

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1874.

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service while in the line of duty, are entitled to the same pension as provided in section one, and under similar conditions; *provided*, that no more than eight dollars per month be paid one family.' **CHAP. 204.**

Proviso.

SECT. 3. The commission created by chapter one hundred and seventy-eight of the resolves of eighteen hundred and sixty-seven, and continued in force by successive resolves, is hereby abolished, and all the records of said commission are transferred to the department of the adjutant general, and the board of guardians of indigent orphans is required to turn over to the state treasurer the unexpended funds in their hands.

Commission created by ch. 178, resolves 1867, abolished.

Certain funds to be turned over to state treasurer.

SECT. 4. No soldier who has served by enlistment in the army or navy of the United States, in the war of eighteen hundred and sixty-one, and in consequence of injury sustained in said service, may become dependent upon any city or town in this state, shall (not) be considered a pauper, or subject to disfranchisement for that cause.

SECT. 5. This act shall take effect when approved.

Approved February 28, 1874.

## Chapter 204.

An act additional to chapter fifty-one of the revised statutes, relating to railroads.

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

SECT. 1. Whenever any railroad corporation within this state which has commenced receiving tolls, has or shall hereafter neglect or refuse to regularly run trains upon and operate its road for the transportation of passengers and freight for the space of sixty days at any one time, the railroad commissioners of this state, or any ten citizens residing in any county through which said railroad extends, may petition the supreme judicial court in any county through which such railroad extends, setting forth therein such neglect and refusal to so run trains and operate its road; which petition, before entry in court, may be presented to any justice of the court in term time or vacation, who shall order not less than fourteen days' notice thereon to be served on such corporation. The petitioners shall give written notice to the attorney general or the county attorney of the county in which said petition is filed, of the filing thereof, one of whom shall appear and take charge of proceedings in court. The court shall appoint a hearing, and at or after said hearing, if the allegations in such petition are found to be true, and if in the opinion of the court public necessity and convenience require it, shall appoint some suitable person

Order of notice to be served on railroad corporations neglecting to run trains.

Notice to be given to attorney general.

Court shall appoint a hearing.

**CHAP. 204.**

Receivers shall be appointed.

—to give bond.

—notice of appointment.

—duties of.

—authority of.

Receivers authorized to raise money by loan to repair railroad.

Lien created for payment of loan.

Railroad restored to corporation on certain conditions.

or persons or some other railroad corporation, a receiver or receivers, to take possession and control of said railroad, together with all corporation property belonging to the same, and require such receiver or receivers to give bond to said railroad corporation in a reasonable sum, with sureties satisfactory to the court, for the faithful discharge of his or their trust, also to determine the compensation of such receiver or receivers.

SECT. 2. Such receiver or receivers as soon as he or they have given the required bond shall give notice of his or their appointment by publishing the same three weeks successively in one newspaper printed in each county through which said road extends, and shall immediately take possession and control of said railroad, all its rolling stock, depots, together with all appendages belonging to the same and necessary for the convenient use of the same, and shall diligently proceed to repair and refurnish said railroad, its rolling stock and other appendages, and run and operate the same for the accommodation of the public. Said receiver or receivers shall have the same authority to demand and receive tolls and otherwise manage said railroad and be subject to the same restrictions as are conferred and enjoined by the charter of said railroad upon its original corporators, and as is now or may hereafter be provided by law.

SECT. 3. In case said railroad, its track, bridges, rolling stock, and other appendages, shall be found to be so out of repair, or insufficient in amount to safely or successfully operate the same, and the earnings are not sufficient to repair said railroad, its track, bridges, rolling stock, and other appendages, or rebuild or refurnish the same, said receiver, or receivers, is, and are hereby authorized to raise, by loan, a sufficient sum of money, not exceeding five thousand dollars per mile, to so repair, rebuild or refurnish said railroad, its track, bridges, rolling stock and other appendages, said loan to bear a reasonable rate of interest, not exceeding eight per cent., payable semi-annually, and the principal payable within twenty years. A lien is hereby created on the franchise and all the property, real and personal, road, road-bed, track, depots, buildings, and equipment, pertaining to and constituting said railroad, for the payment of the principal and interest of said loan. Said loan, secured by this lien, shall take precedence over any and all mortgages, bonds, stock, or other title or claim of indebtedness of any kind whatsoever, then existing or hereafter created on said railroad.

SECT. 4. Any judge of the supreme judicial court sitting in the county where the original petition was filed, on petition of said railroad corporation or the owners of the same, and after reasonable notice to such receiver or receivers, may revoke his or their authority and restore the possession and control of said rail-

road to said railroad corporation or its owners, by their paying the principal and interest of the aforesaid loan then existing, together with such sum of money due said receiver for his or their personal services, together with all expenses incurred in operating and repairing said railroad and its appendages during his continuance in his said capacity, over and above the earnings of the same; *provided however*, said railroad corporation or its owners shall give bond to the state in such sum as the court may order, with sureties satisfactory to the court, conditioned that such railroad corporation or its owners thus seeking to receive possession shall operate and keep in repair said railroad, its rolling stock, and other appendages to the satisfaction of the railroad commissioners, for the term of five years next following said order.

Proviso.

Corporation to give bond to state to keep railroad in repair.

SECT. 5. In case said receiver or receivers and said railroad corporation or owners are unable to agree upon the amount due said receiver or receivers from said railroad corporation or its owners, it shall be referred by order of court to the determination of the railroad commissioners, and whose decision made to said court and accepted shall be final in the premises, and in no case shall said railroad corporation or its owners receive possession and control of said railroad until said receiver or receivers are paid or tendered the full amount due him or them, as aforesaid, except by his or their written consent.

In case of disagreement, railroad commissioners to decide amount due receivers.

SECT. 6. The court shall have power and is hereby authorized to fill any or all vacancies that may occur by death or resignation in said office of receiver, also at the time of appointing said receiver or receivers or at any subsequent time during his or their continuing in said capacity, to issue all orders or decrees necessary to aid such receiver or receivers in the full and faithful discharge of his or their said trust, and to cause the same to be promptly enforced.

Vacancies in office of receivers, how filled.

SECT. 7. All questions of law arising under the provisions of this act shall on motion of either party be at once certified by the presiding justice and transmitted to the chief justice, be argued in writing by both sides within thirty days thereafter, be considered and decided by the justices of said court as soon as may be, and the decision thereon certified to the clerk of courts of the county where the case is pending, and judgment made up as of the term next preceding the time of receiving the certificate.

Questions of law, how determined.

SECT. 8. This act shall take effect when approved.