

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

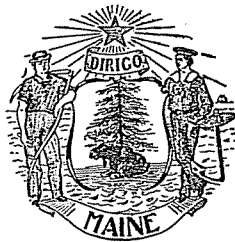
FIFTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

CHAP. 52.

—costs, how taxed.

During pendency of appeal commissioners may determine temporary conditions of crossing. 1901, c. 191.

certified by said clerk to the board of railroad commissioners for record in their office. Costs may be taxed and allowed to either party at the discretion of the court.

SEC. 78. Whenever any railroad company of any kind, whose tracks are to be constructed across the tracks of any railroad already built, shall apply to the railroad commissioners to determine in what manner and under what conditions such crossings shall be made, constructed and maintained and how the expense thereof shall be borne and an appeal is taken from the decision of the railroad commissioners thereon, the board of railroad commissioners may, if they find that public necessity and convenience require it, notwithstanding said appeal, determine the manner and conditions of construction and maintenance of such crossing during the pendency of said appeal or of any legal proceedings that may delay final decree on said application and shall issue the necessary temporary decree therefor.

Note. Duties of railroad companies in the prevention of forest fires, c. 7, §§ 60-62. Ways may not be located over land of railroad company without notice to company, c. 23, § 28. Railroad commissioners to determine whether crossing shall be at grade or not, c. 23, § 29; whether way shall be laid out across land used for station purposes, c. 23, § 31. Railroad companies may be notified and take upon themselves defense of action for damages at crossing, c. 23, § 80.

CHAPTER 52.

THE MANAGEMENT AND OPERATION OF STEAM RAILROADS.

Railroad companies may establish fares and tolls, subject to revision and alteration by the legislature or railroad commissioners. R. S., c. 51, §§ 9, 43. 53 Me., 282. 86 Me., 276.

SEC. 1. Any railroad corporation may establish and collect, 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 shall have a lien on its freight therefor; 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; and *provided further* that, 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.

Railroad tickets, good for six years. R. S., c. 51, § 44. 60 Me., 519. 67 Me., 165. 72 Me., 389. 84 Me., 286.

—special tickets.

Railroad tickets, cancellation and exchange of. R. S., c. 51, § 45.

SEC. 2. 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 issued; *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.

SEC. 3. 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 passenger trains, and when practicable, printed upon the tickets. And 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.

SEC. 4. No person other than a duly authorized agent of the railroad company issuing the same shall sell, offer for sale, or loan any railroad mileage books or any coupons therefrom, or any other railroad ticket limited to the use of a person or persons thereon specified at the time of its issuance by the railroad company, under a penalty of not less than ten, nor more than one hundred dollars for each offense, to be recovered on complaint.

Sale of mileage books and limited tickets, regulated. 1899, c. 69, § 1.

SEC. 5. No person, other than one specified in any railroad mileage book, or other railroad ticket, limited to the use of a person or persons specified thereon, at the time of its issuance by the railroad company, shall offer for passage or in payment for transportation on any railroad, any such mileage book, or coupons therefrom, or any other railroad ticket limited as aforesaid, under a penalty of not less than one, nor more than ten dollars for each offense, to be recovered on complaint.

Use of such books and tickets restricted to persons specified. 1899, c. 69, § 2. —penalty.

SEC. 6. Any railroad company which shall issue a mileage book limited to a person or persons named therein, shall, upon presentation thereof by the person to whom such book was issued or his legal representatives, at some one or more of its principal stations in each county through which its road runs, to be designated by such company, at any time after one year from the time when such book was issued, redeem all the coupons then attached to such book at the same rate a mile for which such mileage book was sold.

Limited mileage books shall be redeemed within one year after issue. 1899, c. 69, § 3.

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

SEC. 7. No person is entitled to transportation over a railroad, street railroad, or upon any steamboat or ferry, who does not on demand first pay the established fare. Whoever fraudulently evades payment by giving a false answer or by traveling beyond the place to which he has paid, or by leaving a train, street railroad car, steamboat or ferry, without paying, forfeits not less than five, nor more than twenty dollars, to be recovered on complaint.

Penalty for evading payment of fare. R. S., c. 51, § 78. 1901, c. 153, § 3. 53 Me., 282. 92 Me., 406. See c. 53, § 18.

SEC. 8. 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.

