

# MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

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BY THE AUTHORITY OF THE LEGISLATURE.



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part of the bridge is situated, to the prosecutor; and is also liable, in a special action for damages, to any person injured thereby. CHAP. 50.

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Covered bridges to be snowed. 1872, c. 21.

SEC. 9. When a toll bridge corporation offers to surrender its bridge, free of cost or incumbrance, to the county commissioners of the county or counties where it is established, and they think it for the public interest and convenience, they shall accept it, and it shall thereafter be the property of such county or counties, and be maintained at their expense; but they shall not so accept a bridge connecting with a way not located and accepted by the town or county where it is situated. Any party aggrieved by the doings of the commissioners, as aforesaid, may have a committee or jury to determine the matter as provided in chapter eighteen.

Surrender of toll bridges to the county. R.S., c. 50, § 8.

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See c. 18, § 8.

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## ORGANIZATION OF RAILROAD COMPANIES UNDER GENERAL LAW.

- SEC. 1. Any number of persons not less than ten, a majority of whom shall be citizens of the state, may form a company for the purpose of constructing, maintaining and operating a railroad for public use in the conveyance of persons and property within the state, and for that purpose may make and sign articles of association in which shall be stated the name of the company, the gauge of the road, the places from which and to which the road is to be constructed, maintained and operated, the
- Railroad companies, how formed. 1876. c.120, § 1.
- articles of association.

**CHAP. 51.** length of such road, as nearly as may be, and the name of each town and county in the state through which or into which it is to be made; the amount of the capital stock, which shall not be less than six thousand dollars for every mile of road proposed to be constructed of the gauge of four feet eight and a half inches, nor less than three thousand dollars a mile for a narrower gauge, the number of shares of which said stock shall consist, and the names and places of residence of at least five persons, a majority of whom shall be citizens of the state, who shall act as directors of the proposed company, and manage its affairs until others are chosen in their places. Each subscriber shall sign his name, residence, and the number of shares which he agrees to take in said company.

—capital stock.

—gauge.

—shares.

—directors.

—articles of association, subscription to.

Articles, when to be filed. 1876, c.120, § 2.

**SEC. 2.** Said articles of association shall not be filed and recorded in the manner provided in the following section until the capital stock named in section one has been subscribed thereto, in good faith, by responsible parties, and five per cent. paid thereon in cash to the directors named in said articles, nor until there is indorsed thereon or annexed thereto, an affidavit made by a majority of the directors named therein, that the amount of stock required by this section has been in good faith subscribed, and five per cent. paid thereon in cash as aforesaid, and that it is intended in good faith to construct, maintain and operate the road mentioned in such articles, which affidavit shall be recorded therewith as aforesaid.

Approval of articles, by railroad commissioners. 1876, c.120, § 3. —when recorded, secretary of state shall issue a certificate.

**SEC. 3.** Whenever it is shown to the satisfaction of the board of railroad commissioners that all the provisions of sections one and two have been complied with, said board shall indorse upon said articles a certificate of such fact and the approval of the board in writing. The secretary of state shall, upon payment of twenty dollars to the State, cause the same with the indorsement thereon, to be recorded, and shall issue a certificate in the following form:

#### “STATE OF MAINE.

—form of certificate.

Be it known that, whereas,” [here the names of the subscribers to the articles of association should be inserted] “have associated themselves together with the intention of forming a corporation under the name of” [here insert the name of the corporation] “for the purpose of building and operating a railroad between” [here insert the description of the road contained in the articles of association] “and have complied with the statutes of the state in such cases made and provided. Now, therefore, I,” [here insert the name of the secretary] “secretary of the State of Maine, hereby certify that said” [names of subscribers], “their associates and successors, are legally organized and established as an existing corporation under the name of” [name of corporation] “with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto. Witness my official signature hereunto subscribed, and the seal of the State of Maine hereunto affixed, this — day of —, A. D.,” [day, month and year inserted].

—to be evidence of the establishment of corporation.

The secretary of state shall sign the same and cause the seal of the State to be thereto affixed, and such certificate shall be conclusive evidence of the organization and establishment of such corporation at the

date thereof. The secretary shall also cause a record of such certificate to be made, and a certified copy of such record may with like effect as the original certificate be given in evidence to prove the existence of such a corporation.

SEC. 4. The first meeting for the purpose of organizing such corporation, shall be called by a notice, signed by five or more of the subscribers to such articles of association, stating the time, place and purpose of such meeting, a copy of which notice shall, seven days at least before the day appointed therefor, be given to each such subscriber, or left at his usual place of business or residence, or deposited in the post office, post paid, addressed to him at his usual place of business or residence; and whoever gives such notice, shall make affidavit of his doings, which shall be recorded in the records of the company.

SEC. 5. If the capital stock of any company formed under the foregoing provisions is found to be insufficient for constructing and operating its road, such company may increase the same from time to time, to any amount, for the purposes aforesaid. Such increase must be sanctioned by a vote, in person or by proxy, of two thirds in amount of all the stockholders at a meeting thereof, called by the directors for that purpose.

SEC. 6. Every corporation organized under the foregoing provisions, before commencing the construction of its road, shall present to the board of railroad commissioners a petition for approval of location, accompanied with a map of the proposed route on an appropriate scale, and with a profile of the line on the relative scales of profile paper in common use, and with a report and estimate prepared by a skilful engineer from actual survey. The board of railroad commissioners shall, on presentation of such petition, appoint a day for a hearing thereon, and the petitioners shall give such notice thereof as said board deems reasonable and proper, in order that all persons interested may have an opportunity to appear and object thereto. If the board of railroad commissioners, after hearing the petition, approves the proposed location, and finds that public convenience requires the construction of such road, the corporation may proceed with the construction thereof; *provided*, that they first file with the clerk of the court of county commissioners of each county through which the road passes, a plan of the location of the road, defining its courses, distances and boundaries, and another copy of the same with the board of railroad commissioners; but the location so filed shall not vary, except to avoid expense of construction, from the route first presented to said board of commissioners, unless said variation is approved by them. And said location, together with any variation made therein, shall be filed within two years from the time when the articles of association are filed in the office of secretary of state. *Provided further*, that no railroad shall be made across tide waters where vessels can navigate, without special permission of the legislature first obtained.

SEC. 7. If any corporation formed under the foregoing sections does not, within three years after its articles of association are filed and recorded in the office of the secretary of state, begin the construction of

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—to be recorded.

First meeting, how called.  
1876, c.120, § 4.

Capital stock, how increased.  
1876, c.120, § 5.

Petition for approval of location.  
1883, c. 143.

1876, c.120, § 6.  
—hearing on.

—notice to be given.

—when corporation may proceed with construction of road.  
—proviso.

—location not to vary, except for expense.

—to be filed within two years.  
—R. R. not to cross navigable waters, without consent of legislature.  
See 1883, c.192.

Building of road to be begun within three years.

**CHAP. 51.** its road, and expend thereon ten per cent. of its capital, its corporate existence and power shall cease.

1876, c.120, §7.

Map and profile of road to be filed in secretary of state's office. 1876, c.120, §8.

**SEC. 8.** Every corporation organized as aforesaid shall, within one year after any part of their road has been constructed and opened for operation, cause to be made a map and profile thereof, and of the land taken or obtained for the use thereof, and file the same in the office of the secretary of state; also like maps of the parts thereof located in different counties, and shall file the same in the offices for recording deeds in the counties in which such parts of road are. Every such map shall be drawn on a scale and on paper to be designated by the board of railroad commissioners, and certified and signed by the president and engineer of the corporation.

—maps, how to be drawn.

Tolls to be established by directors. 1876, c.120, §9.

**SEC. 9.** Said corporation may establish and collect such tolls for the transportation of persons and freight over its road as the directors deem fair and reasonable, and shall have a lien on its freight therefor; but, upon what shall, at any time, be deemed by the railroad commissioners a sufficient complaint, by interested and responsible parties, that the tolls are unreasonably high, said commissioners may revise and establish them, after due notice and hearing, for a time not exceeding one year. But the commissioners, before directing said hearing, shall give opportunity to the company complained of, to reply to the charge.

—but may be revised by railroad commissioners.

Company may widen narrow gauge to standard gauge. 1883, c. 184.

**SEC. 10.** Any railroad corporation formed under the foregoing sections with a narrow gauge, may change it to the standard gauge of four feet eight and a half inches, subject to the approval of the railroad commissioners.

#### PETITION FOR LEGISLATIVE CHARTER.

Petition for legislative incorporation, what it must contain. R. S., c. 51, § 1.

**SEC. 11.** When a petition for a railroad corporation is presented to the legislature, it must state the places where the road is to begin and end, the distance between them, its general course, and the names of the towns through which it may pass.

#### NUMBER OF DIRECTORS. STOCK VOTE.

Company may fix number of directors. 1871, c. 177.

**SEC. 12.** Any railroad company may at its annual meeting fix the number of its directors, *provided*, that in the call for said meeting notice is given of an intention to act upon said subject.

Any stockholder at any meeting may call for a stock vote. 1872, c. 28.

**SEC. 13.** Any stockholder, or representative of any stockholder in any railroad company may call for a stock vote thereof at any meeting of its stockholders, on any question legally before it, anything in the charter or by-laws of such company to the contrary notwithstanding.

#### REAL ESTATE, HOW AND FOR WHAT TAKEN.

Land may be bought or taken for what purposes. R.S., c. 51, § 2. See §§ 16, 17, 19.

**SEC. 14.** A railroad corporation, for the location, construction, repair, and convenient use of its road, may purchase, or take and hold, as for public uses, land and all materials in and upon it; but the land so taken shall not exceed four rods in width unless necessary for excavation, embankment or materials. (a)

(a) 35 Me., 258; 40 Me., 556; 41 Me., 220; 47 Me., 46, 347; 51 Me., 320; 59 Me., 535; 66 Me., 38, 46; 67 Me., 360.

SEC. 15. The railroad shall be located within the time and substantially according to the description in its charter; and the location shall be filed with the county commissioners, approved by them and recorded. When a corporation, by its first location, fails to acquire the land actually embraced in its roadway, or the location as recorded is defective or uncertain, it may, at any time, correct and perfect its location, and file a new description thereof; and in such case it is liable in damages, by reason of such new or amended location, only for land embraced therein for which the owner had not previously been paid. Any subscriber to the stock, alleging that it has not been located according to its charter, may, before payment of his subscription, make written application to the county commissioners in the county where the deviation is alleged, stating it, who after fourteen days' notice to the corporation, and upon a view and hearing, shall determine whether it has been located as required; if they determine that it has been, no such defence shall be made to any process to enforce payment; if they determine that it has not, the subscription of such applicant is void. The prevailing party recovers costs. Provisions in railroad charters, whenever granted, limiting the time within which such railroad shall be completed, shall not affect the portion thereof completed within such time; and all charters under which railroads have been constructed for a portion of the line authorized thereby are confirmed and made valid as to such portion.

