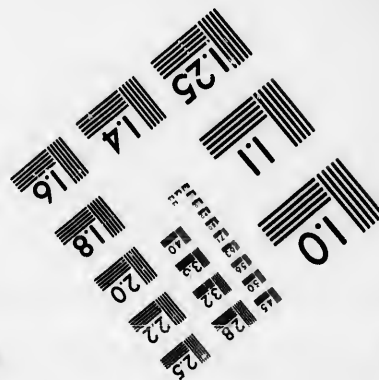
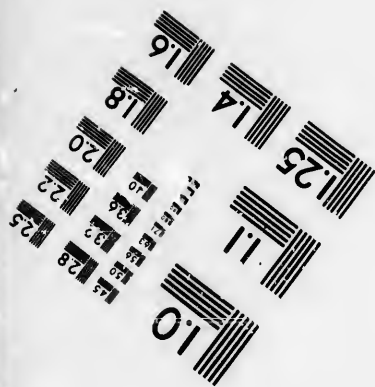
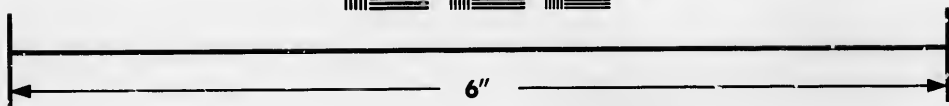
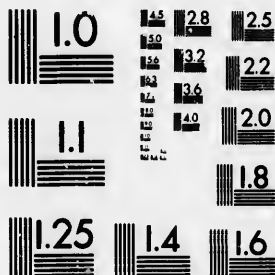


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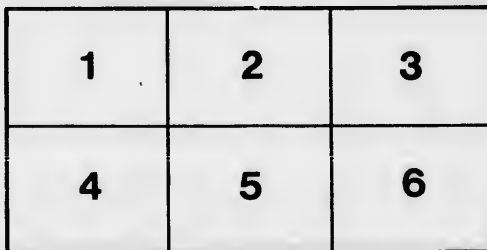
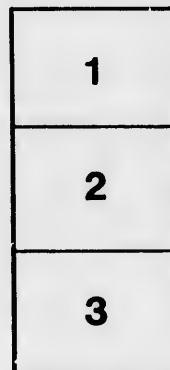
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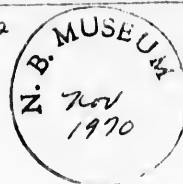
Wm. F. Estlin

39TH CONGRESS, }  
1st Session. }

SENATE.

{ Mrs. Doc.  
No. 13.

482



MEMORIAL

OF THE

EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY  
OF MAINE,

PRAVING

*Aid in constructing a military railroad from Bangor to the St. John river.*

DECEMBER 19, 1865.—Referred to the Committee on Foreign Relations, and ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled.*

The European and North American Railway Company of Maine, a corporation established by the laws of that State, respectfully represents, that by authority of an act of the legislature of Maine, approved August 20, A. D. 1850, said corporation was authorized to construct and maintain a line of railway from the city of Bangor to the boundary of Maine, in the direction of the city of St. John, in the province of New Brunswick, with the right there to connect with a line of railway to be constructed from the said city of St. John to said boundary line, a copy of which act, the by-laws of said company, and of the several acts of the legislature of Maine in addition thereto, enlarging the powers of said company, so that by virtue of the several acts aforesaid of the legislature of Maine it has authority to unite with other railroad companies in said State of Maine and the provinces of New Brunswick and Nova Scotia, so as to form a connected line from the city of Portland to the city of Halifax, Nova Scotia, with a branch line to the northern frontier of Maine, the northeastern boundary of the United States, are hereunto annexed as a part of this application, marked A.

And the said railway company further represents that the parliament of the province of New Brunswick, by an act approved April 13, 1864, authorized the construction of a line of railway from the city of St. John to the boundary of Maine, by a corporation entitled "the European and North American Railway Company, for extension from St. John westward," with authority to unite with the line of this corporation, so as to form a continuous line from Bangor to St. John city; a copy of which is hereto annexed, marked B.

And said railway company further represents that the legislature of the State of Maine, by a series of resolutions approved January 31, 1863, and by other resolutions approved March 25, 1864, asked the United States government to provide defences for the northeastern frontier of the United States by the construction of a military railroad from the said city of Bangor to the St. John river, meaning and intending the line of the European and North American railway; copies of which resolutions, and the official statement of the governor of Maine, are appended hereto as a part of this application, marked C.

And the said railway company further represents that, in order to aid the construction of said line, the State of Maine granted its public lands and its claims against the United States, which accrued prior to 1860, to said company; a copy of which act is hereto annexed as a part of this application, marked D.

And the said company further represents that the public lands of Maine covered by said grant, amounting to 794,300 acres, are subject to a claim of Massachusetts for \$200,000, so that the chief reliance of said company for raising the money for building said line of railway is on the claims of Maine and Massachusetts upon the United States, the State of Maine having invited the commonwealth of Massachusetts to co-operate with Maine in extending a military road from Bangor to the St. John river, and the commonwealth of Massachusetts having assigned its claims against the United States held jointly with Maine, to aid the construction of such a line of road; copies of which resolutions, and the act of the legislature of Massachusetts approved May 16, 1865, entitled "An act to aid the construction of the European and North American railway," are hereto annexed as a part of this application, marked E.

And the said railway company further represents that, in pursuance of the authority granted to it as aforesaid, it has been duly organized, purchased the lines on its route, on which there have been expended large sums of money, to wit, \$378,000 in grading, masonry, and bridging on said line from Bangor towards the eastern boundary; that it has obtained large subscriptions to its capital stock, amounting to \$——, from the citizens of Maine residing on its route or on connecting lines of railway.

And said company further represents that the city of Bangor has, by authority of the legislature of Maine, loaned its credit to said company to the amount of \$500,000; copies of which act, and of a certificate of the vote of acceptance of its citizens, are hereto annexed as a part of this application, marked F.

And said railway company further represents that, in pursuance of the authority granted to it as aforesaid, it has entered into contract with the said New Brunswick corporation, duly organized for this purpose, for the building of the line from Bangor to St. John as one road, in one interest; and contracted with responsible parties for the building of the same, at such rates and on such terms as will insure the completion of said line, in case the government of the United States pays the sum now due to said company, as the assignee of the said States of Maine and Massachusetts, a copy of which contract with the New Brunswick corporation is hereto annexed, with the approval thereof by the government of New Brunswick, as a part of this application, marked G.

And said company further represents that it has placed its claims on the United States as assignee of the States of Maine and Massachusetts, and the lands and timber granted by the State of Maine to aid the construction of said line, in the hands of trustees, thereby securing the application of all funds derived therefrom to the construction of said line. Copies of the votes of the directors and shareholders of said company to this effect are hereto annexed as a part of this application, marked H.

The claims of Maine and Massachusetts assigned to the European and North American Railway Company are substantially as follows:

I. THE CLAIM FOR LANDS ASSIGNED TO SETTLERS UNDER THE FOURTH ARTICLE OF THE TREATY OF WASHINGTON.

The nature and amount of this claim are fully set forth in a report made to the Senate, at the third session of the thirty-seventh Congress, by the Committee on Foreign Relations. Senate report of that session, No. 88; Senate bill of that session, No. 498.

## II. THE CLAIM FOR THE CORRECTION OF AN ERROR IN THE COMPUTATION OF INTEREST.

By the treaty of Washington, of August 9, 1842, it was made the duty of the United States to indemnify Maine for her expenses incurred in protecting and defending the territory which had been in dispute with Great Britain. Under this article, her expenses for troops, civil posse and otherwise, were audited at the treasury, and as the amounts so audited were reported from time to time, appropriations were made to pay them. No question, or doubt, has ever been started upon that point. The present claim of Maine arises, not from the denial of her right to be indemnified for interest paid in consequence of the expenditures in defending her territory, but from the erroneous manner in which her interest account has been adjusted at the treasury.

The State of Maryland had a question of this kind with the United States, which was finally adjusted by the twelfth section of the act of March 3, 1857, entitled "An act making appropriations for certain civil expenses of the government for the year ending June 30, 1858." This twelfth section is in the following words:

"SEC. 12. *And be it further enacted,* That the proper accounting officers of the treasury be, and they are hereby, authorized and directed to re-examine the account between the United States and the State of Maryland, as the same was from time to time adjusted under the act passed May 13, 1826, entitled 'An act authorizing the payment of interest due to the State of Maryland,' and on such re-examination to assume the sums expended by the State of Maryland for the use and benefit of the United States, and the sums refunded and repaid by the United States to the said State, and the times of such payments, as being correctly stated in the account, as the same has heretofore been passed at the Treasury Department; but in the calculation of interest, due under the act aforesaid, the following rules shall be observed, to wit: interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied, and if it exceed the interest due, the balance shall be applied to diminish the principal. If the payment fall short of the interest, the balance of interest shall not be added to the principal, so as to produce interest. Second, interest shall be allowed the State of Maryland on such sums only on which the said State either paid interest or lost interest, by the transfer of an interest-bearing fund."

Maine now asks that her interest account, as adjusted under the act of March 3, 1851, shall be recomputed upon the principles of justice, as already applied to the case of Maryland.

## III. CLAIM FOR INTEREST UPON THE ADVANCES MADE BY MASSACHUSETTS IN THE WAR OF 1812-'15.

By the articles of separation agreed upon in 1819 between Massachusetts and Maine, the claim of Massachusetts for advances made for the United States in the war of 1812-'15 with Great Britain was divided between the two States in the proportion of two-thirds to Massachusetts and one-third to Maine.

The rule of allowing interest has been applied not only to States but to corporations and individuals. See (United States Laws, vol. 9, page 236) third section of the act to refund advances, &c., for the Mexican war, as follows:

"That, in refunding moneys under this act and the resolution which it amends, it shall be lawful to pay interest at the rate of six per centum per annum on all sums advanced by States, corporations, or individuals in all cases where the State, corporation, or individual paid or lost the interest or is liable to pay it." The amount of the claims should be paid upon the principles of computation recognized by all the judicial tribunals in this country, and which a recent Congress directed to be applied to the case of Maryland by the twelfth section of

the act of March 3, 1857, entitled "An act making appropriations for certain civil expenses of the government for the year ending on the 30th of June, 1858."

Under the circumstances of the assignment of all the claims arising prior to 1860 against the United States, for the benefit of an enterprise of national utility and importance, it is considered just to settle this interest account as such accounts are always settled between individuals.

#### IV. THE CLAIM FOR THE LOSS OF TIMBER UPON THE DISPUTED TERRITORY BETWEEN 1832 AND 1839.

This is by far the most considerable of the claims, and is briefly stated: In 1832, by an arrangement entered into between the United States and Great Britain, the disputed territory was placed out of the control of Maine. This arrangement was entered into by the United States upon considerations of national prudence and policy. The benefits of the arrangement accrued to the nation at the expense of Maine. Maine acquiesced in it down to the year 1839, out of deference to federal authority; and during this suspension of her jurisdiction from 1832 to 1839, and in consequence of this suspension, the timber upon the disputed territory was subjected to the most deplorable and ruinous devastations.

The principle involved is undoubtedly, so far as Congress is concerned, *res adjudicata*. It has been fully settled by the act of July 12, 1862, for the quieting of land titles in Maine and for other purposes. (See U. S. Statutes at Large, vol. 12, pages 540 and 541.)

The act of July 12, 1862, was first reported on the 23d of January, 1857, by honorable B. F. Wade, from the Senate Committee on Claims. It was afterwards three times favorably reported upon by the Senate Committee on Claims, and four times by the same committee of the House. Few measures of private legislation have been more maturely considered or more intelligently acted upon.

In the first report of the Senate Committee on Claims, made by Hon. B. F. Wade, the following language is used:

"This claim is based upon the ground that, as the property of the citizen was perilled and actually lost in the accomplishment of an end valuable to the general government, it should be regarded as property taken for the public use, and for which compensation should be made."

In the second report of the Senate Committee on Claims, made in April, 1858, by Mr. Clark, of New Hampshire, (see Senate reports of that session, No. 168,) the following language is used:

"From public considerations, connected with the peace of the country, their property was placed out of that protection of the laws which is the common right of all citizens, and their claim to be indemnified for resulting losses would seem to be well founded."

The payment of these claims will enable the company to complete its line without unnecessary delay, including the trunk line to St. John and Halifax, and the branch line to the river St. John, at the northeastern frontier of the United States, completing the chain eastward from Bangor, to which point the railway is already extended.

Between St. John and Halifax, in a distance of 262 miles, all but 109 miles are completed, and of this 109 miles, 36 in New Brunswick and 73 in Nova Scotia are in process of construction under contracts with responsible parties, aided by the subsidies of the provincial governments, while branch lines are being extended in both provinces, whose connexions will add to the value of the trunk line.

From St. John to Bangor, Maine, is 196 miles—108 miles in Maine and 88 miles in New Brunswick—making a total of 488 miles from Halifax to Bangor, the present terminus of the line east. From Bangor to Portland, 138 miles; to



Boston, 248 miles; from Boston to New York, 234 miles—a distance of 482 miles from Bangor to New York; 940 miles from New York to Halifax.

From Halifax to Montreal the distance by this route, in connexion with the Grand Trunk railway, is 835 miles. To Detroit from Montreal is 564 miles, and from Montreal to Chicago, by way of Detroit, is 848 miles. This will be the direct route from the west to Europe.

The lines between Halifax, New York, and Montreal are shown on the accompanying map, which makes a part of this application, marked I.

The European and North American railway, therefore, in connexion with existing lines, will form an uninterrupted line of track from Halifax to all the chief northern cities of the country, shortening the transit between these and London by means of ocean steamers, connecting Halifax and Ireland at the narrowest strait of the Atlantic ferry. The railway being completed from Bangor to Halifax, the distance by rail from Halifax to New York will be as follows:

|                                 |            |
|---------------------------------|------------|
| Halifax to Portland.....        | 596 miles. |
| Portland to Boston.....         | 110 “      |
| Boston to New York.....         | 234 “      |
|                                 | <hr/>      |
| Total, Halifax to New York..... | 940 “      |
|                                 | <hr/>      |

To be reduced to 916 miles when the New York and Boston Air Line is completed, the unfinished portion of which is now under contract.

This entire distance of 940 miles can be passed in  $31\frac{1}{4}$  hours at the average rate of 30 miles per hour, or in about 25 hours by making 35 miles per hour from New York to Portland, and 40 miles per hour over the broader gauge, from Portland to Halifax.

The distance by sea from Halifax to New York is 700 miles, direct, requiring 70 hours, at the average rate of steaming of 10 miles per hour, making a saving of one and a half to two days in time by railway as compared with steamer, a saving which will give to the railway a large proportion of the transatlantic travel.

In the language of a committee of the legislature of Maine, in 1864, “This line of railway is the greatest possible enterprise for Maine. It will, commercially, unite the lower provinces with the United States and Canada, and attract across the breadth of our great State that stream of European travel and traffic that, once set in motion, shall forever increase in volume and value.”

It was elsewhere said: “This line has the assurance of a larger through business than any line of equal extent on the continent. Intercourse rapidly increases between Europe and America. When the charter of the European and North American Railway Company was granted, in 1850, only two ocean steamers crossed the Atlantic per week; now they are increased to *five* or more. In a few years there will be a steamer departing *daily* from each side. As soon as this line of railway is finished to Halifax all these steamers will touch there to receive passengers and mails. This is universally conceded. Some portion of the ocean passengers will take the railway to and from Halifax, in preference to the steamer to and from Portland, Boston, or New York. Some estimate that one-half will take the railway, others a still greater number. All experience shows that running side by side, the railway perpetually attracts passengers and business from the steamer. One-half of the European travellers would make a prodigious *through* business.

“In 1859, 61,100 passengers crossed the Atlantic by steamers; in 1860, 74,440 passengers crossed the Atlantic by steamers; in 1861, 69,307 passengers crossed the Atlantic by steamers; in 1863, 112,747 passengers crossed the Atlantic by steamers; in 1864, 135,317 passengers crossed the Atlantic by steamers.

"One-half of 135,317, the number of steamer passengers in 1864, is 67,658. Dividing these by 311 days of travel, gives 217 through passengers daily between Portland and Halifax.

"No such results are shown on any line of milway in the world. There is no such fund of business as this anywhere else to draw upon in the future. On no other line of 596 miles in length—the distance from Portland to Halifax—can you find daily 100 through first-class passengers throughout the year.

"From New York to Halifax the distance may be run by express trains at as high a rate of speed as on the narrow gauge from London to Perth, 40 miles to the hour, for the entire distance. But if you diminish this transatlantic travel by one-half, and assume that one-fourth of it only will seek the railway to and from Halifax, the nearest point of departure across the ocean ferry, the business will assume a magnitude and importance beyond any line of equal length on this continent.

"If we would carry 20 through passengers at ordinary rates to and from Bangor and Halifax on each train each way daily, the profits of the road from the way business would make this a first class line, as shown by the receipts on the lines in New Brunswick and Nova Scotia. If a train ran each way daily with 20 through passengers in each train, it would amount to *only* 12,440 through passengers for the year. Give three times this amount of *through* business, and it must become a profitable line. This business can never be diverted. This is the shortest and quickest route and must remain so forever.

"The hundreds of millions of Europeans will, in time, be exceeded by the inhabitants of North America."

The measure that is now asked of Congress by the States of Maine and Massachusetts, while it secures the accomplishment of an enterprise of paramount importance to the nation at large, is simply an act of justice to these States. Nevertheless, the money is not kept for their own treasuries—needed as it is by the pressing demands upon them—but passes at once to the benefit of a measure alike in aid of national defence, of international amity, and of the material development of New England and the British maritime provinces, whose business relations, already intimate and cordial, will soon be as close as those between the States of the Atlantic seaboard and the interior.

The iron arm of the railway is reaching westward towards the Pacific shores, and our government is doing its part to bring the distant Pacific States into closest union with those of the Mississippi valley and the Atlantic slope.

The extension of the railway eastward from the commercial metropolis of the Union to the foreland of the continent upon the Atlantic shore, to meet the already vast but increasing flood of European immigration, and carry out the stream of pleasure tourists and business men to Europe, will make the intercourse between the two hemispheres so intimate and universal as to materially modify the life and habits of both; and the distinctions and jealousies of states be obliterated by the development of the stronger social and moral affinities of race, language, literature, and religion, which are sure in the end to unite all the races and peoples of the earth.

By order of the directors,

JOHN A. POOR,

*President of E. & N. A. R. W. Co. of Maine.*

BANGOR, November 28, 1865.

## APPENDIX.

### A.

#### STATE OF MAINE, OFFICE OF THE ATTORNEY GENERAL, *Bangor, October 24, 1864.*

I have examined the charter of the European and North American Railway Company, approved August 20, 1850, and the several acts and resolves since enacted in reference thereto. I have also examined the by-laws and records of said corporation. In my opinion their proceedings are all in due form, and the stockholders in said corporation are exempt from all personal liability, beyond the payment of their stock subscription.

