

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1858.



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1858.

THIRTY-SEVENTH LEGISLATURE.

HOUSE.]

[No. 12.

STATE OF MAINE.

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

AN ACT to secure the safety and convenience of travel-
ers on railroads.

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

SECTION 1. It shall be the duty of the governor,
2 with the advice of council, to appoint three railroad
3 commissioners, who shall act as a board, and hold
4 their office for the term of three years.

SECT. 2. Said commissioners shall have authority
2 to examine into the condition of railroads in this state,
3 their rolling stock, rates of speed, time tables, the
4 times and terms of connection and junction or cross-
5 ing, and the rates at which passengers and merchan-

6 dize, coming from one road are transported over
7 another, to the end that the public safety and con-
8 venience in the transportation of passengers and mer-
9 chandize may be provided for and secured.

SECT. 3. Whenever any railroad corporations which
2 have been or may be chartered by the legislature, or
3 the trustees of the bondholders or other persons au-
4 thorized by law, running any railroad, shall fail to
5 agree upon the terms or times of connection, crossing
6 or junction, or the rates at which passengers and
7 merchandize coming from one road shall be trans-
8 ported over the other, or the division of receipts re-
9 sulting from the transportation over roads so crossing
10 or connecting, said commissioners shall, upon appli-
11 cation in writing, of either company, or of ten or more
12 citizens of this state, responsible for costs, appoint a
13 time and place of hearing, and cause notice to be
14 given to the parties interested, in the manner to be
15 designated by the commissioner or commissioners to
16 whom the application shall be made. After hearing
17 the same, or such of them as shall appear before them,
18 said board shall proceed to determine and award in
19 writing, upon the matters submitted, and prescribe
20 the things to be done and performed by the parties or
21 either of them ; and parties notified and neglecting or

22 refusing to appear, may be embraced in, and shall be
23 bound by the award, as fully as if they appeared.

24 The award of said commissioners, or of a majority
25 of them, shall be returned to the supreme judicial
26 court in the county where the application is made,
27 and shall be entered and recorded; and the same shall
28 be binding upon the respective parties interested
29 therein, until a new award shall be made upon fur-
30 ther application.

SECT. 4. If any railroad corporation or the trustees
2 of the bondholders or other persons authorized by
3 law, running any road, shall, after having been noti-
4 fied of the award of said commissioners, neglect or
5 refuse to comply with the same, the directors of the
6 road so neglecting or refusing, and the superintendent
7 or other agents in running such road, shall each be
8 subject to a fine of not less than ten dollars, nor more
9 than fifty dollars, for each day of such neglect or
10 refusal; to be recovered on complaint before a justice
11 of the peace, (to the amount of his jurisdiction,) or on
12 indictment within the county where such violation
13 takes place. And if any party or parties shall con-
14 tinue to neglect or refuse to comply with such award
15 for more than ten days, and complaint thereof shall
16 be made to any justice of the supreme judicial court,

17 accompanied with affidavits of the fact, such justice
18 shall cause a *capias* to issue against one or more of
19 the directors or other persons running such delinquent
20 road, and have them brought before him, and if it
21 shall be made to appear that such neglect or refusal
22 continues, he shall commit such persons to be held in
23 custody for contempt, until the award shall be carried
24 into effect by such company.

SECT. 5. When railroads cross each other, and pass-
2 enger trains arrive at such point of crossing within
3 one hour of each other, it shall be the duty of the
4 train first arriving, to wait at the station near such
5 crossing until the train upon the other road shall
6 arrive; *provided*, it shall so arrive in thirty minutes;
7 and each train shall afford suitable opportunity for
8 such passengers as desire it, (with their baggage,) to
9 be changed to, and transported on the other train.

SECT. 6. No train transporting passengers, shall be
2 run on any railroad in this state, at a greater rate of
3 speed than twenty-five miles per hour, from any one
4 station to another, on the same road, unless and until
5 the commissioners aforesaid shall otherwise determine
6 and award.

