

1897

Public Laws of the State of Maine Relating to Railroads 1897

State of Maine

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Hon. F. D. Beal -
1912 -

PUBLIC LAWS
OF THE
STATE OF MAINE
RELATING TO RAILROADS.
1897.

Maine Laws, statutes, etc.

PUBLIC LAWS

OF THE

STATE OF MAINE

RELATING TO RAILROADS.

1897.

MAINE
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PUBLIC LAWS
OF THE
STATE OF MAINE
RELATING TO RAILROADS.

1897.

Chapter 181.

An Act relating to Expenditures of the Railroad Commissioners.

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

Commencing with January one thousand eight hundred and ninety-seven, the board of railroad commissioners may annually expend the sum of twelve hundred dollars, additional to the amount now provided by law, in procuring maps, books, stationery and statistics, clerk and stenographic assistance, and in defraying expenses incidental and necessary to the discharge of its duties and in procuring the assistance of a mechanical expert in the examination of iron bridges. The amount named herein to be raised in the same manner as provided by section four of chapter three hundred and thirteen of the public laws of one thousand eight hundred and eighty-nine.

Railroad
commis-
sioners
authorized
to expend
additional
amount of
money for
expenses.

Approved February 8, 1897.

Chapter 186.

An Act additional to Chapter fifty-one of the Revised Statutes, relating to Railroads.

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

A railroad operating another road may hold shares in such road.

A corporation owning majority of stock in another road, may purchase shares.

A railroad corporation requiring additional land for improving alignment of its road, may take it as for public uses, when unable to agree with owner.

—railroad commissioners may determine manner of taking such land.

—public notice required.

—corporation shall be subject to general laws.

Sect. 1. A railroad corporation, which has a lease of, or which operates the railroad of another railroad corporation may purchase and hold shares of the capital stock of such corporation.

Sect. 2. A railroad corporation, which owns a majority of the capital stock of another railroad corporation, may purchase further shares of the capital stock of such corporation and hold the same together with the shares which it now owns.

Sect. 3. If a railroad corporation requires additional land for the purpose of improving the alignment of its road or if it requires additional land for double tracking its road, and is unable to obtain the same by agreement with the owner, it may apply in writing to the railroad commissioners, describing the land required for either or both of said purposes, and naming the persons interested; the commissioners shall thereupon appoint a time for hearing near the premises and require notice to be given to persons interested as they may direct, fourteen days at least before said time; and shall then view the premises, hear the parties and determine how much, if any, of such real estate is required for either or both of said purposes. If they find that any of it is so required they shall furnish the corporation with a certificate containing a definite description thereof, and when it is filed with the clerk of courts in the county where the land lies, it shall be deemed and treated as taken as and for public uses; provided, however, that when land is held by a tenant for life, and the reversion is contingent as to the persons in whom it may vest on the termination of the life estate, such fact shall be stated in the application, and the commissioners shall, in addition to the notice to the tenant for life, give notice by publication to all others interested, in such manner as they deem proper. In taking such land the corporation shall be subject to the provisions of section seventeen of chapter fifty-one of the revised statutes, and shall be subject with respect thereto to all the general laws existing or which may be hereafter passed relating to railroad corporations.

Sect. 4. A railroad corporation for the purpose of building a branch railroad track which it is or may be authorized to build, or of aiding in the construction of another railroad pursuant to law, or of building depots, or of abolishing grade crossings, or of making permanent improvements, or of paying its floating debt, or of paying its funded debt, or for the payment of money borrowed for any lawful purpose, or for the purchase of shares of the capital stock of any railroad corporation whose railroad is leased to or operated by it, or for the purchase of shares of the capital stock of any railroad corporation of which capital stock it owns a majority, or for improving the alignment of its road, or for acquiring land for and laying new tracks, or for other necessary and lawful purposes, from time to time, with the approval of the railroad commissioners as hereinafter provided, may increase its capital stock beyond the amount now fixed by law, provided such increase shall first be authorized by vote of a majority of stock present or represented, at a legal meeting of the corporation duly called for that purpose.