JOHN A. PETERS, *Attorney General.*

#### STATE OF MAINE.—IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY.

##### AN ACT to incorporate the European and North American Railway Company.

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

SECTION 1. Elijah L. Hamlin, Anson G. Chandler, John A. Poor, Moses L. Appleton, Samuel P. Strickland, Leonard March, Wyman B. S. Moor, Daniel W. Bradley, George W. Pickering, Wilcox T. Pierce, Rufus Dwinel, Josiah S. Little, James B. Cahoon, Charles Q. Clapp, F. O. J. Smith, John B. Brown, John Anderson, George F. Shepley, Henry Carter, Thomas J. D. Fuller, John Stickney, George M. Chase, George Downes, Noah Smith, jr., Ichabod R. Chadbourne, Bion Bradbury, James P. Wheeler, James S. Pike, Stephen R. Hanseom, John N. M. Brewer, and Stephen Emerson, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the European and North American Railway Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof, or interruption in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, alter and keep in repair a railway, with one or more sets of rails or tracts, with all suitable bridges, tunnels, viaducts, turn-outs, culverts, drains, and all other necessary appendages, from the city of Bangor, crossing Penobscot river above the Bangor and Brewer bridge, over the most practicable route, in a line to the city of St. John, in New Brunswick, to the eastern boundary of the State, so as best to connect there with a railway to be constructed from said city of St. John to said eastern boundary, under a charter from said province, with the like name as is used in this charter, as the directors of said corporation, in the exercise of their best judgment and discretion, shall judge most favorable and best calculated to promote the public convenience and carry into effect the intentions and purposes of this act. And said corporation shall be, and hereby are, invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth. And for this purpose said corporation shall have the right to purchase, or to take and hold so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction, and convenient operation of said railroad; and they shall also have the right to take, remove, and use, for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials, on or from the land so taken: *Provided, however,* That said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment: *And provided, also,* That in all cases said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways. And the land so taken by said corporation shall be held as

lands taken and appropriated for public highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell and remove any trees standing therein within four rods from such road, which, by their liability to be blown down, or from their natural falling, might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this act. And furthermore, said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities, provided and prescribed, respecting railroads, in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this chapter.

SEC. 2. When said corporation shall take any land, or other estate, as aforesaid, of any infant, person non compos mentis, or femme covert, whose husband is under guardianship, the guardian of such infant, or person non compos mentis, and such femme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages or claims for damages by reason of taking such land and estate aforesaid, and give good and valid releases and discharges therefor.

SEC. 3. The capital stock of said corporation shall consist of not less than ten thousand nor more than forty thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine, or thirteen directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be the president of the corporation; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall be sworn, and also give bonds to the corporation, with sureties to the satisfaction of the directors, in the sum of not less than fifty thousand dollars for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the three persons first named in the first section of this act, at such time as they may determine, in the town of Calais, and the cities of Augusta, Bangor, and Portland, in this State, and elsewhere as they may appoint, to remain open for ten successive days, of which time and place of subscription public notice shall be given in some newspaper printed in Portland, Augusta, Bangor, and Calais twenty days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed forty thousand shares, the same shall be distributed among all the subscribers, according to such regulations as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books. And the three persons first named in the first section of this act are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in the town and cities last above named of the time and place, and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

SEC. 4. Said corporation shall have power to make, ordain, and establish all necessary by-laws and regulations, consistent with the constitution and laws of this State, for their government, and for the due and orderly conducting of their affairs and the management of their property.

SEC. 5. The president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold, within or without the State, land, materials, engines, and cars, and other necessary things, in the name of the corporation for the use of said road, and for the transportation of persons, goods, and property of all descriptions; to make such equal assessments from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and cost of sale; and shall be entitled to the overplus if his share or shares shall sell for more than the assessments due, with interest and costs of sale: *Provided*, That no shareholder in said company shall be in any manner whatever liable for any debt or demand due by said company, beyond the extent of his, her, or their shares of the capital stock of said company not paid up; and no assessment shall be laid upon any shares in said company of a greater amount in the whole than one hundred dollars.

SEC. 6. A toll is hereby granted and established, for the sole benefit of said corporation,

upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations, and provisions as the directors shall from time to time prescribe and direct.

SEC. 7. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, at any points on the route of said railroad. And this company is hereby authorized to connect any railways they may construct under this charter with any other railway existing or to be constructed within this State. And said corporation shall receive and transport all persons, goods, and property of all descriptions, which may be carried and transported to the railroad of said corporation on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll on such passengers, goods, and other property as may be received from such other railroads, so connected with said railroad as aforesaid, shall not exceed the general rates of freight and toll on said railroad received for freight and passengers at any of the depots of said corporation.

SEC. 8. If the said railroad in the course thereof shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if the said railroad shall in the course thereof cross any canal, turnpike, railroad, or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike, or other highway; and the said corporation shall have power to raise or lower such turnpike, highway, or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon as may be necessary for the safety of travellers on said turnpike, railroad, highway, or private way.

SEC. 9. Said railroad corporation shall constantly maintain in good repair all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway or private way, or for conducting such private way or turnpike over said railroad.

SEC. 10. If said railroads shall in the course thereof cross any tide-waters, navigable rivers or streams, the said corporation are hereby authorized and empowered to erect, for the sole and exclusive travel on their said railroad, a bridge across each of said rivers or streams, or across any such tide-waters: *Provided*, Said bridge or bridges shall be so constructed as not unnecessarily to obstruct or impede the navigation of said waters.

SEC. 11. Said railroad corporation shall erect and maintain substantial, legal, and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fence, said corporation shall be liable to be indicted in the district court for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence under the direction of an agent appointed by said court, as in cases of fines imposed upon towns for deficiency of highways.

SEC. 12. The said corporation shall at all times, when the Postmaster General shall require it, be holden to transport the mail of the United States from and to such place or places on said road as required, for a fair and reasonable compensation. And in case the corporation and the Postmaster General shall be unable to agree upon the compensation aforesaid, the legislature shall determine the same. 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 suitable engines, carriages, and other vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same when the appropriate tolls therefor shall be paid and tendered, and a lien is hereby created on all articles transported for said tolls. And the said corporation, fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages, or other vehicle for the transportation of persons or merchandise to pass over said railroad other than its own, furnished and provided for that purpose, as herein enjoined and required: *Provided*, however, That the said corporation shall be under obligations to transport over said road, in connection with their own trains, the passenger and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized; such other company being subject to all the provisions of the sixth and seventh sections of this act, as to rates of toll, and all other particulars enumerated in said sections.

SEC. 13. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said railroad, or in any way spoil, injure, or destroy said railroad, or any part thereof, or anything belonging thereto, or any material or implements to be employed in the construction or for the use of said road, he, she, or they, or any person or persons assisting, aiding, or abetting such trespass, shall forfeit and pay to said corporation for every such offence treble such damages as shall be proved before the justice, court, or jury before whom the trial shall be had, to be sued for before any justice or in any

court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand jury of the county, within which trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars, to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

SEC. 14. Said corporation shall keep in a book for that purpose a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature; and at the expiration of every year the treasurer of said corporation shall make an exhibit, under oath, to the legislature, of the net profits derived from the income of said railroad.

SEC. 15. All real estate purchased by said corporation for the use of the same under the fifth section of this act shall be taxable to said corporation by the several towns, cities, and plantations in which said lands lie, in the same manner as lands owned by private persons, and shall, in the valuation list, be estimated the same as other real estate of the same quality in such town, city, or plantation, and not otherwise; and the shares owned by the respective stockholders shall be deemed personal estate, and be taxable as such to the owners thereof, in the places where they reside and have their home. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the road and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature; from and after which time one moiety, or such other portion as the legislature may from time to time determine, of the net income of said railroad accruing thereafter over and above ten per centum per annum first to be paid to the stockholders, shall annually be paid over by the treasurer of said corporation, as a tax, into the treasury of the State for the use of the State. And the State may have and maintain an action against said corporation therefor, to recover the same. But no other tax than herein is provided shall ever be levied or assessed on said corporation, or any of their privileges or franchises.

SEC. 16. The annual meeting of the members of said corporation shall be holden on the last Wednesday in July, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint; at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

SEC. 17. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation, which may be necessary more effectually to compel a compliance with the provisions, liabilities, and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations. And this charter shall not be revoked, annulled, altered, limited, or restrained without the consent of the corporation, except by due process of law.

SEC. 18. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-five, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year our Lord one thousand eight hundred and sixty-five, in either of the above-mentioned cases this act shall be null and void.

SEC. 19. Said company shall not engage in nor commence the construction of any section or sections of said railway until seventy-five per centum of the estimated cost of said section or sections shall have been subscribed for by responsible persons.

SEC. 20. If the provinces of New Brunswick and Nova Scotia, or either of them, shall, in any legal way and manner, constitute this company a company within its limits and jurisdiction, this company is hereby authorized and empowered to exercise within said limits and jurisdiction of such province all the rights and powers, and shall have and enjoy all the privileges and immunities which it could have, exercise, or enjoy within this State.

SEC. 21. The said European and North American Railway Company are hereby authorized and empowered to contract with the government of the United States, and any foreign government or power, for the carrying of the mail of any such government or power, over or within any of the territories where said company may exercise or enjoy any of the powers, privileges, or immunities herein granted to it.

Approved August 20, 1850.

## STATE OF MAINE.—IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY.

AN ACT concerning the European and North American Railway Company.

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

In case the European and North American Railway Company shall be constituted a corporation in the provinces of New Brunswick and Nova Scotia, or either of them, then, and in that case, the said company may be allowed to increase its capital stock, in shares of one hundred dollars each, to a amount equal to the cost of constructing said road, so incorporated and constituted, not exceeding the number of one hundred and fifty thousand shares in all.

IN THE HOUSE OF REPRESENTATIVES, August 26, 1850.

This bill having had three several readings, passed to be enacted.

SAMUEL BELCHER, *Speaker.*

IN SENATE, August 26, 1850.

This bill having had two several readings, passed to be enacted.

PAULINUS M. FOSTER, *President.*

Approved August 27, 1850.

JOHN HUBBARD.

SECRETARY'S OFFICE, Augusta, August 27, 1850.

I hereby certify that the foregoing is a copy of the original deposited in this office.

ALDEN JACKSON, *Deputy Secretary of State.*

## STATE OF MAINE.

RESOLVE in favor of the European and North American Railway Company.

*Resolved,* That the governor be authorized to cause a reconnoissance and preliminary survey to be made of a route for said railway from the city of Bangor, crossing the Penobscot river north of the Bangor and Brewer bridge, over the most practicable and direct route, in a line to the city of St. John, in New Brunswick, to the eastern boundary of the State, so as to connect there with a railway to be constructed from said city of St. John to said eastern boundary.

*Resolved,* That the governor be authorized to draw his warrants upon the treasury from time to time, not exceeding the sum of five thousand dollars, to defray the necessary expenses of said reconnoissance and survey; said sum to be expended and paid under the direction of the governor and council.

*Resolved,* That the persons conducting said survey shall examine and report such geological and mineralogical evidence and facts as shall be discovered by them in making such survey.

IN THE HOUSE OF REPRESENTATIVES, August 20, 1850.

Read and passed.

SAMUEL BELCHER, *Speaker.*

IN SENATE, August 20, 1850.

Read and passed.

PAULINUS M. FOSTER, *President.*

Approved.

JOHN HUBBARD.

SECRETARY'S OFFICE, August 20, 1850.

I hereby certify that the foregoing is a true copy of the original deposited in this office.

ALDEN JACKSON, *Deputy Secretary of State.*

## STATE OF MAINE.

RESOLVE in regard to the European and North American Railway Company.

*Resolved,* That the governor is hereby authorized and empowered to communicate to the President and Congress of the United States, from time to time, such information as he may deem it advisable to lay before them, as to the advantages of the route through Maine pro-

posed for the European and North American railway for securing the most rapid means of communication between Europe and America, and to invite such co-operation on the part of the general government in aid of the same and as the interests of Maine may require.

IN THE HOUSE OF REPRESENTATIVES, August 26, 1850.

Read and passed.

SAMUEL BELCHER, *Speaker*.

IN SENATE, August 26, 1850.

Read and passed.

PABLINUS M. FOSTER, *President*.

Approved August 28, 1850.

JOHN HUBBARD.

SECRETARY'S OFFICE, Augusta, August 31, 1850.

I hereby certify that the foregoing is a true copy of the original deposited in this office.  
JOHN G. SAWYER, *Secretary of State*.

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

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

*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 connect its railroad, at Bangor, with the Penobscot and Kennebec railroad, upon such terms and arrangements that all passengers, merchandise, and property coming from or destined to the road of the said European and North American Railway Company, shall be transported over said Penobscot and Kennebec railroad at rates of fare and freight as favorable as shall at the same time be established or allowed by said Penobscot and Kennebec Railroad Company for any other passengers, merchandise, or property transported over the road of said company.

SEC. 2. Any railroad company which has been or may hereafter be chartered by the legislature, with authority to extend its road to any point on the chartered route of the Penobscot and Kennebec railroad, shall be at liberty to connect its road with said Penobscot and Kennebec railroad, upon either side thereof, and all passengers, merchandise, or other property coming from or destined to such connecting road shall be transported over said Penobscot and Kennebec railroad, to or from the point of connexion, at rates of fare and freight as favorable as shall at the same time be established or allowed by said Penobscot and Kennebec Railroad Company for any other passengers, merchandise, or property transported over the road of said company.

SEC. 3. All passengers, merchandise, and property transported over any connecting road mentioned in the two preceding sections, coming from or destined to the Penobscot and Kennebec railroad, shall be carried, received, and delivered by such connecting company, at rates of fare and freight as favorable as shall at the same time be established or allowed by such connecting company for any other passengers, merchandise, or property transported over such connecting road.

SEC. 4. If any of the connecting companies aforesaid shall be unable to agree with the Penobscot and Kennebec Railroad Company, in respect to the place or manner of connexion with said railroad, or in respect to the terms of such connexion, or the rates of fare and freight thereon, both for local and through business, or the division of receipts resulting from transportation over the roads so connected, either party may apply to the supreme judicial court, holden at any term, within any county in which either of such connecting roads shall be located, for the appointment of commissioners, to determine upon the matter of such disagreement. Such notice of said application shall be given to the other party as the court may direct, and thereupon the court shall appoint three commissioners, who shall, upon due notice to the parties interested, and after hearing the same, proceed to determine and award, in writing, upon the matter submitted to them, and prescribe the things to be done and performed by the parties, or either of them; and said commissioners shall award costs to either party at their discretion. The award of said commissioners, or a majority of them, shall be returned to the court, in the county where the application was made, and the same shall then be accepted and recorded, unless the court, for cause shown, shall order the same to be recommitted, for further hearing and determination. And upon the acceptance of such award, the same shall be binding upon the respective companies interested in the same, until a new award shall be made upon a further application therefor; but no application for a further award shall be made within one year after the acceptance of a preceding award.



SEC. 5. The court shall have the power to prescribe the mode of proceeding by said commissioners, and may issue such process as may be necessary to secure the due execution and performance of any order made and accepted under the provisions of this act.

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

SEC. 7. The European and North American Railway Company is hereby authorized to purchase or lease any portion of any other railroad which has been chartered and located, or may hereafter be located, between the city of Bangor and the eastern boundary of the State, and may purchase or lease the Penobscot and Kennebec railroad, so as to form a connected line of road from the boundary aforesaid to the western terminus of said Penobscot and Kennebec railroad. And in case of any such purchase, the stock and franchise of the company whose road shall be so purchased shall be consolidated into, and become a part of, the stock and franchise of the European and North American Railway Company; and all the privileges and powers acquired by such purchase shall be held and enjoyed under the charter of said company, and said company shall be required to perform and discharge all the duties and liabilities imposed by law upon the company whose road shall be so purchased.

SEC. 8. A further time of one year from the passage of the act is hereby granted, within which the said Penobscot and Kennebec Railroad Company may make a new location of any part of their road between Waterville and Bangor, but not so as to cross the Kennebec river at any point farther north than the present actual location of its road, at Kendall's Mills.

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

IN THE HOUSE OF REPRESENTATIVES, *March 28, 1853.*

This bill having had three several readings, passed to be enacted.

JOHN C. TALBOT, JR., *Speaker.*

IN SENATE, *March 23, 1853.*

This bill having had two several readings, passed to be enacted.

SAMUEL BUTMAN, *President.*

March 29, 1853. Approved.

WM. G. CROSBY.

SECRETARY'S OFFICE, *Augusta, May 5, 1853.*

I hereby certify that the foregoing is a true copy of the original deposited in this office.

ALDEN JACKSON, *Deputy Secretary of State.*

#### EUROPEAN AND NORTH AMERICAN RAILWAY.

The undersigned, the three persons first named in the section of an act passed by the legislature of Maine, and approved the twentieth day of August, A. D. 1850, entitled "An act to incorporate the European and North American Railway Company," and being specially authorized therefor in and by said act, hereby give public notice that, for the purpose of receiving subscriptions to the stock of said company, as established by the act aforesaid, according to the provisions thereof, not exceeding one hundred and fifty thousand shares, books of subscription will be opened under the direction of the undersigned, according to the regulations prescribed, at the times and places following, viz: At Calais, with Noah Smith, jr., on the 8th day of June next; at Bangor, with Waldo T. Pierce, on the 8th day of June next; at Augusta, with B. A. G. Fuller, on the 10th day of June next; at Portland, with John M. Adams, on the 11th day of June next.

Said books will remain open for ten successive days at the places and with the persons aforesaid.

Dated at Portland, this sixth day of May, in the year of our Lord one thousand eight hundred and fifty-three.

ELIJAH L. HAMLIN.  
ANSON G. CHANDLER.  
JOHN A. POOR.

AN ACT to revive the charter of the European and North American Railway Company, and to extend the time for locating and building the same.

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

The charter of the European and North American Railway Company is hereby revived, and a further time of five years from the thirty-first day of December, eighteen hundred and

fifty-five, is hereby allowed within which to organize said company and file the location of said railway; and a further time of five years within which to complete said railway, in addition to the time originally allowed by law.

Approved February 20, 1856.

AN ACT to extend the time for completing the European and North American Railway.

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

That a further time of five years from the last day of December, eighteen hundred and sixty-five, is hereby allowed in which to finish and complete the European and North American Railway.

Approved March 25, 1863.

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

SEC. 2. The European and North American Railway 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 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.

SEC. 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 to Woodstock and to the St. John river, at Woodstock village: provided authority therefor be granted by the legislative authorities of New Brunswick.

SEC. 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 the 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 company shall always keep their office and books in this State.

SEC. 5. Whereas the European and North American Railway Company has acquired the rights, franchises, road-bed, right of way, and all other property of the Penobscot Railroad Company, it is hereby enacted that said European and North American Railway Company shall have the right to enjoy the property, road-bed, rights of way, and the rights in land purchased by said Penobscot Railroad Company for road-bed, depots, and other corporate purposes, and all rights of said Penobscot Railroad Company incipient or perfect, of locating and establishing its road on lands of other persons, and all its road-bed, rock-cuttings, excavations, embankments, gradings, bridges, piers, abutments, or other structures or works, as an inherent part of its own franchise and property; and the location of the line of the European and North American Railway Company, made or to be made over and upon the line of said Penobscot railroad as built, shall not give any new claim or damages to the owners of lands whose property was taken by the location of the Penobscot railroad, in all cases where said Penobscot Railroad Company has paid the land damages prior to any use thereof by said

European and North American Railway Company; the rights and properties held by said Penobscot Railroad Company shall hereafter be vested in said European and North American Railway Company, and shall remain in full force and efficiency, unannulled and unimpaired by any subsequent defeat or dissolution of the Penobscot Railroad Company, whether by limitation of the time in which the road should be completed, or by any other means. And all bonds of the Penobscot Railroad Company taken for a valuable consideration, and held by the European and North American Railway Company, shall be valid in the hands of said railway company as holders thereof as a basis of title, but for no other purpose; and no bond of said Penobscot Railroad Company shall be negotiable for any other purpose after the expiration of the charter of said company, or of any validity other than for the purpose above set forth. Nor shall said European and North American Railway Company be in any manner liable for any debt of said Penobscot Railroad Company on account of the purchase thereof as aforesaid. And the directors of the Penobscot Railroad Company may execute any other and further instrument of lease, transfer, or other conveyance to said European and North American Railway Company to carry into effect the intentions and purposes of this act. And the proceedings of the two corporations aforesaid are hereby declared valid, in case of their approval by the stockholders 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 transfer, 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 regarded as still subsisting so far as its continuance for the purpose of upholding any right, title or interest, power, privilege or immunity ever possessed, exercised, or enjoyed by it, may be necessary for the protection of the European and North American Railway Company. Its exercise of the powers, and its enjoyment of the privileges and immunities so transferred being suspended, so long as the European and North American Railway Company shall exercise and enjoy them.

