

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1861.

FORTIETH LEGISLATURE.

SENATE.

No. 21.

STATE OF MAINE.

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

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 :*

SECTION 1. All the public lands situate in the coun-
ties of Aroostook and Penobscot, except lands hereto-
fore 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, or which may be re-
served," or are set apart for public schools, shall in
future, be managed under the direction of the gov-
ernor, state treasurer, and land agent; and they are
hereby constituted a board for that purpose, except

11 that the land agent shall, as heretofore, “in the man-
12 ner provided by law, select out of townships located
13 and designated for settlement, or to be located or
14 designated as heretofore, and offer the same in lots for
15 settlement, and” sell lands to settlers, and for the
16 purposes of settlement, upon the same terms and con-
17 ditions as he is now authorized by law to do. (D.)

SECT. 2. All moneys received from the proceeds of
2 the sales of said land hereafter made, or received for
3 timber hereafter sold, after deducting the expense of
4 the care and management of said land and timber,
5 shall be paid into the treasury for the use of the Aroos-
6 took Railroad Company, upon the terms and conditions
7 hereinafter expressed.

SECT. 3. The moneys hereafter received on account
2 of the claims of the state upon the United States, (A.
3 and B.) after deducting the expense of obtaining the
4 same, shall be paid into the treasury for the use of the
5 Aroostook Railroad Company, upon the terms and con-
6 ditions hereinafter expressed.

SECT. 4. From or near Mattawamkeag or the valley
2 of Mattawamkeag river, the Aroostook Railroad Com-
3 pany shall locate a branch of their said road extending
4 in a northerly direction as far as Houlton in the
5 county of Aroostook. And the Aroostook Railroad
6 Company shall locate a branch of their railroad from

7 some point between Milford and Mattawamkeag, in-
8 cluding the valley of Mattawamkeag river, to the
9 eastern boundary of the state, so as most conveniently
10 to connect with the European and North American
11 Railway of New Brunswick, said location to be made
12 by commissioners appointed by the legislature.

SECT. 5. Upon condition the Aroostook Railroad
2 Company shall accept this act, and within four years
3 shall have completed their railroad from Oldtown or
4 Milford to Mattawamkeag in all its parts, with the
5 necessary furniture and equipments, and put the same
6 in running order the whole distance from Milford or
7 Oldtown to Mattawamkeag, then all such proceeds of
8 the land, timber, and claims received, or to be re-
9 ceived into the treasury, are hereby pledged to be ap-
10 propriated in aid of the construction and extension of
11 said railroad branch to the eastern boundary of the
12 state, and the branch to Houlton; to the amount of
13 five thousand dollars per mile and no more; and the
14 route of said road to Houlton, and the location of the
15 same, to be made by commissioners appointed by the
16 legislature. And one-half part of all the aid given by
17 the state as provided in this bill shall be expended on
18 said branch to Houlton, and one-half part on the
19 branch to the eastern boundary of the state.

SECT. 6. If the Aroostook Railroad Company shall

2 fail within four years to complete their railroad in all
3 its parts, with all the necessary furniture and equip-
4 ments, and put it in running order the whole distance
5 from Oldtown or Milford to Mattawamkeag, then this
6 act shall be void.

SECT. 7. After the completion of the Aroostook
2 Railroad, by the running of cars to Mattawamkeag,
3 the European and North American Railway Company
4 may take the line of said road, with all of its rights,
5 stock, property and franchises, on condition that said
6 European and North American Railway Company
7 shall first pay the cost thereof, with interest, deducting
8 the net income received by the running of the same,
9 which payment shall be made by procuring, cancelling
10 and delivering to the city of Bangor all bonds and
11 obligations which may have been issued and delivered
12 the said Aroostook Railroad Company by said city
13 to aid in the construction thereof, or by depositing the
14 amount thereof in cash, for the use of said city, with
15 the treasurer of said city for the time being, and also
16 paying the balance of the cost of the Aroostook Rail-
17 road, its stock and other property, with interest, in-
18 cluding the cost of buying or building any line from
19 Milford to Bangor, with interest, deducting the net
20 income aforesaid; or the European and North Ameri-
21 can Railway Company may pay the Aroostook Rail-