Sect. 5. Upon petition of the directors of the railroad corporation to the board of railroad commissioners, the amount of such increase after such notice by publication as the commissioners shall order, and after hearing shall be determined by said commissioners, who shall within thirty days after final hearing of said petition, file in the office of the secretary of state a certificate showing the amount of increase authorized and the purposes for which the proceeds of said new stock may be used; and the company shall not apply such increase or the proceeds thereof to any purpose not specified in said certificate, and may be enjoined from so doing by any justice of the supreme court upon application of the board or of any interested party.

Sect. 6. All shares of stock issued under the provisions of this act shall be sold by public auction and to the highest bidder in the city of Boston, in the commonwealth of Massachusetts, or in such city or town as may be prescribed by the railroad commissioners, and a notice of the time and place of such sale shall be published at least five times during the ten days immediately preceding the time fixed for the sale, in such daily newspapers, not less than three in number, as may be prescribed by the commissioners.

Sect. 7. Any member of the board of directors, or any treasurer or other officer or agent of any railroad company, who knowingly votes to authorize the issue of, or knowingly signs,

CHAP. 186

A railroad corporation may increase its capital stock in certain cases, beyond amount first authorized.

Certificate of increase, and how proceeds shall be applied, shall be filed in office of secretary of state.

—proceeds shall be used for specific purpose only.

How stock shall be sold.

Penalty for issuing stock contrary to the provisions of this act.

CHAP. 217

certifies or issues, stock authorized by the provisions of this act, contrary to its provisions or who knowingly votes to authorize the application of, or knowingly applies the proceeds of such stock contrary to the provisions of this act, or who knowingly votes to assume or incur, or who knowingly assumes or incurs, in the name or behalf of such corporation, any debt or liability except for the legitimate purposes of the corporation, shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both fine and imprisonment.

This act shall not repeal any of the powers of railroad corporations.

Sect. 8. Nothing herein contained shall be construed as a repeal of any of the powers conferred upon any railroad corporation under any existing provision of law.

Approved February 16, 1897.

Chapter 217.

An Act in relation to the disposition of Unclaimed Baggage by common carriers.

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

Sect. 1. Sections eighty-one, eighty-two, eighty-three and eighty-four of chapter fifty-one of the revised statutes are hereby repealed.

Section 8, chapter 52, R. S., as amended by chapter 42, public laws 1891, further amended.

Sect. 2. Section eight of chapter fifty-two of the revised statutes, as amended by chapter forty-two of the public laws of eighteen hundred and ninety-one, is hereby amended by the insertion of the word 'baggage' after the word "whenever" in the first line, again after the word "or" in the fifth line, and again after the word "whenever" in the eleventh line, so that said section, as amended, shall read as follows:

Merchandise unclaimed for six months, may be sold to pay charges.

'Sect. 8. Whenever baggage, goods, merchandise, packages or parcels, transported by any railroad, steamboat, express, or stage company, existing by virtue of the laws of this state, remain unclaimed for six months after its arrival at the point to which it shall have been directed; or baggage, goods, merchandise, or other personal property remain in a public warehouse for six months, after the charges thereon have been rightfully demanded and left unpaid, the same may be sold at auction in the city or town where said railroad, steamboat, express or stage company has its general or principal office,

or where said warehouse is situated; and whenever baggage, goods, merchandise, packages or parcels transported by any railroad, steamboat, express or stage company, not existing by virtue of the laws of this state, and having no office of president, treasurer, clerk or general superintendent within this state, but doing business in this state, remain unclaimed for six months after its arrival at the point to which it shall have been directed, the same may be sold at auction, to pay the charges thereon and the expense of advertising and selling.'

Approved March 10, 1897.

Chapter 225.

An Act to amend Section eighteen of Chapter forty-eight of the Revised Statutes, as amended by Chapter eighty-nine of the Public Laws of eighteen hundred and ninety-five, relating to Corporations.