SEC. 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.

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

SEC. 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.

SEC. 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, December thirty-one, eighteen hundred and seventy, this act and the charter of said company shall be null and void.

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

Approved February 20, 1863.

#### BY-LAWS.

1st. *Meetings—how called.*—All meetings of the stockholders shall be held at such place as the directors for the time being shall appoint, and shall be called by a notification published two weeks successively in two at least of the public newspapers printed in this State, the first publication to be fourteen days at least before the day of such meeting. Said notification shall specify the time and place of meeting and the objects for which the meeting is called, and shall be signed by the President or clerk of the corporation. No other business shall be transacted at any special meeting of stockholders but such as relates to the objects specified in the notification.

2d. *Meetings—business at.*—No business shall be transacted or votes passed at any meeting of the stockholders, excepting a vote to adjourn to some future time, unless there be present in person, or by proxy, stockholders holding and representing not less than one-fifth of the whole amount of capital stock subscribed for. Authority to act as proxy at any meeting must be in writing, and signed by the principal. It must be produced to the presiding officer at the meeting, who shall deliver the same over to the clerk, to be put and remain on file in his office.

3d. *Meetings—how ordered.*—The time and place of all meetings of the stockholders, excepting the time of the annual meeting, shall be determined by the directors. The first annual meeting shall be held on the third Tuesday of July, 1854, at ten o'clock in the forenoon; and all subsequent annual meetings shall be held on the third Tuesday of July in each succeeding year, at ten o'clock a. m. Special meetings may be ordered by the directors when they may deem it expedient. It shall also be the duty of the directors to order a special meeting, whenever requested, on the written application of stockholders owning not less than one-twentieth of the whole amount of capital stock subscribed for.

4th. *Manner of voting.*—Questions coming before the stockholders at any of their meetings may, by common consent, be decided by hand vote. If any stockholder dissents from adopting that mode, the question shall be resolved by yeas and noes, by ballot, voting by shares. In all cases of voting by shares the ballot shall have written on the back thereof the number of shares which the person voting owns or represents, authenticated by the signature of the person throwing the ballot; and in case the voter acts as proxy, he shall subjoin to his signature that fact and the name of his principal. No ballot, unless so authenticated, shall be counted.

5th. *Directors—their number, qualifications and term of office, powers and duties.*—The board of directors shall consist of thirteen members, until a different number shall be fixed upon at an annual meeting of the stockholders, of whom not less than a majority of the whole number shall always be resident citizens of Maine; and each member of the board must be, at the time of his election, a shareholder in the capital stock of the company; and they shall hold their office until the annual meeting next after their election, and until others are chosen in their stead, and a majority of whom shall have accepted the office. Whenever any director, having been a resident citizen of Maine at the time of his election, shall remove out of the State, and when any director shall cease to be a shareholder, his office shall thereby become vacant. Whenever any vacancy shall happen in the board of directors, it may be filled by a new election by the remaining directors. The directors may establish rules for the proper regulation of their own proceedings and the orderly performance of their duties. They shall fix and determine the compensation of their officers and agents. They may erect such buildings, storerooms, wharves and work-shops as they may deem advantageous and for the interests of the company. They may sell and dispose of any real estate or personal property belonging to the company, whenever in their opinion the interests of the company would be best promoted thereby. They shall have authority to lease any real estate belonging to the company on such terms as they may judge best. They may authorize the treasurer to hire such sums of money, on the credit and for the use of the company, as they may deem necessary to carry out the intentions and objects of the charter, and may give such security for the payment thereof as they may deem reasonable. They shall have power to dispose of the residue of the capital stock authorized by the charter, and not subscribed for at the time of the organization, in such manner, at such times, and from time to time, as they shall judge most for the interests of the company. They shall declare all dividends, allow accounts, adjust and settle all just and equitable claims upon the corporation, superintend the conduct and doings of the different officers and agents appointed or employed by them, and take all necessary measures to carry into effect the objects and purposes of the company, as defined and prescribed by their charter. Directors not present at any meeting of the directors may be allowed to vote by proxy, by giving such proxy in writing to some one of the directors who may be present, but no director shall be allowed to vote on more than one proxy thus held in addition to his own vote; all such proxies to be entered upon the record of such meeting.

The directors may appoint agents residing in any other State or county, to be designated associate directors, and vest in such associate board such powers as may be necessary to enable said board thus appointed to open transfer books, make sale of the shares or of the bonds or other securities of the company, with authority to exercise on behalf of this company all the powers necessary to carry into effect any votes of the board of directors.

6th. *Clerk and his duties.*—The clerk chosen by the board of directors may be sworn before any justice of the peace or judge of a court of record, and his oath of office shall be entered as of record on the records of the directors, and be signed by the justice or judge administering the same. He shall ex-officio be clerk of the stockholders. He shall keep a fair record of all the doings of the stockholders at their meetings, in a separate book kept for that purpose. He shall also keep, in a separate book, a record of the doings of the directors at any of their meetings, particularly stating the names of the directors present at any such meeting, either in person or by proxy. The tenure of office of the clerk shall be during the pleasure of the directors. In his absence the directors shall choose a clerk *pro tempore*, who shall be sworn in like manner as the clerk, and perform his duties during such absence; and in case of the absence of the clerk at any stockholder's meeting, it shall be lawful for the stockholders to choose a clerk *pro tempore*.

7th. *Treasurer and his duties.*—The treasurer chosen by the directors shall hold his office during their pleasure. He shall be sworn to the faithful discharge of the duties of his office, before some justice of the peace or judge of a court of record. He shall have an office in such place as the directors shall determine, accessible to all persons having business with the corporation, or any of its officers or agents. He shall keep all deeds, promissory notes, and

valuable papers of the company. He shall collect and receive all assessments, income, and moneys that may be due to the company, and disburse the same as the board of directors shall order. He shall surrender notes and other promissory papers on payment thereof, and discharge such mortgages as may have been given concerning the same. He shall keep a regular set of books containing the accounts of the company, and of all its funds that may pass through his hands. He shall lay before the directors a written statement of all notes, drafts, promises, and contracts made, signed, and indorsed, or surrendered by him; an abstract of all moneys received and paid; a statement of all property bought and sold, and such other matters as he or the board of directors may deem important, when called for. He shall make a complete settlement of the accounts and books at least annually, and as much oftener as the board of directors shall require, and shall advise what dividends of profits may be made. He shall render an account of his doings to the stockholders at their annual meetings. He shall notify the stockholders of all assessments in the manner prescribed by the by-laws. He shall deposit to his credit as treasurer of the European and North American Railway Company, and in such bank or banks as the directors may from time to time designate, all moneys received by him. He shall issue certificates of stock to all persons entitled thereto, and keep suitable books showing the number of shares held by the respective stockholders from time to time. He shall attend faithfully to the duties prescribed in the by-laws, and to all other duties which the directors may require him to perform.

8th. *Common seal.*—This company shall have a common seal, to be kept and preserved by the treasurer, bearing the words and figures "European and North American Railway Company—incorporated August 20, 1850," and in the centre a miniature map showing the Atlantic ferry.

9th. *Certificates of stock.*—The holders of shares in said capital stock shall be entitled to certificates thereof, to be signed by the president, countersigned by the treasurer, and authenticated by the common seal; and all certificates of shares in said stock shall be in the following form, viz:

"EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY. No. —.

"Be it known that \_\_\_\_\_ proprietor of \_\_\_\_\_ shares in the capital stock of the European and North American Railway Company, subject to the provisions of the charter and the by-laws of the corporation, the same being transferable by an assignment thereof in the books of said corporation, or by a conveyance in writing recorded in said books. And when a transfer shall be made or recorded in the books of the corporation, and this certificate surrendered, a new certificate or certificates will be issued.

"Dated this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_

"\_\_\_\_\_, President.

[L. S.]

"\_\_\_\_\_, Treasurer."

10th. *Transfer of stock.*—The following form for the transfer of shares in the capital stock shall be printed on the back of every stock certificate, which form shall also be adopted for the transfer books of said company, viz:

"EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY.

"For value received, \_\_\_\_\_ hereby transfer to \_\_\_\_\_ of \_\_\_\_\_ shares in the capital stock of the European and North American Railway Company, subject to the provisions of the charter and to the by-laws of the corporation.

"Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_

"Witness: \_\_\_\_\_."

All transfers of shares shall be recorded either by the treasurer in the books to be kept in his office, or by an officer duly authorized by the directors, in books to be kept at such other place or places as they may appoint. On the receipt of such transfer or assignment, and of the original certificate, a new certificate or certificates shall be issued to the person or persons who by virtue of such assignment shall become the proprietors of such share or shares; and receipts shall be given to the treasurer of all stock certificates received of him.

11th. *Assessments on shares.*—The president and directors may from time to time make such equal assessments on all the shares in said corporation as they may deem expedient and necessary for the purposes of the company, and may direct the same to be paid to the treasurer at such time and place as they shall deem proper, governing themselves as to the amounts of assessments, allowance of interest, and in all other respects, by the terms, conditions, and regulations prescribed for the original subscription for stock, before the opening of said books; and the treasurer shall give notice of the amount per share of every such assessment, and of the time and place when and where the same will be due and payable, by advertisements to be printed in one or more newspapers in this State, at least thirty days before the day fixed for the payment thereof; and the directors may give such other notice as they may deem expedient. And if any stockholder shall neglect or refuse to pay any assessment or assessments on his share or shares in said company, for the space of thirty days after the first publication of such notice, the directors may order the treasurer, after giving notice (as hereinafter por-

vided) of the sale, to sell any or all such shares by public auction, to be held in such place as shall be designated by the directors, to the highest bidder; and the same shall accordingly be transferred by the treasurer to the purchaser, who shall be entitled to receive a certificate thereof. And notice of every such sale shall be given by the treasurer in one or more newspapers printed in this State, at least thirty days before the day of such sale, designating the time and place thereof, and the shares to be sold.

12th. *Deeds, &c.—how executed.*—All deeds, conveyances, and mortgages made in fee simple or for any other or less estate, and all leases of any real estate owned by said company, except of said railway, executed and acknowledged by the president, countersigned by the treasurer, and authenticated by the seal of said company, are hereby declared to be the acts and deeds of said company, and shall be valid and effectual as such to all intents and purposes.

13th. *By-laws—how amended.*—The by-laws shall not be altered, restrained, or repealed, except at the annual meeting, nor unless due notice of the proposed alteration shall be inserted in the notification for the meeting at which the same is acted upon.

B.

AN ACT to incorporate the European and North American Railway Company for extension from St. John westward, passed April 13, 1864.

*Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly as follows:*

1. That Lancelin Donaldson, William Thomson, J. V. Troop, Robert Jardine, C. H. Fairweather, John Boyd, William H. Seovil, E. D. Jewett, F. T. C. Burpee, A. Jardine, William Wright, John Robertson, N. S. Demill, William Parks, Thomas Parks, William O. Smith, Thomas R. Jones, George E. Snider, Francis Ruddock, George Carvill, George S. De Forest, Richard Thompson, T. W. Daniel, Duncan Robertson, John D. Prudy, R. W. Crookshank, George Thomas, Zebedee Ring, Jeremiah Harrison, Stephen S. Hall, Wallace W. Turnbull, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of "The European and North American Railway Company for extension from St. John westward," and by that name shall have all the general powers and privileges made incident to a corporation by act of assembly in this province, and may sue and be sued, plead and be pleaded, and shall have and enjoy all proper remedies by law and equity to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereafter enjoined, and to prevent all invasion thereof in exercising and performing the same; and the corporation, so soon as the sum of fifty thousand dollars of the capital stock shall be actually paid in to the treasurer of the company, are hereby authorized and empowered to locate and construct, and finally complete, alter, and keep in repair a railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, trestles, culverts, drains, and all other necessary appendages, from the city of St. John, in the county of St. John, in this province, westward to the boundary of the United States, by such route as by survey or otherwise may hereafter be found most expedient, whenever the said corporation may deem it expedient so to do, and to make such branches thereof as they shall deem proper. And the said company shall be and are hereby invested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the purposes and objects of this act; and for this purpose said corporation shall have the right to purchase or take and hold so much of the land and other real estate of private persons or corporations as may be necessary for the location, construction, and convenient operation of said railroad and branches thereof and stations connected therewith; and they shall also have the right to take, remove, and use, for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber, or other material on or from the land so taken: *Provided, however,* That said land, so taken for the route of said railway, shall not exceed six rods in width, except when greater width is necessary for excavation and embankment: *And provided, also,* That in all cases said corporation shall pay for said lands, estate, and materials so taken and used such price as they and the owner or respective owners thereof mutually agree upon; and in case said parties shall not otherwise agree, the said corporation shall pay such damages as shall be ascertained and determined, in the same manner and under the same conditions and limitations as are provided by the second section of an act made and passed in the thirteenth year of the reign of her present Majesty, entitled "An act relating to the St. Andrews and Quebec railroad," as also for the recovery of the same; and the lands so taken by said corporation shall be held as lands taken and appropriated for highways, and all applications for damages shall be made within three years from the time of taking such land or other property, and not after.

2. The capital stock of the said corporation shall consist of two millions of dollars, to be divided into forty thousand shares of fifty dollars each, with power to increase to two millions five hundred thousand dollars, with additional shares of fifty dollars each; and the immediate government and direction of the affairs of the said corporation shall be vested in five directors,

who shall be chosen by the members of the said corporation in the manner hereinafter provided, and shall hold their offices until others are chosen in their stead, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be president of the corporation; and the said directors shall have authority to choose a secretary, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall be sworn, and also give bonds to the corporation, with sureties to the satisfaction of the directors, for the faithful discharge of his trust.

3. Any three of the persons named in the first section of this act are hereby authorized to call the first meeting of the said corporation, by giving notice in one or more newspapers published in the city of St. John of the time and place and purpose of such meeting, at least fourteen days before the time mentioned in such notice.

4. The said corporation shall have power to make, ordain, and establish all necessary by-laws and regulations, consistent with the laws in force in this province, for their own government and the due and orderly conducting of affairs and the management of their property.

5. The president, directors, and company for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating and completing said railroad and branches, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the corporation as may be necessary and proper to carry into effect the objects of this act; to purchase or hold within or without the province lands, materials, engines, cars, and other necessary things, in the name of the corporation, for the use of said road, and for the transportation of persons, goods, and property of all descriptions, and to make such connexion with other railroad companies within or without the province, either by leasing their road to other corporation or corporations on such terms and for such length of time as may be agreed upon, or by consolidating the stock of their road with that of other railroad companies or company upon such terms as may be agreed upon; to make, execute, and deliver good and sufficient mortgage deed or deeds of their road and all its branches to such private persons or corporations within or without this province as they may think the interest of the stockholders in their company requires, and to make such equal assessments from time to time on all the shares in said corporation as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation, and the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be accountable to the corporation for the balance, if his share or shares shall sell for less than the assessment due thereon, with interest and cost of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessment due, with interest and cost of sale: *Provided*, That no shareholder in said company shall be in any manner whatever liable for any debt or demand due by said company beyond the amount of his or their shares in the capital stock of said company not paid up, and no assessment shall be laid upon any shares in said company for a greater amount than fifty dollars per share on the whole.

6. A toll is hereby granted and established, for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon such road, at such rate as may be agreed upon and established from time to time by the directors of said corporation.

7. The said railroad corporation shall erect and maintain substantial, legal, and sufficient fences on each side of the land taken by them for their railroad where the same passes through enclosed or improved land, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fences said corporation shall be liable to be indicted in any court having competent jurisdiction, and to be fined in such sum as shall be adjudged necessary to repair the same, and such fine shall be collected and paid as other fines are by law collected and paid, and shall be expended for the erection or repair of such fence, under the direction of an agent appointed by the court imposing such fine: *Provided, however*, Said fences may be dispensed with at the receiving and landing places of passengers and freight, and at such other places as fences are not elsewhere usually required.

8. The annual meeting of the said corporation shall be holden on the second Tuesday in January, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor, by himself or by proxy, being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

9. The said shares of said corporation shall be deemed personal estate, and transferable as such, and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said company after the making, completing, and maintaining the said railway and other incidental expenses; but no shareholder shall be entitled to transfer any

share after any call shall have been made in respect thereof until he or she shall have paid all calls for the time being due on every share held by him or her.

10. The directors of the company may from time to time, by deed, subject and charge, in such manner as they think fit, the said railroad, and the future lands, goods, and other property and effects, tolls, income, and profits whatsoever of the said company, or such parts thereof as the directors may think fit; and may also, in like manner, grant and assure the whole or any part of any guarantee of interest, grant of money or lands, or other benefit, profit, or advantage already or to be hereafter granted, conceded, or allowed to railroad companies in this province by any act of assembly; and every deed executed by the directors of the company shall be under the common seal of the company, which the directors are hereby authorized to affix to every such deed, and under the respective hands and seals of any three or more of the directors of the said company, and every deed so executed shall have as full effect and be as binding and conclusive on the company and the directors of the company as if the terms and provisions of such deed were by this act of assembly expressly enacted and made binding and conclusive accordingly.

11. The joint stock and property of the said company shall alone be responsible for the debts and engagements of the same.

12. The said company, by their agents, servants, and workmen, shall and may enter upon any lands of private persons for the purposes of making a survey of the line or route of the contemplated railroad, and to cut down or remove, where necessary to the making of such survey, any trees or other obstacles on such lands, compensation for such cutting and removing to be made to such owners of private property, by the same proceedings and in the same manner as is prescribed under the first section of this act.

13. The said company, to entitle themselves to the privileges, benefits, and advantages to them granted in this act, shall *bona fide* commence to build said railway within two years from the passage of this act; failing which, then this act and every matter and thing therein contained shall cease and be utterly null and void; and if the said railway, having been commenced, shall not be made and completed within the period of five years from the passage of this act, so as to be used for the conveyance and carriage of passengers, goods, and chattels thereon, then this act and every matter and thing therein contained shall cease and be utterly null and void.

14. Nothing in this act contained shall authorize the said company or their contractors to enter upon any lands reserved for naval or military purposes without the consent of her Majesty; nor shall it be construed to confer upon the said company any exclusive right or privilege in regard to the construction of any branch line to which provincial aid may hereafter be afforded, or shall authorize the said company in any way to bar or prevent a connexion between such branches and the extension contemplated by this act.

