

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1859.



AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1859.

THIRTY-EIGHTH LEGISLATURE.

HOUSE.]

[No. 15.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-NINE.

AN ACT to aid the Aroostook Railroad Company, increase the value and promote the sale and settlement of the public lands.

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

SECTION 1. The credit of the state is hereby pledged
2 to the Aroostook Railroad Company incorporated by
3 an act approved on March 27, A. D. 1858, to an
4 amount not exceeding seven hundred thousand dol-
5 lars, and other resources of the state to an amount
6 not exceeding three hundred thousand dollars, in the
7 manner and subject to the conditions hereinafter set
8 forth, to aid it in the construction of its railroad on
9 the routes and in the manner hereinafter prescribed,
10 thereby to promote a more speedy sale and settlement

11 of the public lands. Such credit and other resources
12 to be afforded only upon performance by said company
13 of the following conditions.

SECT. 2. That said company shall construct and
2 complete with all needful station houses and append-
3 ages and fully equip with all necessary rolling furni-
4 ture for the transportation upon it of persons and
5 property, the first division of its railroad from any
6 point in either of the towns of Oldtown or Milford
7 up the valley of the river Penobscot to a point near
8 to the river Mattawamkeag; and put the same into
9 successful operation before it shall commence the con-
10 struction of the second division of its railroad herein-
11 after described. That it may then commence the
12 construction of its second division from the point last
13 named up the valley of the river Mattawamkeag to a
14 point on or near to the easterly boundary of the state
15 where it may be most convenient for connection with
16 a railroad from the city of St. John in the Province
17 of New Brunswick to the same boundary; and also a
18 branch railroad from the most suitable and convenient
19 point near said river Mattawamkeag to and down the
20 valley of the river Meduxnekeag to a point near to
21 the village in the town of Houlton. Both divisions
22 of this railroad shall be considered to be the railroad

23 authorized to be constructed by the act of incorpora-
24 tion of said company.

SECT. 3. To provide for the other resources named
2 in the first section of this act and to constitute a fund
3 of three hundred thousand dollars to be applied to
4 aid said company to construct the second division of
5 said railroad, there shall be collected from notes given
6 to the state for lands sold and reserved in the treasury
7 of the state, an amount not exceeding one hundred
8 and twenty-five thousand dollars. And all the pro-
9 ceeds of sales hereafter made of public lands, except
10 the lands set apart for schools, shall be reserved in
11 the treasury of the state for the same purpose to an
12 amount not exceeding one hundred and seventy-five
13 thousand dollars. That no such land shall hereafter
14 be sold for a less price than one dollar for an acre,
15 situate in the counties of Penobscot or Aroostook, to
16 be paid one-quarter in cash, and remainder in one, two
17 and three years, with interest.

SECT. 4. When said company shall have completed
2 and put in operation as aforesaid the first division of
3 said railroad, and when also the fund of three hundred
4 thousand dollars shall have been obtained as afore-
5 said, there shall be paid by the treasurer of state out
6 of said fund to said company, five thousand dollars

7 per mile, and delivered of the bonds hereinafter de-
8 scribed eleven thousand six hundred and sixty-six
9 dollars and sixty-four cents per mile for each ten
10 miles of the second division of said railroad fully com-
11 pleted for the reception and use of rolling stock upon
12 production of a certificate of the commissioners pro-
13 vided for in its act of incorporation stating that ten
14 miles or ten additional miles have been completed as
15 aforesaid. If the treasurer can not deliver of the
16 bonds the exact sum required, he shall do so as nearly
17 as may be, and deliver the residue at a subsequent
18 time when the company may be entitled to receive it.

SECT. 5. Upon each delivery of bonds as aforesaid,
2 the directors of said company shall make, execute and
3 deliver to the treasurer of the state a bond of the com-
4 pany payable to the state, conditioned to pay to the
5 state the amount of the bonds received at the times
6 and with the interest provided for in the bonds and
7 coupons received; and to save the state harmless on
8 account thereof. No bonds are to be delivered to the
9 company without proof that this act has been accepted
10 by it.

SECT. 6. The treasurer of the state shall prepare
2 bonds from time to time, as required, in suitable sums,
3 payable to the holder thereof in thirty years from

4 date, with interest, at the rate of five per cent. per
5 annum, payable semi annually on the first days of
6 January and July, in the city of Portland, with
7 coupons for that interest attached, payment of which
8 pays the interest on the bond. Such bonds shall be
9 signed by the treasurer and countersigned by the gov-
10 ernor of the state obliging the state to pay the sum
11 named in said bond in manner aforesaid.

SECT. 7. The state engages to set apart and reserve
2 yearly for thirty years all the proceeds of sales of
3 public lands, except the lands set apart for schools,
4 and except the sum aforesaid of one hundred and
5 seventy-five thousand dollars, to constitute a sinking
6 fund to be invested in safe state, county, city, and
7 town stocks or bonds and applied with the interest
8 accrued thereon to the payment of the principal
9 named in the bonds to be issued by the state and
10 delivered to said company. Part of said fund may at
11 any time be applied to purchase and pay any of said
12 bonds at a price not exceeding their par value. At
13 the end of said thirty years, whatever may remain of
14 said fund shall be applied in payment pro rata of all
15 said bonds then remaining unpaid. If thereby the
16 whole capital sums named in said bonds shall have
17 been paid, the lien of the state on said railroad shall

18 be satisfied and extinguished; and if the whole of said
19 sums shall not have been paid, the said company shall
20 forthwith pay all such sums as may remain unpaid.
21 The governor, council, and treasurer of the state for
22 the time being, shall constitute a board to determine
23 the amount of such proceeds and to set the same
24 apart, to cause them to be invested, or applied in pay-
25 ment of said bonds, as is herein provided; and to do
26 all other necessary acts respecting said proceeds. Any
27 remainder of said fund after all of said bonds have
28 been paid shall be the property of the state.

