

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)

FORTY-EIGHTH LEGISLATURE.

SENATE.

No. 7.

STATE OF MAINE.

EXECUTIVE DEPARTMENT, }
Augusta, January 23, 1869. }

To the Senate and House of Representatives:

I have the honor to transmit herewith the Report of the Railroad Commissioners for 1868. The suggestions looking to the more effective supervision of our railroads, and especially those relating to the enlargement of the powers of the Commissioners, appear to me highly important.

J. L. CHAMBERLAIN.

REPORT

OF THE

RAILROAD COMMISSIONERS.

To the Governor:

The Railroad Commissioners respectfully submit their Annual Report.

We congratulate our fellow citizens that there have been so few accidents upon the railroads of the State during the year. There has been no loss of life or personal injury to passengers, that we are aware of, upon any of them, occasioned either by defects or by neglect in management.

The roads have been fortunate. For our climate, with its extremes of temperature, is trying to them—the frosts of winter and rains of spring seriously affect them. And the public have been fortunate to employ so agreeable and rapid a mode of conveyance without personal injury. But accidents are liable, nevertheless, to occur, and at any time upon any railway. Indeed they are always imminent, and we must guard against their occurrence, as best we can, by holding railroad corporations and their employees to the highest and strictest responsibility and by the most vigilant supervision.

It may be true that the per centage of loss of life upon railroads is not greater than it is by coach or private conveyance. But then disaster hangs as if by a thread always over them, and is liable at any time to fall with crushing weight upon life or property. And this is their peculiarity too often, that they startle like a flash of lightning, when no clouds are visible, and appall by terrific carnage. The State cannot do too much to avert such disasters.

Androscoggin Railroad.

The road of this Company extends from Brunswick to Leed's Junction—26 miles—with a branch track to Lewiston—4½ miles.

It has taken a lease of the Leeds and Farmington road—38 miles—for 50 years from December 1, 1865. And under the efficient presidency of Mr. Moses, and the careful and intelligent superintendency of Mr. Arthur Brown, the road is improving in its condition as rapidly perhaps as the limited travel and traffic upon it will justify, or the public safety and convenience demand. The bridges upon the road are wooden structures and require constant watching. The one over the Androscoggin, however, has been thoroughly repaired and strengthened, and is now one of the best in the State. The trestle portion of the one at Sabattisville we have called the Company's attention to, and advised its being rebuilt at once and with stone abutments. The other bridges are of light trestle work and should be replaced by more substantial structures and stone abutments. The Company have built this season a large brick engine house at Brunswick, and have rebuilt the culvert that was washed away last spring, between Crowley's and Lewiston, in a very substantial manner with granite from the quarries at Jay, upon the line of their road. The road and its equipment have been improved, and we are advised its business is increasing with its improved condition, and its greater facilities for travel and traffic.

Bangor, Oldtown and Milford Railroad.

This road extends from Bangor to Milford, about 12½ miles. It is perhaps better known as the "Veazie road" than by its corporate name. So much force of character had the late General Veazie, who owned it in his lifetime, that he quite generally imparted his own name to properties and localities in which he was interested. The heirs to his estate now own it, and its immediate management is continued in the same successful hands as heretofore. The road and rolling stock are well kept up, and both are in very good condition. The bridges at Stillwater and Oldtown, that we particularly examined, appeared strong and sound. A new passenger car, of their own manufacture, and of most creditable appearance, has been placed upon the road this season, and some portion of the track relaid and a new depot constructed at Oldtown.

Dexter and Newport Railroad.

This road extends from Dexter to Newport, and makes a connection there with the Maine Central. It is 14 miles in length. Passenger trains commenced running over it on the 26th of

November last. The road bed appears to be well made, but will require more ballasting in the spring. The rails are of American iron, of good quality and pattern. They are fastened by fish plates, making the continuous rail. The cars run remarkably smooth and easy. The station and depot buildings are not yet finished, but are in such progress as to convene the road very comfortably for the present. There are 2,340 ties to the mile, large and of the best wood. And what is creditable to somebody is, that the road has been constructed, as we were told, within its estimates.

- The road is leased to the Maine Central for 30 years, the lessee to keep it in repair, to furnish the rolling stock, and to pay \$18,000 per year, as we understand, for its use.

The town of Dexter lent its bonds to aid in its construction for \$125,000, the town of Corinna for \$50,000, and there has been issued \$125,000 of stock, making \$300,000 as the cost of the road in bonds and stock—upon which sum it is that the Maine Central is to pay interest.

The conductor and immediate manager, Mr. Josiah Owen, appeared attentive to business and obliging to passengers. Charles Shaw, Esq., of Dexter, is President of the Company.

The enterprising citizens of Dexter and Corinna have certainly done well to furnish themselves with the convenience of a good railroad, and to be able to lease it without equipment at an interest of 6 per cent. upon its cost. And they have a further reward in the enhanced value of their real estate and the prospective growth of their towns. We hope they will realize all the advantages from it they predict and that its opening indicates.