No person to loiter in any railroad car, or steamboat station or grounds. R. S., c. 51, § 79. See c. 53, § 18. —penalty.

SEC. 9. 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.

Copies of law to be posted. R. S., c. 51, § 80. See c. 53, § 18.

TRANSPORTATION REGULATED.

SEC. 10. Railroads intersecting or crossing at grade, shall be deemed, for all business purposes, connecting roads.

Intersecting roads deemed connecting. R. S., c. 51, § 127.

SEC. 11. 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

Trains due at same hour at crossing must wait and give

CHAP. 52.

time to
change
baggage.
R. S., c. 51, § 41.
47 Me., 200.

Railroads
shall receive
and forward
passengers
and freight
without dis-
crimination.
R. S., c. 51, § 129.

—proviso.

—proportion
of rates that
Maine Cen-
tral Railroad
shall receive
in certain
cases.

Penalty for
not complying
with foregoing
provisions.
R. S., c. 51, § 130.

Chap. 51, §§ 57, 58
and §§ 10, 12, 13,
apply to all
railroads.
R. S., c. 51, § 131.

Equal
advantages
to be given to
all railroads.
R. S., c. 51, § 132.

Penalty for
violation.
R. S., c. 51, § 133.

Railroads
to furnish
equal facili-
ties to all
expresses.

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 offense, not less than ten, nor more than fifty dollars, to be recovered on complaint or by indictment.

SEC. 12. 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 Boston and Maine Railroad at Deering Junction that it would have received had such passengers, freight or merchandise been received from or delivered to the Boston and Maine Railroad or any persons at Portland, and no more.

SEC. 13. 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 section ten or of the preceding section, forfeits for each offense 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. 14. The two preceding sections, section ten and sections fifty-seven and fifty-eight of chapter fifty-one, 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. 15. 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. 16. 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 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 offense 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.

SEC. 17. 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

CHAP. 52.

and other property; for the use of their stations, 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.

SEC. 18. No railroad having established its business upon a line shall substantially deviate from the track as originally built without the consent of the legislature or the railroad commissioners, 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.

SEC. 19. 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.

SEC. 20. 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, 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.

SEC. 21. 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 tracks, bridges, rolling-stock and other append-

R.S., c. 51, § 134.
57 Me., 197.
81 Me., 94.
—penalty.
—liability.

Prohibition
against
change of
location of
railroad
tracks, or
refusal to
operate road.
R. S., c. 51, § 46.
1893, c. 193, § 3.

Order of
notice to be
served on
railroad
corporations
neglecting to
run trains.
R. S., c. 51, § 47.

—notice to
be given to
attorney
general.

—court shall
appoint a
hearing.

—receivers
shall be
appointed,

—and shall
give bond.

Notice of
appointment.
R. S., c. 51, § 48.

—duties.

—authority.

Receivers,
authorized to
raise money
by loan, to re-
pair railroad.
R. S., c. 51, § 49.

CHAP. 52.

—lien created, for payment of loan.

Railroad to be restored to corporation, on certain conditions.
R. S., c. 51, § 50.

—proviso.

Railroad commissioners may decide amount due receivers.
R. S., c. 51, § 51.

Vacancies in office of receivers, how filled.
R. S., c. 51, § 52.

Questions of law, how determined.
R. S., c. 51, § 53.

Fences, how and where made.
R. S., c. 51, § 36.
See c. 53, § 18.

—liability for injuries, and how recovered.

ages, 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, roadbed, 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.

SEC. 22. 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 said 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.

SEC. 23. 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.

SEC. 24. 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.

SEC. 25. 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 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.

FENCES AND TRESPASSES ON ADJOINING LANDS.

SEC. 26. Where a railroad passes through enclosed 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. (a)

SEC. 27. The owner of any enclosed 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. 28. 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 enclosure 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. 29. 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.

Line fences to be built on notice of abutter.
R. S., c. 51, § 37.
See c. 53, § 18.
39 Me., 276.
60 Me., 244.
82 Me., 124.
—penalty for neglect.

Injuring fences or turning animals into railroad enclosure.
R. S., c. 51, § 38.
See c. 53, § 18.

Company liable for trespasses on adjoining land.
R. S., c. 51, § 39.
See c. 53, § 18.
59 Me., 534.
62 Me., 433.

