

MAINE STATE LEGISLATURE

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FIFTY-SIXTH LEGISLATURE.

SENATE

No. 36.

STATE OF MAINE.

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

[S. 55.] AN ACT to amend section sixteen of chapter forty of the public laws of the year one thousand eight hundred and seventy-two, relating to railroad crossings.

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

Section sixteen of chapter forty of the public laws 2 of the year one thousand eight hundred and seventy- 3 two, is amended to read as follows :

4 *Sect. 16.* A railroad may be carried over or under a 5 canal or railroad in such manner as not unnecessarily 6 to impede the travel or transportation of them. The 7 corporation making such crossing is liable for damages 8 occasioned by it, in an action on the case. Bridges 9 and their abutments constructed for a crossing of any 10 way, are to be kept in repair by the corporation, or

11 persons or parties running trains on any railroad cross-
12 ing, a highway or town way. The municipal officers
13 of any city or town may give notice in writing to such
14 persons, parties or corporations, that a bridge required
15 at such crossing has not been erected, or is out of re-
16 pair and not safe and convenient within the require-
17 ments of section forty, chapter eighteen of the revised
18 statutes, or that the crossing of any such highway or
19 town way passing such railroad at grade within their
20 respective cities or towns is not made or maintained
21 safe and convenient as required by section forty afore-
22 said ; and it shall be the duty of such persons, parties
23 or corporations to erect or repair such bridge, or make
24 such crossing safe and convenient as aforesaid, within
25 ten days from the service of said notice ; and if they
26 neglect so to do, any one of said municipal officers
27 may apply to any justice of the supreme judicial court,
28 in term time or vacation, to compel such persons, par-
29 ties or corporations to erect or repair such bridge, or
30 make such crossing as aforesaid ; and after hearing,
31 such justice or court may make any order thereon the
32 public convenience and safety may require, and com-
33 pel the respondents to comply therewith by injunction,
34 or the said municipal officers of any city or town may,
35 at the expiration of ten days from the date of the
36 notice aforesaid, cause necessary repairs to be made,

37 and the expense of making such repairs shall be paid
38 by the persons, parties or corporations whose duty it
39 is to keep such crossing safe and convenient.

STATE OF MAINE.

IN SENATE, January 31, 1877.

Reported by Mr. BRAGDON of Hancock, from the Committee on Ways and
Bridges, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*