SEC. 16. Any railroad corporation may also purchase or take and hold, as for public uses, land for borrow and gravel pits, necessary tracks, side tracks, stations, wood sheds, repair shops, and car, engine and freight houses; but if the owner of said land does not consent thereto, or if the parties do not agree as to the necessity therefor or the area necessary to be taken, the corporation may make written application to the railroad commissioners, describing the estate, and naming the persons interested; the commissioners shall thereupon appoint a time for the hearing near the premises, and require notice to be given to the persons interested, as they may direct, fourteen days at least before said time; and shall then view the premises, hear the parties and determine how much, if any, of such real estate is necessary for the reasonable accommodation of the traffic and appropriate business of the corporation. If they find that any of it is so necessary, they shall furnish the corporation with a certificate containing a definite description thereof; and when it is filed with the clerk of courts in the county where the land lies, it shall be deemed and treated as taken; *provided, however*, that when land is held by a tenant for life, and the reversion is contingent as to the persons in whom it may vest on the termination of the life estate, such fact shall be stated in the application, and the commissioners shall, in addition to the notice to the tenant for life, give notice by publication to all others interested, in such manner as they deem proper.

SEC. 17. The land taken shall not be entered upon, except to make surveys, before the location has been filed; and the damages estimated and secured as hereinafter provided; and no railroad corporation shall

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Location, when and how to be made; to be filed and recorded. 1881, c. 82.  
—remedy for defective location, and liability for damages. 59 Me., 536.

—subscriptions, when released by new location. R.S., c. 51, § 4.

—proceedings before county commissioners.

—portion completed within time limited, not affected by limitation in charter. 1883, c. 103.

Company may take land for stations, repair shops, &c. 1872, c. 70. R.S., c. 51, § 2.

—railroad commissioners to decide disputes as to necessity of land therefor. R.S., c. 51, § 3. 66 Me., 38-46.

—and to give certificate, to be recorded.

—proviso. 1871, c. 197.

Land not to be used until damages are secured. R.S., c. 51, § 5.

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—what to be taken only by consent.

R.S., c. 51, § 2.  
Companies may build branch tracks to mills and factories.  
1871, c. 219.

Damages to be estimated by county commissioners within three years, and paid or secured by company.

—if proceedings fail, new ones may be instituted in one year.

R.S., c. 51, § 6.  
—guardian may release damages.

—person having any interest deemed owner to that extent.

R.S., c. 51, § 2.

—damages and costs, how secured.

R.S., c. 51, § 6.  
34 Me., 252.  
47 Me., 446.  
52 Me., 208.  
59 Me., 537.  
64 Me., 506.  
65 Me., 249.  
67 Me., 360.  
72 Me., 99.

Notice on petitions for assessment of damages for lands taken by railroad corporations.  
1871, c. 195.

Cattle guards and passes to be made and maintained by road; and on failure, may be compelled, or enjoined by court.  
R.S., c. 51, § 7.

take, without consent of the owners, meeting-houses, dwelling-houses, or public or private burying-grounds. (a)

SEC. 18. Any railroad corporation, under the direction of the railroad commissioners, may locate, construct and maintain branch railroad tracks to any mills or manufacturing establishments erected in any town or township, but not within any city through which the main line of said railroad is constructed, without the consent of the city council, and for that purpose said corporation shall have all the powers and rights granted, and be subject to all the duties imposed upon it by its charter.

## ESTIMATION AND PAYMENT OF DAMAGES.

SEC. 19. For real estate so taken, the owners are entitled to damages, to be paid by the corporation and estimated by the county commissioners, on written application of either party, made within three years after filing the location, or if proceedings thus commenced fail for causes not affecting the merits, new ones may be commenced within one year thereafter; and when no estimate is made within such time, the owner may maintain an action of trespass, or have any remedy herein provided. The guardian of a person incapable of giving a valid conveyance, whose land is taken, may settle and give a valid release for damages; and persons having any interest in such land have the rights and remedies of owners to the extent of their interest. When requested by the owner, said commissioners shall require the corporation to give security for the payment of damages and costs, by depositing, at its risk, with the clerk, specie, notes or obligations of a state or public corporation, or other security satisfactory to the party requiring it. When entitled to it, so much of any specie so deposited shall be paid to him, as will satisfy his judgment. Notes or obligations so deposited shall be delivered to the officer having a warrant of distress, to be by him sold as personal property is sold on execution, to satisfy the warrant and fees, and any balance shall be paid to the treasurer of the corporation. When it neglects for more than thirty days to give the security required, the owner is entitled to the remedies by injunction herein provided.

SEC. 20. In all cases of petition to the commissioners of any county praying for the assessment of damages on account of any railroad corporation having taken lands therein, the notice to the adverse party of the time and place of the hearing thereon, shall be a personal notice of fourteen days, or by publication of the petition and order of notice thereon in some newspaper published in said county, two weeks successively, the last publication to be fourteen days before said hearing.

SEC. 21. Said commissioners shall order the corporation to make and maintain such cattle guards, cattle passes and farm crossings as they think reasonable; prescribe the time and manner of making them, and consider this work in awarding pecuniary damages; and if the corporation after forty-eight hours' notice in writing to its president or superintendent, neglects to commence the work or complete it within a reasonable time, the owner may apply to the supreme judicial court, and the

(a) 66 Me., 40.

court, after due notice to said corporation, shall issue all necessary processes to enforce the specific performance of such orders, or restrain it by injunction; or the party interested may recover, in an action on the case, double the damage that he has sustained by such neglect.

SEC. 22. Said commissioners shall make a report of their general estimate of damages, stating therein specifically, the rights and obligations of each party, at a regular session, and cause it to be recorded; their clerk shall then make out a notice to each person, stating the amount of damages awarded to him, which shall be served by an officer on those resident in the state, and upon others, if any, by a publication three weeks successively in a newspaper printed in the county, if any, if not, in the state paper. The expense of notices shall be added to the costs of the proceedings and paid accordingly. The commissioners shall be paid the same for their services as in cases of highways; and in cases between the owners and occupants of lands and corporations, they shall be paid by the corporation.

SEC. 23. Any person aggrieved by the decision or judgment of the county commissioners in relation to damages for land taken for railroad purposes, may appeal to the next term of the supreme judicial court to be held in the county where the land is situated, more than thirty days from the day when the report of the commissioners is made, excluding the day of the commencement of the session of said court, which court shall determine the same by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment and issue execution for the damages recovered, with costs to the party prevailing in the appeal, but no committee or jury shall alter the requirements in the report of the commissioners. The appellants shall serve written notice of such appeal upon the opposite party fourteen days at least before the session of said court, and shall at the first term file a complaint setting forth substantially the facts of the case. On the trial, exceptions may be taken as in other cases.

SEC. 24. When the proceedings are closed, the corporation may deposit with the clerk the amount of damages, with interest thereon from the time when the estimation was recorded, and legal costs, in full satisfaction therefor, unless a demand had been previously made and payment neglected.

SEC. 25. When the damages remain unpaid for more than thirty days after they are due and demanded, a bill in equity may be filed in court, in term time or vacation, by the person entitled to them, praying for an injunction against the use or occupation of his land taken. If proceedings for an estimation of damages are not commenced within three years, and the owner of the land files a bill praying therefor, the court may estimate the damages, decree their payment and issue an execution therefor; and the plaintiffs shall be entitled to a bill for an injunction; and in either case, any justice of the court, after summary notice to the corporation and upon proof of the facts, may, without any bond filed, issue an injunction prohibiting such use and occupation until all damages and costs are paid. The bill shall be entered, service

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—liable for double damages at common law.

Commissioners to report damages and rights of each party; notice to be given to owners.  
R.S., c. 51, § 8.  
1883, c. 175, § 3.

—pay.  
See c. 78, § 21.  
45 Me., 267.  
52 Me., 208.  
60 Me., 286.  
64 Me., 506.  
65 Me., 249.  
67 Me., 292.

Appeal from decision of county commissioners, when made.  
1873, c. 95.  
65 Me., 230.  
67 Me., 292.  
70 Me., 499.

—damages, how determined.

—notice of appeal, how made.

—exceptions may be taken.

Company may deposit damages, interest and costs with clerk of court.  
R.S., c. 51, § 9.

When damages are not paid, bill in equity may be filed and injunction issued; or owner may pray for an estimate of damages to be ordered by the court.  
R.S., c. 51, § 10.  
56 Me., 537.  
58 Me., 281.  
66 Me., 53.  
72 Me., 100.

**CHAP. 51.** of it made, and continued at the next term after the injunction is issued. At the second term, if payment has not been made, the injunction may be made absolute; and all rights acquired by taking the land, and all rights of property in and to whatever has been placed upon it, cease, and the owner may maintain an action for its recovery and protection.

Service of process and notices, how made.  
R.S., c. 51, § 11.

**SEC. 26.** Service of process and notice may be made upon the president of the corporation; when no president, upon any of its officers; and when no officer, upon a stockholder. Service of an injunction issued against any person, whether a party to the bill or not, may be made upon him, and he shall be liable to all the penalties and consequences provided for a breach of it.

Proceedings, for breach of injunction.  
R.S., c. 51, § 12.

**SEC. 27.** The court may order persons violating such injunction, after service, or using the land, to show cause at a time fixed, why a decree should not be entered and execution issued against them individually, and their goods and estate, for the damages, interest, costs, and for additional damages and costs for breach of the injunction. Upon service and return of such order, the court may enter such decree as is just and equitable against such persons, and issue execution accordingly; or may proceed against them as for breach of injunction in other chancery cases.

#### CROSSINGS REGULATED.

Crossings of highways and streets, how made.  
R.S., c. 51, § 13.  
45 Me., 563.  
49 Me., 11,  
121, 156.  
51 Me., 315.  
57 Me., 134.  
58 Me., 47.  
65 Me., 292.

**SEC. 28.** Railroads may cross highways in the line of the railroad; but cannot pass along them without leave of the town. The conditions and manner of crossing shall first be determined, in writing, and entered in their records, by the county commissioners, who shall give reasonable notice of their intentions to the municipal officers of the town, in which such crossing is proposed. When the corporation is dissatisfied with their decision, it may make a written application to the governor, who shall appoint three disinterested persons not residents of the county, who, after notice to the commissioners, and at the expense of the corporation, shall revise and adjudicate upon the matter; and their decision, signed and recorded in the records of the commissioners, shall be final. No crossing of a street in a city not a highway, shall be made without the written consent of the mayor and aldermen, stating the manner and conditions thereof, to be recorded in the records of the commissioners. Crossings not so made are nuisances, and may be so treated, and the directors making them are personally liable.

Ways may be raised or lowered, for crossing.  
R.S., c. 51, § 14.  
38 Me., 30.  
49 Me., 121,  
157.

**SEC. 29.** Upon a written application and after notice to those interested, the commissioners may authorize any way to be raised or lowered, or its course to be altered, to facilitate a crossing, and may prescribe the manner in which it shall be done by the corporation. While its passage is thereby obstructed, a temporary way shall be provided by the corporation.