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

SEC. 30. No railroad 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 the consent of the legislature. But the foregoing provision shall not be construed to prevent contracts between corporations allowing the trains of one to run over the road of another, both corporations assenting thereto. On a complaint of a violation of these provisions by any person, the attorney general shall file an information in the nature 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 Saint Lawrence Railroad in New Hampshire and Vermont; nor is any mortgage, made to secure payment of the debt of said corporation, affected thereby.

SEC. 31. Shares in the capital of such corporations are personal estate, and may be transferred in the same manner and with the same rights as shares in other corporations are transferred.

SEC. 32. 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 defense of usury shall, for that cause, be admitted.

SEC. 33. 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.

Assignment or lease of road without consent of legislature forbidden.
R. S., c. 51, § 54.
1899, c. 1.
See c. 53, § 18;
c. 47, § 34.

—exceptions.

Shares, how transferred.
R. S., c. 51, § 55.
See c. 53, § 18.
See c. 47, § 34.

Bonds may be issued and sold at less than par.
R. S., c. 51, § 56.
See c. 53, § 18.

Rights of holders of coupons.
R. S., c. 51, § 57.
See c. 53, § 18.
49 Me., 516.

(a) 29 Me., 308; 39 Me., 276; 46 Me., 166; 59 Me., 534; 60 Me., 243; 63 Me., 309; 65 Me., 338; 82 Me., 124; 87 Me., 306, 327.

CHAP. 52.

Damages by foreign railroad company leasing any railroad.
R. S., c. 51, § 58.

—supreme judicial court may compel payment.

Judgment creditor, remedy of, against lessors.
R. S., c. 51, § 59.

SEC. 34. When any foreign railroad 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.

SEC. 35. 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.

THE ELECTION, POWERS AND DUTIES OF TRUSTEES OF MORTGAGES.

Trustees of railroads, vacancies, how filled.
R. S., c. 51, § 85.
50 Me., 561.
69 Me., 398.
72 Me., 74.
74 Me., 425.
85 Me., 88.

—supreme judicial court may affirm elections, and enforce decrees.

SEC. 36. 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.

What constitutes a breach of mortgage.
R. S., c. 51, § 86.

—trustees to call meeting of bondholders and how notified.
50 Me., 561.
52 Me., 99.
85 Me., 88.

SEC. 37. 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.

Bondholders have one vote for every \$100 of bonds.
R. S., c. 51, § 87.

SEC. 38. 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, § 88.

SEC. 39. 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.
R. S., c. 51, § 89.
See c. 79, § 6, ¶ vi.

SEC. 40. 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 roll-

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

ing-stock as is necessary, and the balance, after paying running expenses, shall be applied to the payment of any damages arising from misfeasance 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. 41. 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.

—receipts,
appropriated.

—trustees not
liable; when
to surrender
road.
59 Me., 48.
76 Me., 274.

Trustees to
call meetings
of bond-
holders, and
report.
R. S., c. 51, § 90.

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

FORECLOSURE AND REDEMPTION OF MORTGAGES.

SEC. 42. 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.

How and
when rail-
road mort-
gages may be
foreclosed.
R. S., c. 51, § 91.
See c. 47, § 69.
50 Me., 561.
54 Me., 184.
59 Me., 20, 47, 69.
66 Me., 491, 507.
88 Me., 90.

SEC. 43. 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.

Presentation
of overdue
bonds and
coupons for
record.
R. S., c. 51, § 92.

SEC. 44. 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 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)

Foreclosure
constitutes
holders a cor-
poration, and
trustees shall
convey to it.
R. S., c. 51, § 93.

(a) 59 Me., 70; 66 Me., 507; 74 Me., 426; 88 Me., 90.

CHAP. 52.

First meeting
of new
corporation.
R. S., c. 51, § 94.
66 Me., 507.
88 Me., 90.

—may adopt
new name.

—may take
possession
and have
the use of
mortgaged
property.

SEC. 45. 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 sixty.

NEW CORPORATION MAY REDEEM PRIOR MORTGAGES.

New corpo-
ration may
vote to
redeem prior
mortgage,
and make
assessments
therefor.
R. S., c. 51, § 95.
66 Me., 507.
See § 60;
c. 47, § 69.

SEC. 46. 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.

