

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1864.



AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1864.

FORTY-THIRD LEGISLATURE.

HOUSE.

No. 22.

STATE OF MAINE.

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

AN ACT additional to an act to secure the safety and convenience of travellers on railroads, passed in the year one thousand eight hundred and fifty-eight.

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

SECTION 1. The railroad commissioners or a majority of them may at any time during the year, examine the railroads in this state and their engines and cars, now subject to examination by them, whenever complaint shall be made to them by two or more citizens of this state, under oath, that said road or any part thereof is unsafe for the transportation of passengers thereon.

SECT. 2. If on such examination they shall find the track, culverts or bridges of any railroad, or the cars

3 used to transport persons, so out of repair as in
4 their opinion to be unsafe for travellers on said road,
5 said commissioners shall immediately notify the direct-
6 ors, or persons having the care and management of
7 said railroad, of its condition and what is required to
8 make it in a safe condition, and they shall state also
9 in said notice a reasonable time within which such
10 repairs shall be made. The commissioners may re-
11 quire the directors or persons managing said railroad,
12 to so reduce the speed of all trains upon said railroad
13 as to secure the safety of travellers upon the same
14 until said repairs are made.

SECT. 3. If, after the notice to them aforesaid, the
2 directors or other persons managing any railroad shall
3 neglect or refuse to comply with the requirements of
4 said commissioners, in making repairs of the railroad,
5 it shall be the duty of the commissioners to present a
6 petition to the supreme judicial court in any county
7 into which said railroad shall extend, setting forth
8 their examination and the condition of said railroad
9 and the notice and requirements made by them to the
10 directors or managers of said road, and their neglect
11 or refusal to comply with the same ; and they shall
12 also notify the attorney general of the state or the dis-
13 trict attorney for the county in which said petition is

14 filed, of the filing of such petition, one of whom shall
15 thereupon appear and take charge of the future pro-
16 ceedings in court upon the same. The court shall
17 order the directors or managers of said railroad or any
18 one of them to be notified of the filing of said petition
19 and appoint a time for hearing the parties upon the
20 same. After hearing the parties, the court may order
21 and decree such things to be performed by the direct-
22 ors or managers of said railroad as shall appear to be
23 necessary in order to secure the safety of travellers
24 upon said railroad. And unless the directors or man-
25 agers of said railroad shall execute and file in court a
26 bond or recognizance with sufficient sureties for such
27 sum as it shall appear is sufficient to make the neces-
28 sary repairs of said road, payable to the state, condi-
29 tioned that they will within such time as the court
30 shall order, make the necessary repairs or otherwise
31 satisfy the court that said repairs will be made within
32 the prescribed time, the court shall grant an injunction
33 upon said corporation, trustee, lessee or other person
34 managing or running said railroad, prohibiting them,
35 their servants or agents from running passenger trains
36 over such portion of said road as may be determined by
37 said court to be defective and unsafe until the orders

38 and decrees of said court have been complied with or
39 duly revoked by said court.

SECT. 4. Every railroad corporation that shall be
2 formed by the foreclosure of a mortgage of any rail-
3 road heretofore or hereafter made, shall be subject to
4 such laws as the legislature have enacted or shall here-
5 after enact concerning railroads, any thing in the orig-
6 inal charters to the contrary notwithstanding.

SECT. 5. Whenever any trustees of any bondholders
2 mentioned in any mortgage of a railroad, or who shall
3 be elected or appointed in place of such as are named,
4 shall take possession of any railroad for the purpose of
5 running or operating the same, or shall contract with
6 other parties for so doing, said trustees or other par-
7 ties while so in possession of said railroad, shall be
8 subject to such laws as the legislature have enacted or
9 shall enact concerning the management of railroads.

SECT. 6. The supreme judicial court shall hear and
2 determine all questions relating to the condition and
3 management of railroads in this state having reference
4 to the safety and security of persons transported there-
5 on, as a court of equity ; *provided*, that in all cases of
6 alleged breach of contract expressed or implied, or of
7 alleged violation of rights or neglect of duties imposed
8 by charter, either party shall be entitled to a jury to

9 determine the facts and assess the damages, and in
10 such cases no process in equity shall be maintained.

SECT. 7. The examination of railroads now required
2 by law to be made by railroad commissioners, shall be
3 made between the first of April and the last of October
4 in each year, at such times as the commissioners shall
5 appoint.

SECT. 8. This act shall take effect on and after its
2 approval by the governor.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, {
March 7, 1864. }

On motion of Mr. WILLIAMS of Augusta, laid on the table and
350 copies ordered to be printed for the use of the Legislature.

HORACE STILSON, *Clerk.*