Neglect subjects to damages.  
R.S., c. 51, § 15.

**SEC. 30.** When the corporation unnecessarily neglects to perform the acts so required, those injured may recover damages in an action on the case, commenced within one year after performance is required. (a)

Railroad may be carried over or under

**SEC. 31.** A railroad may be carried over or under a canal or railroad in such manner as not unnecessarily to impede the travel or transporta-

(a) 49 Me., 126; 51 Me., 315; 67 Me., 357.

tion on them. The corporation making such crossing is liable for damages occasioned thereby in an action on the case. Bridges and their abutments, constructed for a crossing of any way, shall be kept in repair by the corporation, or by persons or parties running trains on any railroad crossing a highway or town way. The municipal officers of any city or town may give notice in writing to such persons, parties or corporations, that a bridge required at such crossing has not been erected, or is out of repair, and not safe and convenient, within the requirements of section fifty-two of chapter eighteen, or that the crossing of any such highway or town way passing such railroad at grade, within their respective cities or towns, is not made or maintained safe and convenient, as required by said section; and such persons, parties or corporations, shall erect or repair such bridge, or make such crossing safe and convenient, as aforesaid, within ten days from the service of said notice; and if they neglect so to do, any one of said municipal officers may apply to any justice of the supreme judicial court, in term time or vacation, to compel such delinquents to erect or repair such bridge, or make such crossing, as aforesaid; and after hearing, such justice or court may make any order thereon which the public convenience and safety require, and may, by injunctions compel the respondents to comply therewith; or said officers may, after ten days from the service of such notice, cause necessary repairs to be made, and the expense thereof shall be paid by the persons, parties or corporations whose duty it is to keep such crossing safe and convenient.

SEC. 32. Every railroad corporation shall erect and maintain suitable bridge-guards at every bridge or other structure, any portion of which crosses the railroad less than twenty feet above the track; such guards must be approved by the railroad commissioners, and be erected and adjusted to their satisfaction. Any corporation refusing or neglecting to comply with this section, for each month of continuance in such neglect or refusal, forfeits fifty dollars; and whoever wilfully destroys or breaks any such bridge-guard forfeits not exceeding one hundred dollars, and may be imprisoned not exceeding thirty days.

SEC. 33. A bell of the weight of thirty-five pounds or more shall be placed on each engine used on a railroad, and shall be rung at the distance of eighty-five rods or more from the crossing of a way on the same level or running contiguous thereto, and kept ringing until the engine has passed the same; and a steam whistle, or, in cities and villages, a bell, shall be sounded as a warning at a distance of a hundred rods; and boards, with the words, "Railroad Crossing," distinctly painted thereon, on each side, in letters plainly legible, shall be placed on the side of a way where it is crossed by a railroad, on a post or other structure, in such position as to be easily seen by persons passing upon such way.

SEC. 34. When the municipal officers of a town deem it necessary, for public safety, that gates should be erected across a way where it is crossed by a railroad, and that a person should be appointed to open and close them, they may make such request in writing; and in case of neglect or refusal, they may apply to the county commissioners to decide

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a canal or railroad. 1877, c. 191.  
—corporation liable for damages.  
—bridges and abutments to be kept in repair.  
—municipal officers to give notice when bridge is not safe and convenient.  
—bridge to be erected or repaired within ten days from service of notice.  
—proceedings in case of further neglect.

Company shall erect and maintain bridge-guards. 1878, c. 6.  
—to be approved by R. R. com'rs.  
—penalty for refusal or neglect.  
—for breaking or destroying.

Bell on engine, and when to be rung. R.S., c. 51, § 17.

—whistle or bell sounded for warning.

—boards erected to give notice of crossing. 55 Me., 441. 57 Me., 134. 67 Me., 105.

Town officers may request company to provide gates at railroad crossings. 1881, c. 48, § 1.

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—application to county commissioners in case of refusal, who may require flagmen, instead of gates.

Penalty for neglect of two preceding sections, and liability to action for damages.  
R.S., c. 51, § 19.  
57 Me., 134.

upon the reasonableness of such request, who, after notice and hearing, shall decide. When they decide that such a request is reasonable, or that at said crossing a flagman is necessary for the public safety, they may, upon said application, order a flagman to be stationed there, instead of gates, and the corporation shall comply with such order and pay the costs; when they decide otherwise, the costs shall be paid by the applicants.

SEC. 35. For unnecessarily neglecting to comply with any provision of the two preceding sections, the corporation forfeits not exceeding five hundred dollars. Any person, whose duty it is to open or close such gates for the passage of an engine or traveller on a way, neglecting so to do, forfeits not exceeding fifty dollars. The corporation is liable for damages for its neglect to comply with these provisions, or for the neglect of any agent, or for the mismanagement of an engine, to be recovered in an action on the case by the person damaged thereby.

## FENCES AND TRESPASSES ON ADJOINING LANDS.

Fences, how and where made.  
R.S., c. 51, § 20.

—liability for injuries, and how recovered.  
29 Me., 308.  
39 Me., 276.  
46 Me., 166.  
59 Me., 534.  
60 Me., 243.  
63 Me., 309.  
65 Me., 338.

Line fences to be built by railroad companies, on notice of abutter.  
1875, c. 17.  
39 Me., 276.  
60 Me., 244.

—penalty for neglect.

Injuring railroad fences or turning animals into railroad inclosure.  
1873, c. 126.

Company liable for trespasses on adjoining land.  
R.S., c. 51, § 22.  
59 Me., 534.  
62 Me., 438.

—the trespasser also.

SEC. 36. Where a railroad passes through inclosed or improved land, or wood-lots belonging to a farm, legal and sufficient fences shall be made on each side of the land taken therefor, before the construction of the road is commenced, and such fences shall be maintained and kept in good repair by the corporation. For any neglect of such duty during the construction of the road, and for injuries thereby occasioned by its servants, agents or contractors, the directors are jointly and severally personally liable. For any subsequent neglect, the corporation shall be fined a sum sufficient to make or repair the fence, to be recovered by indictment and expended by an agent appointed by the court therefor.

SEC. 37. The owner of any inclosed or improved land or wood-lot belonging to a farm abutting upon any railroad which is finished and in operation, may at any time between the twentieth day of April and the end of October, give written notice to the president, treasurer, or either of the directors of the corporation owning, controlling or operating such railroad, that the line fence against his land has not been built, or if built, that the same is defective and needs repair. And if said corporation neglects to build or repair such fence, for thirty days after receiving such notice, it forfeits to such owner one hundred dollars, to be recovered in an action on the case.

SEC. 38. Whoever takes down or intentionally injures any fence, erected to protect the line of any railroad, or turns any horse, cattle or other animal, upon or within the inclosure of such railroad, shall be fined not less than ten nor more than one hundred dollars, or imprisoned not less than ten days nor more than six months.

SEC. 39. The corporation is liable for trespasses and injuries to lands and buildings adjoining or in the vicinity of its road, committed by a person in its employment, or occasioned by its order, if the party injured within sixty days thereafter, gives notice thereof to the corporation; but its liability does not extend to acts of wilful and malicious trespass. The person committing a trespass is also liable.

## CONNECTIONS.

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SEC. 40. A corporation owning a railroad on which cars run, shall on request, at reasonable times, and for a toll not exceeding its ordinary rate, draw over its road the cars of any other railroad connecting with it. When it neglects, the corporation owning the connecting road may draw its cars over such road with its own engines during such neglect, subject, while on such road, to its regulations for the management of its own trains. The corporation owning the connecting road shall furnish its own stations at the termini of the other road, and be liable for all injuries occasioned by such drawing of its cars; from which the other corporation is exempted.

Duties of corporations owning connecting roads.  
R.S., c. 51, § 23.  
46 Me., 73.  
47 Me., 200.  
52 Me., 434.

SEC. 41. When railroads cross each other and passenger trains are due at the crossing at the same hour, the train first arriving shall wait for the arrival of the other, if it comes within twenty minutes; and each shall afford suitable opportunity for passengers desiring to change with their baggage from one train to the other; and the superintendent, conductor and engineer of the road violating this provision forfeits to the State for each offence, not less than ten nor more than fifty dollars, to be recovered on complaint or by indictment.

Trains due at same hour at crossing or junction, must wait twenty minutes for each other, and to give time to change baggage.  
R.S., c. 51, § 24.  
47 Me., 200.

## RATES OF FARE AND TOLL.

SEC. 42. In September, annually, each corporation shall fix its rates of toll per mile for transportation of timber, wood, and bark, by ton, cord, or thousand feet; and on the first day of October following, shall post at all the stations and depots on its road, a copy of such rates and keep it posted during the year. For neglecting so to fix and post, or for receiving higher rates than those posted, it forfeits one hundred dollars to the prosecutor.

Rates of toll for lumber and wood, to be fixed and posted yearly.  
R.S., c. 51, § 25.  
—penalty.

SEC. 43. Any railroad corporation may establish for its sole benefit, fares, tolls and charges, upon all passengers and property conveyed and transported on its railroad, at such rates as may be determined by the directors thereof, and may from time to time by its directors regulate the use of its road; *provided*, that such rates of fares, tolls and charges, and regulations are at all times subject to alteration by the legislature, or by such officers or persons as the legislature may appoint for the purpose, anything in the charter of such corporation to the contrary notwithstanding.

Railroad companies may establish fares and tolls, subject to revision and alteration by the legislature.  
1872, c. 84.  
53 Me., 282.

SEC. 44. No railroad company shall limit the right of a ticket-holder to any given train, but such ticket-holder may travel on any train, whether regular or express, and may stop at any of the stations along the line of the road at which such trains stop; and such ticket shall be good for a passage as above for six years from the day it was first used; *provided*, that railroad companies may sell excursion, return, or other special tickets at less than the regular rates of fare, to be used only as provided on the ticket.

Railroad tickets, good for six years.  
1878, c. 9.  
60 Me., 519.  
67 Me., 165.  
72 Me., 389.  
—proviso.  
—companies may sell special tickets.  
1873, c. 105.

SEC. 45. The preceding section shall not prevent railroad corporations from establishing necessary rules and regulations for the cancellation of tickets, and exchange of partially used tickets; but such rules and regulations shall be publicly posted at each ticket office and on all

Railroad tickets, cancellation and exchange of.  
1876, c. 135.

CHAP. 51. passenger trains, and when practicable, printed upon the tickets. And  
 —tickets and checks given in exchange, continue in force. any ticket or check given in exchange for the unused portion of a partially used ticket, continues in force for the full term of the original ticket, as provided in said section.

## CHANGE OF ROUTE AND DISCONTINUANCE OF TRAINS.

Prohibition against change of location of railroad tracks, or refusal to operate road. 1872, c. 25.