Sale of
stock for
non-payment.
R. S., c. 51, § 96.
66 Me., 507.

SEC. 47. 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 canceled, 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.

Application
of funds.
R. S., c. 51, § 97.

SEC. 48. 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.

REDEMPTION OF PRIOR MORTGAGES BY SUBSEQUENT MORTGAGES.

When and
how subse-
quent mort-
gages may
redeem prior
mortgages.
R. S., c. 51, § 98.
See c. 47, § 69.
66 Me., 507.

SEC. 49. 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 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.

Trustees
to call a
meeting
and how
mortgagees

SEC. 50. 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

CHAP. 52.

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.

SEC. 51. 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 person so paying.

SEC. 52. 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. 53. 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 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.

SEC. 54. 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.

SEC. 55. 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.

may vote to
redeem.
R. S., c. 51, § 99.

—each may
contribute his
proportion.

—or any
other may
for him.

Any one
interested in
subsequent
mortgage,
may redeem.
R. S., c. 51, § 100.

Delinquents
may after-
wards pay
their propor-
tions and
be restored
to their
rights.
R. S., c. 51, § 101.

—those
redeeming,
may become
a new
corporation.

Redemption
by stock-
holders
of the old
corporation.

—what they
must pay,
and when.
R. S., c. 51, § 102.
54 Me., 185.

Notice to
non-contri-
butors.
—their rights.
R. S., c. 51, § 103.

Extension
of time of
redemption
after fore-
closure is
commenced.
R. S., c. 51, § 104.

RIGHTS OF PURCHASERS UNDER A SALE OF RAILROAD AND FRANCHISE.

SEC. 56. 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

Purchasers
at sale to
have rights
of original
corporation.

CHAP. 52.

R. S., c. 51, § 105.
See c. 47, § 69.
88 Me., 91.

—such
corporation
may redeem.

Succession to
rights and
obligations of
original
corporation,
subject to
alterations
by law.
R. S., c. 51, § 106.
66 Me., 509.

Original
corporation
continues,
to close
business, and
for suits.
R. S., c. 51, § 107.
66 Me., 507.

Supreme
court has
equity juris-
diction of all
disputes.
—rights at
law preserved.
R. S., c. 51, § 108.
85 Me., 88.

Preceding
sections to
apply to
mortgages of
corporations
given to
trustees,
as if legally
foreclosed.
R. S., c. 51, § 109.
See c. 47, § 69.
171 U. S. 641.
88 Me., 92.

See § 45;
c. 53, § 18.

1887, c. 103.

Holders of
unpaid scrip
and bonds
may foreclose
mortgage.
R. S., c. 51, § 110.
88 Me., 96.

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.

SEC. 57. 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.

SEC. 58. 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.

SEC. 59. 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 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. 60. Sections thirty-six to fifty-nine 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 forty-six; 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. And any subsequent foreclosure, in any method provided by law, of the mortgage given to secure such bonds or scrip, shall inure at once for the benefit of such corporation, and vest therein the title acquired by such foreclosure.

SEC. 61. 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. 62. 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.

Amount of capital stock of new corporation. R.S., c.51, § 111.

—value of shares.

—not liable to further assessment.

SEC. 63. 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.

New corporation may buy right of redemption. R.S., c.51, § 112. 88 Me., 91.

SEC. 64. Whenever any railroad corporation, by foreclosure of a mortgage or in any other method authorized by law, has finally parted with its franchise to construct, operate and maintain the railroad described in its charter, any stockholder may maintain a suit in equity in the supreme judicial court for the winding up of the affairs and dissolution of such corporation. In such case the court shall order such notice to all parties interested as it may deem proper and proceed according to the usual course of suits in equity. But no trustee shall be appointed, except upon motion of some party to the proceedings and then only in the discretion of the court.

When franchise lost, stockholders may maintain suit in equity for dissolution. 1901, c. 154.

—notice.

—trustee.

ACCIDENTS.

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, § 65.

SEC. 66. Whenever a serious accident occurs within the state to any passenger or freight train on any railroad, whether any person be fatally injured or otherwise, notice thereof shall be given immediately by telegraph, if practicable, otherwise in writing, by the officers of the company operating the railroad on which the accident occurred, to the railroad commissioners.