Portland, Saco and Portsmouth Railroad.

This is one of the oldest railroads in the State—extending from Portland to Portsmouth—a distance of 52 miles. It is leased jointly to the Eastern and the Boston & Maine roads, but keeps up its separate organization and furnishes the motive power. It is the only railway outlet at present for the very great travel and freight always pressing from Maine toward Boston. The road and equipment are in good condition. Three first class engines and several beautiful and well ventilated passenger cars have been added to its rolling stock the past season.

The Company have made extensive improvements near the west-

erly end of the railroad bridge in Cape Elizabeth. They have constructed a sea wall, nearly 1100 feet in length and about 16 feet in height, substantially backed with ballast. The large area thus enclosed has been nearly all filled with gravel brought from the Company's land in Scarborough. And on this new-made land, in part, they have erected machine shops 150 feet by 60 feet inside measurement, repair shop of same dimensions, and in the rear near these buildings, a blacksmith shop 65 feet by 40 feet. A large dry house 130 feet by 30 feet is also conveniently located on the premises for the storage of lumber. The turn-table 50 feet in diameter, engine house measuring 430 feet on the back and 240 feet on the front, covering 16 pits, are built wholly on the new-made land. The foundation of these last, as well as that of the sea-wall, rests upon piles driven from 16 to 30 feet in the mud and cut off at low water mark. And of these more than 2000 were used under the foundation of engine house and turn-table. About 2,000,000 of brick were used in the construction of the buildings and a large quantity of rough granite for covering the piles.

These long needed improvements will add greatly to the facilities of the Company in carrying on their extensive and increasing business.

Two substantial granite abutments have been erected at crossing of Great Works river, some two miles east of North Berwick. And several other important pieces of masonry have been either entirely rebuilt, or thoroughly repaired. Upward of 17,000 new sleepers, all of cedar, and 880 tons of new iron, have been laid in the main track during the year. The arches of the Mousam river bridge have been rebuilt, in part, and the attention of the Company has been called to the necessity of rebuilding the remaining portion of the old arches.

The Company deserve great credit for these works. They will soon entitle themselves to the gratitude of the public by erecting passenger and freight depots upon their grounds in Portland, large, spacious and convenient, such as their resources justify and the business of their road requires, and in keeping with the fine edifices that are rising up since the fire from the ashes of the old city. And the Company will act wisely, we hope they will think, in commencing these further improvements whilst they are sure of the services of their able Superintendent, to whose experience and judgment the road is largely indebted for the entire confidence the public has in it.

Great Falls and Conway Railroad.

Twenty-six miles of this road is now opened, but only a little over three miles of it is within the State of Maine. It commences at Brock's Crossing upon the P., S. and P. road in South Berwick, and crosses the Boston and Maine at Salmon Falls into New Hampshire. It is managed by the Eastern Railroad Company and largely owned by it. It is in very good condition, and under the intelligent superintendency of A. A. Perkins, Esq. A bridge at Great Works stream that we directed, early in the spring, to be strengthened, has been repaired. When this road shall be extended to Conway, N. H., its business will be much increased, and it will become an important feeder to the Eastern road and of much local benefit.

Boston and Maine Railroad.

This is a favorite road and has the entire confidence of the public. That portion extending from South Berwick Junction to the centre of the bridge at Salmon Falls, a distance of $2\frac{1}{2}$ miles only, is within this State. Its track and rolling stock are both in good condition.

Portland and Rochester Railroad.

This road heretofore terminating at Saco river, 18 miles from Portland, is now opened to Alfred, 14 miles further. The old portion of the road has been greatly improved under the efficient presidency of N. L. Woodbury, Esq., and is now in a good state of repair. The new portion has been remarkably well made under the supervision of John F. Anderson, Esq., who happily blends in his attainments with his fine taste for agricultural pursuits, a thorough knowledge, as well, of civil engineering. The rails are of the fishplate pattern and good form. It is well ballasted, well drained and well fenced. The entire road gives evidence of new life and brighter prospects for the future. And we trust its enterprising stockholders, favored by a President who takes pride in giving to the enterprise his personal attention, will soon extend their road to Rochester, and thereby secure to Portland a business that now waits an avenue to its best market, and for themselves a remuneration though long delayed, yet that capital wisely combined with perseverance usually gives in the end and always deserves.

Portland and Oxford Central Railroad.

This road has been in hospital for some time past, and we have not been over it this season. But its history suggests the inquiry, whether a railroad chartered by the Legislature and built in part by the aid of the communities through which it passes, should be liable to be suddenly stopped at the pleasure of the stockholders, without notice or liability. Tanneries, factories, or other establishments may be erected upon the line of a railroad with the expectation of transporting upon it, its material and products, or bark or cordwood or ship-timber may be cut far in the interior with a view of being carried to market or its place of destination over a railroad passing near. And if the road were to be summarily stopped without notice, great loss might result to capital or labor so invested, though invested without fault and with every proper precaution. If no hardship of this kind has yet occurred in this State, whether it would be wise to guard against it for the future is a matter for legislative consideration.

