

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1860.

SIEVENS & SAYWARD, PRINTERS TO THE STATE.

1860.

THIRTY-NINTH LEGISLATURE.

HOUSE.

No. 19.

STATE OF MAINE.

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

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 sinking fund shall take actual possession of the said railroad, and of the property and franchise of the said railroad company, in the manner and for the purposes contemplated in the said act, they shall be, and they hereby are, authorized, as fully as a board of directors 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 the
13 said commissioners shall be in possession as aforesaid,
14 and all securities therefor, shall be payable to, belong
15 to and be collected by legal process, and held by the
16 said commissioners for the purposes aforesaid; and
17 payment thereof to the said commissioners shall be an
18 effectual discharge of all claim thereto by the said rail-
19 road company, or by the said bondholders or their
20 trustees. But if any person or corporation whose
21 indebtedness to the said railroad company, or to the
22 said bondholders or their trustees, existed before the
23 said commissioners shall take possession as aforesaid,
24 shall make payment to the treasurer of the said rail-
25 road company, or to the said bondholders or their trus-

26 tees, without special notice to the contrary from the
27 said commissioners, such payment shall be good against
28 the claim of the said commissioners. And all moneys,
29 evidences of debt, and securities therefor, received by
30 the treasurer of the said railroad company, or by and
31 for the said bondholders or their trustees, and in their
32 hands, or in the hands of either of them, at the time
33 the said commissioners shall take possession as afore-
34 said, shall be paid by the holder thereof as aforesaid,
35 to the said commissioners. And any person who shall
36 pay or apply any moneys, evidences of debt, or securi-
37 ties received as aforesaid, in any manner contrary to
38 the provisions aforesaid, shall be personally liable
39 therefor, and the same may be recovered in an appro-
40 priate action in the name of the said commissioners, to
41 be held and applied by them according to the provis-
42 ions 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 afore-
3 said, to apply sufficient of the income thereof which
4 may come into their hands, to keep the road, super-
5 structure, bridges, buildings and equipment in repair,
6 and to prevent any deterioration thereof, and to pro-
7 vide such new buildings, bridges, fixtures and rolling
8 stock, as may from time to time be found needful; and

9 after paying or providing for any personal liabilities
10 assumed by the said commissioners, or either of them,
11 on account of the said railroad or of any business con-
12 cerning the same, and for all expenses incurred in
13 running and managing the said railroad and maintain-
14 ing the same as aforesaid, including their compensation
15 under the act to which this act is additional, and a
16 reasonable sum for their services under this act, to
17 apply the residue of the earnings of the said railroad
18 according to the legal rights of the parties having
19 claims against the said railroad company; *provided*,
20 *however*, that the said commissioners shall not be per-
21 sonally liable for any debt or contract that may be
22 incurred or entered into on account of the said railroad,
23 or for any loss or damage that may arise in running
24 and managing the same, unless such liability shall be
25 specially created or assumed by them individually, by
26 some writing executed and delivered 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 said
4 railroad company shall be accomplished, the said com-
5 missioners shall surrender their possession thereof, or
6 of so much as shall then remain in their hands not
7 belonging to the sinking fund aforesaid, to the parties

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

SECT. 5. Any vacancy which may occur in the board
2 of commissioners aforesaid, if not supplied within thirty
3 days after notice thereof, and a request to fill it shall
4 have been given to the party having a right to fill the
5 same, may be filled by the other party who has given
6 such notice ; and any commissioner so appointed, after
7 being duly qualified, shall have and exercise all the
8 power and authority of a commissioner conferred by
9 this act and by the act to which this act is additional.
10 And in case sixty days shall elapse after notice of a
11 vacancy given to the party having the right to fill the
12 same by any citizen of either of the cities or towns
13 interested, or by any stockholder, bondholder or judg-
14 ment creditor of said railroad company, the said citizen,
15 stockholder, bondholder or judgment creditor may ap-
16 ply to any justice of the supreme judicial court, in term
17 time or in vacation, setting forth the neglect aforesaid,
18 and the said justice, upon notice to the parties inter-
19 ested, to be given in such manner as he may direct,
20 shall proceed to appoint a commissioner to fill the said
21 vacancy, who being duly qualified shall have and ex-
22 ercise all the power and authority of a commissioner
23 conferred by this act and by the act to which this act

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 16, 1860. }

On motion of Mr. PICKARD of Hampden,
Laid on the table and 350 copies ordered to be printed for the
use of the Legislature.

CHARLES A. MILLER, *Clerk.*