The commissioners shall be notified immediately of accidents. 1891, c. 120, § 2. See c. 53, § 18.

SEC. 67. In the event of any such accident, the railroad commissioners, or the chairman thereof, shall, if they or he deem the public interests require it, cause an investigation to be made forthwith by the board, which investigation shall be held in the locality of the accident, unless, for reasons touching the convenience of all concerned, the commissioners shall order it to be commenced at some other place; but in either case, the investigation may be adjourned to some other suitable and convenient place. The board or the chairman thereof, shall seasonably notify the officers of the company, and also, if the accident shall have resulted fatally to one or more persons, the county attorney of the county where the accident occurred, of the time and place of the investigation. The board shall have power to issue subpoenas for witnesses, and the testimony of each witness shall be taken before a sworn stenographer and written out in full and signed by the witness either at the time of the investigation, or as soon thereafter as practicable. Prefixed to his signature shall be a statement that the deposition has been carefully read by the witness, or carefully read to him, before signing. Immediately after the investigation the board

If public interests require it, commissioners shall make investigation. 1891, c. 120, § 3. See c. 53, § 18.

—notice to county attorney.

CHAP. 52.

—shall make special report.

—costs, how paid.

When notice is given county attorney, authority of coroners ceases. 1891, c. 120, § 4. See c. 53, § 18.

Corporation or person interested, may be heard, with witnesses and other proofs. 1891, c. 120, § 5. See c. 53, § 18.

—fees, how paid.

shall make a special report, stating what it finds to be the cause of the accident, transmit copies thereof to such county attorney, and the railroad corporation concerned, and publish the same in its annual report. The taxable costs of the investigation shall be made up and certified to the governor and council by the board, and the same shall be paid by the state. Witnesses in all such cases shall be allowed the same fees as in the supreme judicial court.

SEC. 68. Whenever, in consequence of any such accident having resulted fatally to one or more persons, notice shall have been given by the board or the chairman thereof to the county attorney of its intention to investigate as herein provided; the authority of all coroners over the case shall cease; and thereafter, no coroner nor any jury summoned by him, shall proceed further with reference thereto.

SEC. 69. Any corporation, or person interested in the subject matter of the investigation, may be present and heard at the same, either in person or by counsel, and with witnesses and other proofs; and shall be entitled to the aid of the board in securing the attendance of witnesses, the fees of such witnesses, nevertheless, to be paid by the corporation or person securing their attendance, except so far as the board shall find that justice requires that the same shall be paid by the state; and such corporation or person shall be entitled to a copy of the whole or any portion of the proceedings or report of the board, and of the evidence taken by it, on paying the reasonable cost of making the same.

PROVISIONS FOR SAFETY.

Number of brakemen. R. S., c. 51, § 61.

Danger signals, where disconnected cars are left on track. R. S., c. 51, § 62.

Penalty for violation of § 71. R. S., c. 51, § 63. —attorney general shall prosecute. —exception.

Railroad liable for damages by fire from locomotives. R. S., c. 51, § 64. 1865 U. S. 13.

—railroad entitled to benefit of any insurance. 1895, c. 79.

SEC. 70. No train of passenger cars, moved by steam, shall be run without one trusty and skilful brakeman to every two cars.

SEC. 71. 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 employees of the corporation owning or operating the road.

SEC. 72. A railroad corporation violating any provision of the preceding section, forfeits for each offense, 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 street railroads.

SEC. 73. 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. But such corporations shall be entitled to the benefit of any insurance upon such property effected by the owner thereof less the premium and expense of recovery. The insurance shall be deducted from the damages, if recovered before the damages are assessed, or, if not, the policy shall be assigned to such corporation, which may maintain an action thereon, or prosecute, at its own expense, any action already commenced by the insured, in either case with all the rights which the insured originally had. (a)

(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; 76 Me., 274; 78 Me., 417, 480; 85 Me., 505; 86 Me., 422; 87 Me., 412; 90 Me., 156; 91 Me., 95; 93 Me., 58; 94 Me., 173.

CHAP. 52.

SEC. 74. Whoever, having charge of a locomotive engine, or acting as conductor, brakeman, motorman or switchman, is intoxicated while employed on a railroad, shall be fined not exceeding one hundred dollars, or imprisoned not exceeding six months.