Maine Central Railroad.

This road extends from Bangor to Danville Junction—110 miles. It is a first class road in track and equipment, and is well kept up under the experienced management of its very able Superintendent. Its wear and tear is more than compensated by new material, and its rolling stock has been increased and its road bed improved during the year. Its freedom from accidents has inspired confidence in it, and the regularity of its trains has made it a favorite road for travellers.

The Company have enlarged their passenger accommodations at Bangor during the year, and have so altered their depot as to admit the cars of the European & North American Railway under it, and have made an addition to it, affording new offices to the Company and more convenient reception rooms to gentlemen and ladies.

They have built stone abutments at Hermon stream, preparatory to a substantial bridge there in the spring.

They have taken down the trestle work across the two islands at Kendall's Mills—370 feet—and built stone piers and erected a substantial truss bridge in their place, and covered the whole with an iron roof; and have laid down 825 tons of new rails—repaired and replaced in the track about 200 tons of old iron—put down 43,000 sleepers—raised 9 miles of road bed and ballasted it.

A passenger depot is needed at the point of connection of the Androscoggin road at Leeds Junction, for the convenience of travellers wishing to change cars there from one road to the other.

The Company have extensive workshops at Waterville, and have made a new locomotive during the year in their own shops, and a number of freight cars and other articles of railroad furniture. We understand they are preparing to erect another large machine shop, and otherwise enlarge their capacity for the construction of engines, cars and other equipments, with a view of doing, so far as practicable, all their own work. And this is worthy of all commendation. It will give employment to men and artisans at home, and save to the State the example of their industry and the profits of their skill. It will give value here to the raw material we may have, that enters into the construction of railroad equipments, and will insure thoroughness of work.

Mr. Dunn, the President of the road, is an active business man, and if he can encourage home industry and add value to home products, and at the same time further the interests of his Company, he will have done the State some service.

Portland and Kennebec and Kennebec and Somerset Railroads.

The Portland & Kennebec Railway Company have leased the Kennebec and Somerset road and thus have a line of railway from Portland to Skowhegan—100 miles—besides the branch from Brunswick to Bath of 9 miles. Their rolling stock is in good condition and has been increased during the year. The track has been improved by the laying down of 650 tons of new rails and the repairing and relaying about 200 tons of old iron. The Company have done a great deal of work in the building of fences, turnouts, culverts and abutments, and have constructed a commodious storehouse at Augusta, and water-stations, station houses and freight buildings at different points on the line of their road—and made other and the necessary repairs upon bridges and track. The Company have extensive workshops at Augusta, and have manufactured the present season one passenger, one mail and one baggage car, and sixteen freight cars of different kinds, besides doing much other new and old work, and the repairing of engines and other railway equipments. They have given greater capacity to their machine and car shops, with a saving of expense, and are now doing very largely their own work.

And the business of the road has greatly increased, we are informed, with the improved condition of its track and the greater facilities of transportation.

The civility of its officers to passengers and the gentlemanly deportment of its careful Superintendent, have given favor and patronage to the road. But in no one respect is the road more fortunate than in the services and personal attention of its President. His disciplined and practical mind inspires system, progress and success in every department of the corporation.

Atlantic and St. Lawrence Railroad.

This road extends from Portland to Island Pond, 149 miles. The portion of it within this State is 82 miles. It was on 5th of August, 1855, leased to the Grand Trunk road of Canada for 999 years, and is quite generally spoken of as the "Grand Trunk" as if it were technically a part, as it is practically, of the Canadian road.

The Grand Trunk has grown to be one of the great arteries of the State, through which a volume of travel and traffic flows every day of the year, that in amount quite fulfills the prophecies of its enthusiastic projectors and makes it of public concernment that it be kept always in a healthy condition. The magnitude of its business may be somewhat inferred from the fact that twenty trains a day pass over it from Danville Junction to Portland, and that from Nov. 1, 1867, to Nov. 1, 1868, 83,162 cars passed over the same portion of it, and 6,404 engines.

But this great amount of business has worn out the road. It now requires ballasting all the way from Danville Junction to Portland, and in other places to be relaid largely with new and better rails. The severity of the winter of 1867-8, and the heavy traffic over it, severely affected the road. The iron that has been laid down for a few years past, has much of it, proved to be of an inferior quality. So that when we went over this road in the early spring we found it much out of repair. We at once notified the officers of the road of its condition and went over it with them upon hand cars and by walking, and pointed out the places requiring immediate attention, and advised with them as to the necessity and mode of repairs the road needed. Repairs to a limited extent were then in progress—sleepers were distributed, and one hundred and eight men were employed by the roadmaster

upon the 82 miles of track within this State; and we were assured that arrangements had been made for relaying, ballasting and repairing the road immediately after the 1st of July, then next, and that the road would then at once be put in satisfactory condition, and in the mean time as much as practicable should be done.