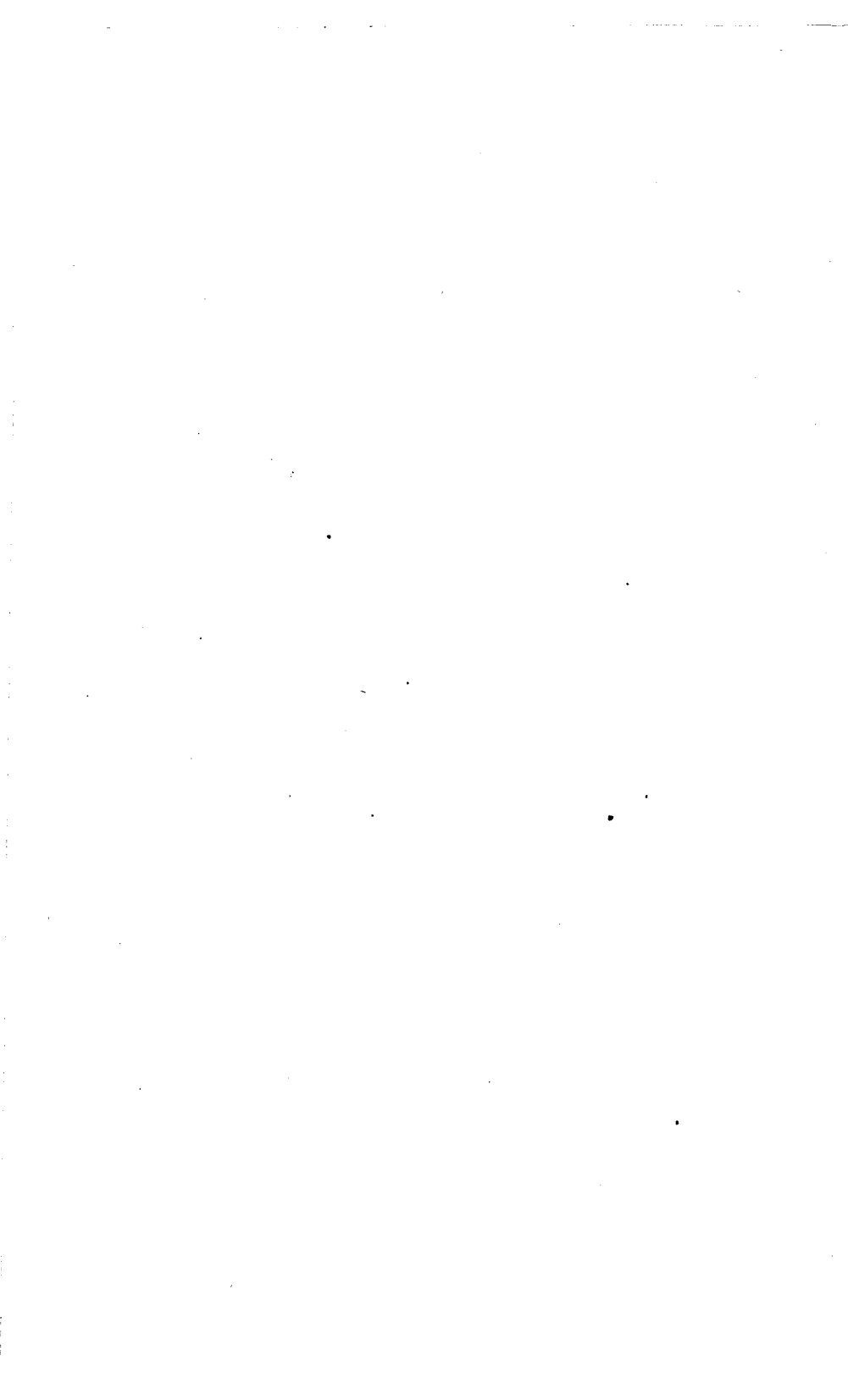
7 The foregoing provision in this section shall not
8 apply to cases where, by reason of any extraordinary

9 accident, a train has been detained, and hastens its
10 speed to prevent accident or make a connection.

SECT. 7. Whenever the provisions of either of the
2 foregoing sections, five and six, shall be violated, the
3 superintendent of the road, and the conductor and
4 engineer of the train so transgressing, shall each be
5 subject to a fine, to the use of the state, of not less
6 than ten dollars, nor more than fifty dollars, for each
7 offense, to be recovered on complaint before any jus-
8 tice of the peace, or on indictment in the county
9 where such violation shall occur.

SECT. 8. Said commissioners shall be paid a fair
2 compensation by the petitioners, for their services,
3 and they shall have authority to award costs including
4 the compensation for their services, against the party
5 or parties they shall find to be in the wrong, and the
6 court shall cause an execution to issue therefor in
7 accordance with the award.

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



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, Feb. 18, 1858.

This bill having had two several readings, was, on motion of Mr. MORRISON of Farmington, laid on the table, and 350 copies ordered to be printed for the use of the Legislature.

GEO. W. WILCOX, *Clerk.*