22 road Company the cost of their road, its stock and
23 other property, with interest, including the cost of
24 buying or building a line between Milford and Bangor,
25 with interest, deducting the net income as aforesaid,
26 also first deducting the amount of the outstanding
27 bonds and obligations which the city of Bangor have
28 issued and delivered said Aroostook Railroad Com-
29 pany for the purpose aforesaid, making the purchase
30 subject to any mortgage or mortgages of said city upon
31 said road ; but in such case the said European and
32 North American Railway Company, in addition, shall
33 also procure, cancel and deliver to said city at least
34 one-fourth of all the obligations and bonds issued and
35 delivered said Aroostook Railroad Company for the
36 purposes aforesaid, and the mortgage of said city shall
37 remain valid and binding upon said Aroostook Rail-
38 road to secure the remainder of all such bonds and
39 obligations, and the city of Bangor shall have the
40 same rights and same remedies to enforce the same as
41 said city had or would have in case no such purchase
42 had been made. And such purchase shall be made
43 within two years from the time the said railroad is
44 completed to Mattawamkeag, by the running of cars,
45 and not afterwards. In case of any differences be-
46 tween the said Aroostook Railroad Company and the

47 European and North American Railway Company, the
48 same shall be finally determined by commissioners ap-
49 pointed by the governor and council, at the request of
50 either party. And the said Aroostook Railroad Com-
51 pany, upon the conditions aforesaid, may sell and
52 transfer its line of road, and all of the property,
53 rights and franchises, to the European and North
54 American Railway Company, and the European and
55 North American Railway Company are authorized to
56 make such purchase; and the Aroostook Railroad Com-
57 pany may also lease its line to the European and
58 North American Railway Company, *provided* the
59 mayor and city council of the city of Bangor shall
60 first consent to and approve of the lease; and the
61 European and North American Railway Company are
62 authorized to take such lease upon such conditions
63 being complied with; and in case of any such sale, trans-
64 fer or purchase as is before mentioned shall be made,
65 the stock, rights and franchises of the Aroostook Rail-
66 road Company shall be consolidated into and become a
67 part of the stock and franchises of the European and
68 North American Railway Company; and all the pow-
69 ers and privileges acquired by such purchase, sale and
70 transfer, shall be had and enjoyed under the charter of
71 said European and North American Railway Company.

72 And such railway Company shall be required to fulfil,
73 perform and discharge all the duties, liabilities and
74 obligations undertaken by and imposed by law upon
75 the said Aroostook Railroad Company, and the Euro-
76 pean and North American Railway Company, in case
77 of such purchase or lease, shall have and enjoy the
78 benefits of the grants herein made, or that may here-
79 after be made to said Aroostook Railroad Company,
80 upon the terms and conditions before mentioned.

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

(C.)

AMENDMENTS.

(A.)

Insert after “ *States,*” section 3, line 2—for interest
2 on the amount received from the United States in the
3 year 1859, together with the claims against the United
4 States on account of the northeastern boundary ques-
5 tion.

(B.)

But for no claim for timber cut on the territory for-
2 merly in dispute between the United States and Great
3 Britain.

(C.)

Amend by adding to the end thereof :

SECT. 9. The grants mentioned in the foregoing
2 sections shall take effect and be in force after the city
3 of Bangor shall have voted to loan the credit of said
4 city in conformity with the act of March 20, 1860,
5 and not before.

(D.)

Amend first section by adding thereto—It shall be
2 the duty of the land agent to advertise the sales of
3 all timber lands offered for sale under this act, by
4 publishing notice thereof in the state paper, at least
5 three months previous to the day of sale, which sale
6 shall be at public auction.



STATE OF MAINE.

IN SENATE, March 1, 1861.

On motion of Mr. PEASE, bill "An act to aid the Aroostook Railroad and promote the sale of the public lands," with the House amendments, ordered to be printed for the use of the Legislature.

JAMES M. LINCOLN, *Secretary.*