

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

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Published by the Secretary of State, agreeably to Resolves of June 23, 1820,  
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1861.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1861.

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**Chapter 19.**

**CHAP. 19.**

An act additional to chapter one hundred and six of the revised statutes.

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

SECT. 1. The act entitled an act to amend chapter one hundred and six of the revised statutes relating to the selection and service of jurors, approved February eighteenth, one thousand eight hundred and sixty-one, shall not apply to any draft of jurors where the venire were issued prior to the date of said approval.

Additional to ch. 106, R. S.  
Act of Feb. 18, 1861, not to apply to draft of jurors where venires were issued prior to date of approval.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved March 7, 1861.]

**Chapter 20.**

An act to aid the Aroostook Railroad and promote the sale of the public lands.

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

SECT. 1. All the public lands situate in the counties of Aroostook and Penobscot, except lands heretofore conveyed by conditional deeds, and for which the state may hereafter receive payment, or lawfully bargained or contracted for, or held under claim of possession and improvement, together with lands granted or voted by the present or preceding legislatures, reserving the right in the state to locate such grants on or before the first day of January, eighteen hundred and sixty-three, and not after, or which may be reserved, or are set apart for public schools, shall in future, be managed under the direction of the governor, state treasurer and land agent ; and they are hereby constituted a board for that purpose, except that the land agent shall, as heretofore, in the manner provided by law, select out of townships located and designated for settlement, or to be located or designated as heretofore, and offer the same in lots for settlement, and sell lands to settlers, and for the purposes of settlement, upon the same terms and conditions as he is now authorized by law to do. It shall be the duty of the land agent to advertise the sales of all timber lands offered for sale under this act, by publishing notice thereof in the state paper, at least three months previous to the day of sale, which sale shall be at public auction, and said land shall be sold in lots of not more than one-fourth of a township in one parcel.

Board for managing public lands.

Settling lands, how disposed of.

Timber lands, how to be sold.

SECT. 2. All moneys received from the proceeds of the sales of said land hereafter made, or received for timber hereafter sold,

Proceeds to be paid into the state treasury.

## CHAP. 20.

after deducting the expense of the care and management of said land and timber, shall be paid into the treasury for the use of the Aroostook Railroad Company, upon the terms and conditions hereinafter expressed; *provided*, that any appropriation which the legislature shall make for opening and making or repairing any road now laid out, and all which this legislature shall authorize to be laid out passing through any township of land placed under the care of said board for the purposes designated in this act during the time the same shall be under the control and management of said board shall be paid from the fund arising from sales of timber and land authorized by this act.

Proviso.

Certain claims for money against the United States when received to be paid into state treasury for the benefit of Aroostook Railroad.

SECT. 3. The moneys hereafter received on account of the claims of the state upon the United States, for interest on the amount received from the United States in the year eighteen hundred and fifty-nine, together with the claims against the United States on account of the northeastern boundary question. But for no claim for timber cut on the territory formerly in dispute between the United States and Great Britain, after deducting the expense of obtaining the same, shall be paid into the treasury for the use of the Aroostook Railroad Company, upon the terms and conditions hereinafter expressed.

Branch roads, location of.

SECT. 4. From or near Mattawankeag or the valley of Mattawankeag river, the Aroostook Railroad Company shall locate a branch of their said road extending in a northerly direction as far as Houlton in the county of Aroostook. And the Aroostook Railroad Company shall locate a branch of their railroad from some point between Milford and Mattawankeag, including the valley of Mattawankeag river, to the eastern boundary of the state, so as most conveniently to connect with the European and North American Railway of New Brunswick, said location to be made by commissioners appointed by the legislature.

Condition of grant of aid, &c.

SECT. 5. Upon condition the Aroostook Railroad Company shall accept this act, and within four years shall have completed their railroad from Oldtown or Milford to Mattawankeag in all its parts, with the necessary furniture and equipments, and put the same in running order the whole distance from Milford or Oldtown to Mattawankeag, then all such proceeds of the land, timber and claims received, or to be received into the treasury, are hereby pledged to be appropriated in aid of the construction and extension of said railroad branch to the eastern boundary of the state, and the branch to Houlton; to the amount of five thousand dollars per mile and no more; and the route of said road to Houlton, and the location of the same, to be made by commissioners appointed by the legislature. And one-half part of all the aid given by the state as provided in this bill shall be expended on said branch to Houlton, and one-half part on the branch to the eastern boundary of the state.

Amount to be received.

—how appropriated.