Intoxication of train officer, engineer or switchman, punished.
R. S., c. 51, § 66.
See c. 53, § 18.

SEC. 75. 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. (a)

Negligence of employee, punished.
R. S., c. 51, § 67.
See c. 53, § 18.

SEC. 76. No railroad corporation shall be liable for the death of a person walking or being on its road contrary to law, or to its valid rules and regulations.

No liability for death of person walking on road.
R. S., c. 51, § 69.

SEC. 77. Whoever without right, stands or walks on a railroad track or bridge, or passes over such bridge except by railroad conveyance, forfeits not less than five, nor more than twenty dollars, to be recovered by complaint; and whoever, without right, enters upon any railroad track with any team, or any vehicle however propelled, or drives any team or propels any vehicle upon any railroad track, shall be punished by fine of not less than fifty dollars, or by imprisonment not less than thirty days.

Forfeiture for standing or walking on track or bridge.
R. S., c. 51, § 70.
1893, c. 238.
—for entering upon track with team.

SEC. 78. 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 offense.

Printed copy of preceding section to be posted.
R. S., c. 51, § 71.

SEC. 79. Any person, other than a servant or employee 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.

Punishment for stranger getting upon or leaving train when in motion.
R. S., c. 51, § 72.

—liability of corporation not affected.

SEC. 80. Whoever behaves in a disorderly or riotous manner while on any train of railroad cars, street railroad car, steamboat or ferry, or uses indecent or profane language in such car, steamboat or ferry, 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 provided by law.

Penalty for disorderly conduct on any public conveyance.
R. S., c. 51, § 73.
1901, c. 153, § 1.
87 Me., 393.

SEC. 81. The conductor of a train of cars on any railroad or of a street railroad car, or the officer in charge of any steamboat or ferry, may arrest and temporarily hold any person guilty of such a breach of the peace until a warrant can be obtained or he can be placed in the custody of the proper officers of the law.

Officer in charge may arrest and hold such offenders.
R. S., c. 51, § 74.
1901, c. 153, § 2.

SEC. 82. Every railroad corporation operating a railroad or part of a railroad in the state, shall adjust, fill or block the frogs and guard-rails on its track, with the exception of guard-rails on bridges, in a manner satisfactory to the board of railroad commissioners, so as to prevent the feet of the employees from being caught therein. Any railroad corporation failing so to do, shall be punished by a fine of not less than one hundred, nor more than five hundred dollars.

Frogs and guard-rails to be blocked for protection of employees, 1889, c. 216.
93 Me., 80.

—penalty.

SEC. 83. No passenger, mail or baggage car on any railroad in the state shall be heated by any method of heating or by any furnace or heater, unless such method or the use of such furnace or heater shall first have

Method of heating cars shall be approved by commissioners, 1889, c. 275, § 1.

(a) 43 Me., 270; 57 Me., 218; 63 Me., 70.

CHAP. 52.

—experiments
may be
permitted.

Lighting by
naphtha,
prohibited.
1889, c. 275, § 2.

Penalty for
violation.
1889, c. 275, § 3.

Highways,
how to be
passed.
R. S., c. 51, § 75.
1895, c. 165, § 2.
59 Me., 190.
80 Me., 430.
81 Me., 267.
87 Me., 547.

Safety
switches and
switch lights
at every sid-
ing.
1887, c. 76, § 1.

Penalty for
changing
switch or
lights.
1887, c. 76, § 2.

Railroad
signals,
penalty for
injuring or
tampering
with.
1903, c. 17.

Speed
at railroad
crossings.
R. S., c. 51, § 76.

—signals
to warn
approaching
trains.

—penalty for
violation.

Regulations
at railroad
crossings.
1885, c. 336.

—signals for
approaching
trains.

been approved in writing by the board of railroad commissioners; *provided, however*, that in no event shall a common stove be allowed in any such car; and *provided also*, that any railroad corporation may, with the permission of said board, make such experiments in heating their passenger cars as said board may deem proper.

SEC. 84. No passenger car on a railroad shall be lighted by naphtha, nor by an illuminating oil or fluid made in part of naphtha, or which will ignite at a temperature of less than three hundred degrees Fahrenheit.

SEC. 85. Any railroad corporation violating any provision of the two preceding sections forfeits not exceeding five hundred dollars.