We examined the road again in June to learn what progress was being made in repairing it and to see its condition. Two members of our board went over it separately at different times in July.

We again went over the road on 25th and 26th, August, and upon this examination we found that repairs had not been made to the extent we had expected, or that the public convenience and safety, in our opinion, required. We therefore made and served upon the Atlantic & St. Lawrence Railroad Company the following notice:

"To the President and Directors of the Atlantic and St. Lawrence Railroad Company, or to C. J. Brydges, Esq., having the care and management of said road:

We have just made, as Railroad Commissioners of Maine, an examination of so much of the Atlantic & St. Lawrence Railroad as is within this State. We had been twice before over the road this season, and upon the examination now given it, we do not find that in meantime such repairs have been made upon it as we had hoped, from the assurance then given us, would have been.

We therefore now give you this more formal notice, agreeably to a statute of Maine entitled 'an act additional to an act to secure the safety and convenience of travellers on railroads, passed in the year 1858,' approved March 16, 1864.

That the road is generally within this State, in a worn out and bad condition, so as, in our opinion, to be unsafe for travellers on it.

Many rails are broken at the ends, bent and badly laminated. There are many short pieces of rails not properly spiked, and some not secured at the joints by chair or fish plates.

There are many defective sleepers. These bad and loose rails and rotten and defective sleepers, are on all the sixteen sections between Portland and the line of New Hampshire, and particularly between West Paris and Danville Junction. And in order to make the road in safe condition, all these bad rails and short pieces should be taken out and the defective sleepers removed and sound and good rails and sleepers placed in their stead.

And we hereby state and fix the first day of October next as a reasonable time on or before which said repairs shall be made.

And we propose again to go over the road on the second and third days of said October to see if this requirement has been complied with.

And upon the said defective portions in any of the above sixteen sections within this State, we hereby direct and require that the rate of speed of the passenger trains be reduced to fifteen miles an hour until said repairs are made.

S. H. BLAKE,	} <i>Railroad Commissioners</i>
A. W. WILDES,	
S. T. CORSER,	

of State of Maine."

BANGOR, 26 August, 1868.

On the 2d and 3d of October we again examined the road. We did not then find the repairs had been made as required by said notice, or that the speed of passenger trains had been reduced as also required by the Commissioners, and we were also of opinion that the road was so out of repair as to be unsafe in certain portions of it for travellers on it. We felt it our duty, therefore, to present to the Court at the then first Term in the County of Cumberland this state of facts, by petition agreeably to the enactments of the statute of 1864, ch. 238, in relation to "the safety and convenience of travellers on railroads." A hearing was had on 23d October before Judge Tapley at Portland. Mr. Barnes appeared for respondents, and Nathan Webb, Esq., District Attorney, and Mr. Attorney General Frye, appearing for complainants. And the following order was passed by the Court:

"Supreme Judicial Court. Cumberland, ss.—Oct. T., 1868.

October 23, 1868.

Railroad Commissioners, Petitioners, vs. The Atlantic and St. Lawrence Railroad.

The Court having heard and considered the application of the Railroad Commissioners, and the answers of the Atlantic and St. Lawrence Company and of the Directors of said Company, and such evidence as was produced, pending the determination of other questions arising in said cause, it is ordered, That the said Atlantic and St. Lawrence Railroad Company, its directors and managers, cause the said railroad within this State to be repaired, by removing all pieces of rail less than twelve feet in length and replacing them with sound rails, of not less than twelve feet in length, and

by properly and firmly fastening the rails at the joints with fish-plates or chairs, and resting the ends of every rail on suitable sleepers at the joint and at the distance of not more than two feet each way from the joint, and at or near the middle of the rails, and to remove all split rails and rails from which the flanges at the ends are broken, crushed, or badly worn, and to replace them with good rails, and by spiking with a suitable number of spikes, the new and old rails, and by laying, where most needed, from thirty to fifty thousand new sleepers, as the state of the weather may afford opportunity, and that this work be proceeded with, with all practicable diligence, and completed to the satisfaction, both as to diligence and the thoroughness of work and material, of the Railroad Commissioners, under such inspection as they shall prescribe, on or before the first day of January next, and that until the satisfactory completion of the same, no passenger train shall be run over such portions of the said railroad, as may be designated by the Commissioners; at a speed exceeding fifteen miles per hour, or such lower rate as the Commissioners may prescribe for particular places.

And it is also ordered, that this case stand continued for further hearing till the January Term of this Court, unless complaint shall be sooner made that there is unreasonable neglect or refusal to comply with the requirements of the foregoing order."

We at once proceeded to designate the places where the speed of passenger trains should not exceed fifteen miles an hour, and certain other places where it should be reduced to six miles an hour, and gave notice accordingly to the Managing Director of the Grand Trunk.

On the 18th and 19th of November, we again went over the road. Mr. Corser had been over it alone some ten days before. We found that 500 tons of new rails had been laid in the Maine portion of the road, many new sleepers put down, the force of men under the road master increased, and the road improved.

