

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 579

House of Representatives, March 20, 1913.

*Introduced by Mr. Sanborn of South Portland, and tabled
for printing.*

W. R. ROIX, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

HOUSE AMENDMENT "A" TO NEW DRAFT OF
PORTLAND BRIDGE BILL.

Amend section ten by adding thereto the following:

‘If either of such corporations shall refuse or shall neglect
3 for thirty days to pay said sum so demanded, said county
4 commissioners, in the name of the county of Cumberland,
5 may bring an action of debt to recover the same; and in
6 case the plaintiff shall not prevail, said county commission-
7 ers for and in behalf of said county of Cumberland as party
8 plaintiff shall file a petition in the office of the clerk of the
9 supreme judicial court for the county of Cumberland in
10 term time or vacation addressed to any justice thereof in
11 which said petition such corporations as shall not have com-

12 plied with the provisions of this act shall be made parties
13 defendant and which said petition shall set forth accord-
14 ing to the practice in equity all the facts necessary to bring
15 the matter before the court, to determine the proportions
16 which the said corporations as aforesaid ought in law or
17 in equity to bear of the cost of construction of said bridge
18 and the removal of the present bridge including all ex-
19 penditures necessary for and incidental to carrying out the
20 purposes of this act.

“The said justice shall order notice to be served upon each
22 of said defendant corporations, their respective successors,
23 lessees, or assigns to appear and answer to said petition
24 on a day certain not later than thirty days from the date
25 of the filing of said petition.

‘If any party defendant upon which service of said peti-
27 tion and order has been made as aforesaid shall fail, neg-
28 lect or refuse to answer to said petition upon the return
29 day thereof, all proceedings upon said petition shall con-
30 tinue ex parte, as to such defendant, in the same manner
31 as herein provided for other defendants, and any defend-
32 ant so failing, neglecting or refusing to answer shall nev-
33 ertheless be deemed a party to said proceedings so far as
34 necessary for determining the proportional part which said
35 defendant shall bear of the cost of construction of the said
36 bridge and the removal of the present bridge, including all
37 expenditures necessary for and incidental to the carrying
38 out of the purposes of this act, but such defendant shall

39 not be entitled to be heard in defense. Said defendant so
40 failing, neglecting or refusing to answer as aforesaid shall,
41 however, be subject to the jurisdiction of said court, and
42 to all such orders, decrees and process as are herein pro-
43 vided for as to other defendants.

‘Said petition shall not be dismissed after filing but may
45 and shall be amended in any manner required to enable the
46 court to join all necessary parties and to make all neces-
47 sary orders and decrees thereon.

‘The court shall thereupon proceed to hear and determine
49 the cause upon petition and answers or if no answers are
50 filed, ex parte, provided that for the guidance of the court
51 the justice hearing the same may frame issues of fact, or
52 law or both, or questions, which he may commit to any
53 person or board as he may deem proper with instructions
54 after notice to both parties and hearing to report findings
55 thereon.

‘All the costs and expenses arising under said petition and
57 determination and adjudication of the proportions which
58 the said parties shall bear as aforesaid including compen-
59 sation for persons to whom issues or questions may have
60 been committed as hereinabove provided, compensation for
61 such stenographers as by permission of the court may have
62 been employed for the convenience of the court, of par-
63 ties and of counsel, and compensation for expert or pro-
64 fessional witnesses which the said parties shall bear shall
65 be paid and borne as directed by the court in its final de-

66 cree. Execution may issue for any such sums as shall be
67 found by the court to be incumbent upon any defendant to
68 pay as aforesaid.'