said first meeting, said com-
15 missioners upon the written application of one hundred or
16 more legal voters residing in said county, shall appoint a
17 second day for meeting to vote upon said proposition, in
18 the same manner hereinbefore provided for, but no more
19 than two votes shall be thus taken upon this proposition.

SECT. 6. In case said proposition is adopted as herein-
2 before provided, and accepted by said railroad company,
3 then said commissioners shall cause subscription to be
4 made in behalf of said county, for preferred stock of said
5 Bangor and Aroostook Railroad Company to the amount
6 authorized by this act, and payment therefor shall be
7 made at the option of the county commissioners, either in
8 cash, or bonds of the county bearing interest at the rate
9 of five per cent per annum, by the county treasurer to
10 the treasurer of said railroad company, upon the orders of
11 said commissioners, which shall be issued as follows.
12 After the commencement of actual work upon the Ashland
13 Branch, so called, of said railroad, which branch said
14 company is authorized to build, from a point of junction
15 with the main line of the Bangor and Aroostook Rail-
16 road at or near Oakfield in said county to and into the
17 village of Ashland, whenever said Railroad Company
18 shall have graded any section of five miles of said
19 branch payment shall be due and be made at the rate of
20 four thousand dollars (\$4,000) per mile of such branch so
21 graded, and for each payment thus made, shares of said
22 preferred stock or said Bangor and Aroostook Railroad
23 Company shall be issued and delivered to said county

24 treasurer to the same amount in par value thereof
25 which shall be issued to the inhabitants of said county.
26 And whenever said railroad company shall have graded
27 any section of five miles of its main line north of Caribou
28 village, (which main line is to extend to the St. John
29 river in the town of Van Buren in said county) commenc-
30 ing at a point where the aid authorized by chapter 250 of
31 the Private and Special Laws of 1891 is exhausted, then
32 also payment shall be due and be made at the rate of four
33 thousand dollars (\$4,000) per mile of said main line so
34 graded, and for each payment thus made, shares of said
35 preferred stock of said Bangor and Aroostook Railroad
36 Company shall be issued and delivered to said county
37 treasurer to the same amount in par value thereof which
38 shall be issued to the inhabitants of said county. And if
39 the last section of the Ashland Branch or of the main line
40 north of Caribou village or both of them shall contain
41 less than five miles, payment shall be made on such sec-
42 tion or sections at the rate of four thousand dollars
43 (\$4,000) per mile, whatever the length of such section.

SECT. 7. In case said proposition is adopted and
2 accepted as hereinbefore provided, then the treasurer of
3 Aroostook county is hereby authorized to procure by loan
4 on the faith and responsibility of said county, money for
5 the use of said county to carry into effect the provisions
6 of this act; and for that purpose, notes or obligations
7 signed by the said treasurer and countersigned by the
8 chairman of the board of county commissioners, shall be
9 issued with interest bearing coupons attached, for the pay-
10 ment thereof, at such times as they, the said commis-
11 sioners, shall deem expedient, but such loan shall not
12 exceed the amount authorized by this act.

MINORITY REPORT.

Amend by adding at the end of section 6 of said act the following words: 'Provided, however, that the grading on the main line to Van Buren and on the Ashland branch shall proceed *pare passie*, and no payment shall be made on either part of the line, except when an equal number of miles, to wit, a five mile section shall have been graded on each, and shall so continue until the St. John river is reached in the town of Van Buren, after which the bonds of the county may be issued at the usual rate for the balance of the Ashland branch.'

Report of the minority of the Aroostook delegation on bill "An Act to empower the county of Aroostook to further aid in the Construction of the Bangor & Aroostook Railroad and to acquire and hold additional preferred stock of the B. & A. R. R. Co."

Unable to agree with the conclusions of the majority of the Aroostook delegation, while insisting upon the lack of the Statute notice under sections 31 and 32, chapter 2 Revised Statutes and complaining furthermore of the refusal of the majority of the delegation to allow the reference of the matter to the railroad committee, unless the privilege should be purchased by the abandonment of their rights under the statute referred to, present the following reasons, first against the passage of any act and especially against the passage of the act referred to reported by the majority unless there shall be incorporated therein at the end of section the amendment which is herewith submitted, the purpose of which is to protect the rights of the people of the St. John valley by compelling the B. & A. R. R. Co. to complete its line to Van Buren, in the event of an additional loan or rather gift of \$228,000 on the part of the county. The reasons are :

1. Because at the inauguration of the project the people of Van Buren and the St. John Valley were clearly promised by the prime mover, the man who now is and from the

beginning has been the president of the company, Hon. Albert A. Burleigh, that the road should be extended to Van Buren, and in proof of the position, we present the following letter from Hon. Albert A. Burleigh to C. F. Hammond :

Custom House, Houlton, Me., }
Collector's Office, January 12th, 1891. }

Friend Hammond:—Yours received. I expect to be in Van Buren in a few days, and would be pleased to meet some of the leading men of your town and have a railroad talk with them. What the Burleigh plan is you will see by the enclosed slip. (Legislative notice.)

What I consider the most important part of the line is from Caribou to Van Buren to make a connection with the Grand Trunk. You can assure your people that Van Buren is the point we aim for, and if we are successful we shall push through to Van Buren first and make that our Trunk line. After that is completed to build branches to Fort Fairfield and Fort Kent—in fact we propose to cover the whole county as fast as possible. The incorporators will be the leading men of all parts of the county and of all parties, and when the company is organized, the whole county is to be represented; it is not going to be exclusive or in the interest of any railroad, only in the interest of the people. This is the stand I take in this whole matter.