We have again been over the road. About 475 tons of new rails have been laid since our last examination, and some other repairs made. But the rails have become in other places badly worn, and the road is not in the condition the great amount of business upon it requires, nor such in some portions of it as the safety of travellers demands, except at the reduced rate of speed ordered by us in pursuance of decree of Court. The management of the road has

issued instructions not to exceed the speed stated in designated places, and engine drivers are required to conform to such orders, and never to make up time by increasing speed. These instructions imply good faith on the part of the direction of the road, and if always observed may insure safety. And it may be further said, that the bridges are all fine structures—with stone abutments, and spans of sound and large timber or iron girders—bridges strong as wood and iron and the best masonry can make them. There can be none better. But the road requires, as we have said before, to be largely relaid and ballasted, for its own interest and preservation, as we think, as well as for the public safety and convenience. And the trains upon it are so many and so heavy, that new rails will be necessary in many places and from time to time during the winter, besides all the repairs that can be made to the old iron, in order to enable it to continue its business.

European and North American Railway.

Under charter from the State of Maine this road will extend to the boundary line of New Brunswick, about 108 miles; thence under Provincial charters, and by the same corporate name, to the city of St. John, about 88 miles; and thence to Halifax, 262 miles—thus making the distance by rail from Bangor to Halifax 458 miles, and from Halifax to Boston 706 miles, and to New York 940 miles. The distance by water from New York to Halifax is 700 miles, and would ordinarily be made by steamer in 70 hours—the time by rail would ordinarily be made in 30 hours. This difference of 40 hours in favor of the railway will in time tend largely to direct the trans-Atlantic travel to the land route.

The road is completed to Milford and is well made. The rails are English iron and of the fish-plate pattern, and are laid as far as Olamon, 26 miles, to which point one of the daily trains to Milford runs once a day. It connects with the Maine Central at Bangor, and crosses the mouth of the Kenduskeag upon a well built How-truss bridge. The expensive bridges at Stillwater and Oldtown appear to be strong and permanent structures. The road is graded to Lincoln, and ties all distributed ready to be placed in position as soon as the frost is out in the spring, and from Lincoln to Winn the road is under contract. So that the public may reasonably expect the road to be completed and fully equipped with rolling stock and depot and freight buildings from Bangor to Winn by another fall.

No enterprise has ever, we think, been undertaken in Maine of more importance to the State. When the embranchment to Aroostook shall be made, which is only a question of time and means, it will bring back and secure for the State that which belongs to it, and keep at home the great future business of a territory larger than several of the States of the Union. But it is of more than State importance. It will be international in its benefits. The Provincial road from St. John is to meet it at the boundary. And there will then be a continuous railway communication between the business centre of the maritime Provinces and the commercial emporium of New England. A greater interchange of friendly relations and commercial values in the natural products of the one country and the manufactures of the other will spring up between the two peoples. Counter currents of friendship and trade will meet upon it and strike out new sparks of civilization and progress in their contact.

Besides, as a work fitly prepared in time of peace for national defence, to transport troops upon to our northern or eastern frontier, for the purpose of repelling invasion or for hostile aggression, it would be of more service to the State and the Union than all the military works at Eastport and Houlton, and Fort Fairfield and Fort Kent, if rebuilt with the strongest masonry and kept always bristling with arms. It has already received therefore, as it deserved, the aid of the State—and might well ask Governmental favor. Besides, too, it is to be extended further eastward until its passengers and freight debouch into the steamers that bridge the Atlantic to Europe, and thus it will become a link in the inter-oceanic communication between the Orient and the Occident, of which the Pacific railway is but another longer link in this destined highway of the nations, and why is it not therefore also entitled to the like good will of the country?

The road is in competent hands. Its direction embraces gentlemen of great financial ability, of the highest integrity and large railroad experience.

The *Calais and Baring* and the *Lewy's Island* railroads, it is not made our duty by statute to examine.

There are several new railroads under way in the State, and charters have been granted for others not yet under contract. And interested localities are considering the advantages of still other unsurveyed routes. This movement in favor of railroads indicates the thrift and enterprise of our people.

The *Bangor and Piscataquis* road has been pushed with great energy the present season, and will be completed to Dover another year. It is 40 miles in length, and will connect with the European and North American Railway at Oldtown. The friends of this road are sanguine of its success. They attach consequence to the slate and iron ore of Piscataquis as giving it peculiar advantages. And there is no reasonable doubt but that the slate is as inexhaustible in quantity as it is excellent in quality. And the demand for it is without limit. The quarrying of it, therefore, stimulated by railroad facilities of transportation, may grow up to be a great business, and the value of its product and export may by-and-by rival even that of lumber. A dormant wealth may be awakened that, loosed from the stony embrace that holds it to the earth, shall give employment and profit to a great influx of people, and add business and growth to the communities that have favored an enterprise, one of the earliest fruits of which may be this development.

The *Belfast and Moosehead* road has had a large force upon it during the autumn. It will connect with the Maine Central at Newport.