SEC. 46. No railroad having established its business upon a line shall substantially deviate from the track as originally built and used, without the consent of the legislature, and no railroad having established its business as aforesaid shall cease to run its trains and operate its road, so long as said railroad company pays dividends to its stockholders from its earnings; but this section does not permit any railroad company to cease operating its road or running its trains.

Order of notice to be served on railroad corporations neglecting to run trains. 1874, c. 204, § 1.

SEC. 47. Whenever any railroad corporation, after commencing to receive tolls, neglects or refuses regularly to run trains upon and to operate its road for the transportation of passengers and freight for sixty days at any one time, the railroad commissioners, or any ten citizens residing in any county through which said railroad extends, may petition the supreme judicial court in any county through which such railroad extends, setting forth therein such neglect and refusal so to run trains and operate its road; which petition, before entry in court, may be presented to any justice thereof in term time or vacation, who shall order not less than fourteen days' notice thereon to be served on such corporation. The petitioners shall give written notice to the attorney general or the county attorney of the county in which said petition is filed, of the filing thereof, one of whom shall appear and take charge of proceedings in court. The court shall appoint a hearing, and at or after said hearing, if the allegations in such petition are found to be true, and if in its opinion public necessity and convenience require it, the court shall appoint some suitable person or persons or some other railroad corporation, a receiver or receivers, to take possession and control of said railroad, together with all corporation property belonging thereto, and shall require such receivers to give bond to said corporation in a reasonable sum, with sureties satisfactory to the court, for the faithful discharge of their trust, and shall also determine their compensation.

—notice to be given to attorney general.

—court shall appoint a hearing.

—receivers shall be appointed,

—and shall give bond.

Notice of appointment. 1874, c. 204, § 2.

SEC. 48. Such receivers immediately after giving the required bond shall give notice of their appointment by publishing the same three weeks successively in one newspaper printed in each county through which said road extends, and shall immediately take possession and control of said railroad, and all its rolling stock, and stations and depots, together with all appendages belonging to the same and necessary for the convenient use thereof, and shall diligently proceed to repair and refurnish said railroad, its rolling stock and other appendages, and operate the same for the accommodation of the public. Said receivers have the same authority to demand and receive tolls and otherwise manage said railroad, and are subject to the same restrictions as are conferred and enjoined by the charter of said railroad upon its original corporators, and as may be provided by law.

—duties.

—authority.

SEC. 49. If said railroad, its track, bridges, rolling stock, and other appendages, shall be found to be too much out of repair, or its rolling stock and other appendages insufficient in amount to admit of safely or successfully operating the same, and the earnings are not sufficient to repair said railroad, its track, bridges, rolling stock, and other appendages, or to rebuild or refurnish the same, said receivers may raise, by loan, a sufficient sum of money, not exceeding five thousand dollars a mile, so to repair, rebuild or refurnish said railroad, its track, bridges, rolling stock and other appendages, said loan to bear a reasonable rate of interest, not exceeding eight per cent. a year, payable semi-annually, and the principal payable within twenty years. A lien is created on the franchise and all the property, real and personal, road, road bed, track, stations, buildings, and equipment, pertaining to and constituting said railroad, for the payment of the principal and interest thereof. Said loan, secured by such lien, takes precedence of all mortgages, bonds, stock, or other title or claim of indebtedness of any kind whatsoever, then existing or thereafter created on said railroad.

## CHAP. 51.

Receivers, authorized to raise money by loan, to repair railroad. 1874, c.204, § 3.

—lien created, for payment of loan.

SEC. 50. Any justice of the supreme judicial court sitting in the county where the original petition was filed, on petition of said railroad corporation or its owners, and after reasonable notice to such receivers, may revoke their authority and restore the possession and control of said railroad to said corporation or its owners, upon their paying the principal and interest of the aforesaid loan then existing, together with the sum due said receivers for their personal services, with all the expenses incurred in operating and repairing said railroad and its appendages during their continuance in their said capacity, over and above the earnings thereof; *provided, however*, that said railroad corporation or its owners give bond to the State in such sum as the court orders, with sureties satisfactory to the court, conditioned that such corporation or its owners thus seeking to receive possession shall operate and keep in repair said railroad, its rolling stock, and other appendages to the satisfaction of the railroad commissioners, for five years following said order.

Railroad to be restored to corporation, on certain conditions. 1874, c.204, § 4.

—proviso.

—corporation to give bond to state, to keep railroad in repair.

SEC. 51. If said receivers and said railroad corporation or owners are unable to agree upon the amount due said receivers from said corporation or its owners, the question shall be referred by order of court to the determination of the railroad commissioners, whose decision made to said court and accepted shall be final in the premises, and in no case shall said corporation or its owners receive possession and control of said railroad until said receivers are paid or tendered the full amount due them, as aforesaid, except by their written consent.

In case of disagreement, railroad commissioners to decide amount due receivers. 1874, c.204, § 5.

SEC. 52. The court may fill all vacancies in said office of receiver, and at the time of appointing said receivers or at any subsequent time during their continuing in said capacity, may issue all orders or decrees necessary to aid them in the full and faithful discharge of their said trust, and cause the same to be promptly enforced.

Vacancies in office of receivers, how filled. 1874, c.204, § 6.

SEC. 53. Questions of law arising under the provisions of the six preceding sections shall, on motion of either party, be at once certified by the presiding justice and transmitted to the chief justice, be argued in

Questions of law, how determined. 1874, c.204, § 7.

**CHAP. 51.** writing by both sides within thirty days thereafter, be considered and decided by the justices of said court as soon as may be, and the decision thereon shall be certified to the clerk of courts of the county where the case is pending, and judgment made up as of the term next preceding the time of receiving the certificate.

ASSIGNMENTS, LEASES, TRANSFER OF SHARES, AND ISSUE OF BONDS.

Assignment or lease of road without consent of legislature, forbidden. R.S., c. 51, § 26.

**SEC. 54.** No corporation can assign its charter or any rights under it; lease or grant the use or control of its road or any part of it, or divest itself thereof, without consent of the legislature. On complaint of a violation of these provisions by any person, the attorney general shall file an information in the nature of a writ of quo warranto against the corporation, and the court may enter such decree as justice and equity require. These provisions do not extend to that portion of the Atlantic and St. Lawrence railroad in New Hampshire and Vermont; nor is any mortgage, made to secure payment of the debt of said corporation, affected thereby.

—exceptions.

Shares, how transferred. R.S., c. 51, § 27. See c. 46, § 12.

**SEC. 55.** Shares in the capital of such corporations are personal estate, and may be transferred by any written conveyance recorded in the books of the treasurer. No conveyances are operative, except between the parties, until so recorded. Upon such transfer, the certificates of shares shall be surrendered and new ones issued, unless the shares had been previously attached, when new certificates shall not be issued, until the attachment is dissolved, or the shares sold by process of law.

Bonds may be issued and sold at less than par. R.S., c. 51, § 28. 1871, c. 198.

**SEC. 56.** A railroad corporation, to obtain money to build or furnish its road, or to pay debts contracted for that purpose, may issue its bonds in sums not less than one hundred dollars, bearing interest, secured in such manner as it deems expedient, and binding upon it although sold at less than par value; and no defence of usury shall, for that cause, be admitted.

Holders of coupons may collect in their own name. R.S., c. 51, § 29. 49 Me., 516.

**SEC. 57.** When coupons for interest issued with bonds, are, for a valuable consideration, detached and assigned by delivery, the assignee may maintain assumpsit upon them in his own name against the corporation engaging to pay them.

Damages by foreign railroad company leasing any railroad. 1875, c. 15, § 1.

**SEC. 58.** When any foreign railroad or railway company which is or has been doing business in this state, as the lessee of any railroad, refuses or neglects for sixty days after demand, to pay and discharge any judgment recovered by any person against the company owning such leased road for damages to the property of such person by the doings, misdoings or neglects of such foreign company, its agents or servants, which judgment belongs in equity to such foreign company to pay and discharge, the supreme judicial court, on petition, may compel payment thereof by such foreign corporation, and make, pass and enforce all necessary orders, decrees and processes for the purpose.

—supreme judicial court may compel payment of.

Judgment creditor, remedy of, against lessors. 1875, c. 15, § 2.

**SEC. 59.** When any such judgment is recovered, and such foreign company neglects, for sixty days, to satisfy it, the judgment creditor may have an action on the case against such foreign company for the recovery of the amount of such judgment, with interest and costs.

## ANNUAL REPORTS.

## CHAP. 51.

SEC. 60. The railroad commissioners shall prescribe a form of returns uniform for all railroads, and designed to produce uniformity in the annual returns of all the railroads in New England, in substance the same as that exhibited in an appendix to their report made to the governor, December thirty, eighteen hundred and seventy-six. Every railroad corporation shall, by December first, make an annual return to said commissioners of its operations for each year ending September thirty, verified by the oath of its treasurer, which return shall conform as nearly as practicable to the blank forms prescribed and furnished by said commissioners. Any railroad corporation wilfully neglecting to make such return, forfeits one thousand dollars to the State, to be recovered in an action on the case, or by complaint and indictment; and said commissioners shall notify the attorney general of such neglect, who shall prosecute for the recovery of such forfeiture.

Railroad commissioners shall prescribe form of annual returns. 1877, c. 207.  
—to be made on or before December 1.

—railroad neglecting to make return, forfeits \$1,000, railroad commissioners to notify attorney general. 1879, c. 100.

## PROVISIONS FOR SAFETY.

SEC. 61. No train of passenger cars, moved by steam, shall be run without one trusty and skilful brakeman to every two cars.

One brakeman to every two cars. R.S., c. 51, § 31.

SEC. 62. No car disconnected from a train, shall be left or permitted to remain standing on the main track of any railroad, unless accompanied by danger signals, such as flagging by day and lanterns by night, placed at such distances from such obstruction, on the main line of the road, as will insure safety to and from moving trains, and such signals shall be in charge of and constantly attended by employes of the corporation owning or operating the road.

Danger signals to be placed on railroad tracks where disconnected cars are left standing. 1880, c. 197, § 1.

SEC. 63. A railroad corporation violating any provision of the preceding section, forfeits for each offence, one hundred dollars to the State, to be recovered in an action on the case, or by complaint and indictment; and the attorney general shall prosecute therefor. Said section does not apply to horse railroads.

Penalty for violation of § 62. 1880, c. 197, § 2. —attorney general shall prosecute. —exception.

SEC. 64. When a building or other property is injured by fire communicated by a locomotive engine, the corporation using it is responsible for such injury, and it has an insurable interest in the property along the route, for which it is responsible, and may procure insurance thereon. (a)

Railroad liable for damages by fire from locomotive. R.S., c. 51, § 32.

SEC. 65. When a fatal accident occurs on a railroad, the corporation using it shall give immediate notice to the county attorney, who shall call upon a coroner, residing near the place of the accident, to hold an inquest upon the bodies of those whose deaths have been so caused. If the county attorney does not reside within ten miles of said place, some justice of the peace, residing in the county, shall be requested to notify a coroner to hold such inquest, before notice is given to said attorney.