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

Section eighteen of chapter forty-eight of the revised statutes as amended by chapter eighty-nine of the public laws of eighteen hundred and ninety-five, is hereby amended by inserting after the word "directors" in the seventh line of said section the words 'and the name and residence of the clerk,' and by striking out the words "where said business is to be done," in the eleventh and twelfth lines of said section, and inserting in lieu thereof the words 'where said corporation is located,' so that said section, as amended, shall read as follows:

'Section 18. Before commencing business, the president, treasurer, and majority of the directors shall prepare a certificate setting forth the name and purposes of the corporation, the amount of capital stock, the amount already paid in, the par value of the shares, the names and residences of the owners, the name of the county where it is located, and the number and names of the directors, and the name and residence of the clerk, and shall sign and make oath to it; and after it has been examined by the attorney general, and been by him certified to be properly drawn and signed and to be conformable to the constitution and laws, it shall be recorded in the registry of deeds in the county where said corporation is located, in a book kept for that purpose, and within sixty days after the day of the meeting at which such corporation is organized, a copy thereof certified

Section 18, chapter 48, R. S., as amended by chapter 89, public laws 1895, further amended.

Before doing business, officers to prepare a certificate of facts, to be examined by attorney general, and then recorded in register of deeds and secretary of state's office.

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—fees of
attorney
general and
secretary of
state.

—fees to be
paid the
state.

by such register shall be filed in the secretary of state's office, who shall enter the date of filing thereon, and on the original certificate to be kept by the corporation, and shall record said copy in a book kept for that purpose. Such corporation shall pay the attorney general and secretary of state five dollars each for their services, in advance; and before said certificate is filed in the office of the secretary of state, when the amount of capital stock does not exceed ten thousand dollars, it shall also pay to the treasurer of state for the use of the state the sum of ten dollars; when the amount of the capital stock exceeds ten thousand dollars and does not exceed five hundred thousand dollars, it shall pay to the treasurer of state for the use of the state, the sum of fifty dollars; when the amount of the capital stock exceeds five hundred thousand dollars, it shall pay to the treasurer of state for the use of the state ten dollars for each one hundred thousand dollars of the capital stock; and the treasurer's receipt for said sum shall be filed with the secretary of state as a condition precedent, before he shall be authorized to receive said certificate for filing.'

Approved March 12, 1897.

Chapter 236.

An Act to repeal Chapter fifty-five of the Public Laws of eighteen hundred and ninety-five, entitled "An Act to amend Section two of Chapter one hundred and thirty-four of the Public Laws of eighteen hundred and eighty-seven," relating to the fortnightly payment of Wages.

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

Chapter fifty-five of the public laws of one thousand eight hundred and ninety-five, entitled "An Act to amend section two of chapter one hundred and thirty-four of the public laws of one thousand eight hundred and eighty-seven, relating to the fortnightly payment of wages," is hereby repealed.

Approved March 17, 1897.

Act relating
to fort-
nightly
payments,
repealed.

Chapter 243.

An Act to amend Section eleven, Chapter forty-six of the Revised Statutes, relating to Clerks of Corporations.

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

Section eleven of chapter forty-six of the revised statutes is hereby amended so as to read as follows:

'Sect. 11. Whenever there is a change in the office of clerk of a corporation, he shall, within twenty days after acceptance of the office file a certificate of his election in the registry of deeds in the district where the corporation is located, or where it has a place of business or a general agent; and an attested copy of such certificate shall be sufficient evidence that he is clerk, for service of process upon the corporation, until another certificate has been filed.'

Section 11, chapter 46, R. S., amended.

Clerk to file certificate of election in registry of deeds whenever there is a change in said office.

—attested copy, evidence.

Approved March 20, 1897.

Chapter 245.

An Act to provide for filling vacancies of Trustees.

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

Sect. 1. Whenever vacancies shall occur by the death or resignation of any or all of the trustees named in any deed of trust or mortgage, and from any cause such vacancy cannot be filled by appointment by the surviving trustee or trustees named therein, or such trustees neglect or refuse to make such appointment, the supreme judicial court, or any judge thereof, in term time or vacation, on the petition of any party interested in said trust, and upon such notice to all persons interested by publication or otherwise as the court shall order, and after hearing thereon, may appoint a trustee or trustees to fill such vacancy or vacancies, and upon and by virtue of said appointment the property described in said deed of trust or mortgage held by said trustees at the time of such decease or resignation, shall vest in said trustees so appointed without further conveyance thereof, whether said trustees have deceased before this act takes effect or otherwise, and they shall have the rights and powers and be subject to the duties relating to

Supreme judicial court may fill vacancies of trustees when vacancy cannot be filled by surviving trustees.

—after notice and hearing.