The *Somerset* road, that is to connect with the Maine Central at West Waterville, is, a portion of it, under construction.

The *Knox and Lincoln* road has been commenced. It passes through the wealthy and populous communities that skirt the seacoast between Bath and Rockland. And its prospects are such as to urge and justify its early and permanent construction. Its length will be about 45 miles, and it will connect with the Portland and Kennebec road at Bath.

By the act of 1864, chapter 238, it is made the duty of the Railroad Commissioners to examine "the track, culverts or bridges of any railroad, or the cars used to transport persons," and if they find them "so out of repair as in their opinion to be unsafe for travelers on said road," to immediately notify the Directors or persons having the care and management of said railroad, of its condition and what is required to make it in a safe condition, and they shall state also in said notice a reasonable time within which such repairs shall be made." And if such repairs so required by the Commissioners are not made within the "reasonable time" stated by them in said notice, it then becomes the duty of the Commis-

sioners to present these facts to the Court by petition. When, upon a hearing of the parties the Court "may order and decree such things to be performed by the directors or managers of said railroad as shall appear to be necessary in order to secure the safety of travellers upon said railroad, and *unless* the directors or managers of said railroad shall execute and file in Court a bond or recognizance with sufficient sureties for such sum as it shall appear is sufficient to make the necessary repairs, or otherwise satisfy the Court that said repairs will be made within the prescribed time, the Court shall grant an injunction upon said corporation," &c. These provisions ignore the 3d, 4th, 5th and 6th sections of chapter 175 act of 1860, and by some are regarded as in conflict with them and operating their repeal, and by others as providing a cumulative remedy only and a different mode of procedure. In either view it may be worthy of legislative consideration whether these two leading statutes, both designed to "secure the safety and convenience of travellers on railroads," should not be revised and their provisions made to harmonize one with the other.

And further, whether it would not be wise to confer the duty upon the Railroad Commissioners, under proper restrictions, whenever it is perceived that a railroad is badly out of repair, and its amendment is so neglected that it is fast approaching a condition of unsafety, to interfere to arrest its tendency to dilapidation in such manner as the Legislature may prescribe, *before* it has quite touched the point of being in the language of the one act "hazardous," or of the other, "unsafe,"—or perhaps, in extreme cases, to take possession temporarily and appropriate its earnings to its repair for the time being, so that it may always be kept up as its charter requires and never allowed to get so out of repair as to be in a condition "unsafe for travellers"—a condition that is now prerequisite to any right of interference on the part of the Commissioners, except by the very harmless procedure of bare examination and annual report to the Legislature.

Or if this should be regarded by the Legislature as clothing the railroad commissioners with too much power, it might tend to prevent disasters—to provide in cases where the Commissioners shall have notified the managers of certain places upon their road as being unsafe to pass over, or shall have required them to reduce the speed of trains upon them, that certain penalties should be incurred by the Company or their employees neglecting or refusing to

comply with the requirements of the Commissioners, and that in case of injury to travellers in passing over such unsafe places, after such notice and disregard thereof by the managers, that the parties in fault should be held criminally responsible, and the non-compliance with the requirements of such notice be held *prima facie* evidence of fault.

Further, complaint is sometimes made that railroad companies are not always provided with suitable conveniences to receive freight and adequate means to transport it promptly. They certainly should be, for they are common carriers. And besides, the charters of most of them, if not all, impose the duty in express language—"And said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of engines, carriages and vehicles for the transportation of persons and articles, and be obliged at all proper times and places, to convey the same when the appropriate tolls therefor shall be paid and tendered," &c., are the words of one charter, and similar provisions are in others. And this duty of being prepared at all proper times to receive goods, and to convey the same, applies as well to goods delivered by railroads as to those delivered by teams or individuals. To illustrate the complaint that is made—a car load of leather or live stock, for instance destined for Boston, arrives in Portland at noon by way of the Maine Central or the Portland & Kennebec, or is tendered by teams or individuals at the freight depot of the Portland, Saco & Portsmouth Railroad. And suppose the P. S. & P. road has not proper depot and freight facilities or the cars present to enable it to receive this leather or live stock, or has not engines to haul it as promptly as the general usage of railroads would reasonably require. Then, if not so provided, or if any other road is not, are they not in fault? For their duty is to "keep their railroad in good repair, and a sufficient number of suitable carriages and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places the same when the appropriate tolls therefor shall be paid or tendered." And the proper times and places are the times and places fixed by the corporation when and from which trains ordinarily start.

And for such neglect there is not now any adequate remedy that we are aware of, except by action for damages. And this applies rather to individual and isolated cases and is besides more appropri-

ate where carelessness or negligence is alleged, whereby injury resulted, than to cases of refusal to receive goods for the want of proper facilities to do so, or the want of cars and engines to convey them, whereby more frequent and general injury is liable to result.

