

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

CHAP. 49.

Company depositing securities, shall deliver up, &c. 1854, c. 63, § 5.

Duty of treasurer in case of failure of the company. 1854, c. 63, § 6.

Treasurer's fees. 1854, c. 63, § 7.

SEC. 45. When such company desires to relinquish its business out of the state, the treasurer, on application thereof, and on the oath of the president and secretary, that its assets are ample to meet all the existing demands against it, shall deliver its securities.

SEC. 46. If any such company fails, while its securities are so on deposit, the treasurer shall demand of its secretary or clerk, and he shall furnish a full and complete list of the names and residences of all policy holders and others having claims upon the company; and they shall be notified forthwith through the post-office by the treasurer, of the condition of the company; and he shall state in the notice, that the securities held by him will be disposed of, and the proceeds, after paying expenses, paid over in a ratable proportion upon their claims properly authenticated, and the time when such dividend will be made; but nothing in the foregoing provisions shall be construed to impose any liability on this state on account of any delinquency of the treasurer.

SEC. 47. Such company, on so depositing its securities, shall pay to the treasurer the sum of five dollars for each certificate granted by him; and in case of proceedings under the provisions of section forty-six, the treasurer shall retain, as compensation for the services thereby required of him, the sum of two per cent. on the amount received and disbursed by him.

CHAPTER 50.

TOLL BRIDGES.

- SEC. 1. Military companies may pass over toll bridges free; also others going to or returning from funeral, or worship on sabbath.
2. Persons exempted to give toll gatherer name and place of abode, on request. Forfeiture for refusal or giving false information.
3. Restrictions on weight of teams and droves of cattle and horses.
4. Penalty for delaying passengers.
5. Two persons only and children to pass in a carriage toll free.
6. Penalty for injuring toll gates or attempting to pass without paying toll.
7. Covered toll bridges to be lighted. Penalty for neglect.
8. Surrender of toll bridges to county, may be accepted by county commissioners. Party aggrieved may appeal.

Who may pass over toll bridges free. R. S., c. 80, § 15.

Persons exempted to inform the toll gatherer. R. S., c. 80, § 16.

SEC. 1. All military companies, with their ordnance and equipage, on days of training or review, while under arms, or in going to or returning from their place of parade, and all persons going to or from any funeral, or public worship on the sabbath, may pass over any toll bridge free of toll.

SEC. 2. Every traveler, claiming to pass any toll bridge free, shall communicate to the toll gatherer his name and place of abode, if required. Whoever refuses or omits so to do, or willfully renders a false answer, and thereby evades the payment of

his legal toll, shall forfeit to the use of the proprietors ten dollars to be recovered in an action of debt.

SEC. 3. If any person driving neat cattle or horses over any toll bridge more than fifty feet in length from one abutment, pier, or tressel part to another, without the consent of the toll gatherer, or agent of the corporation owning it, permits more than twenty neat cattle or horses to be on such bridge at the same time, or drives or transports over it any loaded cart, wagon or other carriage, the weight whereof exceeds forty-five hundred pounds, exclusive of the team and carriage, and thereby breaks it down or injures it, neither he nor the owner of any property under his charge shall recover any damages against such corporation for his loss or injury.

Restrictions on weight of teams and droves of cattle and horses.
R. S., c. 80, § 17.

SEC. 4. If a bridge corporation, or its agent, unreasonably delays or hinders any person driving any cart, wagon, sleigh or other carriage, from passing any toll gate, the corporation shall forfeit to such person not less than two, nor more than twenty dollars; to be recovered by an action on the case.

Penalty for delaying passengers.
R. S., c. 80, § 18.

SEC. 5. No more than two persons, and children with them not received for the purpose of evading the payment of toll, shall have a right to pass any toll bridge in any carriage free of the toll payable by foot passengers in addition to the toll due on the carriage.

Only two persons and children to pass in carriage toll free.
R. S., c. 80, § 19.