CHAP. 249

such trust to the same extent and for the same purposes as the same were held by the original trustees in said trust; the decree making such appointment shall confirm the transfer of title as hereinbefore provided and shall be recorded as the original trust deed was recorded. The heirs at law and personal representatives of any deceased trustee, shall not be necessary as parties to said petition nor any proceedings thereunder, but may appear and be heard in relation to the matters therein contained, and such notice of said petition and hearing shall be given them by publication or otherwise as the court may order.

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

Approved March 20, 1897.

Chapter 249.

An Act amendatory of and additional to Chapter two hundred and sixty-eight of the Public Laws of eighteen hundred and ninety-three, entitled "An Act to regulate the organization and control of Street Railroads."

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

Section 1,
chapter 268,
public laws
1893,
amended.

Sect. 1. Section one of chapter two hundred and sixty-eight of the public laws of eighteen hundred and ninety-three is hereby amended by inserting after the word "electricity" in the fourth line of said section the words 'compressed air,' so that said section, as amended, shall read as follows:

Street
railroad
companies,
how formed.

'Section 1. Any number of persons not less than five, a majority of whom shall be citizens of this state, may form a company for the purpose of constructing, maintaining and operating by electricity, compressed air or animal power, a street railroad for public use, for street traffic for the conveyance of persons and property, and for that purpose may make and sign articles of association in which shall be stated the name of the company, the gauge of the road, the places, cities and towns from which, in which and to which the road is to be constructed, maintained and operated, the length of such road, as nearly as may be, the amount of capital stock which shall not be less than four thousand dollars for every mile of road proposed to be constructed, the number of shares of which said stock shall consist, and the names and places of residence of at least three persons, a majority of whom shall be citizens of this state who shall act as directors of the proposed company, and manage its affairs until others

—articles
of associa-
tion.

—gauge.

—capital
stock.

—shares.

—directors.

are chosen in their places. Each subscriber shall sign his name, residence and number of shares which he agreed to take in said company.'

CHAP. 249

—subscrip-
to articles.

Sect. 2. Section six of said chapter, as amended by chapter eighty-four of the public laws of eighteen hundred and ninety-five, is hereby amended by striking out from the forty-eighth to the fifty-eighth lines thereof, inclusive, the following words, "if the board of railroad commissioners, after hearing the petitions, shall, subject to the provisions of section nine, approve the proposed location, and find that public convenience requires the construction of such road, it shall endorse its approval on the petition, and the corporation may then proceed with the construction of such road, provided, that they first file with the clerk of the court of county commissioners of the county in which said street railway is to be located, a copy of the location and plan aforesaid, and another copy of the same with the board of railroad commissioners," and inserting in place thereof the following; 'at such hearing any party claiming to be interested may appear in person or by counsel and such appearance shall be entered of record. The board of railroad commissioners, after hearing the petition, shall, if they approve such location, subject to the provisions of section nine, then determine whether public convenience requires the construction of such road, and make a certificate of such determination in writing, which certificate shall be filed with their clerk within thirty days after such hearing. Within five days after the filing of such certificate with him, said clerk shall notify all who have become parties of record as aforesaid, or their counsel, of such determination, by sending to each such party or their counsel by mail a certified copy of such certificates so filed with him. Any party of record who is dissatisfied with such determination may appeal therefrom, at any time within fifteen days from the date of filing such certificates, to the supreme judicial court next to be holden in any county where any part of said railway is located, more than thirty days from the date of filing said certificate with said clerk, as aforesaid, excluding the day of the commencement of the session of said court. An appeal shall lie by any interested party from the decision of the board of railroad commissioners, in any case heard prior to the passage of this act, provided such appeal is taken at any time within three months from the time when this act goes into effect. The appellant shall serve written notice of such appeal upon said board of railroad commis-

Section 6,
as amended
by chapter
84, laws 1895,
amended.