Coroners to hold inquest on bodies of those killed on road. R.S., c. 51, § 33.

SEC. 66. Whoever, having charge of a locomotive engine, or acting as conductor, brakeman, or switchman, is intoxicated while employed on a railroad, shall be fined not exceeding one hundred dollars, or imprisoned not exceeding six months, or both.

Intoxication of train officer, engineer or switchman, punished. R.S., c. 51, § 34.

(a) 37 Me., 94; 42 Me., 583; 46 Me., 114; 47 Me., 524; 58 Me., 85; 60 Me., 300; 63 Me., 296; 74 Me., 424.

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Negligence of employe, punished.  
R.S., c. 51, § 35.  
43 Me., 270.  
57 Me., 218.  
63 Me., 70.

Occasioning death, how punished.  
R.S., c. 51, § 36.  
58 Me., 180.  
60 Me., 150, 491.  
61 Me., 115.  
67 Me., 480.  
70 Me., 73.

Not liable for death of person walking on road.  
R.S., c. 51, § 37.

Forfeiture for standing or walking on track or bridge.  
R.S., c. 51, § 38.

Printed copy of preceding section to be posted.  
R.S., c. 51, § 39.

Punishment for stranger getting upon or leaving railroad train when in motion.  
1881, c. 85.

—liability of corporation not affected.

Penalty for disorderly conduct on railroad train.  
1880, c. 222, § 1.

Conductor may arrest and hold such offender.  
1880, c. 222, § 2.

Highways, how to be passed; not to be obstructed.  
R.S., c. 51, § 40.  
59 Me., 190.

Regulations at railroad crossings.

SEC. 67. Any person employed in conducting trains, who is guilty of negligence or carelessness causing an injury, shall be punished by imprisonment in jail not exceeding one year, or by fine not exceeding one thousand dollars; but the corporation employing him is not thereby exempt from responsibility.

SEC. 68. Any railroad corporation, by whose negligence or carelessness, or by that of its servants or agents while employed in its business, the life of any person, in the exercise of due care and diligence, is lost, forfeits not less than five hundred, nor more than five thousand dollars, to be recovered by indictment found within one year, wholly to the use of his widow, if no children; and to the children, if no widow; if both, to her and them equally; if neither, to his heirs.

SEC. 69. No railroad corporation shall be fined for the death of a person walking or being on its road contrary to law, or to its valid rules and regulations.

SEC. 70. Whoever without right, stands or walks on a railroad track or bridge, or passes such bridge except by railroad conveyance, forfeits not less than five nor more than twenty dollars, to be recovered by complaint.

SEC. 71. A printed copy of the preceding section shall be kept posted in a conspicuous place in every railroad passenger station; for neglect thereof, the corporation forfeits not exceeding one hundred dollars for every offence.

SEC. 72. Any person, other than a servant or employe of the road, or a passenger holding a ticket for a passage over the same, or mail agent or expressman, who gets upon or leaves any steam engine, tender, or car at any place outside of a railroad station, while such engine, tender or car is in motion, shall be imprisoned not exceeding thirty days, or fined not exceeding ten dollars; but this provision does not affect the liability of any railroad corporation for injuries or damages caused by the fault or negligence of the corporation or its servants.

SEC. 73. Whoever behaves in a disorderly or riotous manner while on any train of railroad cars, or uses indecent or profane language in such car, is guilty of a breach of the peace, and shall be fined not less than five nor more than five hundred dollars, or imprisoned in jail not less than thirty days nor more than one year; in addition to any other penalty prescribed by law.

SEC. 74. The conductor of a train of cars on any railroad, may arrest and temporarily hold any person guilty of such breach of the peace, until a warrant can be obtained, or he can be placed in custody of the proper officers of the law.

SEC. 75. No engine or train shall be run across a highway near the compact part of a town at a speed greater than six miles an hour. And no way shall be unreasonably and negligently obstructed by engines, tenders or cars. The corporation forfeits not exceeding one hundred dollars for every such offence.

SEC. 76. When one railroad crosses another on the same grade, every engine man on both, when approaching the point of intersection,

with an engine with or without a train, shall stop his engine within five hundred feet of such point and before reaching it, and shall pass it at a rate not exceeding eight miles an hour, except when from the condition of the track or train it shall be necessary to run at greater speed; in which case the conductor or person in charge of the train shall station some person at said crossing, with a flag by day and a lantern by night, to warn trains approaching on the other road; but when two or more crossings on the same road are within four hundred feet of each other, one stop is sufficient; any such engine man, conductor, or person in charge of the train violating this provision forfeits, for each offence, one hundred dollars, and the corporation on whose road the offence is committed forfeits two hundred dollars.

SEC. 77. No railroad company shall construct or maintain a track, or run an engine or cars on a street or highway so near any station of another railroad as to endanger the safe and convenient access to and use of such station for ordinary station purposes.

#### EVASION OF FARES, AND LOITERING AT RAILROAD OR STEAMBOAT STATIONS.

SEC. 78. No person is entitled to transportation over a railroad, who does not, on demand, first pay the established fare. Whoever fraudulently evades payment by giving a false answer, or by travelling beyond the place to which he has paid, or by leaving a train without paying, forfeits not less than five, nor more than twenty dollars, to be recovered on complaint.

SEC. 79. No person shall loiter or remain, without right, within any car, or station-house of a railroad corporation or steamboat, or upon the platform or grounds adjoining such station, after being requested to leave the same by any railroad officer or officer or agent of such steamboat. Whoever violates this section forfeits not less than two nor more than ten dollars, to be recovered on complaint.

SEC. 80. The officers of all railroad corporations and steamboat companies, shall cause a copy of the preceding section to be posted in a conspicuous place at the several stations along the line of their roads and route of their steamboats.

#### BAGGAGE AND EFFECTS.

SEC. 81. Railroad corporations shall publish in one newspaper printed in each county where there is a passenger station, each January and July, a list of the effects of passengers, which have been left by them and remain unclaimed at any place in their possession. The effects shall be described by all such marks on them as serve to identify them.

SEC. 82. Articles remaining unclaimed for six months after being so advertised, shall be examined by the municipal officers of the town where the articles are, on notice given, and they shall cause them to be sold at auction, or to be advertised again as before.

SEC. 83. After deducting from the proceeds of sale the expenses due to the corporation, and the costs of advertising, examination and

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1874, c. 164.

—signals to warn approaching trains.

—penalty for violation.

Location of railroad near the station of another company, forbidden. 1872, c. 32, § 1. 65 Me., 123.

Penalty for evading payment of fare. R.S., c. 51, § 41. 53 Me., 282.

No person to loiter in any railroad car, or steamboat station or grounds. 1881, c. 43. —penalty. 1877, c. 163, §§ 2, 3.

Copies of law to be posted at stations. 1881, c. 43.

Lists of effects left by passengers to be published. R.S., c. 51, § 43.

Unclaimed effects to be examined by town officers and sold at auction. R.S., c. 51, § 44.

Disposal of proceeds. R.S., c. 51, § 45.

**CHAP. 51.** sale, any balance shall be paid to the treasurer of state for the use of the State.

Corporation liable for neglect of these duties. R.S., c. 51, § 46.

SEC. 84. For neglect of these duties, the corporation is liable to an action for damages by any person aggrieved, and to a penalty of one hundred dollars for each case of neglect, to be recovered by indictment, half to the complainant, and half to the county where the offence was committed.

THE ELECTION, POWERS AND DUTIES OF TRUSTEES OF MORTGAGES.

Trustees of railroads, vacancies, how filled. 1876, c. 103. 50 Me., 561. 69 Me., 398. 72 Me., 74. 74 Me., 425.

SEC. 85. When a railroad corporation mortgages its franchise for the payment of its bonds or coupons, and trustees are appointed by such corporation, by special law, or by the mortgage, the bondholders, at a regular meeting called for the purpose and notified as hereinafter provided, may, from time to time, elect by ballot new trustees to fill vacancies, when no other method for filling vacancies is specifically provided in the appointment, special law or mortgage. Any party interested may present the proceedings of such meeting to the supreme judicial court, or to a justice thereof in vacation, who shall appoint a time of hearing, and order such notice to parties interested as he deems proper, and may affirm such elections, and make and enforce any decrees necessary for the transfer of the trust property, to the new trustees. Such decrees shall be filed with the clerk of the court where the hearing is had, and be recorded by him.

—supreme judicial court shall appoint time of hearing, may order notice, affirm elections, and enforce decrees, to be filed with clerk of courts.

What constitutes a breach of mortgage. R.S., c. 51, § 48.

SEC. 86. The neglect of the corporation to pay any overdue bonds or coupons secured by such mortgage, for ninety days after presentment and demand on the treasurer or president thereof, is a breach of the conditions of the mortgage; and thereupon the trustees shall call a meeting of the bondholders, by publishing the time and place thereof for three weeks successively in the state paper, and in some paper in the county where the road lies, the last publication to be one week at least before the time of the meeting.

—trustees to call meeting of bondholders, and how notified. 50 Me., 561. 52 Me., 99.

Bondholders have one vote for every \$100 of bonds; when trustees may take possession. R.S., c. 51, § 49.

SEC. 87. At such meeting and all others, each bondholder present shall have one vote for each hundred dollars of bonds held by him or represented by proxy; and they may organize by the choice of a moderator and clerk, and determine whether the trustees shall take possession of such road, and manage and operate it in their behalf.

Trustees taking possession, have powers of corporation. R.S., c. 51, § 50.

SEC. 88. If they so determine, the trustees shall take possession of such road and all other property covered by the mortgage, and have all the rights and powers, and be subject to all the obligations of the directors and corporation of such road, and may also prosecute and defend suits in their own name as trustees. (a)

Trustees to keep account of receipts and expenditures. 1876, c. 123. See c. 77, § 6, ¶ 6. —receipts, appropriated.

SEC. 89. They shall keep an accurate account of the receipts and expenditures of such road, and exhibit it, on request, to any officer of the corporation, or other person interested. They shall, from the receipts, keep the road, buildings and equipments in repair, furnish such new rolling stock as is necessary, and the balance, after paying running expenses, shall be applied to the payment of any damages arising from misfeasance

(a) 55 Me., 406; 74 Me., 427.

in the management of the road, and after that according to the rights of parties under the mortgage. They are not personally liable except for malfeasance or fraud. When all overdue bonds and coupons secured by the mortgage are paid, they shall surrender the road and other property to the parties entitled thereto.

SEC. 90. They shall annually, and at other times on written request of one fifth of the bondholders in amount, call a meeting of the bondholders in the manner prescribed in the by-laws of the corporation for calling a meeting of stockholders, and report to them the state of the property, the receipts, expenses and the application of the funds. At such meeting, the bondholders may fix the compensation of the trustees; instruct them to contract with the directors of the corporation or other competent party, to operate said road while the trustees have the right of possession, if approved by the bondholders at a regular meeting, otherwise not exceeding two years, and to pay them the net earnings thereof; or may give them any other instruction that they deem advisable; and the trustees shall conform thereto, unless inconsistent with the terms of the trust.