SEC. 6. If any person maliciously breaks down or otherwise destroys or injures any toll gate, or toll bridge, or passes or attempts to pass such gate with intent to avoid the payment of toll, when liable thereto, and it is demanded, he shall forfeit not less than five, nor more than fifty dollars to the use of the proprietors of the bridge, in addition to any actual damage caused by him; but no process shall be maintained to recover such penalty, unless the corporation has complied with the requirements of its charter, and the bridge is in repair, as public safety and interest require.

Penalty for injuring toll gates or attempting to pass without paying toll.
28 Maine, 300.
R. S., c. 80, § 35.
1849, c. 127.

SEC. 7. Every toll bridge, if in whole or in part covered, shall be suitably lighted with not less than one sufficient light for every seventy-five feet thereof in length which is covered, commencing within twenty minutes after sunset, and continuing until ten o'clock in each evening; except at the seasons of the year, if any, when toll is not demanded; and for each evening's neglect or refusal to do so, the corporation shall forfeit two dollars, to be recovered by an action of debt, in the county where any part of the bridge is situated, to the use of the person suing therefor; and shall also be liable, in a special action for damages, to any person injured thereby.

Covered toll bridges to be lighted.
Penalty for neglect.
R. S., c. 80, § 37, 38.

SEC. 8. When a toll bridge corporation offers to the county commissioners of the county or counties where it is established, to surrender its bridge free of cost or incumbrance, 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

Surrender of toll bridges to the county.
1850, c. 197.

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ed by the doings of the commissioners, as aforesaid, may have a committee or jury to determine the matter as provided in chapter eighteen.

CHAPTER 51.

RAILROADS.

PETITION AND SURVEY.

SEC. 1. Petition, what to contain; must be supported by survey of route.

REAL ESTATE, HOW TAKEN.

2. Land may be purchased, or taken as land for highways. Restrictions. Not to take meeting-house, dwellinghouse, or public or private burying ground.
3. Location to be made within time prescribed, filed with county commissioners and by them approved and recorded. Remedy for deviation from prescribed course.
4. Land taken, not to be entered upon except for surveys before location is filed and damages estimated.

DAMAGES, ESTIMATION, PAYMENT.

5. Damages to be estimated by county commissioners, on application within three years after filing of location; to be paid by corporation. Remedy after three years. Commissioners may require security for damages if requested.
6. Estimation of damages to be recorded. Notice of amount of damages assessed to be given owners, and how to be given. When no petition for alteration of damages within thirty days, proceedings closed, and no petition to be entertained after.
7. Corporation may deposit amount of damages, interest and costs with the clerk.
8. Security for damages, how to be made; remedy of owner when neglected thirty days.
9. Damages remaining unpaid more than thirty days after due, bill in equity may be filed and injunction granted.
10. Proceedings in cases of violation of injunction. Court may enter a decree against those violating.
11. When no proceedings for an estimation of damages within three years, owner of land may file bill in equity.
12. When proceedings for estimation of damages fail for cause not affecting merits, new proceedings may be commenced within one year.
13. Remedy for failure of corporation to do or omit acts required.
14. Service of process and notices how made.

CROSSINGS REGULATED.

15. Crossings of highways and streets, how to be made. Conditions and manner to be fixed by county commissioners and recorded, and notice given to selectmen. Corporation dissatisfied, may apply to governor, who may appoint commissioners, who may revise and adjudicate; their decision to be final. No crossing in a city without consent of mayor and aldermen. Crossings not so made, nuisances; directors making them personally liable.
16. Ways may be raised or lowered for crossing.
17. Neglect to perform acts required, subjects corporation to damages.
18. Crossing over or under a canal or railroad, how to be made. Liability for damage. Bridges and abutments to be kept in repair by corporation.
19. Bell or steam whistle to be kept on engine, and how to be used.
20. Boards to be placed at crossings to give notice.