

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

HOUSE.

No. 43.

STATE OF MAINE.

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

AN ACT additional to chapter fifty-one of the revised
statutes, relating to railroads.

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

SECTION 1. Whenever any railroad corporation with-
2 in this state which has commenced receiving tolls, has
3 or shall hereafter neglect or refuse to regularly run
4 trains upon and operate its road for the transpor-
5 tation of passengers and freight for the space of sixty
6 days at any one time, the railroad commissioners of
7 this state, or any ten citizens residing in any county
8 through which said railroad extends, may petition the
9 supreme judicial court in any county through which
10 such railroad extends, setting forth therein such neg-
11 lect and refusal to so run trains and operate its road ;

12 which petition, before entry in court, may be presented
13 to any justice of the court in term time or vacation,
14 who shall order not less than fourteen days' notice
15 thereon to be served on such corporation. The peti-
16 tioners shall give written notice to the attorney gen-
17 eral or the county attorney of the county in which
18 said petition is filed, of the filing thereof, one of whom
19 shall appear and take charge of proceedings in court.
20 The court shall appoint a hearing, and at or after said
21 hearing, if the allegations in such petition are found to
22 be true, and if in the opinion of the court public neces-
23 sity and convenience require it, shall appoint some
24 suitable person or persons or some other railroad corpo-
25 ration, a receiver or receivers, to take possession and
26 control of said railroad, together with all corporation
27 property belonging to the same, and require such
28 receiver or receivers to give bond to said railroad
29 corporation in a reasonable sum, with sureties satis-
30 factory to the court, for the faithful discharge of his or
31 their trust, also to determine the compensation of such
32 receiver or receivers.

SECT. 2. Such receiver or receivers as soon as he or
2 they have given the required bond shall give notice of
3 his or their appointment by publishing the same three
4 weeks successively in one newspaper printed in each
5 county through which said road extends, and shall im-

6 mediate take possession and control of said railroad,
7 all its rolling stock, depots, together with all append-
8 ages belonging to the same and necessary for the con-
9 venient use of the same, and shall diligently proceed
10 to repair and re-furnish said railroad, its rolling stock
11 and other appendages, and run and operate the same
12 for the accommodation of the public. Said receiver or
13 receivers shall have the same authority to demand and
14 receive tolls and otherwise manage said railroad and
15 be subject to the same restrictions as are conferred and
16 enjoined by the charter of said railroad upon its orig-
17 inal corporators, and as is now or may hereafter be
18 provided by law.

SECT. 3. In case said railroad, its track, bridges,
2 rolling stock, and other appendages, shall be found to
3 be so out of repair, or insufficient in amount to safely
4 or successfully operate the same, and the earnings are
5 not sufficient to repair said railroad, its track, bridges,
6 rolling stock, and other appendages, or re-build or re-
7 furnish the same, said receiver, or receivers, is, and
8 are hereby authorized to raise, by loan, a sufficient
9 sum of money, not exceeding five thousand dollars
10 per mile, to so repair, re-build or re-furnish said rail-
11 road, its track, bridges, rolling-stock and other append-
12 ages, said loan to bear a reasonable rate of interest,
13 not exceeding eight per cent., payable semi-annually,

14 and the principal payable within twenty years. A
15 lien is hereby created on the franchise and all the
16 property, real and personal, road, road bed, track, de-
17 pots, buildings, and equipment, pertaining to and con-
18 stituting said railroad, for the payment of the princi-
19 pal and interest of said loan. Said loan, secured by
20 this lien, shall take precedence over any and all mort-
21 gages, bonds, stock, or other title or claim of indebted-
22 ness of any kind whatsoever, then existing or hereafter
23 created on said railroad.

SECT. 4. Any judge of the supreme judicial court
2 sitting in the county where the original petition was
3 filed, and after three years from the time said receiver
4 or receivers takes possession of said railroad, on peti-
5 tion of said railroad corporation or the owners of the
6 same, and after reasonable notice to such receiver or
7 receivers, may revoke his or their authority and restore
8 the possession and control of said railroad to said rail-
9 road corporation or its owners, by their paying the
10 principal and interest of the aforesaid loan then exist-
11 ing, together with such sum of money due said receiver
12 for his or their personal services, together with all ex-
13 penses incurred in operating and repairing said railroad
14 and its appendages during his continuance in his said
15 capacity, over and above the earnings of the same ;
16 *provided however*, said railroad corporation or its own-

17 ers shall give bond to the sate in such sum as the court
18 may order, with sureties satisfactory to the court,
19 conditioned that such railroad corporation or its owners
20 thus seeking to receive possession shall operate and
21 keep in repair said railroad, its rolling stock, and other
22 appendages to the satisfaction of the railroad commis-
23 sioners, for the term of five years next following said
24 order.

SECT. 5. In case said receiver or receivers and said
2 railroad corporation or owners are unable to agree upon
3 the amount due said receiver or receivers from said
4 railroad corporation or its owners, it shall be referred
5 by order of court to the determination of the railroad
6 commissioners, and whose decision made to same court
7 and accepted shall be final in the premises, and in no
8 case shall said railroad corporation or its owners receive
9 possession and control of said railroad until said re-
10 ceiver or receivers are paid or tendered the full amount
11 due him or them, as aforesaid, except by his or their
12 written consent.

SECT. 6. The court shall have power and is hereby
2 authorized to fill any or all vacancies that may occur
3 by death or resignation in said office of receiver, also
4 at the time of appointing said receiver or receivers or
5 at any subsequent time during his or their continuing
6 in said capacity, to issue all orders or decrees neces-

7 sary to aid such receiver or receivers in the full and
8 faithful discharge of his or their said trust, and to
9 cause the same to be promptly enforced.

SECT. 7. All questions of law arising under the pro-
2 visions of this act shall on motion of either party be
3 at once certified by the presiding justice and transmit-
4 ted to the chief justice, be argued in writing by both
5 sides within thirty days thereafter, be considered and
6 decided by the justices of said court as soon as may be,
7 and the decision thereon certified to the clerk of courts
8 of the county where the case is pending, and judgment
9 made up as of the term next preceding the time of
10 receiving the certificate.

SECT. 8. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 12, 1874. }

Reported from the Committee on Legal Affairs, by Mr.
SWASEY, and ordered to be printed under the Joint Rule.

S. J. CHADBOURNE, *Clerk.*