#### FORECLOSURE AND REDEMPTION OF MORTGAGES.

SEC. 91. The trustees, on application of one third of the bondholders in amount, to have such mortgage foreclosed, shall immediately give notice thereof, by publishing it three weeks successively in the state paper and in some paper, if any, in each county into which the road extends, therein stating the date and conditions of the mortgage, the claims of the applicants under it, that the conditions thereof have been broken, and that for that reason they claim a foreclosure; and they shall cause a copy of such notice and the name and date of each newspaper containing it, to be recorded in the registry of deeds in every such county, within sixty days from the first publication; and unless, within three years from the first publication, the mortgage is redeemed by the mortgagors or those claiming under them, or a bill in equity as in cases of the redemption of mortgaged lands is commenced, founded on payment or a legal tender of the amount of overdue bonds and coupons, or containing an averment that the complainants are ready and willing to redeem on the rendering of an account, the right of redemption shall be forever foreclosed.

SEC. 92. Each holder of overdue bonds or coupons shall present them to the trustees at least thirty days before the right of redemption expires, to be by them recorded; and such right is not lost by the non-payment of any claims not so presented; and the parties having the right to redeem shall have free access to the record of such claims.

SEC. 93. The foreclosure of the mortgage shall inure to the benefit of all the holders of bonds, coupons and other claims secured thereby; and they, their successors and assigns are constituted a corporation, as of the date of the foreclosure, for all the purposes, and with all the rights and powers, duties and obligations of the original corporation by its charter; and the trustees shall convey to such new corporation by

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—trustees not liable; when to surrender road.  
59 Me., 48.

Trustees to call annual and other meetings of bondholders, and report to them.  
R.S., c.51, § 52.

—bondholders may fix their compensation, and instruct them to contract for operating the road.  
74 Me., 426.

How and when railroad mortgages may be foreclosed.  
R.S., c.51, § 53.

—must be redeemed within three years, or bill to be brought, founded on payment, tender, or averment of willingness to pay.  
50 Me., 561.  
54 Me., 184.  
59 Me., 20,  
47, 69.  
66 Me., 491,  
507.

Holders of overdue bonds and coupons to present them to trustees to be recorded.  
R.S., c.51, § 54.

Foreclosure is for benefit of all claimants under mortgage.  
—constitutes them a corporation, and trustees shall convey to it.

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R.S., c. 51, § 55.

—court may  
compel.

Manner of  
calling first  
meeting of  
new  
corporation.  
1877, c. 151, § 1.  
66 Me., 507.  
—may adopt  
new name.  
—may take  
possession  
and have  
the use of  
mortgaged  
property.  
—this applies  
to § 109.  
1877, c. 151, § 2.

deeds all the right, title and interest which they had by the mortgage and the foreclosure thereof, and thereupon they shall be discharged. If they neglect or refuse so to convey, the court, on application in equity, may compel them so to do. (a)

SEC. 94. The new corporation may call its first meeting in the manner provided for calling the first meeting of the original corporation, and may use therefor the old name, or by a notice, signed by one or more of said bondholders, setting forth the time, place and purpose of the meeting, a copy of which is to be published in a newspaper, in the county, if any, otherwise in the state paper, seven days before the meeting; but, at that meeting, it may adopt a new name by which it shall always thereafter be known; and it may take and hold the possession, and have the use of the mortgaged property, although a bill in equity to redeem is pending, and it may become a party defendant to such bill. This section applies to all corporations mentioned in section one hundred and nine.

NEW CORPORATION MAY REDEEM PRIOR MORTGAGES.

New corpora-  
tion may  
vote to  
redeem prior  
mortgage,  
and make  
assessments  
therefor, and  
how and  
when paid.  
R. S., c. 51, § 57.  
66 Me., 507.  
See § 109.

SEC. 95. If any part of such property or franchise is subject to a prior mortgage, such new corporation, at a legal meeting called for that purpose, may vote to redeem the same, and make an assessment therefor on all holders of stock, certificates for fractions of stock, bonds, or coupons in such corporation in proportion to their amounts. The directors shall immediately assess such sum, and fix a time and place for the payment thereof to the treasurer, who shall publish notice accordingly six weeks successively in some newspaper, if any, in each of the counties where the road extends, the last publication to be two weeks at least before the time fixed for payment.

If assess-  
ments are  
not paid,  
stock to be  
sold and new  
certificates  
issued.  
R. S., c. 51, § 58.  
66 Me., 507.

SEC. 96. If any person fails to pay his assessment within the time fixed, the treasurer shall sell enough of his stock at auction to pay the same, with twelve per cent. interest and the cost of advertising and selling, by first publishing notice of such sale three weeks successively in a newspaper printed in the county where the sale is to be, if any, and if not, in an adjoining county. Thereupon the president and treasurer shall issue a new certificate of stock to the purchaser; and the delinquent stockholder shall surrender his certificate to be cancelled, and may have a new one for his unsold shares; and if he held bonds, coupons or certificates for fractions of stock, he shall not be entitled to commute them or to receive any dividends thereon until he has paid his assessment, with twelve per cent. interest.

—delinquent  
stockholder  
not entitled  
to commuta-  
tion or divi-  
dends, until  
his assess-  
ment is paid.

SEC. 97. The directors shall apply the money realized from such assessments solely to the redemption of such prior mortgage until it is fully paid; and then all the property, rights and interests secured thereby vest in such new corporation.

Directors to  
apply funds  
to mortgage;  
when redeem-  
ed, property  
to vest in  
corporation.  
R. S., c. 51, § 59.

REDEMPTION OF PRIOR MORTGAGES BY SUBSEQUENT MORTGAGEES.

When and  
how subse-  
quent mort-

SEC. 98. When a subsequent mortgage of a railroad, its franchise or any part of its other property, contains no provision for a sale, or contains

(a) 59 Me., 70; 66 Me., 507; 74 Me., 426.

a conditional provision depending on the application of a majority in amount of the claims secured thereby, and no such application has been made to the trustees, the holder of such mortgage may redeem a prior mortgage on the same property which is under process of foreclosure, at any time before it becomes absolute; and hold it in trust for those who contributed thereto in proportion to the amount paid by each.

SEC. 99. For such purpose, the trustees of such subsequent mortgage, on application of one or more persons interested therein, made six months prior to the absolute foreclosure of such prior mortgage, and on payment of reasonable expenses to be incurred thereby, shall call a meeting of all interested and publish a notice thereof, stating the time, place and purpose, three weeks successively in the state paper and such other papers as they think proper. If at such meeting, or one called by the trustees without application, the holders of a majority of the interests there represented vote to redeem the prior mortgage, each one may contribute his proportion thereto. The trustees shall give immediate notice of such vote by publishing it as above, and shall therein state the time and place of payment, and the amount to be paid on each hundred dollars as nearly as may be. If any one fails to pay his proportion, any other person interested in said subsequent mortgage may pay it, and succeed to all his rights except as hereinafter provided.

PART OF SUBSEQUENT MORTGAGEES MAY ALSO REDEEM.

SEC. 100. If no such meeting is called, or it is voted not to redeem, one or more of the persons interested in such subsequent mortgage, may pay to the trustees thereof the amount required to redeem the prior mortgage; and such trustees shall redeem it accordingly and then hold it in trust for the persons so paying.

SEC. 101. When a prior mortgage has been redeemed in either mode aforesaid, and all persons interested in the subsequent mortgage have not paid their proportions thereof, the trustees shall publish a notice ten weeks successively in the state paper, the first publication not to be until the right of redeeming the prior mortgage would have expired, that delinquents may pay the same to them or their agents, with twelve per cent. interest, within one year from the first publication of said notice; and any person so paying has the same rights as if he had paid originally; and those not so paying are barred. Money so paid shall be divided ratably to those who advanced the redemption money; and they may become a new corporation, and new certificates of stock or fractions of stock may be issued in the manner and with the rights, powers and obligations hereinbefore provided.

SEC. 102. When a prior mortgage is thus redeemed, any number of the stockholders of the old corporation may redeem it within two years thereafter by paying to the trustees of such subsequent mortgage the amount paid therefor, with ten per cent. interest, and also the amount secured by the subsequent mortgage due to those who had contributed to redeem the prior mortgage, after deducting the net earnings of said road or adding the net deficiencies, if operated by the trustees of the

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gagees may redeem prior mortgages. R.S., c. 51, § 60. 66 Me., 507.

Trustees to call a meeting for that purpose, and how mortgagees may vote to redeem. R.S., c. 51, § 61.

—each may contribute his proportion.

—or any other may for him.

If no meeting, or if they refuse, any one interested in subsequent mortgage, may redeem. R.S., c. 51, § 62.

Delinquents may afterwards pay their proportions and be restored to their rights. R.S., c. 51, § 63.

—those redeeming, may become a new corporation.

How the stockholders of the old corporation may redeem such prior mortgage; what they must pay, and when. R.S., c. 51, § 64. 54 Me., 185.

**CHAP. 51.** subsequent mortgage; and said stockholders may demand of said trustees an accurate account of the receipts and expenditures and amount due on the mortgage, and have the same remedies for a failure as in case of mortgages of real estate. After such redemption, the redeeming stockholders have all the rights of those from whom they redeemed.

Non-contributors may pay and be restored to their rights. R.S., c. 51, § 65.

SEC. 103. The stockholders redeeming as aforesaid, shall give notice to the stockholders who have not contributed thereto; and the latter shall have the same rights as hereinbefore provided in the case of bondholders.

Prior mortgages may extend time of redeeming, after foreclosure is commenced. R.S., c. 51, § 66.

SEC. 104. The persons interested in a prior mortgage on which a foreclosure is commenced, at a meeting called for the purpose, may extend the time of redemption; and thereupon the trustees of such mortgage, by a suitable writing, delivered to the party entitled to redeem, shall extend the time accordingly.

#### RIGHTS OF PURCHASERS UNDER A SALE OF RAILROAD AND FRANCHISE.

When railroad and franchise or right of redemption are sold, purchaser to have rights of original corporation. 1883, c. 166, § 1. R.S., c. 51, § 67.

SEC. 105. When the franchise of a railroad and its road, wholly or partly constructed, or the right of redeeming the same from a mortgage thereof, are sold by a decree of court, by a power of sale in a mortgage thereof, or on execution, the purchasers have all the rights, powers and obligations of the corporation, under its charter, and may form a new corporation in the manner hereinbefore provided. If the original corporation or those claiming under it have a right to redeem, they may do so in the manner provided for the redemption of mortgaged real estate; but shall pay in addition to the amount of the sale and interest, the reasonable expenditures made by the new corporation in completing, repairing and equipping said road, and in the purchase of necessary property therefor, after deducting the net earnings thereof.

