

# MAINE STATE LEGISLATURE

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# NINETY - SECOND    L E G I S L A T U R E

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**Legislative Document**

**No. 959**

H. P. 1308                      House of Representatives, February 23, 1945.

Transmitted by revisor of statutes pursuant to joint order.

On motion of Mr. Rollins of Greenville reference reconsidered and on motion of same gentleman tabled pending reference and ordered printed.

Presented by Mr. Rollins of Greenville.

HARVEY R. PEASE, Clerk.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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**RESOLVE, Permitting Fox & Ginn, Inc. to Sue the State of Maine.**

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**Fox & Ginn, Inc.; reimbursed. Resolved:** That the sum of \$253 be, end hereby is, appropriated from the general highway fund to be paid to Fox & Ginn, Inc., to reimburse said company for money spent by said Fox & Ginn, Inc. from November 20, 1940 to November 24, 1944 for private tolls paid to travel around a railroad overhead bridge at Greenville Junction, and be it further

**Fox & Ginn, Inc. given right to sue state. Resolved:** That Fox & Ginn, Inc., a corporation organized under the laws of the state of Maine and having its legal location at Bangor in the county of Penobscot in said state, which corporation between November 20, 1940 to November 24, 1944 has had to pay private tolls in order to pass around a railroad overhead bridge at Greenville Junction, be, and it is hereby authorized to bring a suit at law in the superior court for the county of Kennebec within 1 year from the 1st day of August, 1945, at any term thereof, against the state of Maine, and the writ issuing out of said superior court under the authority of this resolve shall be served on the secretary of state by attested copy 30 days before the return day thereof by the sheriff or either of his deputies of any county of the state of Maine, and the conduct of said suit shall be according to the practice of suits and proceedings between parties and suitors in said superior court and the liabilities of the parties shall be the

same as the liabilities between individuals; and the attorney-general is hereby authorized and designated to appear and answer to said suit to recover the damages sustained by the said Fox & Ginn, Inc. by reason of the payment of such private tolls, and any judgment that may be recovered in such suit at law shall be payable from the treasury of the state of Maine on final process issued by said court in said suit at law out of any money not otherwise appropriated and costs may be taxed for the said Fox & Ginn, Inc. if it recovers in said suit.

### STATEMENT OF FACTS

Railroad cut down grade and overhead bridge at Greenville Junction so that trucks of Fox & Ginn, Inc. could not pass under such bridge. It was necessary to use private property in order to pass around such bridge. Tolls have been paid since November 20, 1940 by such corporation and reimbursement should be had.