

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1864.



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1864.

FORTY-THIRD LEGISLATURE.

SENATE.

No. 5.

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

11 mutual advantage of the two companies, subject to
12 the approval of the stockholders of each corporation.

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

SECT. 3. Said railway company may extend a branch
2 line of its railway from some point on its line east of
3 the mouth of the Mattawamkeag to Houlton and to
4 the northern boundary of the state with a branch line

5 to Woodstock and to the St. John river at Woodstock
6 village ; *provided* authority therefor be granted by the
7 legislative authorities of New Brunswick.

SECT. 4. The European and North American Rail-
2 way Company may lease its line of railroad or enter
3 into and execute a contract in the nature of a lease,
4 such as will enable the lessees thereof to maintain and
5 operate by means of said railway and other roads in
6 extension of the same, a connected line of railway from
7 Bangor to Halifax, in the province of Nova Scotia ;
8 and said European and North American Railway Com-
9 pany, under the authority of its charter, may purchase
10 any existing lines of railway between the city of Port-
11 land and the city of Halifax, or take a lease thereof
12 of any one or more of them. But nothing contained
13 in this act or any lease or contract that may be made
14 under the authority of the same, shall exonerate said
15 company or the stockholders thereof, from any duties
16 or liabilities imposed upon them by the charter of said
17 company or the general laws of the state, nor shall
18 anything herein contained in any manner limit or cir-
19 cumscribe any power of the legislature of this state to
20 enact laws affecting the rights, privileges or duties of
21 said company ; and a majority of the directors of said
22 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 proper-
25 ties held by said Penobscot Railroad Company shall
26 hereafter be vested in said European and North Ameri-
27 can Railway Company, and shall remain in full force
28 and efficiency unannulled and unimpaired, by any sub-
29 sequent defeat, or dissolution of the Penobscot Rail-
30 road Company, whether by limitation of the time in
31 which the road should be completed, or by any other
32 means. And all bonds of the Penobscot Railroad
33 Company taken up for a valuable consideration, and
34 held by the European and North American Railway
35 Company, shall be valid in the hands of said railway
36 company as holders thereof, as a basis of title, but for
37 no other purpose ; and no bond of said Penobscot
38 Railroad Company shall be negotiable for any other
39 purpose after the expiration of the charter of said
40 company, or of any validity, other than for the pur-
41 pose above set forth. Nor shall said European and
42 North American Railway Company be in any manner
43 liable for any debt of said Penobscot Railroad Com-
44 pany on account of the purchase thereof as aforesaid.
45 And the directors of the Penobscot Railroad Company
46 may execute any other and further instrument of lease,
47 transfer or other conveyance to said European and
48 North American Railway Company to carry into effect

49 the intentions and purposes of this act. And the pro-
50 ceedings of the two corporations aforesaid are hereby
51 declared valid, in case of their approval by the stock-
52 holders of the two corporations. And section eighteen
53 of an act approved August second, eighteen hundred
54 and forty-seven, entitled “an act to establish the
55 Bangor and Orono Railroad,” which title was, by an
56 additional act approved August twenty-first, eighteen
57 hundred and fifty, changed to the Penobscot Railroad
58 Company, be and the same is hereby repealed, and
59 any transfer of its road bed, right of way, or other
60 property, or of its powers, privileges and immunities
61 by said corporation, by lease or sale to the European
62 and North American Railway Company, which trans-
63 fer, made or to be made, is hereby authorized, shall
64 not operate to extinguish said Penobscot Railroad
65 Company or to annul its charter; but it shall be re-
66 garded as still subsisting so far as its continuance for
67 the purpose of upholding any right, title or interest,
68 power, privilege or immunity, ever possessed, exer-
69 cised or enjoyed by it, may be necessary for the pro-
70 tection of the European and North American Railway
71 Company, its exercise of the powers, and its enjoy-
72 ments of the privileges and immunities so transferred,
73 being suspended, so long as the European and North

74 American Railway Company shall exercise and enjoy
75 them.

SECT. 6. The European and North American Rail-
2 way Company shall be at all times subject to such
3 general laws in relation to railroads, as have been or
4 may be hereafter enacted by the legislature of this
5 state.

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

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

SECT. 9. If the line of the European and North
2 American Railway Company is not built to Lincoln
3 within three years from the date of the approval of
4 this act, and completed to the boundary of New Bruns-
5 wick within the time limited therefor by law—Decem-

6 ber 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.*