

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1853.

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**Augusta:**  
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

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# THIRTY - SECOND LEGISLATURE.

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HOUSE.]

[No. 33.

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## STATE OF MAINE.

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

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AN ACT to provide for certain railroad connections for  
the European and North American Railway Company.

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

SECTION 1. The European and North American  
2 Railway Company is hereby authorized to connect  
3 its railroad, at Bangor, with the Penobscot and Ken-  
4 nebec railroad, upon such terms and arrangements  
5 that all passengers, merchandise and property coming  
6 from or destined to the road of said European and  
7 North American Railway Company, shall be trans-

8 ported over said Penobscot and Kennebec Railroad,  
9 at rates of fare and freight as favorable as shall at the  
10 same time be established or allowed by said Penob-  
11 scot and Kennebec Railroad Company for any other  
12 passengers, merchandise, or property transported over  
13 the road of said company.

SECT. 2. Any railroad company which has been,  
2 or may hereafter be, chartered by the legislature, with  
3 authority to extend its road to any point on the char-  
4 tered route of the Penobscot and Kennebec Railroad,  
5 shall be at liberty to connect its road with said Pe-  
6 nobscot and Kennebec Railroad, upon either side  
7 thereof, and all passengers, merchandise or other  
8 property coming from or destined to such connecting  
9 road, shall be transported over said Penobscot and  
10 Kennebec Railroad, to or from the point of connec-  
11 tion, at rates of fare and freight as favorable as shall  
12 at the same time be established or allowed by said  
13 Penobscot and Kennebec Railroad Company, for any  
14 other passengers, merchandise or property transported  
15 over the road of said company.

SECT. 3. All passengers, merchandise and prop-  
2 erty, transported over any connecting road mentioned  
3 in the two preceding sections, coming from or des-

4 tined to the Penòbscot and Kennebec railroad, shall  
5 be carried, received, and delivered by such connect-  
6 ing company, at rates of fare and freight as favorable  
7 as shall at the same time, be established or allowed by  
8 such connecting company, for any other passengers,  
9 merchandise or property, transported over such con-  
10 necting road.

SECT. 4. If any of the connecting companies afore-  
2 said, shall be unable to agree with the Penobsco  
3 and Kennebec Railroad Company, in respect to the  
4 place or manner of connection with said railroad, or  
5 in respect to the terms of such connection, or the  
6 rates of fare and freight thereon, both for local and  
7 through business, or the division of receipts resulting  
8 from transportation over the roads so connected,  
9 either party may apply to the supreme judicial court,  
10 holden at any term, within any county, in which  
11 either of such connecting roads shall be located, for  
12 the appointment of commissioners to determine upon  
13 the matter of such disagreement. Such notice of said  
14 application shall be given to the other party, as the  
15 court may direct, and thereupon the court shall ap-  
16 point three commissioners, who shall, upon due notice  
17 to the parties interested, and after hearing the same,

18 proceed to determine and award, in writing, upon  
19 the matter submitted to them, and prescribe the  
20 things to be done and performed by the parties, or  
21 either of them, and said commissioners shall award  
22 costs to either party at their discretion. The award  
23 of said commissioners, or a majority of them, shall  
24 be returned to the court in the county, where the  
25 application was made, and the same shall then be  
26 accepted and recorded unless the court, for cause  
27 shewn, shall order the same to be recommitted, for  
28 further hearing and determination. And upon the  
29 acceptance of such award, the same shall be binding  
30 upon the respective companies interested in the same,  
31 until a new award shall be made upon a further ap-  
32 plication therefor; but no application for a further  
33 award shall be made within one year after the accept-  
34 ance of a preceding award.

SECT. 5. The court shall have the power to pre-  
2 scribe the mode of proceeding by said commissioners,  
3 and may issue all such process as may be necessary  
4 to secure the due execution and performance of any  
5 award made and accepted under the provisions of  
6 this act.

SECT. 6. The capital stock of the European and

2 North American Railway Company may be divided  
3 into not less than one thousand, nor more than one  
4 hundred and fifty thousand shares of twenty pounds  
5 sterling each, or of one hundred dollars each, as said  
6 company may elect ; and said company may issue its  
7 bonds in sterling currency in the same manner as is  
8 now authorized by law.

SECT. 7. The European and North American  
2 Railway Company is hereby authorized to purchase  
3 or lease any portion of any other railroad, which has  
4 been chartered and located, or may hereafter be  
5 located between the city of Bangor and the eastern  
6 boundary of the state, and may purchase or lease the  
7 Penobscot and Kennebec Railroad, so as to form a  
8 connected line of road from the boundary aforesaid  
9 to the western terminus of said Penobscot and Ken-  
10 nebec Railroad. And in case of any such purchase,  
11 the stock and franchise of the company, whose road  
12 shall be so purchased, shall be consolidated into, and  
13 become a part of the stock and franchise of the  
14 European and North American Railway Company ;  
15 and all the privileges and powers acquired by such  
16 purchase shall be held and enjoyed under the charter  
17 of said company, and said company shall be required

18 to perform and discharge all the duties and liabilities  
19 imposed by law upon the company whose road shall  
20 be so purchased.

SECT. 8. A further time of one year from the pas-  
2 sage of this act is hereby granted, within which the  
3 said Penobscot and Kennebec Railroad Company may  
4 make a new location of any part of their road between  
5 Waterville and Bangor, but not so as to cross the  
6 Kennebec river at any point further north than the  
7 present actual location of its road, at Kendall's mills.

SECT. 9. This act shall take effect from and after  
2 its approval by the governor.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 23, 1853. }

ORDERED, That 350 copies of the foregoing bill, reported by the  
Committee on Railroads and Bridges, be printed for the use of the  
Legislature.

ALANSON B. FARWELL, *Clerk.*