#### AN ACT in aid of the construction of railways, passed April 11, 1864.

Whereas it is deemed advisable to aid the construction of railways in this province:

*Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:*

1. That provincial aid, in the manner hereinafter provided, shall be given towards the construction and completion of the following lines of railway, that is to say:

A main line from the city of St. John to the State of Maine, running as near as may be by the Douglas valley; and a line from some point on the European and North American railway towards the boundary of Nova Scotia; also, an extension of the European and North American railway to Miramichi; also, a branch to connect the main line with the city of Fredrieton; another branch from the town of Woodstock to connect with the present St. Andrew's line; another branch from the town of St. Stephen to connect with the St. Andrew's line; and another branch to connect the European and North American railway with Hillsborough, in the county of Albert, at such point therein as may be deemed most desirable.

2. The several lines of railway and branches and extensions to be constructed under the provisions of this act shall be made on such grades and with such gauges and curvatures, and of such class and character, respectively, as the governor in council shall determine; and the routes and locations of the said lines and the said several branches and extensions shall also, in all cases, be subject to the approval of the governor in council.

3. The aid to be granted to the said lines of railway and the said branches and extensions in the first section of this act specified shall be at the rate of \$10,000 per mile, to be paid as hereinafter provided.

4. If any company or body corporate now or hereafter to be organized, possessing sufficient capital, shall offer to construct the first before-mentioned lines of railway, and the said branches and extensions, or any of them, and shall give such assurance or guarantee of their ability as the governor in council may deem necessary, the governor in council is hereby empowered and authorized to consent and agree to the building of the said lines and the said branches and extensions, or any of them, by such company or body corporate, such agree-



ment to be in the name of the Queen, and subject to such securities, clauses, and conditions for protecting the public interest and for securing the due completion of such line or lines of railways as the governor in council may deem necessary; and so soon as it shall be satisfactorily proved to the governor in council that any such company or body corporate shall have *bona fide* expended the sum of \$100,000 in actual work on the road undertaken to be built by them, it shall be lawful for the governor in council to pay to such company or body corporate the sum of \$25,000, being a portion of the said aid; and so in like manner from time to time *pro rata*, until the whole of the said road undertaken by the said company or body corporate shall be fully completed and in efficient operation, with all necessary station-houses, and with substantial and sufficient locomotives and other rolling stock for the accommodation of passengers and transportation of merchandise, when the balance of the said aid of \$10,000 per mile, and no more, shall be paid to such company or body corporate.

5. No agreement shall be entered into for the completion of a line to connect with the province of Nova Scotia until satisfactory arrangements are made with the government of that province for the completion of the connexion with the Nova Scotia railways.

6. In case the act of assembly made and passed in the twenty-sixth year of her Majesty's reign, entitled "An act to authorize a loan and for the construction and management of an inter-colonial railway," should become inoperative, then, if any company or body corporate now or hereafter to be organized, possessing sufficient capital, shall offer to construct a line of inter-colonial railway to connect this province with Canada, and shall give such guarantee or assurance of their ability as the governor in council may deem necessary, the governor in council is hereby authorized and empowered to enter into an agreement with such company or body corporate for the construction of such line upon the following terms, viz: That upon the completion of such line of railway, in efficient operation for the accommodation of passengers and transportation of merchandise, the governor in council shall each and every year thereafter in which the said line of railway shall be efficiently worked pay to the said company or body corporate a sum which, together with the net earnings of the said railway, shall be equal to the interest of six per cent. upon the actual cost of said line so agreed to be built, such sum not to exceed in any one year the sum of twenty thousand pounds currency.

7. The governor in council is hereby authorized to issue from time to time, for the purposes of this act, debentures, payable either in New Brunswick currency or sterling money, to be numbered consecutively, with coupons annexed, bearing interest at six per cent. per annum, payable semi-annually, in such form, verified and authenticated in such manner, in such amounts not less than one hundred pounds each, and on such conditions, as the governor in council may prescribe. The principal of such debentures to be paid in full after the expiration of thirty years, to the holders thereof; the debentures in sterling money to be payable in London, and the debentures in New Brunswick currency to be payable at the treasury in New Brunswick.

8. The governor in council is hereby authorized from time to time to appoint, during pleasure, a fit and proper person as engineer on behalf of this province, whose duty it shall be to watch over the interests of this province in the construction of the several lines of railway hereinbefore specified, and the said branches and extensions.

9. When any of the lines of railway in this act mentioned, or the said branches or extensions, shall pass through crown lands, the governor in council shall grant, for the purposes of such roads, necessary crown lands for tracks, sidings and stations.

10. That for the purpose of securing the due and efficient completion of all or any of the said lines of railway, or branches and extensions, in the first section of this act mentioned, any moneys advanced or paid to any company or body corporate under the provisions of this act shall attach and stand, and are hereby declared to be a primary mortgage or first charge in favor of the Queen, for the benefit of this province, upon such line or lines of railway, and the branches and extensions undertaken to be built by such company or body corporate, and upon the stations, station-houses, rolling stock, and property of every description, and shall attach immediately upon the advance or payment of any portion of the said aid, upon all property owned by such company or body corporate; and in order to fix and ascertain the amounts from time to time advanced or paid to such company or body corporate, the president and treasurer of the same shall deliver to the provincial treasurer a certificate under their hands, stating the amount so received; which certificate shall be sufficient evidence of such primary mortgage or first charge under this act; provided, always, that on the completion of the road according to the terms of the agreement, such mortgage or first charge shall cease and determine.

11. Every such company or body corporate as aforesaid shall be bound to provide such conveyance for the officers and soldiers of her Majesty's forces, ordnance corps, marines, militia, or police forces, at such time or times (whether the same shall be the usual hours of starting trains or not) as shall be required or appointed by any officer duly authorized by the governor for that purpose, and with the whole resources of such company or body corporate, at fares not exceeding two cents per mile for each officer, soldier, marine or private of such forces, respectively, and also for each wife, widow, or child, above twelve years of age, of a soldier, entitled by act of Parliament or other competent authority to be sent to their destination at the public expense; children under three years of age so entitled to be taken

free of charge; and children of three years of age and upwards, but under twelve years, so entitled, being taken at half-price of an adult: provided, that every officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra charge; and every soldier, marine, private, wife, or widow, shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge; all the excess of the above weights of personal luggage being paid for at the rate of not more than eighty cents per one hundred weight per hundred miles; and all public baggage, stores, arms, ammunitions, and other necessary things, except gunpowder and other combustible matters, shall be conveyed at charges not exceeding four cents per ton per mile, the assistance of the military or others being given in loading and unloading such goods.

## C.

RESOLVES relative to the defences of our northeast frontier.

*Resolved*, That Maine expects and earnestly demands that measures be taken at once by the general government for the protection of its northeast frontier, and that this can be accomplished only by a military railroad from Bangor to the St. John river.

*Resolved*, That our senators and representatives be instructed to use their utmost efforts to obtain the necessary legislation the present session of Congress, and are authorized and requested to take such measures as they may deem necessary to enable them to make an adequate presentation of the case to Congress and the departments.

*Resolved*, That the governor is requested to forward a copy of the foregoing resolutions to each of our senators and representatives in Congress, and he is authorized and requested to co-operate with them in such manner as may be deemed expedient.

Approved January 31, 1863.

RESOLVES asking the United States government to provide proper defences for the northeastern frontier of Maine.

Whereas it is made the duty of the federal government, under the Constitution of the United States, to protect and preserve the integrity of the Union, and defend each State in the maintenance of its sovereignty over its lawful territory; and whereas the original boundary of Maine extended northward to the dividing ridge that separates the St. Lawrence waters from those of the St. John river, the title to which was clear and unquestionable; and whereas the United States government neglected and refused to maintain and enforce the rights of this State to the upper basin of the St. John river, permitting British troops to march across said territory in the war of eighteen hundred and twelve, and at the time of the Canadian rebellion in eighteen hundred and thirty-seven, and afterwards, to hold military possession of the country; and whereas the State of Maine in eighteen hundred and thirty-eight and eighteen hundred and thirty-nine attempted to repossess herself of her lawful territory, and to protect her soil from spoliation by provincial trespassers; and whereas the United States government interposed its paramount authority, calling on Maine to withdraw all armed forces detailed for the protection of its territory, and assumed the duty and insisted on its right to exclusive control over all matters of needful defence of the same; and whereas this duty of defending the territory of Maine was so imperfectly performed by the United States government, that the territory was stripped of its most valuable timber before Maine could get possession, or what remained to her after the ratification of the treaty of Washington, whereby a just and valid claim now exists against the general government, which has been practically recognized by the Federal authorities at Washington; and, whereas, the State of Maine is anxious to have a military railroad from Bangor to the St. John river, and has, by resolutions adopted by the legislature of Maine, approved January thirty-one, eighteen hundred and sixty-three, called upon the general government to carry out such a work, and this State is now ready to co-operate with the general government in affording aid to the parties who will undertake to build such a line of railway, and offers to assign its claims on the general government to aid said enterprise, and to render other and further aid thereto: Therefore,

*Resolved*, That Maine reiterates and renews her demands on the general government in the language of the legislature, approved by the governor, January thirty-first, eighteen hundred and sixty-three: that Maine expects and earnestly demands "that measures be taken at once by the general government" for the protection of its northeast frontier; that "this can be accomplished only by a military railroad from Bangor to the St. John river."

*Resolved*, That the people of Maine, zealously attached to the principles of the Constitution and loyal to the government of the United States, surrounded on three sides by the territory of a foreign power, its other side fronting the ocean, where it is at all times exposed to attack by a superior naval power, by force of its position of incalculable importance to and steadily coveted by the people of the British North American Provinces, cannot fail to per-

ceive their danger in case of war with any one of the great powers of Europe, and they appeal to Congress for such aid and support as will enable them to protect their territory from foreign invasion, and secure them against further diminution of their ancient domain.

*Resolved.* That the government of the United States having forced a reluctant assent from the State of Maine to the treaty of Washington, by which twenty the most valuable portion of the territory of the United States for military purposes was surrendered to Great Britain, securing to her a military route in the St. John valley between Canada and New Brunswick, and the only adequate measure of compensation that can be awarded to Maine is the construction, by the federal government or through its aid, of a military railway from Bangor to the St. John river, as suggested in the resolutions of Maine of January thirty-first, eighteen hundred and sixty-three; that in order to secure this result the State releases and assigns to the European and North American Railway Company of Maine all claims on the federal government accruing prior to the year eighteen hundred and sixty, in case the United States government affords such aid to said railway company as will enable it to carry out its line of railway from the city of Bangor to the St. John river, or to such point in the northern part of Maine as may accomplish the objects and purposes sought for by the government of this State and the United States.

*Resolved.* That the governor is authorized to prepare, or cause to be prepared and printed, such documents and evidence as may be needful to show the character, extent and value of the claims before mentioned.

*Resolved.* That the governor be requested to transmit these resolutions to the President of the United States, and to each house of Congress, and to the members of the Senate and House from Maine.

*Resolved.* That our senators and representatives in Congress be requested and instructed to use their utmost efforts to secure a recognition of the claims of Maine, and the application of the proceeds thereof to the uses and purposes above set forth.

Approved March 25, 1864.

PORTLAND, September 19, 1864.

SIR: The European and North American Railway Company, a corporation established by the laws of the State of Maine, respectfully represents, that by an act of the Congress of the United States, entitled "An act making appropriations for the construction, preservation and repairs of certain fortifications and other works of defence for the year ending the thirtieth of June, 1865, and for other purposes," approved July 2, 1864, there was appropriated, "for surveys for military defences and for purchase of campaign maps, manuscript notes, and maps of surveys of railroads and canals, one hundred and fifty thousand dollars."

And said company further represents, that the legislature of Maine, by several acts and resolves, passed in the years 1863 and 1864, authorized the construction of a line of railway from the city of Bangor to the St. John river, and, by resolutions, invited the United States government to provide means for the protection of its northeastern frontier, by the building of a military railroad from Bangor to the St. John river; and by an act approved March 24, 1864, entitled "An act to provide means for the defence of the northeastern frontier," appropriated the proceeds of the sale of timber on certain townships of the public lands, and certain claims against the United States government, to aid the construction of said European and North American railway, which is the line contemplated in and by the resolves calling for a military railroad from Bangor to the St. John river. The legislature of Maine having, in the manner above set forth, declared said railway a work of military necessity, and appropriated largely of its means to secure its construction, and a committee of Congress having reported a bill to grant aid to said railway as a work of military necessity, it is due to the United States government that the location of said line should be made so as to secure the ends in view, and in accordance with the wishes of the War Office.

I therefore respectfully request you to make application to the Secretary of War to appoint an engineer officer to make the proper surveys, and to approve of the location of said railway, or to make or approve such a location thereof as will best secure the objects and purposes of a military railroad from Bangor to the St. John river.

By order of the directors.

JOHN A. POOR,

*President of the European and North American Railway Company.*

His Excellency SAMUEL CONY, *Governor of Maine.*

STATE OF MAINE, EXECUTIVE DEPARTMENT,

Augusta, September 25, 1864.

SIR: I have the honor to lay before you a copy of the application of the European and North American Railway Company of Maine, asking the executive of this State to request

of you the appointment of an engineer to approve of the location of its line, as made by that company, for a railway from Bangor to the St. John river, which railroad is the one sought for by the legislature of Maine, and recommended by it to Congress as the proper measure of defence for the northeastern frontier.

Fully approving of this application, I respectfully advise and request that the same may be granted.

With the highest respect, your obedient servant,

SAMUEL CONY, *Governor of Maine.*

Hon. E. M. STANTON,  
*Secretary of War, Washington, D. C.*

#### D.

AN ACT to provide means for the defence of the northeastern frontier.

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

SEC. 1. Whereas the legislature of Maine, by resolves unanimously adopted, and approved by the governor on the thirty-first day of January, in the year of our Lord one thousand eight hundred and sixty-three, asked protection of the United States government in the language following: "Maine expects and earnestly demands that measures be taken at once by the general government for the protection of its northeastern frontier, and that this can be accomplished only by a military railroad from Bangor to the St. John river;" it is hereby enacted that, to aid in the construction of such a line of railway, the proceeds of the sale of timber on ten townships of the public lands of this State, which townships shall be designated under the direction of the governor, State treasurer and land agent, who are constituted a board for this purpose, shall be paid into the treasury of the State for the use of the European and North American Railway Company, upon the terms and conditions hereinafter expressed; and the timber on these ten townships shall be advertised in a newspaper having the largest circulation in the counties where located, and three months in two newspapers having the largest circulation in the cities of Portland and Bangor. Sealed proposals shall be received by the governor, State treasurer and land agent, and a record of the proposals be made and kept in the land office, which shall be open to any one after the day of sale, and said sale shall be in one-eighth sections of townships; and all moneys, securities or lands received on account of the claims of Maine upon the United States government which accrued prior to eighteen hundred and sixty-two, viz: the claims for interest on moneys heretofore received from the United States for the value of the lands assigned to occupants under the fourth article of the treaty of Washington, and for timber cut on the territory formerly in dispute between the United States and Great Britain, after deducting the expenses of obtaining the same, shall be paid into the treasury of the State, for the use of the European and North American Railway Company, on the terms and conditions hereinafter expressed.

SEC. 2. As soon as said railway company shall have constructed and completed its line by the running of cars from Bangor to Lincoln, and have notified the governor of the State of that fact, and that said company has located its line to the boundary of New Brunswick, and is ready to proceed with the further construction of said railway, it shall be lawful for the governor to approve of said location, and to notify said company of the same, and thereupon the said company shall be entitled to the benefit of the provisions of this act; and thereafter, as soon as said company shall construct and complete, by the running of cars, ten additional miles of railway from Lincoln toward the mouth of the Mattawamkeag, the governor shall pay over to said company such sum as may then be in the hands of the treasurer derived from the proceeds of such sales of timber; and of such claims, at the rate of ten thousand dollars per mile for said ten miles, or *pro rata* for any sum then in hand less than at the rate of ten thousand dollars per mile, and so on from time to time at the same rate of ten thousand dollars per mile, or *pro rata* as fast as an additional ten miles is completed, until the line shall be completed from Bangor to the boundary line of New Brunswick; and as soon as said railway company shall locate a line from some point in embranchment thereof in a northerly direction toward the Aroostook river, and complete ten miles from said main line by the running of cars thereon, the governor shall pay to said company at the rate of ten thousand dollars per mile, or *pro rata* for each mile of railway so built and completed from their main line in a northerly direction, from the proceeds of the lands and claims hereinbefore set forth; and so on from time to time as an additional ten miles shall be completed by the running of cars, until the entire line of said railway shall be completed to the northern boundary of the State, with a branch line to the St. John river at Woodstock.

SEC. 3. In case the Commonwealth of Massachusetts shall assign and transfer to the European and North American Railway Company, or to the State of Maine in trust for said company, the claims jointly held by her with Maine against the general government, to aid the construction of said railroad, and also release and discharge, or assign and transfer the balance due from the State of Maine for the purchase of her interests in the public lands lying

in Maine, under date October fifth, eighteen hundred and fifty-three, it shall be lawful for the governor, State treasurer and land agent to transfer to said company all the public lands lying on the waters of the Penobscot and St. John rivers, for the uses and purposes set forth in this act: *Provided, however,* That there shall be excepted from said conveyance, and from the operations of this act, all timber and lumber and lands granted or voted by the present or any preceding legislature, reserving to the State the right to locate such grants within the present year of our Lord eighteen hundred and sixty-four, or within the time or times limited therefor in the several acts or resolves granting the same, all lands heretofore reserved or set apart for public schools, and all lands set apart and designated for settlement under existing laws; and all the lands set apart for the purposes of settlement shall be sold to settlers, upon the same terms and conditions, by the land agent, as is now authorized by law. And it is further provided, that all lands conveyed to said company under this act, which are, in the opinion of the governor, State treasurer and land agent, suitable for settlement, shall be surveyed into lots by said company, of suitable sizes, for the purposes of settlement, not exceeding one hundred and sixty acres to any one lot, which lands shall be open to settlers, at a price not exceeding one dollar per acre, on condition of a continued residence thereon for five years, and performance of such settling duties as are now required by the State. And said company is charged with the duty of encouraging immigration into the State, and shall be required to appoint a suitable emigrant agent, and annually publish such plans, statements and other information as shall give to the public a better knowledge of the extent, value and situation of the public lands of Maine, now open for settlement, and cause this information to be printed in our own and other languages, and distributed into other States of this Union, and into foreign lands. And the legislature of this State shall have the right at all times to inquire into the manner in which trusts are executed, and to pass any laws that may be necessary, and to impose fines and penalties to secure a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined: *Providing and excepting,* That no lands belonging to the State of Maine, lying within the county of Piscataquis, shall be taken by virtue of this act for the purpose of aiding in the construction of the trunk line of the European and North American railway: but that all of said lands lying in said county of Piscataquis shall be and are hereby appropriated under the limitations and restrictions relating to other lands herein granted, and shall be applied in aid of the construction of a branch of said railway extending to the slate quarries in the valley of the Pleasant river, at Brownville, and to the Katahdin Iron Works, from any point on the line of said railway between Oldtown and Lincoln, as provided in section two of "An act authorizing the further extension of the European and North American railway," passed at the present session of the legislature.

SEC. 4. All benefits of this act shall be forfeited by said European and North American Railway Company, upon the appropriation and use of the proceeds of timber or lands hereby granted to any other purpose than the construction of the main line of said railway or branches into Aroostook and Piscataquis counties.

SEC. 5. This act shall take effect on its approval by the governor.

Approved March 24, 1861.

