

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1858.



AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1858.

---

---

# THIRTY-SEVENTH LEGISLATURE.

---

HOUSE.]

[No. 31.

---

---

## STATE OF MAINE.

---

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

---

AN ACT additional to an act entitled "An act to authorize certain cities and towns to grant aid in the construction and completion of the Kennebec and Portland Railroad."

---

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

SECTION. 1. Whenever the commissioners of the  
2 sinking fund shall take actual possession of the said  
3 railroad, and of the property and franchise of the said  
4 railroad company, in the manner and for the purposes  
5 contemplated in the said act, they shall be, and they  
6 hereby are, authorized, as fully as a board of directors  
7 of the said company for the time being could do, to  
8 take charge of and manage the said railroad and all

9 business that may be done thereon; to appoint the  
10 needful officers and agents for that purpose, fix their  
11 compensation, and at their discretion to discharge the  
12 same and appoint others in their stead; to regulate  
13 and establish rates of fare and tolls, and to demand  
14 and receive the same, or collect them, if necessary, by  
15 process of law; to prosecute and defend suits at law  
16 or in equity, in their name, as commissioners afore-  
17 said; and to do any and all acts which the said rail-  
18 road company or any board of directors thereof, under  
19 their existing charter and by-laws, might lawfully do.  
20 And the said commissioners may continue, alter, orig-  
21 inate or annul any arrangements between the said  
22 railroad company and the Somerset and Kennebec  
23 Railroad Company, for the transportation of freight  
24 and passengers over their respective roads, or either  
25 of them; and execute existing arrangements and con-  
26 tracts, or become parties to any new ones which they  
27 may deem advantageous, with the parties holding a  
28 lien by mortgage "upon that portion of the Kennebec  
29 and Portland Railroad between the junction of the  
30 Atlantic and Saint Lawrence Railroad in Yarmouth,  
31 and the junction with the Portland, Saco and Ports-  
32 mouth Railroad at Cape Elizabeth."

SECT. 2. All moneys received by, or for the said

2 railroad company, or by and for any holders of the  
3 bonds of the said company, or any board of trustees  
4 in their behalf, from any source whatever, and by  
5 whomsoever the same may be held, at and after the  
6 time the said commissioners shall take possession as  
7 aforesaid, shall belong to and be held by the said  
8 commissioners for the purposes contemplated in this  
9 act and in the act to which this act is additional; and  
10 all debts then due, or that may become due to the  
11 said railroad company, or to any bondholders of said  
12 company or board of trustees in their behalf, while  
13 the said commissioners shall be in possession as afore-  
14 said, and all securities therefor, shall be payable to,  
15 belong to and be collected by legal process, and held  
16 by the said commissioners for the purposes aforesaid;  
17 and payment thereof to the said commissioners shall  
18 be an effectual discharge of all claim thereto, by the  
19 said railroad company, or by the said bondholders or  
20 their trustees. But if any person or corporation  
21 whose indebtedness to the said railroad company, or  
22 to the said bondholders or their trustees, existed be-  
23 fore the said commissioners shall take possession as  
24 aforesaid, shall make payment to the treasurer of the  
25 said railroad company, or to the said bondholders or  
26 their trustees, without special notice to the contrary

27 from the said commissioners, such payment shall be  
28 good against the claim of the said commissioners.  
29 And all moneys, evidences of debt, and securities  
30 therefor, received by the treasurer of the said railroad  
31 company, or by and for the said bondholders or their  
32 trustees, and in their hands, or in the hands of either  
33 of them, at the time the said commissioners shall take  
34 possession as aforesaid, shall be paid by the holder  
35 thereof as aforesaid, to the said commissioners. And  
36 any person who shall pay or apply any moneys, evi-  
37 dences of debt, or securities received as aforesaid, in  
38 any manner contrary to the provisions aforesaid, shall  
39 be personally liable therefor, and the same may be  
40 recovered in an appropriate action in the name of the  
41 said commissioners, to be held and applied by them  
42 according to the provisions of the following section.

SECT. 3. It shall be the duty of the said commis-  
2 sioners while in possession of the said railroad as  
3 aforesaid, to apply sufficient of the income thereof  
4 which may come into their hands, to keep the road,  
5 superstructure, bridges, buildings and equipment in  
6 repair, and to prevent any deterioration thereof, and  
7 to provide such new buildings, bridges, fixtures and  
8 rolling stock, as may from time to time be found need-  
9 ful; and after paying or providing for any personal

10 liabilities assumed by the said commissioners, or either  
11 of them, on account of the said railroad or of any  
12 business concerning the same, and for all expenses  
13 incurred in running and managing the said railroad  
14 and maintaining the same as aforesaid, including their  
15 compensation under the act to which this act is addi-  
16 tional, and a reasonable sum for their services under  
17 this act, to apply the residue of the earnings of the  
18 said railroad according to the legal rights of the par-  
19 ties having claims against the said railroad company ;  
20 *provided, however,* that the said commissioners shall  
21 not be personally liable for any debt or contract that  
22 may be incurred or entered into on account of the  
23 said railroad, or for any loss or damage that may arise  
24 in running and managing the same, unless such lia-  
25 bility shall be specially created or assumed by them  
26 individually, by some writing executed and delivered  
27 for the purpose.

SECT. 4. Whenever the purposes for which the said  
2 commissioners are authorized to take possession of the  
3 said railroad and the property and franchise of the  
4 said railroad company shall be accomplished, the said  
5 commissioners shall surrender their possession there-  
6 of, or of so much as shall then remain in their hands  
7 not belonging to the sinking fund aforesaid, to the

8 parties who by law may be entitled to receive and  
9 hold the same.

SECT. 5. Any vacancy which may occur in the board  
2 of commissioners aforesaid, if not supplied within  
3 thirty days after notice thereof, and a request to fill it  
4 shall have been given to the party having a right to  
5 fill the same, may be filled by the other party who  
6 has given such notice; and any commissioner so ap-  
7 pointed, after being duly qualified, shall have and  
8 exercise all the power and authority of a commissioner  
9 conferred by this act and by the act to which this act  
10 is additional.

11 And in case sixty days shall elapse after notice of  
12 a vacancy given to the party having the right to fill  
13 the same by any citizen of either of the cities or towns  
14 interested, or by any stockholder, bondholder or judg-  
15 ment creditor of said railroad company, the said citizen,  
16 stockholder, bondholder or judgment creditor may  
17 apply to any justice of the supreme judicial court, in  
18 term time or in vacation, setting forth the neglect  
19 aforesaid, and the said justice, upon notice to the par-  
20 ties interested, to be given in such manner as he may  
21 direct, shall proceed to appoint a commissioner to fill  
22 the said vacancy, who upon being duly qualified shall  
23 have and exercise all the power and authority of a



24 commissioner conferred by this act and by the act to  
25 which this act is additional. And a record of the  
26 doings of the said justice shall be entered and kept  
27 by the clerk of said court for the county of Kennebec,  
28 from the papers in the case which shall be filed with  
29 him by the justice who may be called to act in the  
30 premises.

SECT. 6. Section nineteen of the act to which this  
2 act is additional, and all other acts inconsistent with  
3 the provisions of this act, are hereby repealed; and  
4 this act shall take effect from and after its approval  
5 by the governor.

STATE OF MAINE.

---

HOUSE OF REPRESENTATIVES, March 11, 1858.

This bill was twice read, and on motion of Mr. JOHNSON of Augusta, laid on the table, and 350 copies ordered to be printed for the use of the Legislature.

GEO. W. WILCOX, *Clerk.*