DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1864.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1864.
STATE OF MAINE.

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

AN ACT authorizing the further extension of the European and North American Railway.

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

SECTION 1. The European and North American Railway Company is hereby authorized to enter into contract with the Maine Central Railroad Company, for operating its line of railway as built; and the Maine Central Railroad Company is hereby authorized to contract for this purpose with said railway company, and to run its engines and cars over said line; and the directors of the two companies may enter into contract for the purpose aforesaid, on such terms and conditions as may, in the judgment of the directors, be for the

STEVENS & SAYWARD, Printers to the State.
mutual advantage of the two companies, subject to
the approval of the stockholders of each corporation.

SECT. 2. The European and North American Rail-
way Company shall have a further time of one year
within which it may make a new location of any part
of its line, but not to change its general route from
Bangor to the mouth of the Mattawamkeag river; with
the right to pass on either side of the Penobscot river,
from Oldtown to Lincoln, and to extend a branch line
to the Penobscot boom crossing any one of the islands
in the Penobscot river above the Cook or steamboat
channel between Oldtown and Orson islands; and said
railway company may extend a branch of its line to
the slate quarries in the valley of the Pleasant river
at Brownville, and to the Katahdin Iron Works, from
any point on their line between Oldtown and Lincoln.
From the mouth of the Mattawamkeag river east and
northeast, the said railway company may have a further
time of two years in which it may file a new location
of its line to the boundary, in the most direct line to
St. John city, in New Brunswick.

SECT. 3. Said railway company may extend a branch
line of its railway from some point on its line east of
the mouth of the Mattawamkeag to Houlton and to
the northern boundary of the state with a branch line
5 to Woodstock and to the St. John river at Woodstock village; provided authority therefor be granted by the legislative authorities of New Brunswick.

SECT. 4. The European and North American Railway Company may lease its line of railroad or enter into and execute a contract in the nature of a lease, such as will enable the lessees thereof to maintain and operate by means of said railway and other roads in extension of the same, a connected line of railway from Bangor to Halifax, in the province of Nova Scotia; and said European and North American Railway Company, under the authority of its charter, may purchase any existing lines of railway between the city of Portland and the city of Halifax, or take a lease thereof of any one or more of them. But nothing contained in this act or any lease or contract that may be made under the authority of the same, shall exonerate said company or the stockholders thereof, from any duties or liabilities imposed upon them by the charter of said company or the general laws of the state, nor shall anything herein contained in any manner limit or circumscribe any power of the legislature of this state to enact laws affecting the rights, privileges or duties of said company; and a majority of the directors of said company shall always be citizens of this state, and said
23 company shall always keep their office and books in
24 this state.

Sect. 5. Whereas, the European and North Ameri-
2 can Railway Company has acquired the rights, fran-
3 chises, road bed, right of way, and all other property
4 of the Penobscot Railroad Company, it is hereby
5 enacted, that said European and North American
6 Railway Company shall have the right to enjoy the
7 property, road bed, rights of way, and the rights in
8 land purchased by said Penobscot Railroad Company
9 for road bed, depots and other corporate purposes, and
10 all rights of said Penobscot Railroad Company incipi-
11 ent or perfect, of locating and establishing its road on
12 lands of other persons, and all its road bed, rock cut-
13 tings, excavations, embankments, gradings, bridges,
14 piers, abutments, or other structures or works, as an
15 inherent part of its own franchise and property; and
16 the location of the line of the European and North
17 American Railway Company made, or to be made over
18 and upon the line of said Penobscot Railroad as built,
19 shall not give any new claim of damages to the owners
20 of lands whose property was taken by the location of
21 Penobscot Railroad, in all cases where said Penob-
22 scot Railroad Company has paid the land damages,
23 prior to any use thereof by said European and North
24 American Railway Company; the rights and properties held by said Penobscot Railroad Company shall 25 hereafter be vested in said European and North American Railway Company, and shall remain in full force 26 and efficiency unanulled and unimpaired, by any subsequent defeat, or dissolution of the Penobscot Rail- 27 road Company, whether by limitation of the time in 28 which the road should be completed, or by any other 29 means. And all bonds of the Penobscot Railroad 30 Company taken up for a valuable consideration, and 31 held by the European and North American Railway 32 Company, shall be valid in the hands of said railway 33 company as holders thereof, as a basis of title, but for 34 no other purpose; and no bond of said Penobscot 35 Railroad Company shall be negotiable for any other 36 purpose after the expiration of the charter of said 37 company, or of any validity, other than for the pur- 38 pose above set forth. Nor shall said European and 39 North American Railway Company be in any manner 40 liable for any debt of said Penobscot Railroad Com- 41 pany on account of the purchase thereof as aforesaid. 42 And the directors of the Penobscot Railroad Company 43 may execute any other and further instrument of lease, 44 transfer or other conveyance to said European and 45 North American Railway Company to carry into effect
the intentions and purposes of this act. And the pro-
ceedings of the two corporations aforesaid are hereby
declared valid, in case of their approval by the stock-
holders of the two corporations. And section eighteen
of an act approved August second, eighteen hundred
and forty-seven, entitled "an act to establish the
Bangor and Orono Railroad," which title was, by an
additional act approved August twenty-first, eighteen
hundred and fifty, changed to the Penobscot Railroad
Company, be and the same is hereby repealed, and
any transfer of its road bed, right of way, or other
property, or of its powers, privileges and immunities
by said corporation, by lease or sale to the European
and North American Railway Company, which trans-
fer, made or to be made, is hereby authorized, shall
not operate to extinguish said Penobscot Railroad
Company or to annul its charter; but it shall be re-
garded as still subsisting so far as its continuance for
the purpose of upholding any right, title or interest,
power, privilege or immunity, ever possessed, exer-
cised or enjoyed by it, may be necessary for the pro-
tection of the European and North American Railway
Company, its exercise of the powers, and its enjoy-
ments of the privileges and immunities so transferred,
being suspended, so long as the European and North
American Railway Company shall exercise and enjoy them.

Sect. 6. The European and North American Railway Company shall be at all times subject to such general laws in relation to railroads, as have been or may be hereafter enacted by the legislature of this state.

Sect. 7. In the construction of a bridge across the Kenduskeag stream, the said railway company shall conform to such plans and regulations for the building of two draws or a pivot draw for the passage of vessels through said bridge, as shall be prescribed by the board of railroad commissioners.

Sect. 8. In all cases where the said European and North American Railway Company has taken six rods in width by the location of their line, and have or may hereafter release a portion of the lands, wharves or flats so taken, such release shall not impair their location, though a less width than six rods is retained for the use of said railway.

Sect. 9. If the line of the European and North American Railway Company is not built to Lincoln within three years from the date of the approval of this act, and completed to the boundary of New Brunswick within the time limited therefor by law—Decem-
SENATE—No. 5.

6ber thirty-one, eighteen hundred and seventy—this act
7 and the charter of said company shall be null and void.

SECT. 10. This act takes effect on its approval by
2 the governor.

STATE OF MAINE.

In Senate, February 10, 1864.

Reported by Mr. MILLIKEN of Kennebec, from the Committee
on Railroads, Ways and Bridges, and on motion of Mr. ELLIOT,
laid on the table, and 350 copies ordered to be printed for the use
of the Legislature.

EZRA C. BRETT, Secretary.