## E

### REPORT.

The joint standing committee on frontier and coast defences, to whom was referred so much of the governor's message as relates to the frontier and coast defences of Maine, the memorial of the European and North American Railway Company, asking aid of the State in extending a military railroad from Bangor to the St. John river and numerous petitions from citizens of Maine in aid of said memorial, having considered the same with all the care and attention they could bestow, consistent with their other duties, and in view of the importance of the question to the people of this State and of the United States, respectfully ask leave to report:

That in the language of the resolves of the legislature of 1853, "Maine earnestly demands that measures be taken at once by the general government for the protection of the north-eastern frontier, and that this can only be accomplished by a military railroad from Bangor to the St. John river." To accomplish this object Maine must herself be ready to do all that is possible towards securing such a result. Her commercial interests demand the opening of a line of communication by railway from her remote frontier on the St. John to the central and seaboard towns of the State. But the building of such a line is a work beyond what is deemed prudent to incur in view of the present ability of the State and the demand of the present civil war. The carrying out of such a line of railroad can best be achieved by "bringing private enterprise and government aid, State and national, into concert and co-operation," as suggested in the address of his excellency the governor at the opening of the present session of the legislature.

This suggestion of the governor the committee have sought to carry into effect. The legislature having extended the chartered powers of the European and North American Railway Company for this purpose, the committee have agreed to recommend the grant of all the aid the State can reasonably apply to this object: to invite the co-operation of the Commonwealth of Massachusetts in extending aid to this enterprise, and to appeal to the general government for such further assistance as will enable the company in question to carry out this work, and to construct its line to the New Brunswick frontier, there to connect with the European and North American Railway Company of that province. From information before your committee no doubt is entertained of the ability and readiness of New Brunswick and Nova Scotia to meet our line at the frontier, thus forming a connected line of railway from Bangor to Halifax, completing the chain of railways from the city of Halifax to New York.

It appeared to your committee that the disputed claims of Maine on the general government might be a means of aid to this road, especially if the co-operation of Massachusetts could be secured. From the former infamy and present friendly relations of the two States it is believed that that Commonwealth will take a pride in thus aiding us and affording assistance in obtaining justice at the hands of the general government. Massachusetts valued her lands in Maine, after the separation in 1720, at \$100,000 to \$150,000, and would have sold her interest to Maine, at that time, at that price. She has since realized from two to three millions of money to her treasury as the proceeds of the sales of these lands, for the greater portion of which proceeds she is indebted to the watchfulness, fidelity, and careful oversight extended over them by the government of Maine, the lands being free of taxation while the fee remained in that State.

The committee, in view of these facts, have reported resolutions inviting the Commonwealth of Massachusetts to co-operate with Maine in extending aid to the railway from Bangor to the St. John river and the lower British provinces.

Military necessity calls for a line of railway from Bangor to the St. John river; for it is obvious to the most common observer that, in the event of a war with England, Maine will be the first point of attack and the chief object of the struggle. To realize in full measure the importance of the question, it is needful to recur to the history of this portion of the continent, both civil and military.

The history of Maine embraces the chief points of interest in the history of French and English colonization in America. The superior sagacity and activity of the French gave them title to all of North America from the fortieth to the forty-sixth parallel of north latitude, under the charter to Du Monts of November 8, 1603, and nothing but the jealousy and cupidity of the Jesuits forced Henry IV to revoke his great charter to a Protestant nobleman, by which act the country south of the forty-fifth parallel fell into the hands of Protestant England, under the charter of April 10, 1606. The French, under Champlain, retired above the forty-fifth parallel, which became the boundary line between New England and New France, from the Connecticut to the St. Lawrence. From the Connecticut river to the line of Nova Scotia on the east the interior of the country remained unoccupied, and the title of England extended northward to the crest of the dividing ridge or rain-shed that separated the waters of the St. Lawrence from those flowing southward into the Atlantic ocean. By the charter of New England of November 3, 1620, its boundaries extended north to the forty-eighth degree of north latitude. At the fall of Quebec, in 1759, New England, east of the Connecticut river, extended without question to the dividing ridge that separated the waters of the St. John river from those of the St. Lawrence, where the boundaries were established by the district of Quebec in 1763. The war of the Revolution left England nothing in America but Nova Scotia and her new acquisitions from France.

The boundaries of New England remained unquestioned till after the war of 1812. The value, for military purposes, of the St. John valley then became apparent as a means of communication between the upper and lower British provinces. This changed the policy of the British ministry, which was followed by the assumption of its claim to the St. John basin, ending in a disgraceful surrender of a portion of our State in 1842 for the sake of peace with our more sagacious and persistent neighbor.

Time and knowledge have changed the opinions of our own people; and probably there is not a man in Maine to-day who would consent to the treaty of Washington if it was an open question. Taking facts as we now find them, our duty is a plain one: place that portion of Maine most essential to the maintenance of the military power of this nation in a condition to meet any emergency that may arise. A railroad from Bangor to St. John would be better as a measure of defence than an impregnable fortress opposite the mouth of the Madawaska river, for a force sent forward by rail in case of war could intercept all communication between the upper and lower British provinces, connected as the railway would be with the lines of railway to Portland, Boston, and New York.

As long as Maine shall remain a part of the federal Union the British North American provinces must, from the configuration and physical geography of the country, forever be in a great measure commercially dependent upon us. If Maine was a portion of that great domain known as British North America, the future of this continent might become a matter of doubt.

Commerce is the solvent of national antipathies, and with the change of commercial relations the British North American provinces have become friendly neighbors. The people of

Canada united with those of Maine to open a line of communication from their chief commercial cities to the open sea at Portland; and New Brunswick and Nova Scotia have shown an earnest desire to unite with us in establishing the European and North American railway.

This line of railway is the greatest possible enterprise for Maine. It will commercially unite the lower provinces with the United States and Canada, and attract across the breadth of our great State that stream of European travel and traffic that, once set in motion, shall forever increase in volume and value.

In considering the means at our disposal we are met by the suggestion that it is the duty of the general government to initiate and carry out this measure. The truth of this is readily admitted, but under our form of government the federal authorities are only or chiefly moved through the influence of local communities or States. No State has any considerable influence in the federal government that lies supinely by and allows more enterprising communities to seize upon her advantages and surpass her in the race of empire.

The committee, therefore, believe that Maine has only to move at this time in the right direction to secure that commercial importance and political consideration that, from her position, her resources, and her enterprise, she is fairly entitled to attain.

With this view they ask leave to report the accompanying bill and resolves.

Per order.

J. DRUMMOND.

**RESOLVES** inviting the Commonwealth of Massachusetts to co-operate with Maine in extending aid to a military road from Bangor to the St. John river.

Whereas, by the act of separation of Maine from Massachusetts, approved June nineteenth, in the year of our Lord eighteen hundred and nineteen, the Commonwealth of Massachusetts retained one-half of all the public lands lying within the then district of Maine, which had merely a nominal value at the time Maine became an independent State, which lands, from the care, oversight and guardianship of the same by the State of Maine, became of great value, from the proceeds of the sales of which to individual purchasers large sums of money accrued to the treasury of Massachusetts, before the sale of her interests therein to the State of Maine; and whereas the State of Maine did, on the 5th day of October, in the year of our Lord eighteen hundred and fifty-three, purchase all the remaining rights of the State of Massachusetts in and to the lands to her belonging, lying in the State of Maine, for the sum of one hundred and twelve thousand five hundred dollars in money, and two hundred and fifty thousand dollars in five per cent. bonds of the State of Maine; and whereas the people of the Commonwealth of Massachusetts, especially those of the eastern part of said State, and of the city of Boston, have a great and equal interest with the people of Maine in the settlement of the northern, eastern and northeastern sections of Maine, and in the growth and prosperity of this State, and will be directly benefited by the extension of railways to the northeastern frontier and to the lower British provinces; and whereas the people of the State of Maine are desirous of securing a military railroad from the city of Bangor to the northeastern boundary, and of obtaining aid from Congress towards the accomplishment of said undertaking, and the State of Maine proposes to grant all the aid in its power to the parties who shall carry out said work, and assign to the European and North American Railway Company all its claims on the United States government which accrued prior to the year of our Lord eighteen hundred and sixty; and whereas these claims are of little or no value in the present aspect of public affairs, but may be made useful as an inducement to aid a work of military necessity; and whereas the military necessities of the country now call for a railroad from Bangor to the St. John river, and the general government, through the officer in charge of the military department of the east, has expressed an earnest opinion in favor of this measure: Therefore,

*Resolved*, That the Commonwealth of Massachusetts be respectfully invited to co-operate with Maine in its efforts to construct said railroad, and for this purpose to assign and transfer the claims jointly held by her with Maine on the government of the United States, to aid the construction of the European and North American railway from the city of Bangor to the St. John river and to the boundary of New Brunswick; and also the unpaid balance of the bonds or certificates of indebtedness given by the State of Maine, as the consideration of the purchase of said lands, dated October fifth, eighteen hundred and fifty-three, now amounting to two hundred and twenty-five thousand dollars and interest.

*Resolved*, That the governor be authorized and requested to appoint three commissioners for this State to present this application to the authorities of Massachusetts.

*Resolved*, That a copy of the foregoing preamble and resolutions be transmitted by his excellency the governor of Maine to the governor of the Commonwealth of Massachusetts.

Approved March 25, 1864.

## COMMONWEALTH OF MASSACHUSETTS—IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE.

AN ACT to aid the construction of the European and North American railway.

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows, viz :*

SEC. 1. Whenever the amount remaining unpaid and the interest thereon of the bonds of the State of Maine given in payment for the public lands in Maine sold by the Commonwealth of Massachusetts in the year eighteen hundred and fifty-three shall be paid into the treasury of the Commonwealth, the treasurer and receiver general shall, under the direction of the governor and council, surrender said bonds to the State of Maine, or assign them to the European and North American Railway Company, as the governor and council may determine.

SEC. 2. The Commonwealth of Massachusetts hereby assigns to the State of Maine, in trust for said company to aid in the construction of the railroad of said company between Bangor and New Brunswick, the claims held jointly with said State of Maine against the United States.

SEC. 3. This act shall take effect upon its approval.

HOUSE OF REPRESENTATIVES, *May 15, 1865.*

Passed to be enacted.

ALEXANDER H. BULLOCK, *Speaker.*

IN SENATE, *May 16, 1865.*

Passed to be enacted.

J. E. FIELD, *President.*

May 16, 1865.—Approved.

JOHN A. ANDREW.

## F.

AN ACT to authorize the city of Bangor to aid the construction of the European and North American railway.

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

SEC. 1. The city of Bangor is hereby authorized to loan its credit to the European and North American Railway Company in aid of the construction of their railroad, not exceeding, however, five hundred thousand dollars, upon their compliance with the following terms and conditions :

SEC. 2. If this act shall be accepted as is hereinafter provided, and said company shall, within three years from its approval, finish and complete their line of railway from Bangor to Lincoln by the running of cars thereon, then such fact shall be certified by the mayor and aldermen of the city to the city treasurer, and he shall forthwith issue to the directors of said company, for the purpose of building, furnishing and completing said road, the scrip of said city, payable to the holder thereof, in sums of one thousand dollars each, with coupons for interest attached, payable semi-annually, the principal payable in thirty years from the date thereof, and all payable in Boston or New York, the same to be signed by the city treasurer and countersigned by the mayor of said city.

SEC. 3. Concurrent with the issue and delivery of said city scrip as aforesaid, the president and directors of said company, in their official capacity, shall execute and deliver to the said treasurer the bond of said company, the penal sum in said bond to be double the amount of the scrip authorized to be issued at that time ; said bond shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued at the time of the date of the bond respectively, and also the principal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the said city on account of the issue of the same ; the said president and directors of said company shall also, in case of the issuing of the scrip of said city as provided in section two of this act, and simultaneously therewith, make, execute and deliver to the said city treasurer the scrip of said company, payable to the holder thereof, at the same time and for the same amount as the scrip then issued by said treasurer to said company, with like coupons for the interest attached ; which said scrip shall be held by said city as collateral security for the fulfilment of the conditions of the said bond ; and in default of any one of said conditions, said city may, from time to time, sell said city scrip, or any portion thereof, by public auction or auctions, in the cities of Bangor, Boston or New York, or either of them, after sixty days' notice in writing to the president, or one of the directors, or any three of the stockholders of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be indorsed on said bond.



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SEC. 4. The president and directors of said company are hereby authorized, and it shall be their duty, in their official capacity, upon the receipt of said city scrip, and upon the delivery of their bond to said city to secure the payment of the same, to execute and deliver to said city treasurer a mortgage, without prior recumbrance, of their railroad from Bangor to Lincoln, and all of the property real and personal of said company, including the franchise thereof; said mortgage shall be executed according to the laws of this State, and shall be in due and legal form, and shall contain apt and sufficient terms to secure the said city the fulfillment of the conditions in said bond contained.

SEC. 5. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the said mayor and aldermen to give notice according to the mode prescribed in the revised statutes for the foreclosure of mortgages, by publication of notice thereof, which may be published in a newspaper printed in Bangor, and a record thereof may be made within thirty days after the date of the last publication in the registry of deeds for the county of Penobscot, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after such publication, if the condition shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title to said road, and to all the property and franchise aforesaid, absolute in said city.

SEC. 6. If the directors of said company shall, at any time, neglect or omit to pay the interest which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bonds, the city of Bangor may take actual possession in the manner hereinafter provided of the whole of said railroad, and of all the property real and personal of the company, and of the franchise thereof, and may hold the same and apply the income thereof to make up and supply such deficiency, and all further deficiencies that may occur while the same are so held, until such deficiencies shall be fully made up and discharged. A written notice signed by the mayor and aldermen, and served upon the president or treasurer, or any director of the company, or, if there are none such, upon any stockholder of the company, stating that the city thereby takes actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for the purposes aforesaid, to the city, and shall enable the city to hold the same against any other claims thereon until such purposes have been fully accomplished.

SEC. 7. All moneys received by or for the said railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to and be held for the use and benefit of the city in manner and for the purposes herein provided, and shall, after notice given to persons receiving the same respectively, be by them paid to the city treasurer, which payment shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice, shall make payment of moneys so received to the treasurer of the company, such payment shall be a discharge of all claims of the city therefor; all moneys received by the treasurer of the company, after such notice, or in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended, or actually due for the running expenses of the road, for the services of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or apply any moneys received, as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received in the name of the city treasurer, whose duty it shall be to sue for the same, to be by him held and applied as herein required.

SEC. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city of Bangor, in the supreme judicial court, in the county of Penobscot, against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction, account, or other relief under the provisions of this act; and any judge of the court may issue a writ of injunction or any other suitable process, on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject-matter of such bill, and shall have such proceedings, and make such orders and decrees, as may be within the power and according to the course of proceedings of courts of equity, as the necessities of the case may require.

SEC. 9. If the said railroad company shall, after notice of possession, as aforesaid, neglect to choose directors thereof, or any other necessary officers, or none shall be found, the mayor and aldermen of the city shall appoint a board of directors, consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

SEC. 10. The city shall appoint one of the directors of the said railroad company from among the stockholders, who shall be chosen annually by the city council in joint ballot be

fore the annual meeting of said company for the choice of their officers, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from the company, as any other director. But the right to choose such director shall cease when the loan contemplated is extinguished.

SEC. 11. As an additional or cumulative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act shall at the time, and by force thereof, and for the security and payment of the same, create in favor of said city a lien on the whole of said railroad, its franchise, and all its appendages, and all real and personal property of said railroad corporation, which lien shall have preference and be prior to all other liens and incumbrances whatever on the said road from Bangor to Lincoln, and all the other property of said railroad corporation; and said lien shall be enforced, and all the rights and interests of said city shall be protected when necessary by suitable and proper judgments, injunction or decrees of said supreme judicial court, on a bill or bills in equity, which power is hereby specially conferred on said court. And it is hereby provided that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city of any mortgage or other securities contemplated by the provisions of this act, or otherwise.

SEC. 12. This act shall not take effect until it shall have been duly accepted by the said city of Bangor by a vote of the legal voters thereof voting in ward meetings duly and legally called within eleven months from and after its approval, and by a majority at least of three-fourths of the legal voters of said city present and voting at said meetings as aforesaid; nor shall said act take effect until the same shall be duly accepted by the city council of said city by concurrent vote of the two boards of said council, and by a majority of five-sevenths of the aldermen present and voting, and a majority of three-fourths of the common council at a meeting duly called for the purpose, at least thirty days subsequent to its acceptance by vote of the city as hereinbefore provided. The return of such ward meetings shall be made to the aldermen of said city, and by them counted and declared, and said city clerk shall make a record thereof and if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of this act shall take effect and be in full force thereafter.

SEC. 13. The provisions of this act shall be in force from and after its approval by the governor.

Approved March 25, 1864.

#### STATE OF MAINE.

At a legal meeting of the inhabitants of the city of Bangor, in the county of Penobscot, qualified by the constitution to vote for State and county officers, holden in the several wards in said city, on the second Monday of September, being the twelfth day of said month, in the year of our Lord 1864, the said inhabitants in the several wards gave in their votes upon the question, "Will the inhabitants of the city of Bangor accept the act of the legislature, approved March 25, 1864, entitled 'An act to authorize the city of Bangor to aid the construction of the European and North American railway?'" And the same were received, sorted, counted and declared in open ward meetings by the wardens who presided, and in presence of the ward clerks, who formed lists and made records thereof in presence of the wardens, and in open ward meetings sealed up the copies of said records, as appears by copies of said lists duly attested by the several wardens and ward clerks, returned to the city clerk of said city on said day of election; and the aldermen of said city, who were in session on said day of election, did open, examine and compare, in presence of the city clerk, the copies from the lists of votes given in the several wards upon said question, of which the following is a true record, made by said city clerk: The whole number of ballots given in was eighteen hundred and nineteen. The number of ballots having the word "yes" thereon was seventeen hundred and thirty. The number of ballots having the word "no" thereon was one hundred and twelve.

A true copy of said record. Attest:

GEO. W. SNOW, *City Clerk.*

GEO. W. SNOW, *City Clerk.*

G.

#### EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY OF MAINE.

*Extracts from the records of the directors.*

WINSLOW, MAINE, June 27, 1865.

The president laid before the board the contract entered into on the part of this company, under date of June 21, 1865, with the European and North American Railway Company, for

extension from St. John westward, incorporated by the province of New Brunswick, for the completion of the entire line of railway from the west bank of the St. John river to Bangor, Maine, by this company. Thereupon—

*Voted.* That the contract aforesaid, signed by the president on behalf of this company, be, and the same is hereby approved, ratified, confirmed, and adopted by the directors, and the same is ordered to be entered at full length on the records of the directors.

*Voted.* That the clerk cause a copy of the foregoing votes to be transmitted to the New Brunswick Company.

CHARLES J. GILMAN, *Clerk pro tem.*

Attest:

CHARLES J. GILMAN, *Clerk pro tem.*

A true copy of record. Attest:

Said contract is in the words following, viz:

“Memorandum of agreement, made the twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-five, between the European and North American Railway Company, of the State of Maine, of the one part, and the European and North American Railway Company, for extension from St. John, westward of the province of New Brunswick, of the other part.

