

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 279

In Senate, Feb. 7, 1913.

Came from the House referred to the Committee on Railroads and Expresses and on motion by Senator Maxwell of Sagadahoc laid on the table for printing pending reference in concurrence.

W. E. LAWRY, Secretary.

STATE OF MAINE

RESOLVE to determine and establish the liability of the Portland and Rochester Railroad Company, its lessees, and successors in interest, for the future repair and maintenance of Horne's Bridge, so-called, with approaches thereto, in the town of Lebanon in the County of York.

Resolved: That the said Portland and Rochester Railroad Company, its lessees, and successors in interest be, and hereby are, declared to be liable for all repairs and maintenance which may become necessary by reason of the raising, in the year of our Lord, one thousand eight hundred and ninety-four, of Horne's Bridge, so-called, with the approaches thereto situated on the highway leading from Great Falls, N. H., to Lebanon Center, so-called, in the town of Lebanon in the County of York.

In case of failure on the part of said Portland and Rochester Railroad Company, its lessees, and successors in interest to keep said bridge and the approaches thereto in a reasonably safe condition of repair, said town of Lebanon may make repairs to the same and recover the expense so incurred, with costs of such suit, in an action of debt, from said Portland and Rochester Railroad Company, its lessees or successors in interest.

STATEMENT OF FACTS.

Horne's Bridge is an overhead bridge with approaches crossing the track of the Portland and Rochester Railroad Company, in the highway leading from Great Falls, N. H., to Lebanon Center, so-called, in the town of Lebanon, in York County.

This bridge was rebuilt and the grade changed by order of the Railroad Commissioners of Maine, in the year 1894. (See Railroad Commissioners Report, 1894, Page 63.) Furthermore, at that time the Portland and Rochester Railroad Company agreed with the selectmen and road commissioner of said Lebanon, that the approaches of this bridge should be maintained by said company and the company has made all repairs on said bridge and the approaches thereto to the present time. Sometimes the repairs have been made directly by the agents and employees of the company and sometimes by agents of the town by bill upon order of said company and reimbursed by said company. In 1912 said company ordered repairs to be made upon said bridge, but the new management of said company countermanded this order and denies all liability for future repairs to said Horne's Bridge, and its approaches.