

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTIETH LEGISLATURE,

OF THE

STATE OF MAINE.

1871.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

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1871.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1871.

Chapter 203.

An act relating to transfer of prisoners from one county jail to another.

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

Any judge of the supreme court may order the transfer of a prisoner when he deems the jail insecure.

SECT. 1. Whenever complaint on oath is made to any judge of the supreme judicial court that the jail in any county is insufficient for the secure keeping of any person charged with crime and committed to await trial or under sentence, he shall cause notice of such complaint to be given to the jailer or sheriff, of not less than three days, to appear at the time and place fixed in said notice, and if on examination the matter complained of shall be found true, he may issue his warrant for the transfer of such prisoner to any jail wherein he may be more securely kept; and the same shall be at the expense of the county from which the prisoner is removed.

SECT. 2. This act shall take effect when approved.

Approved February 24, 1871.

Chapter 204.

An act giving additional powers to the railroad commissioners.

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

The railroad commissioners, upon petition, may order the erection of a depot, when the public convenience and necessity require it.

SECT. 1. The railroad commissioners, upon petition of responsible parties, representing that the 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 shall be 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 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.

The commissioners to designate the site and what kind of depot shall be built.

SECT. 2. It shall be the duty of said commissioners to designate the site and what kind of buildings shall be erected and maintained, as the case may seem to demand, and the time in which said corporation shall comply with said order.

Proceeding if the railroad corporation refuse to comply with the

SECT. 3. If said railroad corporation refuse or neglect to comply with the order of said commissioners within the time prescribed therein, said commissioners shall enforce a compliance as provided

in section seventy-five of chapter fifty-one of the revised statutes of eighteen hundred and seventy-one, in relation to making repairs of railroads.

CHAP. 205.

order of the commissioners.

SECT. 4. In all cases heard before the commissioners under the provisions of this act, the expenses and costs attending the same, including the compensation of the commissioners, shall be paid by the railroad corporation against whom the complaint is made, if the prayer of the petitioners is granted, and in case the prayer of the petitioners is denied, such costs and compensation shall be paid by the petitioners. If the party or parties against whom costs are adjudged as aforesaid shall refuse or neglect to pay the same within thirty days after such adjudication, upon complaint for such costs made by said commissioners to any one of the justices of the supreme judicial court, such justice may cause execution to issue therefor.

Payment of costs of hearing the petitioners.

SECT. 5. This act shall take effect when approved.

Approved February 24, 1871.

Chapter 205.

An act fixing the liability of stockholders in corporations.

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

SECT. 1. The capital stock subscribed for any corporation is declared to be and stands for the security of all creditors thereof; and no payment upon any subscription or agreement to or for the capital stock of any corporation, shall be deemed a payment within the purview of this act, unless bona fide made in cash, or in some other matter or thing at a bona fide and fair valuation thereof.

Capital stock subscribed to be for the security of the creditors of the corporation; payment of subscription must be bona fide.

SECT. 2. Hereafter no dividend declared by any corporation from the capital stock or in violation of any statute, no withdrawal of any portion of the capital stock thereof, directly or indirectly, no cancellation or surrender of any stock, and no transfer of any stock in any form to the corporation which issued the same, shall be valid as against any person who may hereafter have a lawful and bona fide judgment against said corporation; based upon any future claim in tort or contract or for any penalty, or as against any receivers, trustees or other persons appointed to close up the affairs of any corporation which is or may be insolvent.

The withdrawal, directly or indirectly, of any portion of the capital stock of a corporation, void as against any person having thereafter a bona fide judgment against said corporation, or as against any receivers or trustees.

SECT. 3. Any person having such judgment, or any such trustees, receivers or other persons appointed to close up the affairs

Proceedings by bill in equity.