“Whereas the mutual object before said companies, parties hereto, is the building a railway from the city of Bangor, in the State of Maine, to the city of St. John, in the province of New Brunswick; and whereas the act of incorporation of the New Brunswick company provides, among other things, that the New Brunswick company may make such connexion with other railroad companies within or without the province, either by leasing their road to other corporation or corporations on such terms and for such length of time as may be agreed upon; and whereas the said company of Maine has agreed with the said company of New Brunswick to build that portion of the line of the European and North American railway which will lie between the city of St. John and the eastern boundary of the State of Maine upon the terms and stipulations hereinafter set forth:

“Now, therefore, this indenture witnesseth—

“1st. The New Brunswick company is to locate its line from said boundary of Maine to the city of St. John, where the said railway may best be extended to a point of connexion with the present European and North American railway, now extending from the city of St. John to Moncton, over the general route of its line as surveyed by E. R. Burpee, civil engineer, with such improvements or alterations as said Burpee or some engineer mutually agreed on shall determine and establish, but not to make the work more expensive than is shown in the plan of his survey, and to be approved by the New Brunswick government under the provisions of the New Brunswick act entitled “An act in aid of the construction of railways,” passed 11th of April, A. D. 1864. No gradient on said road shall be allowed exceeding sixty feet to the mile.

“2d. The European and North American Railway Company, of Maine, agrees to complete its location from Bangor to the eastern boundary line of Maine to a point of junction and connexion with the New Brunswick line during the present year, and to secure the most favorable route for the building and working of the road, and to have no grade upon it exceeding sixty feet to the mile.

“3d. The work of construction of the Maine and New Brunswick lines by the said company of Maine is to commence at Bangor, and at or near the west bank of the river St. John at the same time, and proceed as near as may be simultaneously, so as to meet at the said boundary within three years from the time of the execution of this contract, or as soon as may be practicable, in no case to exceed four years.

“4th. The gauge of the line is to be the medium broad gauge of five and one-half feet in the clear between the rails, and uniform with the provincial gauge, with fifty-six-pound rail to the lineal yard, and eighty-eight tons per mile, fished and secured in the joint splices or plates at the joints, with not less than two thousand two hundred and sixty-eight sleepers per mile of track, with iron girder bridges on spans of greater length than fifty feet, said road to be a first-class railroad in all its parts, and to be built according to the specifications that may be agreed upon or prescribed by said Burpee or some engineer mutually agreed on to have charge of the construction of said work, and in accordance with the provisions of said facility act.

“5th. Fences are to be erected in all needful places on the line; sidings are to be put in at all proper places for stations as may be needful; farm crossings and road crossings are to be provided in all places where the same may be needed or required by law, and road changes to be made as the necessities of the track may require; stations, engine-houses, turn-tables, or other structures or buildings shall be built and erected as the wants of the road shall require, not to exceed, however, the estimates for stations made by said Burpee.

“6th. The European and North American Railway Company, of Maine, also further agrees to run and equip the said railroad from the boundary of Maine to the point of junction and connexion with the present railway from city of St. John to Moncton, and to keep and maintain the same in good working order, and also to keep and maintain thereon in good working order and condition a suitable number of engines, passenger cars, freight cars, snow

ploughs, hand cars, express, mail, and baggage cars, and all implements and machinery required in the working of the line, and to run the necessary passenger and freight trains to accommodate the public business of the line.

"7th. In order to pay for the construction of said road from the boundary of Maine to the city of St. John, the New Brunswick company agrees with the Maine company that the subsidy or gift of ten thousand dollars per mile shall be applied for that purpose in accordance with the terms of said facility act of 1864; and it further agrees to raise the sum of two hundred thousand dollars in reliable cash subscriptions, or secure that amount for the purpose of paying for such construction, which sum of two hundred thousand dollars is to be paid over to the Maine company as the work progresses, and at the rate of six thousand two hundred and fifty dollars as each one hundred thousand dollars in actual work on the road is expended until the same is fully paid up.

"8th. The balance of the money necessary to pay for the building of the road, it is agreed upon by and between the parties hereto, shall be provided for in manner following—that is to say: The Maine company shall take stock in the New Brunswick company to the extent and amount of such balance of the cost of the road after the amount of subsidy aforesaid, and two hundred thousand dollars aforesaid, which stock shall be taken and paid *pro rata* as the work progresses in actual work, and expenditure on the road at the rate of sixty-eight thousand seven hundred and fifty dollars as each one hundred thousand dollars is expended in actual work on the road until the road is completed, and the full amount paid. The Maine company may issue their bonds to an amount not exceeding two millions of dollars in all, payable in thirty years with the rate of interest at six per centum per annum, payable semi-annually, convertible into stock at the option of the holder, which bonds after the completion of the road are to be a first lien upon the road, its franchise, and property, and pay out the same for building said road as the work progresses, at the rate of sixty-eight thousand seven hundred and fifty dollars as each one hundred thousand dollars is expended in actual work on the line until the entire amount is paid.

"9th. The said Maine company hereby agrees to build said road from the boundary aforesaid to the city of St. John aforesaid, upon the terms and in the manner and within the time herein set forth.

"10th. The said New Brunswick company hereby agrees with the Maine company that upon the completion of the line from Bangor to the city of St. John as aforesaid, that then the said New Brunswick company will make a lease for nine hundred and ninety-nine years to the said Maine company, of said road, from the city of St. John to said boundary, which said lease shall contain all proper covenants on the part of both parties hereto for the working, repairing, and keeping in good working order the said road during the continuance of the lease, and all other provisions that may be needful and just in the premises.

"11th. The rent that the said Maine company shall pay for such road under the terms of said lease shall be the interest at six per centum per annum, payable semi-annually, on the cost of said road, including the two hundred thousand dollars aforesaid, less the said subsidy of ten thousand dollars per mile, and to fulfil and discharge all the duties, liabilities and obligations imposed by law on the New Brunswick company or entered into under this agreement.

"12th. It is mutually agreed by and between the parties hereto that the contract of lease to be hereafter executed shall provide for the protection of all the legal rights of the New Brunswick company, whose organization is to be kept up in the same manner as if no lease had been made, and the reasonable and necessary expenses to be agreed upon, when said lease shall be made, of the New Brunswick company, in the same, shall be paid over annually to the treasurer of the New Brunswick company, in quarterly payments, or retained by the New Brunswick company from any funds in its possession for such purpose; and any work performed by the New Brunswick company, its officers and employes, in constructing and forwarding the work herein referred to, shall be paid for by the Maine company and form a part of the construction account. Also, the expense of organizing said company, and maintaining the same hitherto, shall be paid for by the Maine company, and also be charged to construction account.

"13th. Should the lessees, the said Maine company, fail to pay the interest which shall become due upon any portion of the bonds or stock provided for in this agreement to be by them paid, or to pay the principal as it shall become due, it shall be lawful for the lessors, the said New Brunswick company, to take actual possession of the road and of all the property, real and personal, of the company, and apply the income thereof to make up and supply such deficiency, and hold the same until such deficiency is fully paid and discharged; and all property put upon the line in the way of improvements or repairs, and all machinery and rolling stock purchased and owned by the New Brunswick corporation, shall be and remain their property without any claim on the part of the lessees, the said Maine company.

"14th. The rules and regulations for the running of the road are to be subject to the approval of the governor in council of the province of New Brunswick.

"15th. A majority of the directors of the New Brunswick corporation are to be residents of the province of New Brunswick.

"16th. In case the Maine company fails to commence the work in accordance with the terms of this contract; or if, after commencing the same, they suspend said work or fail to

make reasonable progress with the same, then and in such case the New Brunswick company may, on giving two months' notice to the Maine company, take possession of the line and all the property thereon, terminate said contract, and forever after hold said road as their own property, discharged and free from said contract and from any claim of the Maine company thereon.

"17th. It is understood by and between the contracting parties hereto that this contract is made subject to the approval of the New Brunswick government.

"18th. In case of hostilities between the governments of the United States and Great Britain, this contract shall remain in abeyance during such period, without being terminated thereby.

"19th. No discrimination shall be made on the line of either company on account of the national character of either passengers or freight.

"In witness whereof, the said parties hereto have caused the foregoing indenture to be signed by the respective presidents of the two companies.

"WM. PARKS,

"President of the European and North American Railway Company for extension from St. John westward.

"JOHN A. POOR,

"President of the European and North American Railway Company of Maine

"Signed and delivered in presence of—  
"C. N. SKINNER."

EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY OF MAINE.

*Extracts from the records of the stockholders.*

BANGOR, July 18, 1865.

*Resolved*, That the stockholders approve and ratify the contract entered into on the part of this company, under date of June 21, 1865, with the European and North American Railway Company, for extension from St. John westward, incorporated by the province of New Brunswick, for amalgamating or consolidating the lines of the two companies, by contract of lease or otherwise, and authorize the issue of bonds for two million dollars (\$2,000,000) by this company, secured on the line from St. John, New Brunswick, to the boundary of Maine, by a mortgage of the line by the New Brunswick company, as provided by said contract; and the directors are further authorized, at their discretion, to make such modification of said contract as will carry into full effect the intentions of the parties, and to procure, if need be, any further legislation in this State, or in said province of New Brunswick, to carry out said contract, and to secure such form of mortgage as shall be legal and effectual to make the bonds issued for the construction of said road in New Brunswick a lien or first security on the road in said province.

A true record. Attest:

W. C. CROSBY, *Clerk pro tem.*

A true copy of record. Attest:

NOAH WOODS, *Clerk.*

ST. JOHN, September 29, 1865.

DEAR SIR: I herewith enclose you a copy of the contract of the European and North American Railway Company for extension from St. John westward, with her Majesty Queen Victoria, for building that portion of the European and North American railway which will lie between the city of St. John and the boundary of Maine; also a certificate from the government of New Brunswick that such contract has been duly executed, and that the New Brunswick company will be entitled to get the subsidy of \$10,000 per mile granted by the legislature of New Brunswick in aid of the work, in accordance with the act of assembly granting such aid. I also have much pleasure in informing you that the New Brunswick company have raised their subscription of \$200,000, in accordance with their agreement made with your company on the 21st June last.

I have the honor to be your obedient servant,

C. N. SKINNER, *Secretary &c*

Hon. J. A. POOR,

*President of E. and N. A. Railway Company of Maine.*

Mrs. Doc. 13—3

Memorandum of agreement made and entered into this twenty-third day of September, in the year of our Lord one thousand eight hundred and sixty-five, between the European and North American Railway Company for extension from St. John westward, (hereinafter called the said company,) a company incorporated by the general assembly of the province of New Brunswick, of the one part, and her Majesty Queen Victoria, of the other part.

Whereas by an act of the general assembly of the said province of New Brunswick, passed in the twenty-seventh year of her Majesty's reign, entitled "An act in aid of the construction of railways," the governor in council of the said province is authorized and empowered to consent and agree with any company or body corporate possessing sufficient capital for the construction of certain lines of railway in the said act mentioned, of which the line hereinafter described is a part; and whereas the said company have offered to construct the line of railway mentioned in said act as "a main line from the city of St. John to the State of Maine, running as near as may be by the Douglas valley:"

Now this agreement witnesseth, and it is hereby declared and agreed as follows:

1. The said recited act of assembly shall be the basis of, and shall be construed and considered to be incorporated in, this agreement, so far as the same may be applicable thereto.
2. The said company, in consideration of the benefits and advantages secured to them by the said recited act, hereby agree to construct the said line of railway from the city of St. John to the State of Maine, running as near as may be by the Douglas valley, and to a point of junction and connexion with the line of railway to be extended eastward from the city of Bangor to the province of New Brunswick, the said line of railway being the one described in said act as "a main line from the city of St. John to the State of Maine, running as near as may be by the Douglas valley."
3. The said company hereby agrees to construct said line of railway within three years from the twenty-first day of June last, or as soon as may be practicable, in no case to exceed four years.
4. No gradients on said line shall exceed sixty feet to the mile, the gauge of the line to be the medium broad gauge of five and one-half feet in the clear between the rails, and uniform with the gauge of the European and North American railway, with fifty-six pounds rail to the lineal yard, and eighty-eight tons per mile, fished and secured in the joint splices or plates at the joints, with not less than two thousand two hundred and sixty-eight sleepers per mile of track, with iron girder bridges, on spans of greater length than fifty feet, said road to be a first-class railroad in all its parts, and to be built in accordance with the provisions of said act of assembly.
5. Fences are to be erected in all needful places on the line; sidings are to be put in all proper places for stations as may be needful; farm-crossings and road-crossings are to be provided in all places where the same may be needed or required and road changes to be made, as the necessities of the track may require. Stations, engine-houses, turn-tables, or other structures or buildings shall be built and erected as the wants of the road may make necessary.
6. The said company further agrees to run and equip the said railroad, and to keep and maintain the same in good working order, and also to keep and maintain thereon, in good working order and condition, a suitable number of engines, passenger cars, freight cars, snow ploughs, hand cars, express, mail, and baggage cars, and all implements and machinery required in the working of the line, and to run the necessary passenger and freight trains to accommodate the public business of the line.
7. It is also hereby agreed that the rules and regulations for the running of the road are to be subject to the approval of the governor in council of the province of New Brunswick.
8. The said company hereby agrees to *bona fide* commence the construction of said railroad before the 10th day of November next, and to proceed with the same with all reasonable speed, so as to have the same completed within the time aforesaid; and in case the said company fails to commence the work as aforesaid, or if after commencing the same they suspend said work, or fail to make reasonable progress with the same, then, and in such case, the governor in council of the province of New Brunswick may, on giving two months' notice to the said company, take possession of the line and all the property thereon, terminate this contract, and forever after hold said railroad in the name of, for and as the property of, her Majesty the Queen, free from any claim of the said company thereon.
9. The said company, their lessees, or representatives, shall carry and convey her Majesty's mails on the said railway for reasonable compensation to be paid.
10. On the completion of the said railway, or any section thereof, the said company, their lessees, assigns, or representatives, shall make an equitable arrangement with the governor in council of the said province of New Brunswick for the mutual working of the said railway in connexion with the European and North American railway now running from the city of St. John to Shediac.
11. It is understood that this agreement is made upon the understanding that the European and North American Railway Company, of the State of Maine, will build a line of railway from the city of Bangor, in the State of Maine, to the boundary line between Maine and New Brunswick, so as to meet the said railway from the city of St. John to the boundary of New

Brunswick at the time of the completion of the last-mentioned railway, in order to make a complete road from said city of St. John to said city of Bangor.

In testimony whereof, the said company has caused their seal to be placed hereto, and the same to be signed by the president and secretary of the said company.  
[SEAL.]

WM. PARKS, *President*.  
C. N. SKINNER, *Secretary*.

Signed, sealed, and delivered in the presence of—  
R. C. SKINNER.

I hereby certify the foregoing to be a true copy of the agreement made between the European and North American Railway Company for extension from St. John westward and her Majesty the Queen for building a railway from St. John to the boundary of Maine.  
C. N. SKINNER, *Secretary*.

SEPTEMBER 28, 1865.

ST. JOHN, September 23, 1865.

SIR: As the European and North American Railway Company, for extension from St. John westward, have entered into a satisfactory agreement, in the name of the Queen, for the construction of a railway from the western bank of the river St. John to the boundary line of the State of Maine, the governor in council approves of such agreement; and the said company on performing the said agreement will be entitled to receive all the benefits and advantages which are secured and provided by the act passed in 1861, entitled "An act in aid of the construction of railways," so far as the same relates to the agreement so made.

I have the honor to remain your obedient servant,

A. J. SMITH,  
*President of Executive Council, New Brunswick.*

WILLIAM PARKS, Esq.,  
*President of E. and N. A. R. Co., for extension from St. John westward.*

The foregoing is a true copy of the original letter in my possession.  
C. N. SKINNER, *Secretary*.

SEPTEMBER 28, 1865.

EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY.

*Extracts from the records of the directors.*

BANGOR HOUSE,  
Bangor, September 29, 1865.

The president laid before the board a communication from Charles N. Skinner, esq., secretary of the European and North American Railway Company, for extension from St. John westward, of New Brunswick, with accompanying papers, informing this company of the raising of their subscription to \$200,000, and the approval of the contract on the part of the government of the province of New Brunswick.

*Resolved*, That the same be entered at full length on the records of the directors.

*Resolved*, That the same be accepted as notice of the compliance on the part of the New Brunswick company with the terms of the contract of June 21, 1865.

*Resolved*, That a certified copy of the foregoing record be transmitted to the New Brunswick company.

*Resolved*, That the clerk cause a copy of the foregoing papers and of the records of the directors to be given to the contractors, Messrs. Peirce and Blaisdell, with notice to them to proceed with the construction of the line in New Brunswick on or before the 10th day of November next.

Attest:

A true copy of record. Attest:

SAMUEL H. DALE, *Clerk pro tem.*

SAMUEL H. DALE, *Clerk pro tem.*

BANGOR, October 2, 1865.

This day a copy of the papers within named and of the records of the directors, and of the votes passed by the said directors, was given to us, and we do hereby accept the said notice under and according to the terms of our contract for building said railroad, reference to which said contract is hereby made.

(GEO. H. PEIRCE,  
A. BLAISDELL,  
By his attorney, JOHN H. WIGGINS.

Received true copies of the foregoing documents this day, October 2, 1865.

C. N. SKINNER,  
*Secretary, Sec. E. & N. A. R. Co., N. B.*

A true copy. Attest:

N. WOODS, *Clerk.*

## II.

## EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY, OF MAINE.

*Extracts from the records of the directors.*

JUNE 28, 1865

*Voted,* That the directors accept the act of the legislature of Massachusetts, entitled "An act to aid the construction of the European and North American railway;" and, to provide funds for the completion of the road from Bangor to the boundary of the State of Maine, the directors will issue bonds of this corporation, amounting to one million of dollars in all, and entitled land bonds, in sums of five hundred and one thousand dollars each, in equal numbers, payable at such place or places as may be designated in said bonds, with interest at six per centum per annum, payable semi-annually on the first days of February and August, and the principal thirty years from their date; said bonds to be convertible into stock at the pleasure of the holders, and into sterling bonds at the option of the company, and if converted into sterling bonds, the principal and interest payable in London. And the president and treasurer are authorized to make and issue such bonds, and to execute a mortgage of the line of said railway from the depot of the Maine Central railroad, in the city of Bangor, to the eastern boundary of Maine to secure the payment thereof. Said mortgage to be made to three trustees, viz: to Franklin Haven, of Boston, in the county of Suffolk and Commonwealth of Massachusetts; Hamibal Hamlin, of Bangor, in the county of Penobscot and State of Maine, and Henry V. Poor, of Brookline, in the State of Massachusetts, but doing business in the city of New York, or such other parties, as trustees, as may be agreed on by the directors. And for the further security of said one million dollars of bonds all the timber and lands voted or appropriated by the State of Maine, to be hereafter conveyed to said company by the State of Maine, are to be conveyed to said trustees for the uses and purposes aforesaid. The proceeds of sales of timber and lands to be applied to the payment of the interest on said bonds as the same matures, and after that of the principal thereof, with the right on the part of the company to purchase in said bonds by tender or payment of the principal, and with the addition of ten per cent. of the amount thereof, and the unpaid interest upon the original principal to the date of the surrender or claim thereof; said bonds to be a first lien or security on all of the timber and lands aforesaid, and a first lien or mortgage on the railway from Bangor to the boundary of Maine, save and excepting the lien of the city of Bangor on the railroad from Bangor to Lincoln; and the president and treasurer are hereby authorized to execute any and all proper instruments of conveyance to carry into effect the provisions of this vote.