SECT. 6. If the Aroostook Railroad Company shall fail within four years to complete their railroad in all its parts, with all the necessary furniture and equipments, and put it in running order the whole distance from Oldtown or Milford to Mattawamkeag, then this act shall be void.

If not completed in four years this act to be void.

SECT. 7. After the completion of the Aroostook Railroad, by the running of cars to Mattawamkeag, the European and North American Railway Company may take the line of said road, with all of its rights, stock, property and franchises, on condition that said European and North American Railway Company shall first pay the cost thereof, with interest, deducting the net income received by the running of the same, which payment shall be made by procuring, cancelling and delivering to the city of Bangor all bonds and obligations which may have been issued and delivered the said Aroostook Railroad Company by said city to aid in the construction thereof, or by depositing the amount thereof in cash, for the use of said city, with the treasurer of said city for the time being, and also paying the balance of the cost of the Aroostook Railroad, its stock and other property, with interest, including the cost of buying or building any line from Milford to Bangor, with interest, deducting the net income aforesaid; or the European and North American Railway Company may pay the Aroostook Railroad Company the cost of their road, its stock and other property, with interest, including the cost of buying or building a line between Milford and Bangor, with interest, deducting the net income as aforesaid, also first deducting the amount of the outstanding bonds and obligations which the city of Bangor have issued and delivered said Aroostook Railroad Company for the purpose aforesaid, making the purchase subject to any mortgage or mortgages of said city upon said road; but in such case the said European and North American Railway Company, in addition, shall also procure, cancel and deliver to said city at least one-fourth of all the obligations and bonds issued and delivered said Aroostook Railroad Company for the purposes aforesaid, and the mortgage of said city shall remain valid and binding upon said Aroostook Railroad to secure the remainder of all such bonds and obligations, and the city of Bangor shall have the same rights and same remedies to enforce the same as said city had or would have in case no such purchase had been made. And such purchase shall be made within two years from the time the said railroad is completed to Mattawamkeag, by the running of cars, and not afterwards. In case of any differences between the said Aroostook Railroad Company and the European and North American Railway Company, the same shall be finally determined by commissioners appointed by the governor and council, at the request of either party. And the said Aroostook Railroad Company, upon the conditions aforesaid, may sell

European and North American Railway Company may take line of Aroostook Railroad, &c. —conditions.

Differences, how determined.

Aroostook Railroad Co.

## CHAP. 20.

may sell to E.  
and N. A. R.  
Co.

—may lease.

Proviso.

E. and N. A. R.  
Co. may take  
lease of Aroos-  
took Railroad.

In case of sale,  
stock, &c., of  
Aroostook  
Railroad shall  
be consoli-  
dated, &c.

E. and N. A.  
R. Co., duties,  
liabilities, &c.

Location above  
Mattawamkeag  
and branch to  
Houlton, &c.,  
to be made  
within five  
years.

Grants, when  
to take effect.

and transfer its line of road, and all of the property, rights and franchises, to the European and North American Railway Company, and the European and North American Railway Company are authorized to make such purchase; and the Aroostook Railroad Company may also lease its line to the European and North American Railway Company, *provided* the mayor and city council of the city of Bangor shall first consent to and approve of the lease; and the European and North American Railway Company are authorized to take such lease upon such conditions being complied with; and in case of any such sale, transfer or purchase as is before mentioned shall be made, the stock, rights and franchises of the Aroostook Railroad Company shall be consolidated into and become a part of the stock and franchises of the European and North American Railway Company; and all the powers and privileges acquired by such purchase, sale and transfer, shall be had and enjoyed under the charter of said European and North American Railway Company. And such railway company shall be required to fulfil, perform and discharge all the duties, liabilities and obligations undertaken by and imposed by law upon the said Aroostook Railroad Company, and the European and North American Railway Company, in case of such purchase or lease, shall have and enjoy the benefits of the grants herein made, or that may hereafter be made to said Aroostook Railroad Company, upon the terms and conditions before mentioned.

SECT. 8. Within five years the Aroostook Railroad Company shall locate its road above Mattawamkeag, including a branch to Houlton, and the branch to the eastern boundary of the state, and of the moneys received for the purposes before mentioned, a pro rata proportion, and no more, shall be paid on the completion of every ten miles thereof, and all sums which may not be expended at the end of ten years, shall remain in the treasury to the use of the state.

SECT. 9. The grants mentioned in the foregoing sections shall take effect and be in force after the city of Bangor shall have voted to loan the credit of said city in conformity with the act of March twentieth, eighteen hundred and sixty, and not before.

[Approved March 8, 1861.]