

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

1858.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February  
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1858.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1858.

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## CHAP. 35.

## Chapter 35.

An act amending section twenty of chapter eighty of the revised statutes, relating to sheriffs.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Ch. 83, sec. 20,  
R. S. amended.

Section twenty of chapter eighty, of the revised statutes, is hereby amended so that it shall read

Sheriff to make  
return of emolu-  
ments to  
county treasur-  
er annually.

SECT. 20. Each sheriff, within ten days after the twentieth day of December annually, from the accounts so returned to him by his deputies, shall state a true account of the amount of such fees for travel, services and other emoluments, specifying the different classes of items accruing to his deputies, and of the amount of such fees and other emoluments accruing to himself from his deputies within the preceding year, and make a true return thereof under oath, to the treasurer of his county, and pay to him, for the use of the county, the residue, after deducting the sum allowed him in the following section.

[Approved March 26, 1858.]

## Chapter 36.

An act to secure the safety and convenience of travelers on railroads.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Railroad com-  
missioners, ap-  
pointment and  
term of office.

SECT. 1. It shall be the duty of the governor, with the advice of council, to appoint three railroad commissioners, who shall act as a board, and hold their office for the term of three years.

—their powers.

SECT. 2. Said commissioners shall have authority to examine into the condition of railroads in this state, their rolling stock, rates of speed, time tables, the times and terms of connection and junction or crossing, and the rates at which passengers and merchandize, coming from one road are transported over another, to the end that the public safety and convenience in the transportation of passengers and merchandize may be provided for and secured.

—duty when  
railroads fail to  
agree.

SECT. 3. Whenever any railroad corporations which have been or may be chartered by the legislature, or the trustees of the bondholders or other persons authorized by law, running any railroad, shall fail to agree upon the terms or times of connection, crossing or junction, or the rates at which passengers and merchandize coming from one road shall be transported over the other, or the division

## CHAP. 36.

of receipts resulting from the transportation over roads so crossing or connecting, said commissioners shall, upon application in writing, of either company, or of ten or more citizens of this state, responsible for costs, appoint a time and place of hearing, and cause notice to be given to the parties interested, in the manner to be designated by the commissioner or commissioners to whom the application shall be made. After hearing the same, or such of them as shall appear before them, said board shall proceed to determine and award in writing, upon the matters submitted, and prescribe the things to be done and performed by the parties or either of them; and parties notified and neglecting or refusing to appear, may be embraced in, and shall be bound by the award, as fully as if they appeared. The award of said commissioners, or of a majority of them, shall be returned to the supreme judicial court in the county where the application is made; the court shall accept the award, unless good cause be shown against it. But if objection is made, and good cause is shown, the court may recommit the same with or without instructions. The award when accepted and judgment thereon is rendered, shall be binding until a new award shall be made upon further application. And the court shall have power to make any orders or decrees necessary to make the award effectual.

SECT. 4. If any railroad corporation or the trustees of the bondholders or other persons authorized by law, running any road, shall, after having been notified of the award of said commissioners, and acceptance thereof, neglect or refuse to comply with the same, the directors of the road so neglecting or refusing, and the superintendent or other agents in running such road, shall each be subject to a fine of not less than ten dollars, nor more than fifty dollars, for each day of such neglect or refusal; to be recovered on complaint before a justice of the peace (to the amount of his jurisdiction,) or on indictment within the county where such violation takes place. And if any party or parties shall continue to neglect or refuse to comply with such award for more than ten days, and complaint thereof shall be made to any justice of the supreme judicial court, accompanied with affidavits of the fact, such justice shall cause a *capias* to issue against one or more of the directors or other persons running such delinquent road, and have them brought before him, and if it shall be made to appear that such neglect or refusal continues, he shall commit such persons to be held in custody for contempt, until the award shall be carried into effect by such company.

SECT. 5. When railroads cross each other, and passenger trains are due at such point of crossing at the same hour, it shall be the duty of the train first arriving, to wait at the station near such

—shall appoint time and place of hearing and notify parties.

—award upon matters submitted, parties notified, bound.

Award to be returned to S. J. court.

Court may recommit if objection is made.

Award, how binding.

Power of court.

Penalty for neglecting or refusing to comply with award.

—how recovered.

Continued neglect, provisions in case of.

Trains to await at crossings in certain cases.

**CHAP. 37.** crossing until the train upon the other road shall arrive; *provided*, it shall so arrive in twenty minutes; and each train shall afford suitable opportunity for such passengers as desire it, (with their baggage,) to be changed to, and transported on the other train.

Penalty for violation of sect. 5.

**SECT. 6.** Whenever the provisions of section five shall be violated, the superintendent of the road, and the conductor and engineer of the train so transgressing, shall each be subject to a fine, to the use of the state, of not less than ten dollars, nor more than fifty dollars, for each offence, to be recovered on complaint before any justice of the peace, or on indictment in the county where such violation shall occur.

—how recovered.

Compensation of commissioners.

Costs.

Court to issue execution.

State not liable.

**SECT. 7.** Said commissioners shall be paid a fair compensation by the petitioners, for their services, and they shall have authority to award costs including the compensation for their services as in their opinion justice may require, and the court shall cause an execution to issue therefor in accordance with the award. But in no case shall the state be responsible to the commissioners for any services which they may render by virtue of this act.

[Approved March 26, 1858.]

## Chapter 37.

An act additional to chapter one hundred forty-two of the revised statutes, relating to the reform school.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Sentence, in what cases.

**SECT. 1.** When any boy of eleven years of age, and under the age of sixteen years, is convicted of an offence punishable by imprisonment in the state prison, not for life, or in the county jail, except for the offences hereinafter enumerated, the court or justice before whom he is convicted, may sentence him to the state reform school, or to the other punishment provided by law for the same offence. If the sentence is to the reform school, it shall be conditioned that if he is not received or kept in the reform school for the term prescribed by his sentence, he shall then suffer such lawful alternative punishment as the court or justice orders; *provided* that nothing in this act shall authorize the commitment of any boy to the reform school, who is deaf and dumb, non compos, or insane.

—may be alternative.

—to be conditioned.

Deaf and dumb, non-compos and insane.

Expense in certain cases.

**SECT. 2.** When any boy between the ages of eleven and sixteen years is convicted of larceny where the property stolen does not