CHAP. 249

sioners, fourteen days, at least, before the session of said court, and shall at the first term file a complaint, setting forth substantially the facts of the case. Upon the entry of said appeal, the court shall appoint a committee consisting of three justices of the supreme judicial court, of whom the presiding justice may, by consent of parties, be one, provided, however, that one such justice may be mutually agreed upon and appointed as such committee, by the parties to the appeal. Said committee shall appoint a day for a hearing upon said appeal, and the appellants shall give such notice thereof as said committee deem reasonable and proper, in order that all persons interested may have opportunity to appear and object thereto. Said committee, after such hearing, shall determine whether public convenience requires the construction of such road. The decision of the committee, or a majority thereof if three are appointed, when filed in court, shall be final and conclusive upon all parties without further action of the court, and such decision shall forthwith be certified to the board of railroad commissioners. The compensation of the committee shall be paid by the parties and costs taxed as the court may order. If the board of railroad commissioners find that public convenience requires the construction of said road and no appeal therefrom shall have been taken, or if a committee appointed by the supreme judicial court, as aforesaid, shall, on appeal, certify to said railroad commissioners that the public convenience requires the construction of said road, then, in either of said cases, the corporation may then proceed with the construction of said road, provided that they first file with the clerk of county commissioners of the county in which said street railroad is to be located, a copy of the location and plan aforesaid, and another copy of the same with the board of railroad commissioners.' Said section is further amended by adding after the word "obtained" in the sixty-fourth line thereof, the following: 'but no such permission shall be necessary where such railways desire to cross public bridges already erected, but the authority to determine whether such crossing shall be permitted shall rest with the municipal officers of the cities or towns liable for the repair of such bridges, respectively, who may impose such conditions and terms upon railways desiring to cross the same as to them may seem expedient. In case any county is liable for the repair of a bridge, the county commissioners of such county shall have authority in the premises.' Said section is further amended by striking out

—further
amended.

from the sixty-fifth line of said section, the words, "paved or macadamized." Said section is further amended by adding thereto the following words; 'without the permission of the mayor and aldermen thereof, unless it shall be otherwise determined by a committee of judges of the supreme judicial court, on appeal, as hereinbefore provided for appeals from the decisions of the board of railroad commissioners, and such appeal may be taken by any party interested, including an existing street railroad claiming to be injuriously affected by such location, to the supreme judicial court, substantially in the manner and with the effect as hereinbefore provided.' So that said section as amended, shall read as follows:

—further amended.

"Section 6. Every corporation organized under the foregoing provisions before commencing the construction of its road, shall present to the railroad commissioners a petition for approval of location, defining its courses, distances and boundaries, accompanied with a map of the proposed route on an appropriate scale with the written approval of the proposed route and location as to streets, roads or ways of the municipal officers of the cities and towns in which said railway is to be constructed in whole or in part, and with a report and estimate prepared by a skillful engineer. If the municipal officers upon a written application therefor, neglect for thirty days to approve a route and location as to streets, roads or ways, or if they refuse to approve such a route and location, or if such route and location approved by them is not accepted by the corporation, in either case, said corporation may appeal to the next term of the supreme judicial court to be held in any county where any part of said railway is located, more than thirty days from the expiration of said thirty days, or from the date of such refusal, or from the approval of a location that is not accepted by the corporation, or otherwise, as the case may be, excluding the day of the commencement of the session of said court. If said railway is located in two or more counties, the supreme judicial court in either county shall have jurisdiction of any such appellate proceedings. The appellants shall serve written notice of such appeal upon said municipal officers fourteen days, at least, before the session of said court, and shall at the first term file a complaint setting forth substantially the facts of the case. If the appeal is then entered, and not afterwards, the court shall appoint a committee of three disinterested persons who shall be sworn and if one of them dies, declines or becomes interested,

Petition for approval of location shall be presented to railroad commissioners.

—petition must contain approval of route by municipal officers.

—If approval falls from any cause, appeal may be taken to supreme judicial court.

—proceedings upon appeal.

—court shall appoint committee who shall view route and location and report to court.