In view of these facts, would it be holding railroad companies too strictly up to the obligations of their charters, and to their duties as common carriers, to require them to have their roads always in good condition and with such equipment as to enable them to do well and promptly the business they invite? And in default of such provision for the public safety and convenience, would it be unjust to the railroads to provide that, on complaint of any one responsible for costs, that a railroad has not provided adequate and proper facilities for receiving and transporting goods, the Railroad Commissioners shall examine the case, and if, in their judgment, suitable accommodations are not afforded, and that the person or corporation so complaining has been injured thereby, they shall prescribe what are requisite and fix a time within which they shall be provided. And if they are not so provided, the railroad so offending shall not receive any tolls after that for the transportation of persons or property until said accommodations are provided. This would be stringent, but there would not be the hardship in it, in the long run, that at first blush might appear, for the better the road the greater would be the patronage bestowed upon it and consequently its remuneration.

Railways are becoming the highways of the State, as common roads are of counties and towns. And the State should exercise like supervision over them, for the protection and safety of citizens, as towns do over their roads. The State should take care, too, that they are located where they will best subserve the public interests. And experience has shown that they are likely to be useful and successful where they look to the facilitating of travel and business, rather than to their mere diversion into other and new channels, or to the aiding of development where favoring circumstances have already commenced it, rather than to the originating of untried enterprises. And it is the aggregate of good and the general enhancement of values that a sound State policy would dictate as the object of their encouragement, and not an appreciation of values in one locality, to be followed by a depreciation in another. For what good does it do the State, by legis-

lative charter or otherwise, to give to one city or town a \$100,000, if it does it by reducing by just so much the property of another city or town; or what good does it do the State, if it gives to one corporation or individual a \$100,000 if it thereby at the same time takes the same amount from another corporation or individual? And is there not in both cases a waste of the labor and expense used in effecting the change? It becomes the State therefore, looking to the aggregate of good both to citizens and places, whether it aids directly or incidentally controls individual action in the construction of railroads, to see to it, that they are located where the population, commercial wants and geographical formation of the State shall combine to make it certain, that in the long future, they shall conduce to the general growth and increase and prosperity of the State, or that they be not built at all. For it is better that labor and capital be left to seek employment in other fields of enterprise in the State—to reap such harvests as best they can, than to waste themselves in idly diverting travel and trade from one avenue into another, without any increase of either, or in a costly crusade for business where no business exists.

Railroad charters are sometimes improvidently granted from imperfect knowledge, when a more careful view of the whole field might lead to a preference by the Legislature for another route or to a disapproval of both. Perhaps a longer and more general notice of the intended application for a charter, than is now required, and a reconnoissance of the proposed route by a competent commission to be appointed by the Governor, might tend to prevent mistakes and to inspire confidence when a decision was arrived at. And this umpirage or commission might well be required, we think, to examine both the feasibility of the proposed route and of other and rival routes as well, whether a charter was asked for them or not, and to report to the Legislature upon the comparative advantages of the different routes and their relative capacity and aptitude to do the business waiting railroad facilities, and also their probable and relative effect upon State development and upon corporate and private interests. So that, the Legislature might have before it all the facts, of a nature to throw light upon its duty, and, besides, the well considered opinion of an able commission, to guide it to a wise decision of questions, that may affect the investment of millions of dollars and largely influence for better or worse the business of the State.

It is to be regretted that there is not a uniformity of gauge upon the different railways of the State. The convenience of transportation would thereby have been exceedingly promoted to the merchant and producer, and the value of these highways have been greatly enhanced. It has been suggested that some mode of consolidation of the railroads of the State might tend to such a result, with the incidental advantage of a saving in the cost of working them. But whether the present railroad system of the State has not been continued too long and become too fixed for anything in this direction to be practicable, is for legislative forecast to decide. It may be too late. It probably is so. But if it be assumed that the State should have a policy toward its railroads, and that that policy demands a uniform gauge, it is illogical to say, it is too late to remedy the evil of two gauges, for it is never too late to reform an evil and to do right.