—such corporation may redeem, and how and when.

SEC. 106. The trustees of bondholders or other parties under contract with them operating a railroad, and all corporations formed in the modes hereinbefore provided, have the same rights, powers and obligations as the old corporation had by its charter and the general laws; but all said rights and privileges are also subject to amendment, alteration or repeal by the legislature, and to all the general laws concerning railroads, notwithstanding anything to the contrary in the original charter.

Trustees operating a road, and all new companies, have rights and obligations of original corporation, subject to alterations by law. R.S., c. 51, § 68. 66 Me., 509.

SEC. 107. The original corporation shall exist, after the foreclosure of the mortgage, for the sole purpose of closing its unsettled business; and the right of action against it or its stockholders is not thereby impaired; but in suits founded on any of the bonds or coupons secured by the mortgage, the proportional actual value of the property taken under the mortgage shall be deducted.

Original corporation continues, to close business, and for suits. R.S., c. 51, § 69. 66 Me., 507.

SEC. 108. The supreme judicial court, in addition to the jurisdiction specifically conferred by this chapter, has jurisdiction, as in equity, of all other matters in dispute, arising under the preceding sections relating to trustees, mortgages, and the redemption and foreclosure of mortgages; but not to take away any rights or remedies that any party has and may elect to enforce at law; and in all proceedings relating to trustees or to

Supreme court has equity jurisdiction of all disputes, but not to take away rights at law, and to follow law of

mortgages, their foreclosure and redemption, not otherwise specifically provided for herein, the law relating to trusts and mortgages of real estate may be applied.

SEC. 109. Sections eighty-five to one hundred and eight, each inclusive, apply to and include all mortgages of franchises, lands, property hereditaments and rights of property of every kind whatever, whether heretofore given or hereafter to be given by any corporation to trustees, to secure the payment of scrip or bonds of said corporation, in all cases in which the principal of said scrip or bonds has been due and payable for more than three years, and remains unpaid in whole or in part, or on which no interest has been paid for more than three years, in the same way and to the same extent as if the mortgage had been legally foreclosed, subject to all rights of redemption, as provided in section ninety-five; and the holders of said scrip or bonds shall have the benefit of said sections, and all the rights and powers of the corporation under its charter, and may form a new corporation in the manner provided in this chapter, whenever the holders of such scrip or bonds to an amount exceeding one half of the same so elect; in writing.

SEC. 110. A corporation formed by the holders of such scrip or bonds, or if no such corporation has been formed, the holders of not less than a majority of such scrip or bonds may commence a suit in equity to foreclose such mortgage, and the court may decree a foreclosure thereof, unless the arrears are paid within such time as the court orders.

SEC. 111. The capital stock of such new corporation shall be equal to the amount of unpaid bonds and overdue coupons secured by such mortgage, taken at their face at the time of the organization of the new corporation, together with the amount required to redeem any prior mortgage, and shall be divided into shares of one hundred dollars each. All stock issued under the aforesaid provisions shall be taken and considered as paid for in full, and shall not be liable to further assessment; and no person, taking or holding the same, shall by reason thereof be liable for the debts of such corporation.

SEC. 112. Any corporation, formed under this chapter by the holders of railroad bonds, may acquire, by purchase, the right of redemption under the mortgage securing such bonds.

#### RAILROAD COMMISSIONERS.

SEC. 113. The governor, with the advice and consent of council, shall appoint three railroad commissioners, who shall act as a board and hold their offices for three years; two of them shall be experienced in the construction and management of railroads, and one of them shall be an engineer. Their compensation shall be five dollars a day while actually employed in their official duties, to be paid by the railroads on which their services are rendered.

SEC. 114. A majority of the board, annually, between the first of April and October, and at any other time on application or whenever they think necessary, shall carefully examine the tracks, rolling stock, bridges, viaducts and culverts of all railroads; shall give a certificate

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trusts and mortgages. R.S., c. 51, § 70.

Preceding sections to apply to mortgages of corporations given to trustees, as if legally foreclosed. 1878, c. 53, § 1. 1883, c. 166, § 3.

—rights and powers of holders of scrip and bonds.

Holders of unpaid scrip over-due for three years, and of bonds, may foreclose mortgage. 1883, c. 166, § 4.

Amount of capital stock of new corporation. 1883, c. 174.

—value of shares.

—not liable to further assessment.

New corporation may buy right of redemption. 1883, c. 166, § 2.

Railroad commissioners, their appointment, tenure, and compensation, and by whom paid. R.S., c. 51, § 71. See 1879, c. 125, § 2.

Board to examine railroads and rolling stock, when necessary, and

**CHAP. 51.** thereof to the clerk of the corporation, therein stating the condition of the road and rolling stock, and shall annually in December make a report to the governor of their official doings, with such facts as they deem of public interest or which he may require; and all persons managing railroads shall give the board such information as they at any time request.

Corporation to file certificate of the state of its road, and pay commissioners.  
R.S., c. 51, § 73.

—penalty, and liabilities, for neglecting it.

Road unsafe, board to notify managers, and may require speed reduced and road repaired.  
R.S., c. 51, § 74.

If managers do not comply, railroad commissioners to apply to supreme judicial court to compel them, or enjoin.  
R.S., c. 51, § 75.  
See § 124.

Commissioners to prohibit passenger trains from running over railroads, when unsafe.  
1874, c. 218, § 2.

When connecting railroads do not

**SEC. 115.** The corporation shall file such certificate in the office of the secretary of state before the first day of each December and pay the commissioners for the examination, or forfeit one thousand dollars to be recovered in an action on the case, half to the State and half to the prosecutor; and if the president and directors of a railroad while guilty of such neglect, allow a passenger train to run over it, they are personally liable for any damages occasioned by a defect in said road or rolling stock; but this shall not relieve the corporation.

**SEC. 116.** If the board, at any examination, find the track, culverts, bridges or rolling stock in use so out-of-repair as to be unsafe for travellers, they shall immediately notify the managers of said road of its condition, and the time in which the repairs shall be made; and may require them to reduce the speed of all trains until the repairs are made.

**SEC. 117.** If said managers do not comply with such requirements, the commissioners shall petition the supreme judicial court in any county where the railroad extends, setting forth their examination, the condition of the road, the notice and requirement, and refusal to comply; and shall notify the attorney general or the attorney of such county, of the filing of said petition, one of whom shall appear and take charge of the proceedings in court. The court shall order a notice thereon and appoint a hearing; and after a hearing, may order such things to be done by the managers of the road as they deem necessary to secure the safety of travellers; and unless such managers execute a bond to the State, with sufficient sureties, for such sum as the court deems necessary to make the repairs, conditioned that they will, within the time fixed by the court, make the repairs or otherwise satisfy the court that they will be so made, the court shall issue an injunction on said corporation and its managers, prohibiting the running of any passenger trains over the portion of the road found to be unsafe, until the order has been complied with or revoked.

**SEC. 118.** When, in the opinion of the railroad commissioners, the passage of passenger trains over any portion of a railroad would be attended with imminent danger, they may notify the president or superintendent of such road and order the immediate stopping of all passenger trains about to run over such portion thereof. If their order is not obeyed, said commissioners shall at once apply to some justice of the supreme judicial court, who may, upon satisfactory proof of the necessity for such order, and without notice to said company, issue an injunction prohibiting the running of passenger trains over said road until further order of the court.

**SEC. 119.** When the managers of a railroad authorized to cross or connect with another road, are unable to agree therewith, as to transport-

ation of passengers and freight over their roads, and upon other matters, they may apply to said commissioners in writing, and either of them may indorse an order of notice thereon to all interested, fixing a time and place for hearing; and the applicant shall cause such order to be complied with. At such hearing, any corporation or person claiming to be interested, may be made a party and be heard thereon, though not named in the application; said commissioners have the authority of courts of law to summon witnesses, and compel their attendance and testimony, and depositions may be taken and used as in suits at law. When the hearing is closed, they shall determine and award the rates for transporting passengers, freight or cars over the road of each or over any road on which either is a common carrier by contract or otherwise, and all other matters in controversy between the two roads arising from such connecting, or crossing, or the times of doing so; and may require either party to give security to the other for the payment of balances resulting from their mutual business, on such terms as they deem equitable; and may determine that their award may be suspended, after its acceptance, at the election of the party injured by the non-performance of the conditions thereof by the other.

SEC. 120. The award shall be returned to the supreme judicial court in the county where the hearing was had, and accepted, or for good cause, rejected or recommitted. Exceptions to any ruling of the court in such proceedings may be taken and allowed within the rules of the court, except in recommitting the report; and when so allowed, a certified copy thereof and of all papers used at the hearing, shall be forthwith sent by the clerk of the court to the chief justice; and the parties shall be heard thereon by the law court in the district where the hearing was had; but if such court does not sit within thirty days after the papers are received by the chief justice, he shall, at the request of either party, detail a majority of the justices to hear the case at the time and place ordered by him; send the order to the clerk of the court where the matter is pending, and he shall enter it on the docket under the case, and that shall be sufficient notice to the parties; and the case shall then and there be heard as if at a regular law term. When the award is accepted and judgment rendered thereon, it is binding on all parties notified, whether they appeared or not, until a new award is made on another application; the court has full power to make the award effectual by process for contempt or otherwise as in equity cases; and if the corporation or managers of any such road, after they are notified of the acceptance of such award, fail to comply with it, the directors, superintendent or other agents operating the same shall be fined not less than ten nor more than fifty dollars for each day of such failure, to be recovered by indictment in the county where it occurs.

SEC. 121. No railroad corporation shall take the grounds occupied by any other railroad company and necessary for its use for station purposes, without its consent. When application is made to take such grounds, the railroad commissioners, upon notice and hearing thereon, shall determine whether the land proposed to be taken is necessary as

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agree as to transportation of passengers and freight, they may apply to the commissioners to make award in the matter. R.S., c. 51, § 76. —their proceedings, and the result. See § 131.

Award to be returned to court for action. R.S., c. 51, § 77. See § 131. — exceptions may be taken, and how heard.

—award, when accepted, binding; and court shall make it effectual.

—penalty.

Proceedings, when a railroad desires to locate upon grounds occupied by another company.

**CHAP. 51.** aforesaid or not, and whether any public necessity requires it to be taken.  
1872, c. 32, § 2.

The railroad commissioners, upon petition, may order the erection of a station or depot, when public convenience and necessity require it.  
1871, c. 204, § 1.  
63 Me., 274, 284.

**SEC. 122.** The railroad commissioners, upon petition of responsible parties, representing that public convenience and necessity require the erection and maintenance of a depot for freight and passengers, or a passenger station, on the line of any railroad, after fourteen days' notice by copy of said petition upon such corporation, and by publishing said petition, with the order of said commissioners thereon, in such public newspaper as is designated in said order, two weeks successively, the last publication to be prior to the time fixed for said hearing, shall hear the parties and determine whether the prayer of the petitioners shall be granted; and if such prayer is granted, they shall determine at what place or places a depot or station shall be erected, or maintained if erected, and whether for passengers or for passengers and freight.