*Voted,* That to provide funds for the construction of the line of the railway from Bangor to the boundary of Maine, and the branches thereof, as provided by law, the directors will issue bonds of this company, amounting to two millions and three hundred thousand dollars, to be called government guarantee bonds, in sums of five hundred and one thousand each, in equal numbers, with the rate of interest at six per cent. per annum, payable semi-annually, on the first days of February and August, and the principal in thirty years, at such place or places as may be prescribed in said bonds, convertible into stock at the option of the holders thereof, and into sterling bonds at the pleasure of the company; if converted into sterling bonds, payable in London; and secure the same by a mortgage of the company's railway, and its appurtenances, with the franchise thereof, including all branches. The said mortgage to be made to the same trustees as mentioned in the previous vote, or such trustees as the directors may agree on. Said mortgage to be subject to the lien of the city of Bangor on the railway to Lincoln, and the prior mortgage on the line from Bangor to the boundary of Maine, for the security of the one million dollars of land bonds before provided for. And for the further security of said issue of two million and three hundred thousand dollars of bonds, the directors hereby assign and transfer to said trustees all the claims of the States of Maine and Massachusetts against the United States, assigned to the European and North American Railway Company by said States respectively; and the president and treasurer are hereby authorized to execute any and all deeds and other instruments necessary to carry into effect the provisions of this vote. And the claims against the United States are to be paid over to the holders of said bonds *pro rata* as the same are received from the United States. And the company reserves the right to purchase their bonds by agreement at any time with the holder, and require any holder to deliver or surrender the bond or bonds held by him by tender or payment of the principal, with the addition of ten per cent. of the amount thereof, and the unpaid interest upon the original principal to the date of the surrender or claim thereof.

Attest:

CHARLES J. GILMAN, *Clerk pro tem.*

A true copy of record. Attest:

CHARLES J. GILMAN, *Clerk pro tem.*



*Extracts from stockholders' records.*

BANGOR, July 18, 1865.

*Voted,* That the stockholders hereby accept the act of the legislature of Massachusetts, entitled "An act to aid the construction of the European and North American railway;" and to provide funds for the completion of the road from Bangor to the boundary of the State of Maine, the directors be, and they are hereby, authorized to issue bonds of this company, amounting to one million of dollars, in sums of five hundred and one thousand dollars each, in equal numbers, payable, with six per cent. interest, at such times and places as the directors may prescribe, and to secure the same by a mortgage of the whole line of railroad and its appurtenances from Bangor to the boundary of the State, said mortgage to be a first mortgage on the same, excepting the lien of the city of Bangor upon the road from Bangor to Lincoln, and said bonds of one million of dollars to be further secured by a first lien upon the timber and lands to be conveyed to this company by the State of Maine, as contemplated by the act aforesaid and as provided by the act of the legislature of Maine approved March 24, 1864, entitled "An act to provide means for the defence of the northeastern frontier;" and the directors are hereby authorized to execute any and all deeds or other instruments necessary and proper to carry into effect the provisions of this vote.

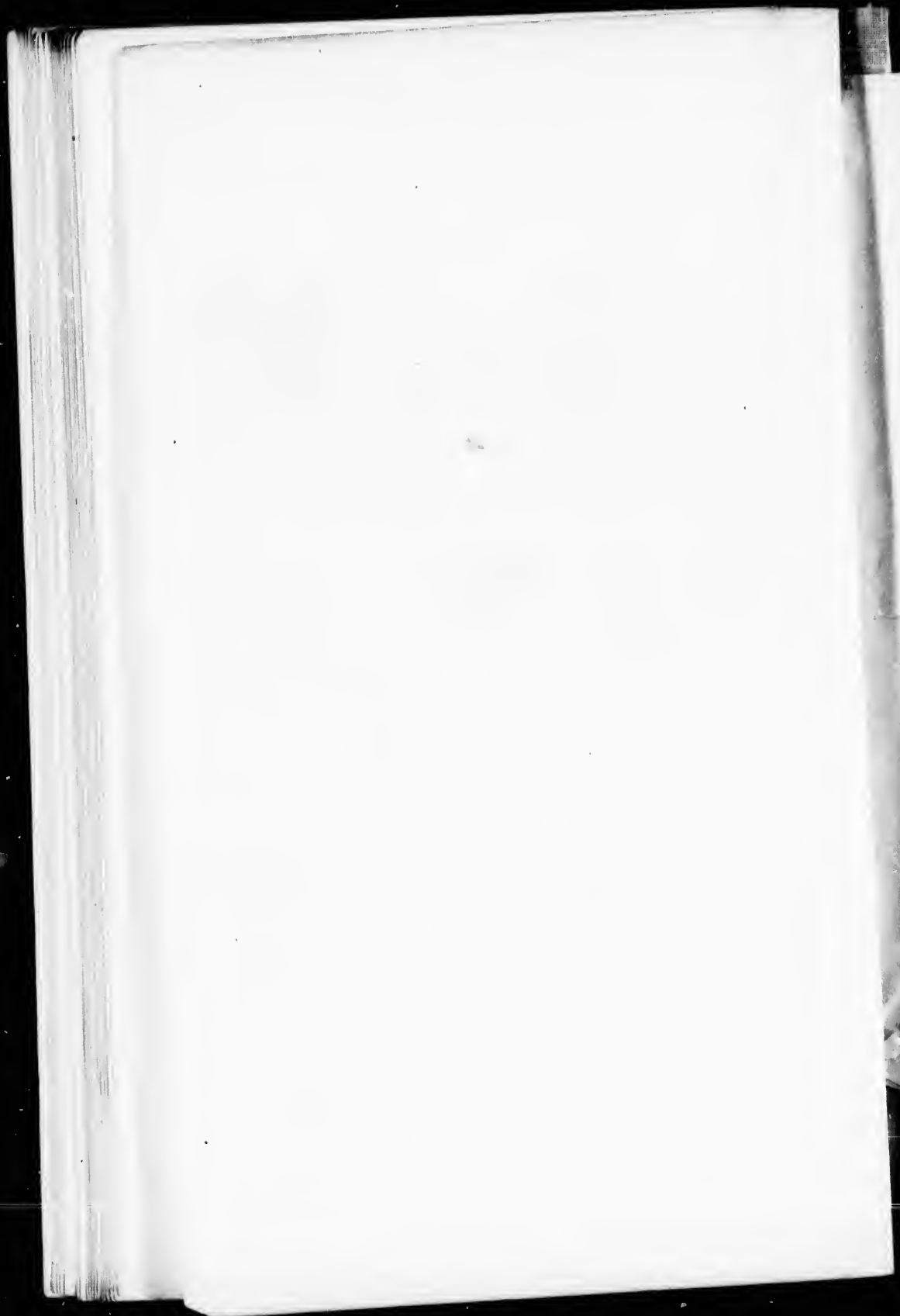
*Voted,* The directors be, and they are hereby, authorized to issue bonds of this company, amounting to two million and three hundred thousand dollars, in sums of five hundred and one thousand dollars each, in equal numbers, payable, with six per cent. interest, at such times and places as the directors may prescribe, and to secure the same by a mortgage of the whole line of the company's railway and its appurtenances, including all branches, said mortgage to be subject to the lien of the city of Bangor and the mortgage of one million of dollars heretofore provided for; and the directors are hereby authorized to further secure the payment of said bonds of two million three hundred thousand dollars by a lien upon the claims of the States of Maine and Massachusetts against the United States, assigned to the European and North American railway by said States respectively; and the directors are hereby authorized to execute any and all deeds and other instruments necessary or proper to carry into effect the provisions of this vote.

A true record. Attest:

W. C. CROSBY, *Clerk pro tem.*

A true copy of record. Attest:

N. WOODS, *Clerk.**Clerk pro tem.**Clerk pro tem.*





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*Lines of Railway ca*

*d° d° in*

*d° d° p*

o



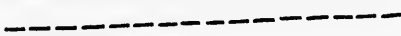
•St Pierre

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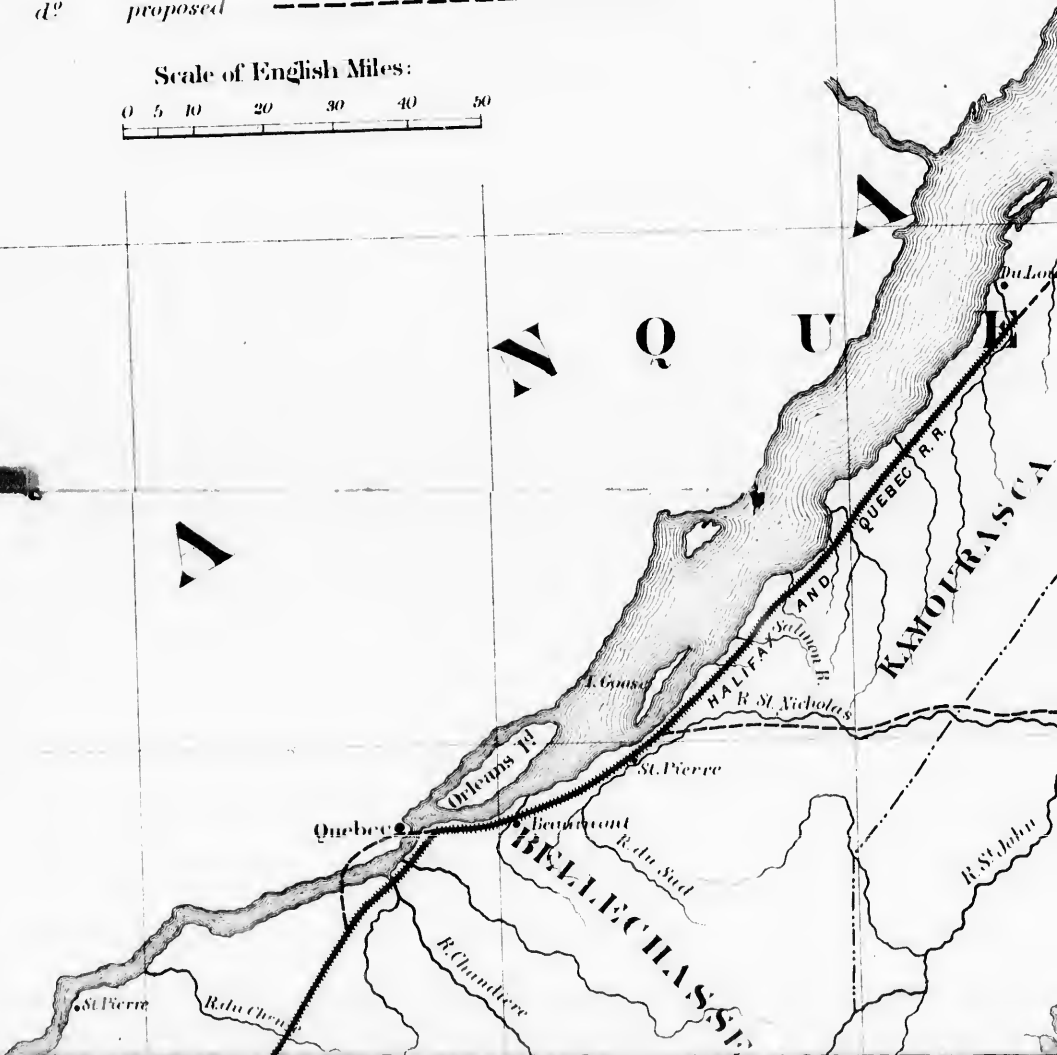
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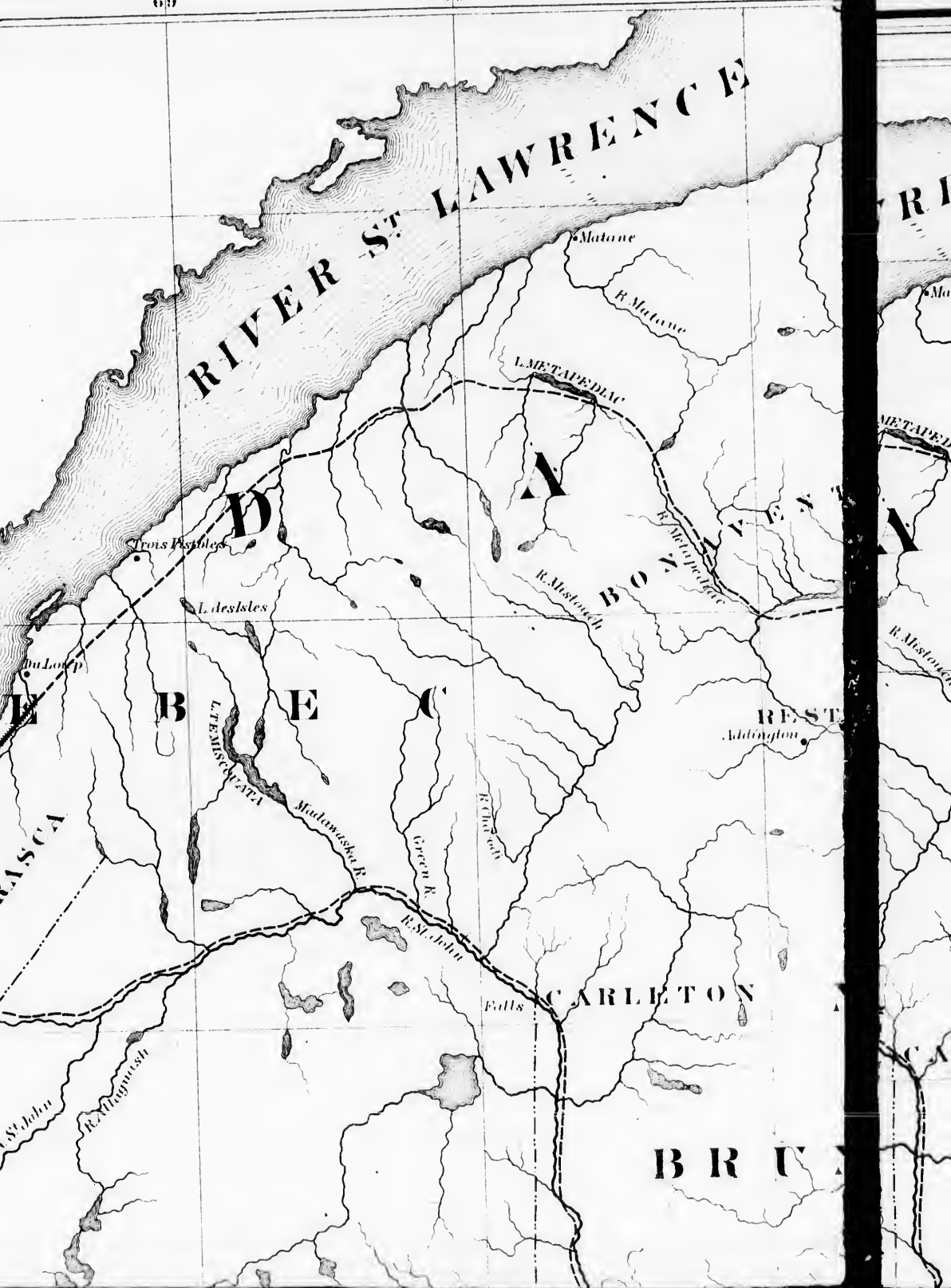
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### Explanations:

- Lines of Railway completed*   
*d<sup>o</sup> d<sup>o</sup> in progress*   
*d<sup>o</sup> d<sup>o</sup> proposed* 

### Scale of English Miles:





RIVER ST. LAWRENCE

Matane

R. Matane

L. METAPEDIAC

D

Trois Pistoles

L. des Isles

A

R. Mistouche

R. Metapediac

B

E

REST

Addington

ASCA

L. TREMISE

Madawaska R.

Green R.

R. Knap

R. St. John

Falls

CARLETON

BRUN



65

64

63

62



S P E

York R.

St. John R.

Mal Bay R.

GASPE BAY

SAGUENAY R.

OF CHALEUR

GULF OF ST. LAWRENCE

MIRAMICHI BAY

RICHUCTOUB

EGMONT B.

RICHMOND B.

PRINCE

Magdalen Id.

Amherst

Wellford



62

61

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# W R E N C E

19

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Magdalen Id<sup>s</sup>

Amherst Id<sup>s</sup>

St Paul Id<sup>s</sup>

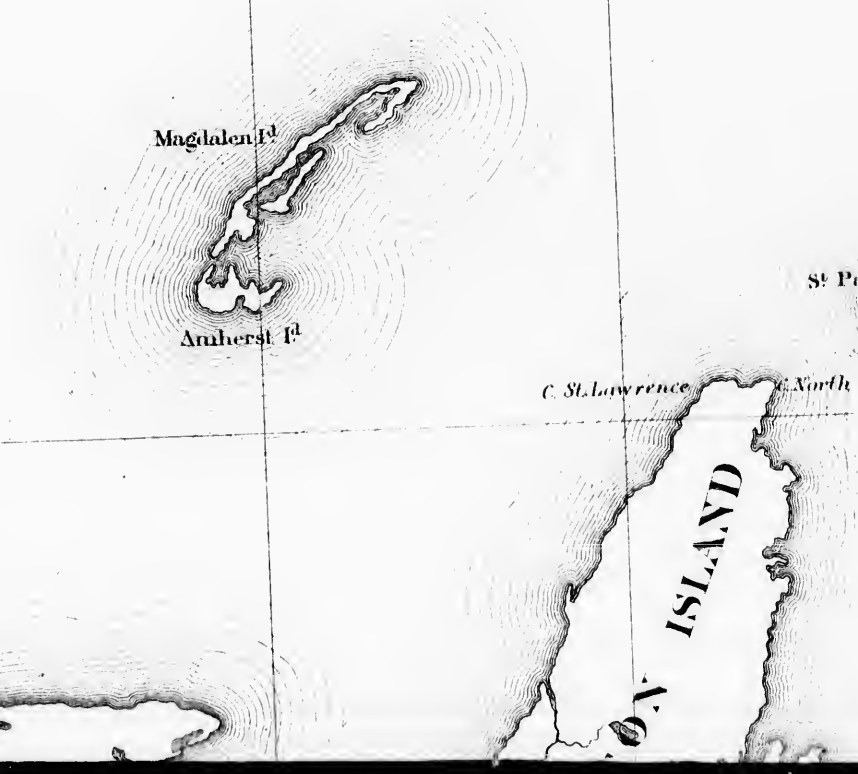
C. St. Lawrence

North

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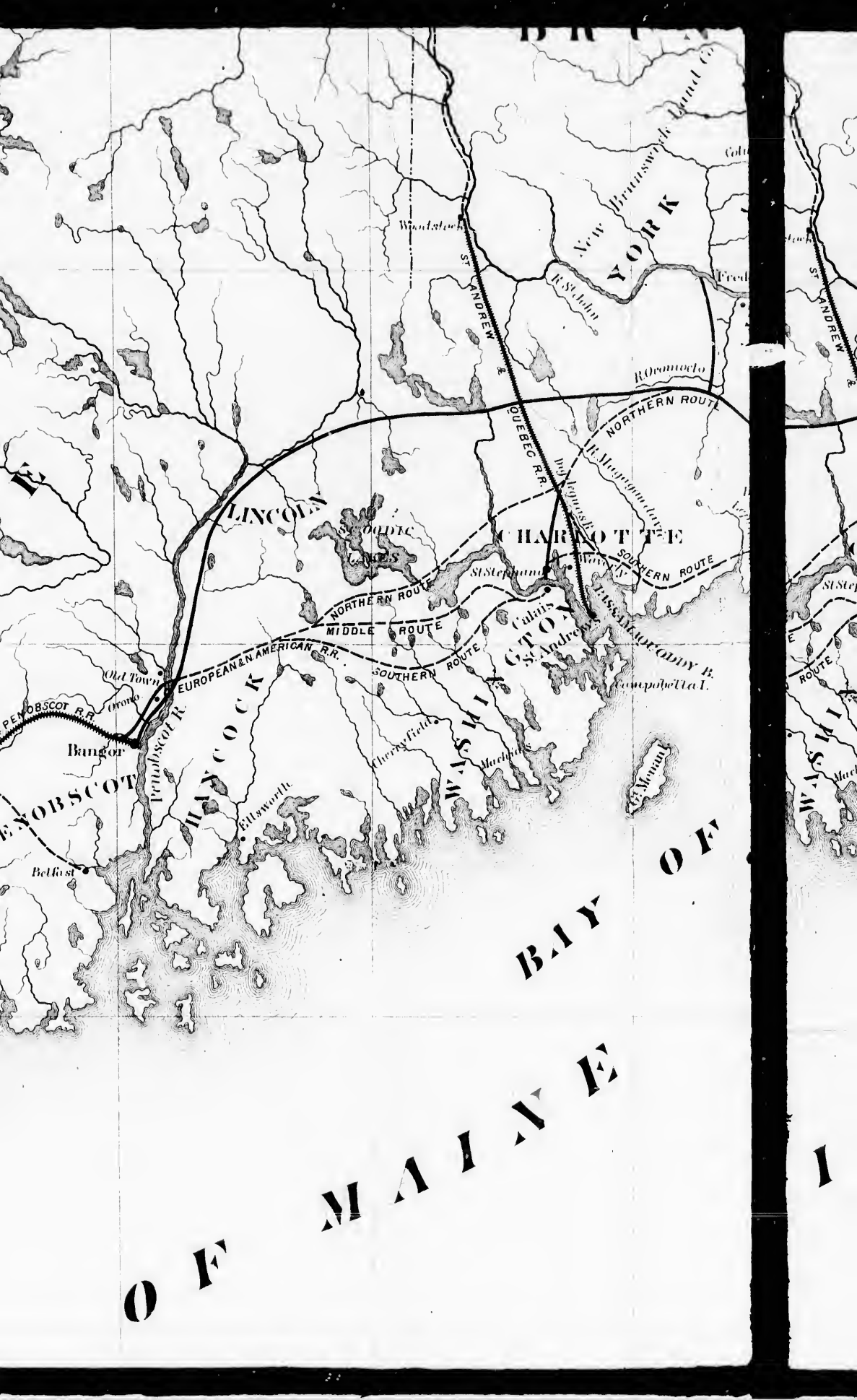
ISLAND

