

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

DURING ITS SESSION

A. D. 1855.

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AUGUSTA:

STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

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# THIRTY-FOURTH LEGISLATURE.

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SENATE.

NO. 19.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND FIFTY-FIVE.

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AN ACT concerning the liability of railroad corporations  
and other passenger carriers for loss of life in certain  
cases.

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

SECT. 1. If by reason of the gross negligence, careles-  
2 ness or unfitness of the servants or agents of any railroad  
3 corporation in this State, while engaged in the busi-  
4 ness of such corporation, or by reason of the negligence  
5 or carelessness of such corporation, or of the proprietor  
6 or proprietors of any steamboat, stage coach, or of com-  
7 mon carriers of passengers, or by the unfitness or  
8 gross negligence or carelessness of their servants or  
9 agents, in this State, while engaged in the business  
10 thereof, the life of any person being a passenger shall

11 be lost, such person being in the exercise of due care  
12 and diligence, such railroad corporation, such propri-  
13 etor or proprietors and common carriers, shall be liable  
14 to a fine not exceeding five thousand dollars, and not  
15 less than five hundred dollars, to be recovered by in-  
16 dictment, to the use of the executors or administrators  
17 of the deceased person, for the benefit of his widow  
18 and children, one moiety thereof to belong to his  
19 widow, and one moiety to his children; but if there  
20 shall be no children, the whole to his widow; and if  
21 no widow nor child, the whole to his heirs-at-law.

SECT. 2. If by reason of the gross negligence, care-  
2 lessness, or unfitness of the servants or agents of any  
3 railroad corporation, in this State, while engaged in  
4 the business of such corporation, or by reason of the  
5 negligence or carelessness of such corporation, the life  
6 of any person not being a passenger or employee of  
7 such corporation shall be lost, such person being in  
8 in the exercise of due care and diligence, such corpo-  
9 ration shall be liable to a fine not exceeding five thou-  
10 sand dollars, and not less than five hundred dollars, to  
11 be recovered in the manner, and to the use provided  
12 by the preceding section of this act.

SECT. 3. No railroad corporation shall be liable  
2 to the fine mentioned in the preceding section for the  
3 loss of life, by any person while walking or being  
4 upon any railroad contrary to law, or to the reasona-  
5 ble rules and regulations of such corporations.

SECT. 4. All indictments for loss of life, provided  
2 by this act, shall be prosecuted within one year from  
3 the death of the person whose life is so lost.

SECT. 5. Any person who shall, without right,  
2 knowingly stand or walk on any railroad track, or  
3 pass over any railroad bridge, within this State, on  
4 foot, or with a horse and carriage, or in any other  
5 manner except by a rail road conveyance, shall be lia-  
6 ble to a penalty of not less than five dollars nor more  
7 than twenty dollars, to be recovered to the use of the  
8 State, on complaint before any justice of the peace or  
9 municipal or police court, in the county, where the  
10 offence is committed, but this act shall not affect such  
11 railroad bridges, as have been especially constructed  
12 to accommodate ordinary travel, if used under such  
13 limitations and restrictions as the county commission-  
14 ers of the county or counties in which they are lo-  
15 cated may impose.

SECT. 6. Each and every railroad corporation char-  
2 tered by this State shall within two months after the  
3 passage of this act, post up and keep posted up in a  
4 conspicuous place in every passenger depot, construct-  
5 ed and used by them, a printed copy of the preceding  
6 section of this act, and every such corporation that  
7 shall neglect so to do shall be liable to a fine not ex-  
8 ceeding one hundred dollars for every such offence, to  
9 be recovered by indictment in any court of compe-  
10 tent jurisdiction.

SECT. 7. If any railroad corporation shall run their  
2 engine, cars or train, across any public highway in  
3 or near any compact part of any town or city in this  
4 State, at a greater speed than six miles per hour, or if any  
5 such corporation or their servants or agents shall un-  
6 reasonably and negligently obstruct any highway, town  
7 way or public street in this State by their engines, ten-  
8 ders or cars, such corporation shall be liable to a fine  
9 not exceeding one hundred dollars for every such of-  
10 fence, to be recovered by indictment in any court of  
11 competent jurisdiction.

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STATE OF MAINE.

IN SENATE, March 2, 1855.

ORDERED, That this bill be laid upon the table and 350 copies be printed for  
the use of the Legislature.

L. O. COWAN, Secretary.