Yours truly,

ALBERT A. BURLEIGH.

2. Because prior to the vote of the county on the question, Mr. Burleigh in behalf of said corporation reiterated the same pledges to the people of Van Buren and vicinity and thereby secured their vote in aid of the project.

3. Because the legislature in its enactments relating to this subject, see chapter 250, Private and Special Laws of 1891, (especially sections six and seven) and chapter 160 of the same, same year, pledged its faith to the people of the several sections of the county mentioned in the act, that in the event of a favorable vote, the several points mentioned

should be dealt with according to the provisions of the act, and cannot now without a flagrant breach of faith, grant further privileges to the railroad company, without requiring it to keep faith with the people according to the original act.

4. Because the several sections of Aroostook county in voting for this project, mutually pledged their faith, and no act should be passed which will now allow the majority after having received what they were entitled to under the original acts and contracts to vote away that to which the minority was entitled under the said acts, and even to tax the minority a second time, without allowing them any of the benefits under either the first or second loan or rather *gift* from the county.

5. Because to allow the Bangor and Aroostook Railroad Company to ask a vote of the county under the circumstances would be substantially giving said company, in the event of a favorable vote, the power to treat the citizens of Ashland and vicinity as unjustly and dishonestly as the people of the St. John valley have been treated by building so much of the line as it chooses into and to certain wild lands and then refuse to build farther.

6. Because, leaving out wholly the moral aspects of the case and the question of good faith pledged by the State, the county, the people of the several sections and the company through its president, which this act would in effect violate; and assuming for a moment that this is a new proposition, and premising that our legislation aims at the greatest good for the greatest number, we respectfully call attention to the following facts and figures:

The building of the Ashland branch, although it no wise brings the people of Ashland into more intimate relations with the county, would for some purposes benefit the inhabitants of.

	Population 1890.	Valuation 1890.
Ashland,	568	136.433
Masardis,	250	57.150
Sheridan,	221	Not given, but doubtless taxed as wild lands.
Portage Lake,	140	do.
Nashville,	34	do.
Garfield,	86	do.
Total,	<u>1,299</u>	<u>\$193.583</u>

The Van Buren line would connect the St. John valley with the rest of the county and the state, and accommodate the inhabitants of:

	Population 1890.	Valuation 1890.
Van Buren,	1,168	209.184
Hamlin,	484	72.939
Cyr,	429	53.290
Connor,	526	Not given, taxed as wild lands.
Caswell,	212	35.238
Grand Isle,	964	162.508
Madawaska,	1,451	167.176
Frenchville,	2,560	183.303
	<u>7,794</u>	<u>\$883.438</u>

Precisely 6 to 1 in population, and 4 1-2 to 1 in point of valuation. The foregoing figures speak for themselves. The marvel is, that there should be any controversy whatever. The land between Caribou and Van Buren and in the St. John valley is far superior to the land in and about Ashland, for farming purposes. The streams between Caribou and Van Buren, the Little Madawaska river, Halfway brook, Black brook, Hammond brook, and Violette brook, and especially the first named, constitute excellent water powers, and drain a splendid lumber region.

Ashland is only twenty-four miles from Presque Isle, where the road now passes. The towns of Madawaska and

Frenchville represented by Mr. Daigle, the latter of which is nearly five times as large as Ashland in population, and twice as large as the whole population of which Ashland is the centre, would still, if the line was completed to Van Buren, be farther from the railroad than Ashland is to-day.

We do not object to the building of the Ashland branch, but we believe that the rights of our constituents should be respected; that a railroad corporation has no better right than an individual to abuse the public confidence, and obtain the money of the people under false pretences; that our constituents should not be sacrificed to forward the petty schemes of a few wealthy land-owners, who simply put forward the claims of Ashland as a cloak for their own selfish schemes, and who would join hands with the company to defraud the people of Ashland as unscrupulously as they ask the Legislature to assist them in wronging the inhabitants of the St. John valley.

Furthermore as the proposition about to be submitted to the people of the county, contains nothing relative to the obligation of the company to complete the line to Van Buren, the people of the county have no opportunity to direct how and where the money voted by them is to be expended.

Finally the undersigned formerly believe that not one man in either branch can be found to admit that under similar circumstances he would adopt a different course, but we believe that each one would claim as a matter of right all that we claim. We, therefore, with all confidence claim and ask that the golden rule be applied and that each man do to us as he would be done by.

Willing, however, to concede everything that can be conceded short of the sacrifice, pure and simple, of the rights of our constituents, we consent to have the Van Buren or main line placed on an equal footing with the Ashland branch, although entitled to an absolute and unqualified preference. We therefore submit the bill reported by the majority, with an amendment which accompanies this report.

PETER C. KEEGAN.

REMI A. DAIGLE.

The undersigned a minority of the Aroostook delegation to which was referred the bill, entitled "An Act to further empower the county of Aroostook to further aid in the construction of the Bangor and Aroostook railroad and to acquire and hold additional preferred stock of the B. & A. R. R. Co. have had the same under consideration, and ask leave to report the same bill with accompanying amendment.

PETER C. KEEGAN.

REMI A. DAIGLE.

STATE OF MAINE.

IN SENATE, February 20, 1895.

Pending acceptance of either report, laid on table to be printed, on motion by Mr. WIGGIN of Aroostook.

KENDALL M. DUNBAR, *Secretary.*