St









**O F MAINE BAY OF**

**ENOBSOT**

**HANCOCK**

**ST. JOHN**

**LINCOLN**

**CHARLOTTE**

**ST. JOHN**

**ST. ANDREW**

**ST. CATHARINE**

**ST. PETER**

**ST. JAMES**

**ST. GEORGE**

**ST. MICHAEL**

**ST. ANNE**

**ST. MARY**

**ST. ISIDORE**

**ST. BONAVENTURE**

**ST. MARTIN**

**ST. ANTHONY**

**ST. JOSEPH**

**ST. FRANCIS**

**ST. CHARLES**

**ST. LOUIS**

**ST. CLARE**

**ST. MARGARET**

**ST. ELIZABETH**

Penobscot R.R.

European & American R.R.

Quebec R.R.

St. Andrew R.R.

St. John R.R.

St. Catharine R.R.

St. Peter R.R.

St. James R.R.

St. Michael R.R.

St. Anne R.R.

St. Mary R.R.

Old Town

Bangor

Belfast

Ellsworth

St. Stephen

St. John

St. Catharine

St. Peter

St. James

St. Michael

St. Anne

St. Mary

St. Lawrence

Saginaw

St. John

St. Catharine

St. Peter

St. James

St. Michael

St. Anne

St. Mary

St. Joseph

St. Francis

St. Charles

St. Louis

St. Clare

St. Margaret

St. Anthony

St. Joseph

St. Francis

St. Charles

St. Louis

St. Clare

St. Margaret

St. Anthony

St. John

St. Catharine

St. Peter

St. James

St. Michael

St. Anne

St. Mary

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St. Michael

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St. Louis

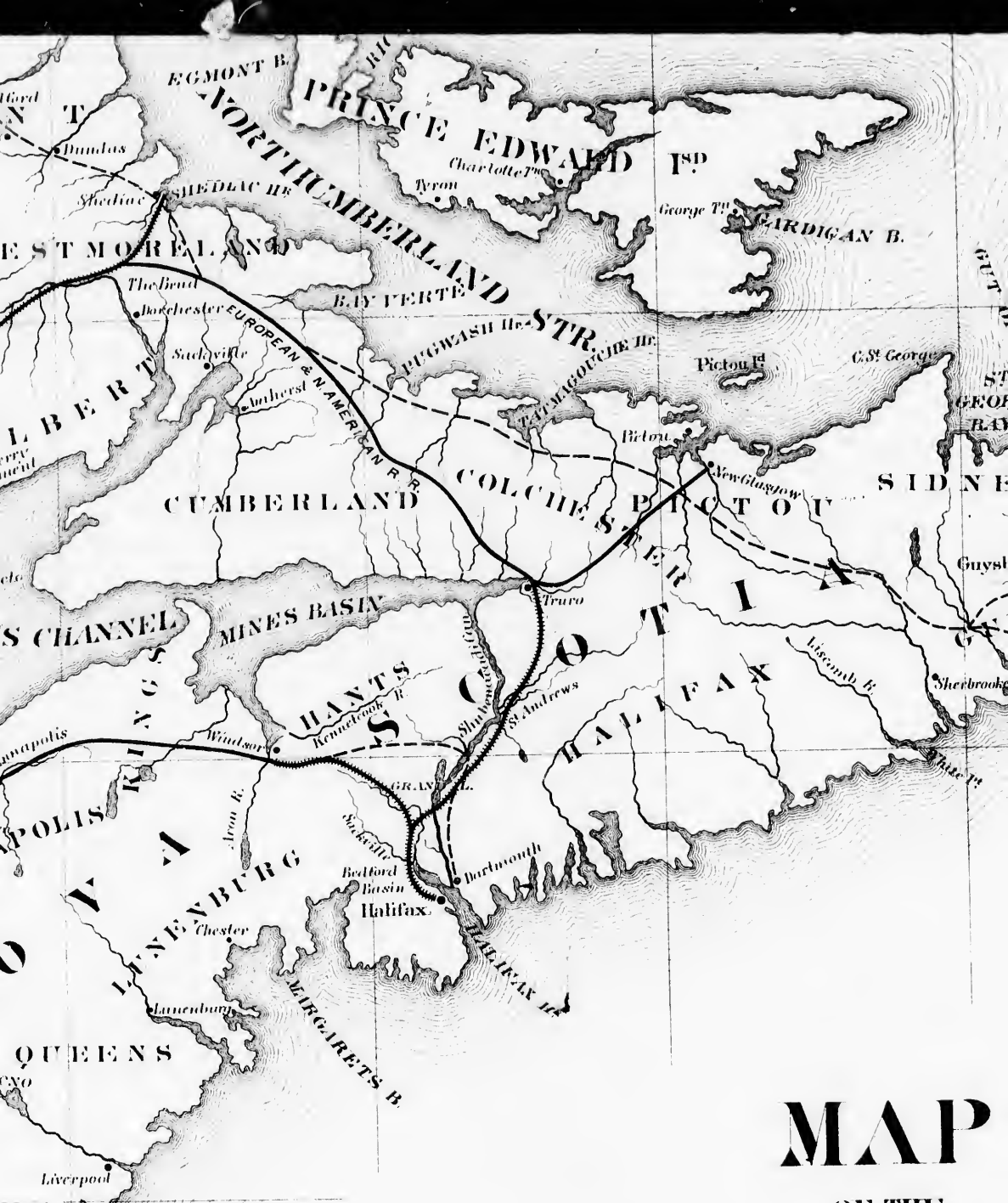
St. Clare

St. Margaret

St. Anthony

St. Joseph

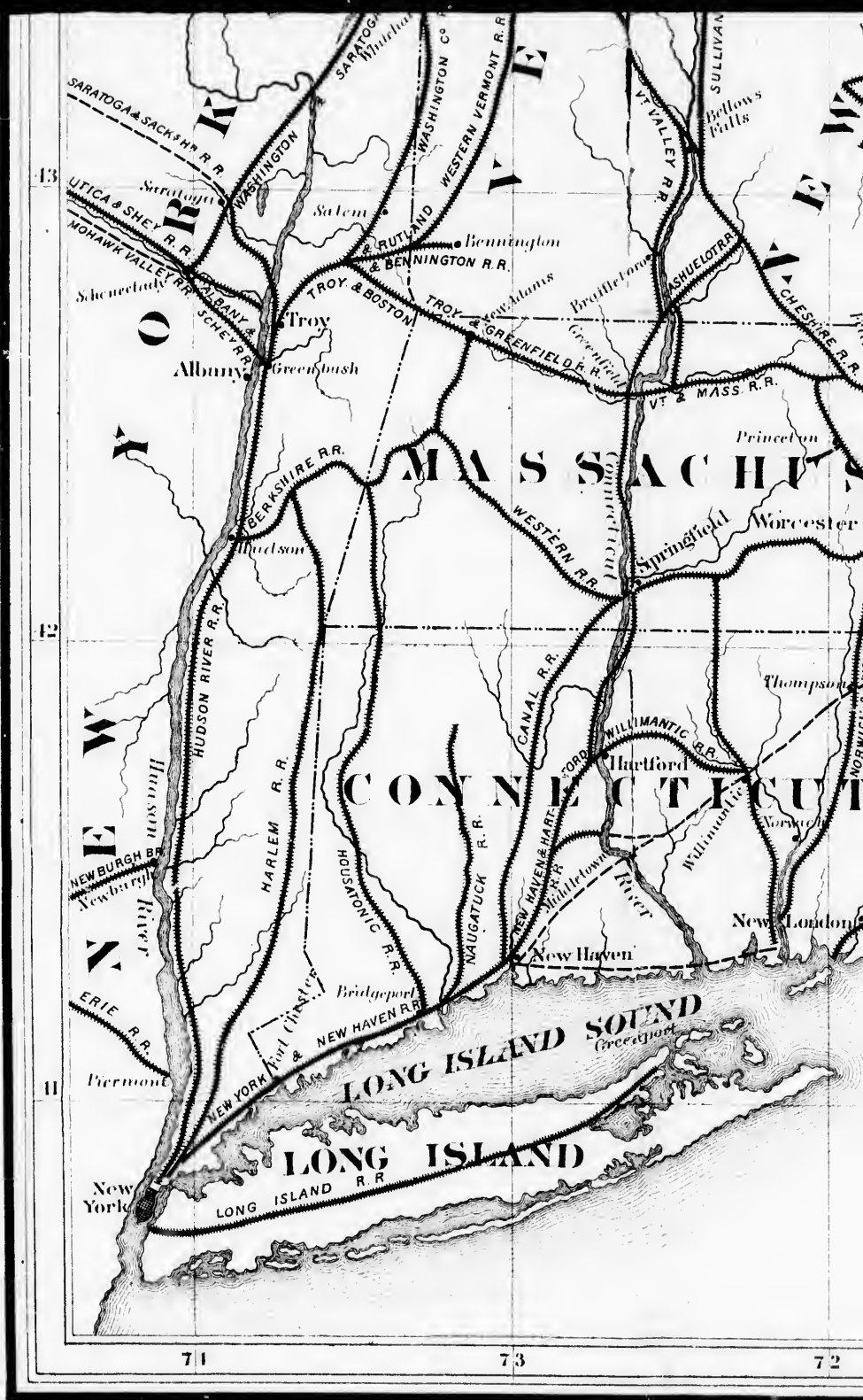




**MAP**  
 OF THE  
**EUROPEAN AND NORTH**  
**RAILWAY**  
 SHOWING ITS CONNECTION WITH  
 OF THE  
**UNITED STATES &**



**MAP**  
**OF THE**  
**AND NORTH AMERICAN**  
**RAILWAY,**  
**IN CONNECTION WITH THE RAILWAYS**  
**OF THE**  
**UNITED STATES & CANADA.**





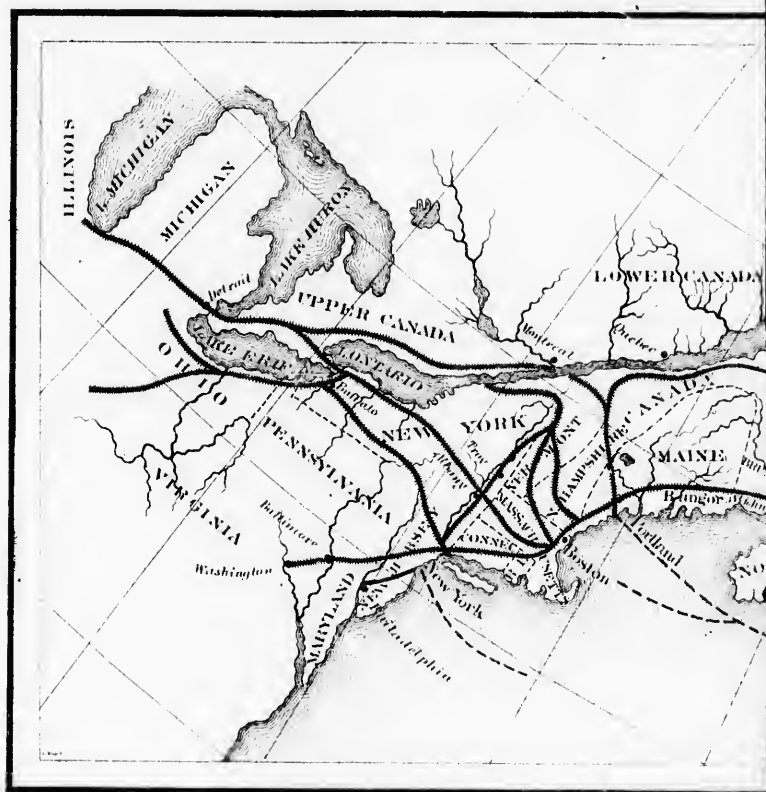


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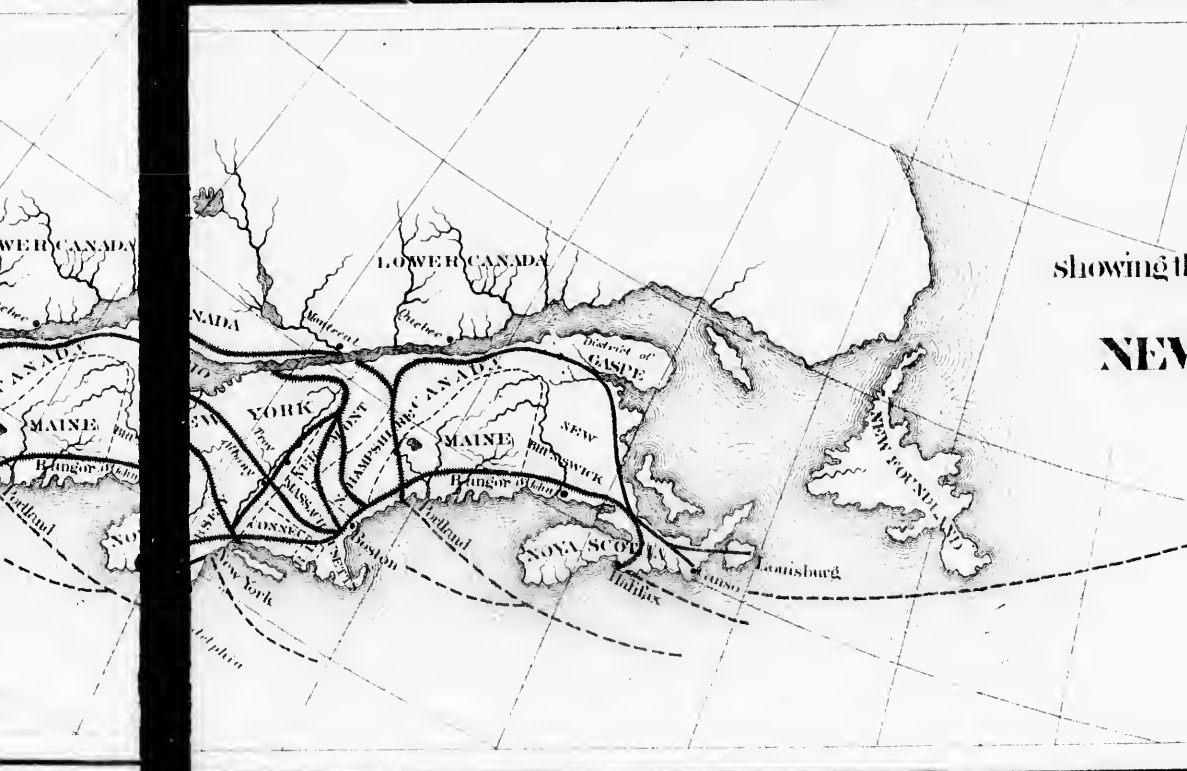
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ATLANTIC OCEAN



# ATLANTIC OCEAN

C. Schmitt



showing the  
NEW

SHOWING ITS CONNECTION WITH  
OF THE  
**UNITED STATES &**

*Made by direction of His Excellency John Hub  
under the Resolve of Aug. 20*

**MAP**

Showing the Plan for Shortening the Transit  
between  
**NEW YORK & LONDON.**

*Course to Galway 2000 Miles*

GALWAY

65

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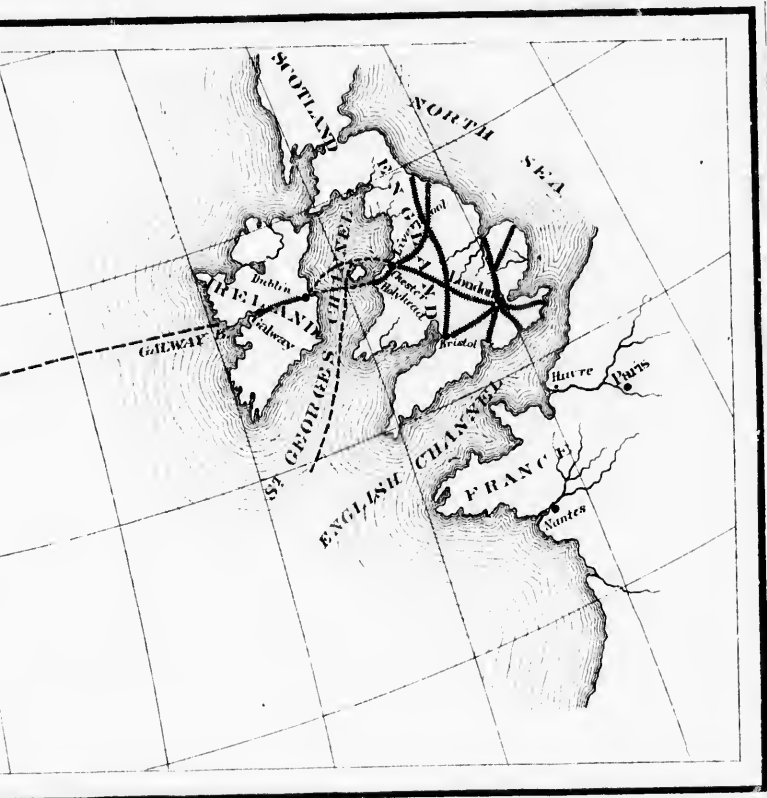
62

# SECTION WITH THE RAILWAYS OF THE UNITED STATES & CANADA.

Agency John Hubbard, Governor of Maine  
Resolved of Aug. 20<sup>th</sup> 1850.

*A. C. Merton*

Engineer.



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