SECT. 8. All the public lands shall hereafter be
2 managed and sold under the direction of the governor,
3 council, treasurer, and land agent, of the state for the
4 time being, who shall constitute a board for that pur-
5 pose, and who shall from time to time cause such
6 lands to be surveyed into lots of one hundred and
7 sixty acres each, and the character of each lot to be
8 noted on a plan of such survey to be returned to the
9 land office. The board shall then cause a minimum
10 price to be noted on each lot. The land agent may
11 then under their direction sell and convey such lots,
12 or a part of a lot, at that price, or at any price exceed-
13 ing it, to be paid for when the deed is delivered, one-
14 third in cash, and the remainder in one, two and three

15 years, with interest. The board shall make return of
16 their doings to the legislature during the month of
17 January of each year, if any legislature be then in
18 session.

SECT. 9. A lien is hereby created and established
2 in favor of the state prior to all other liens and titles
3 upon both divisions of said railroad and their equip-
4 ment, and on all its property in use by it at the time
5 of failure of said company to perform any of the con-
6 ditions required by this act to be performed. And in
7 case of failure thus to perform, the legislature may by
8 law provide for the enforcement of such lien, and for
9 an entrance by the agents of the state into possession
10 of said railroad and property, and for the sale or other
11 disposition thereof, with the franchise, according to
12 its pleasure. And in case of default of said company
13 to pay the interest coupons of said bonds to be issued
14 by the state when and where they are payable, the
15 board hereby constituted to have charge of the man-
16 agement and sale of the public lands may immediately
17 enter by its agents into possession of said railroad,
18 equipments and property, and operate the same, and
19 receive all earnings and apply the same to the pay-
20 ment of such interest, and retain such possession until
21 all interest due and unpaid has been fully paid; and

22 in case of such default of said company, said board
23 may at discretion make sale of said road and fran-
24 chise, and property, and apply the proceeds pro rata
25 to pay all said bonds and interest.

SECT. 10. The railroad shall first be finished from
2 Mattawamkeag to the boundary, and the branch road
3 afterwards; and before the branch to Houlton shall
4 be commenced, the consent of the legislature shall be
5 first obtained.

SECT. 11. This act shall not take effect or be in
2 force until the constitution has been so amended as to
3 allow the state to loan its credit and become indebted
4 not exceeding seven hundred thousand dollars to aid
5 said company to construct its railroad; and upon a
6 declaration by the legislature that such an amend-
7 ment has been made, this act shall take effect and be
8 in force.

STATE OF MAINE.

RESOLVES providing for an amendment of the constitution respecting a loan of the credit of the state, and the amount of its indebtedness.

Resolved, Two-thirds of both branches of the legislature concurring, that the constitution of this state be amended in the sixth article of the amendments, by inserting after the word "case," in the second line, these words, "except to aid the Aroostook Railroad Company for the construction of its railroad not exceeding seven hundred thousand dollars;" and by inserting after the word "war," in the seventh line, these words, "or to aid the Aroostook Railroad Company for the construction of that part of its railroad, extending from Mattawamkeag to the eastern Boundary of the state, and to Aroostook, not exceeding seven hundred thousand dollars, "according to the terms and conditions of a certain act entitled, An act "to aid the Aroostook Railroad Company, increase the value and promote the sale and settlement of the public lands, and in no other manner."

10 AMENDMENT OF THE CONSTITUTION.

Resolved, That the aldermen of cities, the selectmen
2 of the several towns, and the assessors of the several
3 plantations, are hereby empowered and directed to
4 notify the inhabitants of their respective cities, towns
5 and plantations in the manner prescribed by law, at
6 their next annual meetings in the month of Septem-
7 ber, to give in their votes on the question whether the
8 amendment proposed by the preceding resolve shall
9 be made. The votes shall be by ballot, those in favor
10 of the amendment by the word "yes" and those op-
11 posed to it by the word "no" upon their ballots.
12 The ballots shall be received, sorted, counted, and
13 declared in open ward, town and plantation meetings,
14 and a record thereof made. Lists of such votes shall
15 be made by the aldermen, selectmen, assessors, and
16 clerks of the cities, towns and plantations, and returned
17 to the office of the secretary of state, in the same man-
18 ner as votes for senators. The governor and council
19 shall count the same and make return thereof to the
20 next legislature, and if a majority of the votes are
21 found by the legislature to be in favor of said amend-
22 ment, the constitution is accordingly amended.

Resolved, That the secretary of state transmit an
2 attested and printed copy of the preceding resolves to
3 the several cities, towns and plantations, with suitable
4 blank returns prepared by him in conformity thereto.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, March 3, 1859.

By Mr. BARROWS of Fryeburg, laid on the table, and 3,000 copies of the same ordered to be printed for the use of the Legislature.

GEO. W. WILCOX, *Clerk.*