SEC. 86. 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, unless the parties operating the railroad maintain a flagman, or a gate or automatic signals ordered or approved by the railroad commissioners, at the crossing of such highway. 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 offense.

SEC. 87. Every railroad company running express trains in this state, shall place safety switches of an approved sort at every siding connecting with the main track; switch lights shall also be maintained throughout that portion of every railroad where trains are run after dark.

SEC. 88. Whoever, without authority, shall alter, change, or in any manner interfere with any safety switch or switch lights on any railroad, shall be liable to a fine of not less than one hundred dollars, or imprisonment for not less than sixty days.

SEC. 89. Whoever intentionally and without right injures, destroys or molests any signal of a railroad corporation, or any line, wire, post, lamp or other structure or mechanism used in connection with any signal on a railroad, or destroys or in any manner interferes with the proper working of any signal on a railroad, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding two years.

SEC. 90. When one railroad crosses another on the same grade, every engineman 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 engineman, conductor, or person in charge of the train violating this provision forfeits, for each offense, one hundred dollars, and the corporation on whose road the offense is committed forfeits two hundred dollars.

SEC. 91. When railroads cross each other at grade, the parties operating the railroad last located there, shall build and maintain a suitable signal station at such crossing, at which a competent signal officer shall be kept at the joint expense of the parties operating the railroads. The signal shall not be set for a train to cross, until the engine of such train shall have arrived within five hundred feet of the intersection and stopped; and no train or engine shall cross the track of the other road, until the proper signal for it to cross shall have been set in position by the signal officer.

Only one train or engine shall be allowed to cross under one setting of the signal unless coming from opposite directions on the same railroad. When the signal has been set for the trains on one of the railroads, it shall not be changed until those trains shall have passed entirely over the crossing. When trains on both railroads approach the crossing at about the same time, preference shall be given to passenger trains and the signal shall be set for the trains on each road in alternate order.

—preference given to passenger trains at crossings.

SEC. 92. The board of railroad commissioners may, on the application of any railroad corporation whose road crosses another railroad at the same level, after due notice and hearing of the parties, authorize the applicant to establish and maintain a system of interlocking or automatic signals, at any crossing of said roads, at its own expense, and erect and maintain the necessary wires, rods, signal posts and signals, in such manner as the board shall prescribe. And when such system is established, and has been approved in writing by said board, the corporation establishing the same, and its railroad, shall be excepted, as to that crossing, from the provisions of the two preceding sections, so long as the railroad commissioners shall continue their approval.

Automatic signals may be established at railroad crossings. 1893, c. 227, § 1. 89 Me., 563.

—any railroad, establishing such system, shall be exempt from provisions of §§ 90 and 91.

SEC. 93. Whenever, after the establishment and approval of such system of signals, the party owning or operating said other railroad at such crossing shall have paid to the corporation by which said signals were established such part of the cost for establishing the same as shall, after hearing on petition of the party owning or operating said other railroad, be awarded by the board of railroad commissioners, both railroads shall be excepted, as to that crossing, as provided in the preceding section, from the provisions of sections ninety and ninety-one. Until such payment said other railroad corporation shall contribute toward the expense of operating said signals, in semi-annual payments, a sum equal to the cost to it of operating the signals used by it at said crossing before the establishment of the signals herein provided for. After payment of the award aforesaid the expense of maintaining and operating the same shall be borne by the two railroad corporations according to the proportions fixed by the award for paying the original cost of the signals. And said award, so far as it relates to the cost of maintaining and operating said signals, may, at the request of either party, be revised after an interval of five years from the original award or from the award next preceding such request.

When both such railroads may be exempt from provisions of §§ 90 and 91. 1893, c. 227, § 2.

—how expense of such system shall be paid.

—when award for payment of cost of signals, may be revised.

SEC. 94. 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 safety and convenient access to and use of such station for ordinary station purposes.

Location of railroad near the station of another company, forbidden. R. S., c. 61, § 77. 65 Me., 123.

RAILROAD EQUIPMENT.