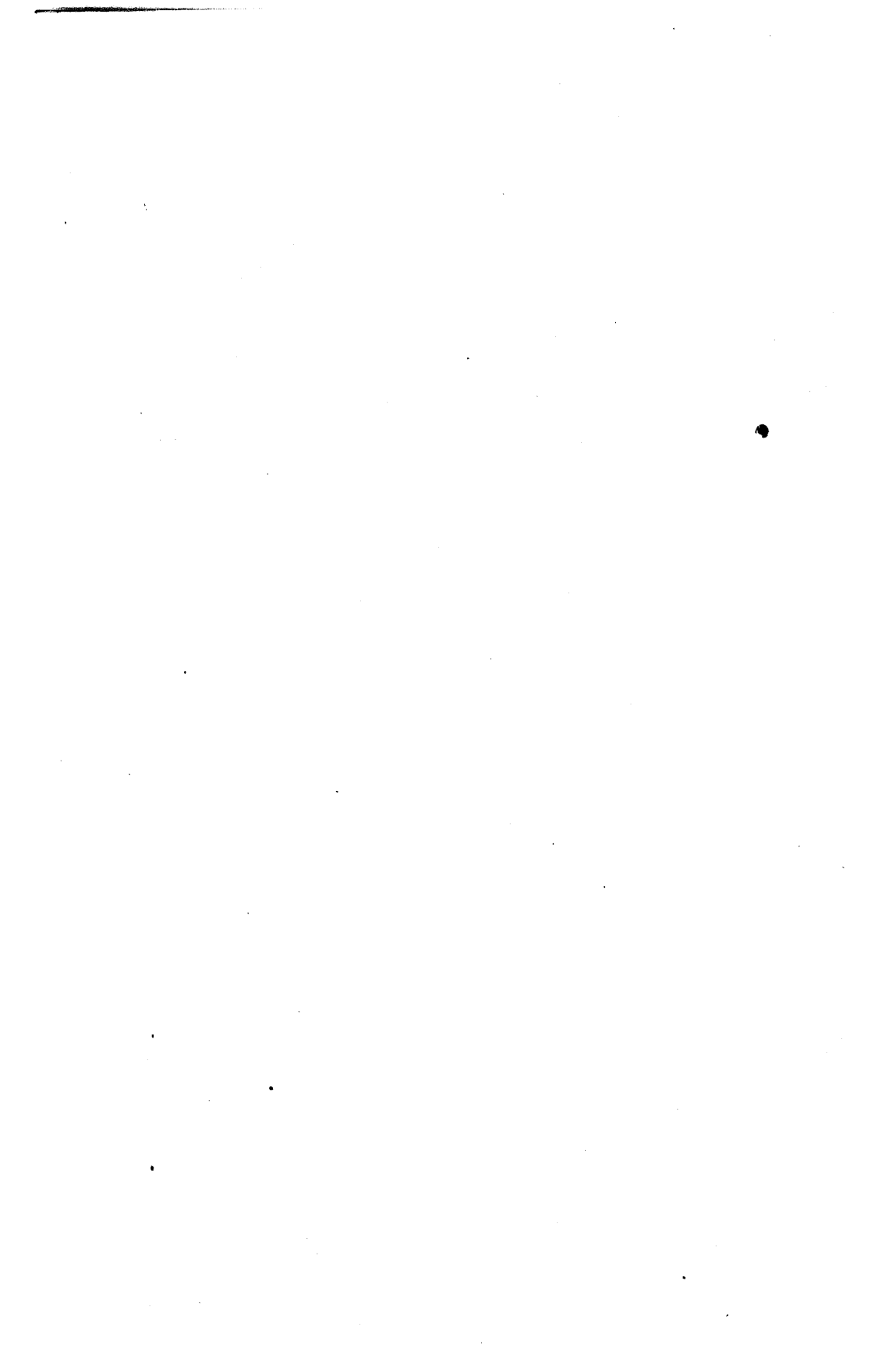
Maine has not heretofore been regarded as a favorable field for railway operations. Her geographical position upon one side of the Union, and her sometimes deep snows and severe frosts, have been uninviting to railway enterprises. But the progress of events outside of her borders has of late brought her more within the highway of the world, and her climate is ameliorating as her forests are cut off, or its effects are being overcome by experience and skill in engineering, if not compensated for in part by the patient hardihood its rigors inspire. Maine is indeed a border State, but she is central and interior between the Canadas and the maritime Provinces, that adjoin her, and the line of communication by steam, now far under way, that is to belt the earth, directly crosses her territory. Our British neighbors propose to build for Governmental purposes an Inter-Colonial railway through the snows to the north of us, and for like reasons we may construct a railway to some point on our northern frontier near Fort Kent. Ours will open a good country to settlement—theirs will pass through the inhospitable wilds of the Northumberland coast. If the British road is used for hostile military purposes, the American road will approach within easy reach to cut it at the mouth of the Riviere du Loup.

Another, more immediately to be built, it may be, and of greater commercial advantage, is the projected road that crosses our western boundary and mindless of mountain ranges, pushes itself westward 340 miles on to the shores of the lakes at Ogdensburg

—an enterprise that would open to Maine another avenue to the West, and that the public spirited men of Portland have subscribed to with a munificent liberality. Maine has come late, to be sure, into the arena of railroad development, but the locomotive is threading its way up and across her valleys like a thing of life. It is taking breath to bound along her sea-coast from Bath to Rockland—it will in another year or so leap her eastern frontier and bring back European freight and travel across her domain—it will ere long break again by rail our western boundary and find the shortest and cheapest route from the sea to the lakes. Maine waits only her time to achieve triumph and growth upon these highways of modern commerce.

A. W. WILDES,
S. H. BLAKE,
S. T. CORSER.

BANGOR, December 31, 1868.



STATE OF MAINE.

In SENATE, January 25, 1869.

Read, and on motion of Mr. HERSEY, laid on the table and one thousand copies ordered to be printed.

THOMAS P. CLEAVES, *Secretary.*