CHAP. 249

the court may appoint some suitable person in his place, and they shall give such notice as the court has ordered, view the proposed route or routes, and location or locations, and make their report at the next term of the court after their appointment, defining therein the route and location as to streets or ways as determined by them, which after acceptance and entry of judgment thereon, shall forthwith be certified to the railroad commissioners and received by them in lieu of the approval of the municipal officers. Costs may be taxed and allowed as the court may order. A failure to appeal shall not bar the corporation from making a new application to the municipal officers. Said commissioners shall, upon presentation of such petition, appoint a day for a hearing thereon, and the petitioners shall give such notice thereof as said commissioners deem reasonable and proper, in order that all persons interested may have an opportunity to appear and object thereto. At such hearing any party claiming to be interested may appear in person or by counsel and such appearance shall be entered of record. The board of railroad commissioners, after hearing the petition, shall, if they approve such location, subject to the provisions of section nine, then determine whether public convenience requires the construction of such road, and make a certificate of such determination in writing, which certificate shall be filed with their clerk within thirty days after such hearing. Within five days after the filing of such certificate with him, said clerk shall notify all who have become parties of record as aforesaid or their counsel of such determination, by sending to each such party or their counsel, by mail, a certified copy of such certificate so filed with him. Any party of record who is dissatisfied with such determination may appeal therefrom, at any time within fifteen days from the date of filing such certificate, to the supreme judicial court next to be holden in any county where any part of said railway is located, more than thirty days from the date of filing said certificate with said clerk as aforesaid, excluding the day of the commencement of the session of said court. An appeal shall lie by any interested party from the decision of the board of railroad commissioners, in any case heard prior to the passage of this act, provided such appeal is taken at any time within three months from the time when this act goes into effect. The appellant shall serve written notice of such appeal upon said board of railroad commissioners, fourteen days, at least, before the session of said court, and shall at the first term file a complaint, setting

—certificate shall be sent to railroad commissioners.

—corporation may make new application to municipal officers for approval.

—notice and hearing.

—if location is approved, commissioners shall make certificate of such determination.

—notice shall be given all interested parties.

—appeal may be taken to supreme judicial court.

—commissioners shall be notified of appeal.

forth substantially the facts of the case. Upon the entry of said appeal, the court shall appoint a committee consisting of three justices of the supreme judicial court, of whom the presiding justice may, by consent of parties, be one, provided, however, that one such justice may be mutually agreed upon and appointed as such committee, by the parties to the appeal. Said committee shall appoint a day for a hearing upon said appeal, and the appellants shall give such notice thereof as said committee deem reasonable and proper, in order that all persons interested may have opportunity to appear and object thereto. Said committee, after such hearing, shall determine whether public convenience requires the construction of such road. The decision of the committee, or a majority thereof if three are appointed, when filed in court, shall be final and conclusive upon all parties without further action of the court, and such decision shall forthwith be certified to the board of railroad commissioners. The compensation of the committee shall be paid by the parties, and costs taxed as the court may order. If the board of railroad commissioners find that public convenience requires the construction of said road and no appeal therefrom shall have been taken, or if a committee appointed by the supreme judicial court, as aforesaid, shall on appeal certify to said railroad commissioners that the public convenience requires the construction of said road, then, in either of said cases, the corporation may then proceed with the construction of said road, provided that they first file with the clerk of county commissioners of the county in which said street railroad is to be located, a copy of the location and plan aforesaid, and another copy of the same with the board of railroad commissioners. Any extension of, addition to or variation from the location by any street railway organized under the provisions of this act may be made in accordance with, and subject to the limitations of the foregoing provisions, provided, that no railway shall be located across tide waters, where vessels can navigate, without special permission of the legislature first obtained. But no such permission shall be necessary where such railways desire to cross public bridges already erected, but the authority to determine whether such crossing shall be permitted shall rest with the municipal officers of the cities or towns liable for the repair of such bridges, respectively, who may impose such conditions and terms upon railways desiring to cross the same as to them may seem expedient. In case any county is liable for the

—court shall appoint committee to hear parties.

—decision of committee shall be final.

—when corporation may proceed with construction of road.

—no railway may cross tide waters without permission of legislature.

—bridges already erected, may be crossed by permission of municipal officers.

CHAP. 249

—no road can be located in any city without permission of mayor and aldermen unless on appeal.

repair of a bridge, the county commissioners of such county shall have authority in the premises. But no road shall be located under this act, over any street in any city in this state, without the permission of the mayor and aldermen thereof, unless it shall be otherwise determined by a committee of judges of the supreme judicial court, on appeal, as hereinbefore provided for appeals from the decisions of the board of railroad commissioners, and such appeal may be taken by any party interested, including an existing street railroad claiming to be injuriously affected by such location, to the supreme judicial court, substantially in the manner and with the effect as hereinbefore provided.'