SEC. 95. In any contract for the sale of equipment or rolling-stock for a railroad of any kind, it shall be lawful to agree that the title to the property sold or contracted to be sold, although possession thereof may be delivered immediately, or at any time or times subsequently, shall not vest in the purchaser until the purchase price shall be fully paid, or that the seller shall have and retain a lien thereon for the unpaid purchase money. And in any contract for the leasing or hiring of such property, it shall be lawful to stipulate for a conditional sale thereof at the termination of such contract, and that the rentals or amounts to be received under such contract, may, as paid, be applied and treated as purchase money, and

Contract for conditional sale of railroad equipment. 1893, c. 213, § 1.

—in contract for leasing, conditional sale may be stipulated.

CHAP. 52.

--when contract shall not be valid.

Shall be evidenced by duly executed instrument.

Instrument shall be recorded.

Engines and cars leased, shall be marked with name of vendor, etc.

Contracts and declarations shall be recorded by secretary of state. 1893, c. 213, § 2. See c. 117, § 17.

Provisions of c. 113, § 5, and c. 93, shall not apply to such contracts. 1893, c. 213, § 3.

--property subject to trustee process.

Contracts made before April 29, 1893, not affected. 1893, c. 213, § 4.

--such contracts may be recorded.

that the title to the property shall not vest in the lessee or bailee until the purchase price shall have been paid in full, and until the terms of the contract shall have been fully performed, notwithstanding delivery to and possession by such lessee or bailee; *provided*, that no such contract shall be valid as against any subsequent judgment creditor, or any subsequent bona fide purchaser for value and without notice, unless:

I. The same shall be evidenced by an instrument executed by the parties and duly acknowledged by the vendee or lessee or bailee as the case may be, or duly proved, before some person authorized by law to take acknowledgment of deeds, and in the same manner as deeds are acknowledged or proved.

II. Such instrument shall be filed for record in the office of the secretary of state of this state.

III. Each locomotive engine, or car so sold, leased or hired, or contracted to be sold, leased or hired as aforesaid, shall have the name of the vendor, lessor or bailor plainly marked on each side thereof, followed by the word "owner" or "lessor" or "bailor," as the case may be.

SEC. 96. The contracts herein authorized shall be recorded by the secretary of state in a book of records to be kept for that purpose. And on payment in full of the purchase money, and the performance of the terms and conditions stipulated in any such contract, a declaration in writing to that effect may be made by the vendor, lessor or bailor, or his or its assignee, which declaration may be made on the margin of the record of the contract, duly attested, or it may be made by a separate instrument, to be acknowledged by the vendor, lessor or bailor, or his or its assignee, and recorded as aforesaid.

SEC. 97. The provisions of section five of chapter one hundred and thirteen shall not apply to any contract specified in section ninety-five, nor shall any contract specified in said section be construed a mortgage or an instrument under chapter ninety-three, requiring foreclosure and entitling the holder of property thereunder to an equity of redemption, but any personal property held under any contract specified in section ninety-five shall be subject to trustee process as provided in section fifty of chapter eighty-eight.

SEC. 98. The three preceding sections shall not be held to invalidate or affect in any way, any contract of the kind referred to in section ninety-five, made before April twenty-nine, in the year eighteen hundred and ninety-three, and any such contract theretofore made may, upon compliance with the provisions hereof, be recorded as herein provided.

Note. Provisions for foreclosure of railroad mortgages extended to certain mortgages given by other corporations, c. 47, § 69.

Proceedings for sale on execution of franchises of railroads, or their right to redeem mortgages, c. 78, § 44; c. 86, § 21.

Procedure for selling unclaimed baggage or other merchandise, c. 54, §§ 16, 17; perishable merchandise, § 15; livestock, § 19; transportation of property, title to which is in dispute, may be delayed, § 21.

Erection of electrical line along a railroad, c. 55, § 24.

Vacancies in trustees under trust deed or mortgage, how filled, c. 70, §§ 16-18.

Penalty for destruction of human life by obstruction of railroad tracks, c. 119, § 5; for breaking and entering railroad car, with intent to commit felony, c. 120, § 8; for larceny from railroad car, c. 121, § 2; for railroad strikes, c. 124, §§ 6, 7, 8; for gambling in railroad cars, c. 126, § 5; for malicious mischief to railroad cars, c. 128, § 6; to transit points or bench-marks of railroad location or survey, c. 128, § 7; to milestone or guideboard on railroad, c. 128, § 13; for wanton injury to baggage, c. 128, § 26.

Regulation of transportation of cattle and other animals, c. 125, §§ 41-45.