Shall designate site and what kind of station.  
1871, c. 204, § 2.  
63 Me., 284.

**SEC. 123.** Said commissioners shall designate the site and the kind of buildings to be erected and maintained, as the case seems to demand, and the time in which such corporation shall comply with said order.

Proceedings, if company refuses to obey.  
1871, c. 204, § 3.  
63 Me., 284.

**SEC. 124.** If said corporation refuses or neglects to comply with the order of said commissioners, within the time prescribed therein, they shall enforce a compliance as provided in section one hundred and seventeen.

Costs of hearing petitioners, to be paid by losing party.  
1871, c. 204, § 4.

**SEC. 125.** In all cases heard before the commissioners under the three preceding sections, the expenses and costs attending the same, including the compensation of the commissioners, shall be paid by the corporation against whom the complaint is made, if the prayer of the petitioners is granted, but if their prayer is denied, such expenses, costs and compensation shall be paid by the petitioners. If the party against whom costs are so adjudged refuses or neglects to pay them within thirty days after such adjudication, upon complaint for such costs made by said commissioners to any justice of the supreme judicial court, such justice may cause execution to issue therefor.

Commissioners to examine into cause of serious accidents, and include results in annual report.  
R.S., c. 51, § 78.

**SEC. 126.** When a serious accident occurs on a railroad and any person is thereby injured, the commissioners shall immediately proceed to the place, and examine into the cause thereof, may send for persons and papers, and shall make a full statement of the cause and results of the accident in their annual report, and in any other manner which they think the public good requires.

#### EQUAL TRANSPORTATION FOR ALL RAILROADS.

Intersecting roads deemed connecting.  
1879, c. 94, § 1.

**SEC. 127.** Railroads intersecting or crossing at grade, shall be deemed, for all business purposes, connecting roads.

Consignor has the right to determine over what lines goods shall be forwarded.

**SEC. 128.** The owner or consignor of any freight destined to any point reached by the Portland and Rochester, Portland, Saco and Portsmouth, or Boston and Maine railroads, and their connections south and west, has at all times, at his own option, the right to direct over and by which of the above named roads his freight shall be forwarded. And any railroad in the state, by its agents or servants, receiving such freight

for transportation, shall, in billing the same, follow explicitly the directions given by the consignor as to the route by which said freight shall be forwarded. But if, for any good reason, it cannot be billed through to its destination by the road receiving such freight, it shall be billed to such convenient point or junction on its own road as may be designated by the consignor, and there delivered to such other road or person as the owner or consignor designates.

SEC. 129. Every railroad doing business in the state shall receive, forward and deliver to every other connecting railroad, without discrimination, all passengers, freight and merchandise with equal facilities and despatch, and shall transport the same at rates of fare and freight as favorable as at the time are established, made, or allowed for the passengers, freight and merchandise transported over its road only, or received from or destined to any other railroad; *provided, however*, that the Maine Central Railroad may receive the same proportion of the rates received for transportation of passengers, freight and merchandise received from or delivered to the Portland and Rochester Railroad at Morrill's Corner, in Deering, that they would have received had such passengers, freight or merchandise been received from or delivered to the Portland, Saco and Portsmouth Railroad, the Boston and Maine Railroad, or any persons at Portland, and no more.

SEC. 130. Any railroad company, chartered under the laws of this state, which refuses to receive, transport, or deliver any freight, merchandise or passengers according to the provisions of the three preceding sections, forfeits for each offence to the corporation injured, one hundred dollars, to be recovered by an action on the case in any county where said company has a place of business.

SEC. 131. The four preceding sections and sections one hundred and nineteen and one hundred and twenty, and all other sections of this chapter relating to the transportation of passengers and freight by railroad, apply to, and may be taken advantage of by any railroad in the state, whether it makes close connection with other railroads or not; and the railroad commissioners have the same authority and power as in cases where the railroads make a close and direct connection; and no railroad doing business within the state shall demand or receive of any other railroad doing business therein, whether making direct connection or not, or from passengers over the same, or from freight forwarded over the same, higher rates of fare or freight than it demands or receives from any other railroad within the state.

SEC. 132. No rebate, drawback, allowance or other advantage shall be made or extended by any railroad in favor of another railroad doing business over the same, by which the operation of the preceding section shall be changed or affected, or by which one railroad doing business over it, shall receive any greater advantage than any other railroad doing business over the same.

SEC. 133. Any railroad company chartered under the laws of the state, which refuses to receive, transport or deliver any freight, merchandise or passengers according to the two preceding sections, and under

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—directions of consignor to be followed by railroad company in billing freight. 1879, c. 94, § 2. See § 131.

Railroads not to discriminate between passengers and freight transported entirely over their lines, and those destined for other roads. 1879, c. 94, § 3.

—proviso.

—proportion of rates that Maine Central railroad shall receive in certain cases.

Forfeiture of any company chartered by law of this state not complying with foregoing provisions. 1879, c. 94, § 4.

Sections 119, 120, and 127 to 130, inclusive, apply to all railroads. 1881, c. 51, § 1.

Equal advantages to be given to all railroads. 1881, c. 51, § 2.

Penalty for violation. 1881, c. 51, § 3.

**CHAP. 51.** the terms thereof, or which demands or receives from any other railroad in the state, for the transportation of its passengers or freight, any sum in excess or violation of said provisions, forfeits for each offence to any corporation injured, one hundred dollars, to be recovered by an action on the case in any county in which any of the parties thereto has a residence or place of business.

EQUAL TRANSPORTATION FOR ALL EXPRESSES.

Railroads to furnish equal facilities to all expresses. R.S., c. 51, § 79. 57 Me., 197.

—penalty.

—liability.

**SEC. 134.** Every railroad operating in the state shall furnish reasonable and equal facilities and accommodations to all persons engaged in express business for transportation of themselves, agents, servants, merchandise and other property; for the use of their depots, buildings and grounds, and for exchanges at points of junction with other roads, under a penalty not exceeding five hundred dollars, to be recovered by indictment; and are liable to the aggrieved party in an action on the case for damages.

TOWNS MAY AID IN THE CONSTRUCTION OF RAILROADS.

City or town by two thirds vote may raise five per cent. of valuation to aid in construction of road. —may make contracts. 1879, c. 134. [See Amendment xxii.] 67 Me., 298.

—vote, how taken and declared.

—duty of clerk and of town officers.

Provisions for payment of loan. R.S., c. 51, § 82.

How meetings in cities shall be called, and votes cast and counted. R.S., c. 51, § 83.

To vote only once a year on same question. 1871, c. 216.

**SEC. 135.** A city or town by a two thirds vote, at any legal meeting called for the purpose, may raise by tax or loan, from time to time, or all at once, a sum not exceeding in all five per cent. on its regular valuation for the time being, to aid in the construction of railroads, in such manner as it deems proper, and for such purpose may contract with any person or railroad corporation. At such meetings the legal voters shall ballot, those in favor of the proposition, voting "Yes," and those opposed, voting "No." The ballots cast shall be sorted, counted and declared in open town meeting, and recorded, and the clerk shall make return thereof to the municipal officers, who shall examine such return, and if two thirds of the ballots cast, are in favor of the proposition, said officers shall forthwith proceed to carry the same into effect.

**SEC. 136.** A city or town raising money by loan as aforesaid, shall raise and pay, besides the interest, each year after the third, not less than three per cent. of the principal, unless it is satisfactorily provided for in some other way.

**SEC. 137.** Meetings for the purposes aforesaid in cities, shall be called by the municipal officers, on the order of the common council, like meetings for the election of city officers; and said council shall set forth in their order the substance of the proposition to be inserted in the warrant. At such meetings, the voters shall vote in wards by ballot, those in favor of the proposition in the warrant voting "Yes," and those opposed, voting "No," and the ballots cast shall be sorted, counted and declared in open ward meeting and recorded; the clerks shall make returns thereof to the municipal officers, who shall examine the same; and if two thirds of the ballots cast are in favor of the proposition, said officers shall forthwith proceed to carry it into effect.

**SEC. 138.** Whenever a city or town has voted at any legal meeting thereof upon any question of loaning its credit to, or taking stock in, or in any way aiding any person or corporation, said city or town shall not vote again upon the same subject, except at its annual meetings.

SEC. 139. When a city or town holds stock in a railroad, the municipal officers thereof, or an agent appointed by them in writing, may vote thereon at any meeting of the corporation.

SEC. 140. Whenever any city or town in the state, in its corporate capacity, holds one fifth, or more, of the shares in the capital stock of any railroad incorporated by the legislature, any citizen thereof, being a freeholder and resident therein, is eligible as a director of such railroad company.

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Town agents may vote on town stock. R.S., c. 51, § 81. Railroads owned in part by towns, eligibility of citizens as directors. 1875, c. 35.

#### CONTRACTORS' LABORERS PROTECTED.

SEC. 141. Every railroad company, in making contracts for the building of its road, shall require sufficient security from the contractors for the payment of all labor thereafter performed in constructing the road by persons in their employment; and such company is liable to the laborers employed, for labor actually performed on the road, if they, within twenty days after the completion of such labor, in writing, notify its treasurer that they have not been paid by the contractors. But such liability terminates unless the laborer commences an action against the company, within six months after giving such notice.

Railroad companies shall require security for payment of laborers, and be liable to them, if duly notified. 1881, c. 23.

—termination of liability.

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## CHAPTER 52.

### CORPORATIONS FOR NAVIGATION BY STEAM. COMMON CARRIERS.

#### OFFICERS AND THEIR DUTIES.

- SEC. 1. Officers to be stockholders; treasurer's office to be within the state.
2. Liability for neglect and misconduct.
3. Debts not to exceed half the amount of capital.
4. Treasurer to publish amount of capital and of debts, in January, annually. Penalty for neglect, or for publishing false statement.
5. If debts exceed half the amount of capital, stockholders are liable.

#### BAGGAGE AND FREIGHT.

- SEC. 6. Boats liable for loss or damage of property, and may be attached and sold.
7. Certain sections of chapter fifty-one apply to steamboats, stage coaches, and common carriers.
8. Merchandise, unclaimed for six months, may be sold at auction.
9. Thirty days' notice of sale, how to be given.
10. Sales to be recorded.

#### PROVISIONS FOR SAFETY ON INLAND STEAMERS.

- SEC. 11. All inland steamers shall be inspected. Inspector's certificate.
12. Inspectors, their appointment, qualifications and term.
13. Steamboats, how to be constructed. Duty of inspectors.
14. Good boats, life lines, &c., to be provided. Discipline of crews.
15. Life preservers required. Floats, buckets and axes to be furnished.
16. Stair and gangway planks to be provided. Penalty for obstructing same.
17. Inspectors, duty of. May require improvements to be adopted. Shall limit number of passengers. Penalty.
18. What inspection certificate shall specify, and how to be posted.