Section 10, amended.

Sect. 3. Section ten of said chapter is hereby amended by inserting after the words "one hundred and twenty-six" in the eighth line of said section the words 'one hundred and thirty-five, one hundred and thirty-six, as amended, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty' so that said section, as amended, shall read as follows:

Certain provisions of the R. S., made applicable.

'Section 10. So far as applicable the provisions of sections seventeen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-six, thirty-seven, thirty-eight, thirty-nine, fifty-four, fifty-five, fifty-six, fifty-seven, sixty-six, sixty-seven, sixty-eight, one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, one hundred and eighteen, one hundred and twenty-six, one hundred and thirty-five, one hundred and thirty-six, as amended, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty of chapter fifty-one of the revised statutes, shall apply to street railways.'

Any street railroad company may maintain hotels, etc.

Sect. 4. Any street railroad corporation, organized under the general laws of said state, or under a special charter, may erect and maintain hotels, cottages, places of amusement and pleasure grounds along its route, and for that purpose may purchase and hold real estate and personal property necessary or convenient therefor, provided that the right of taking lands or other property shall not extend to property to be used for such purposes, and such street railroad corporations may purchase and hold shares of the capital stock of any other corporation engaged in the business of owning, leasing, maintaining or

—may hold real estate.

operating such hotels, cottages, places of amusement and pleasure grounds.

Sect. 5. Any street railroad corporation organized under a special legislative act, may be authorized to extend, construct, maintain and operate its road to, into and through adjoining cities and towns, other than and in addition to those named in its charter, by compliance with and subject to the provisions of section six of said chapter two hundred and sixty-eight of the public laws of eighteen hundred and ninety-three, as amended by this act. Such corporations shall, in addition to their chartered rights have all the rights and powers conferred from time to time by general laws upon street railroad corporations, subject to the conditions, limitations and restrictions thereby imposed; but no corporation shall have the right to run over the tracks of another street railroad, without legislative consent, heretofore or hereafter granted, and the right of any connecting street railroad company specially conferred upon it by its charter shall be preserved unimpaired.

Additional powers conferred upon corporations organized under special laws.

—such corporations shall have all the powers conferred by general laws upon street railroads.

Sect. 6. Any street railroad corporation may issue bonds in accordance with the provisions of the general law for any lawful purpose, and secure the same by mortgage of its road, franchises and property.

Any railroad may issue bonds and mortgage property.

Sect. 7. Section two of chapter eighty-four of the public laws of the year eighteen hundred and ninety-five is hereby repealed.

Section 2, chapter 84, laws 1895, repealed.

Approved March 22, 1897.

Chapter 263.

An Act in relation to accidents upon Railroads and Street Railways.

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

Sect. 1. The provisions of chapter one hundred and twenty of the public laws of the year eighteen hundred and ninety-one, shall apply to electric street railways, so far as applicable.

Chapter 120, public laws, 1891, made applicable to street railways.

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

Approved March 23, 1897.

Chapter 270.

An Act relating to the transportation by common carriers, of property, the title to which is disputed.

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

Transportation of property, when the title is in dispute.

—proceedings.

Sect. 1. When property is delivered to a common carrier, for transportation, and any person other than the consignor or consignee shall claim the title to such property and shall forbid its transportation, he shall forthwith give written notice to the carrier forbidding its transportation, and thereupon the carrier shall be authorized to delay the transportation for the space of five days, and unless within such five days such claimant shall replevy such property, or if he shall fail to give such written notice the carrier is authorized to proceed with the transportation of such property and shall not be liable for so transporting.

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

Approved March 25, 1897.

Chapter 293.

An Act relating to Transfers of Stock.

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

What shall constitute a sufficient delivery, to transfer title to stock, against all parties.

Sect. 1. The delivery of a certificate of stock of a corporation to a bona fide purchaser or pledgee for value, together with a written transfer of the same or a written power of attorney to sell, assign and transfer the same, signed by the owner of the certificate, shall be a sufficient delivery to transfer the title against all parties.

Holder of stock as security merely, shall not be subject to liabilities of a stockholder.

Sect. 2. A pledgee for value, holding a certificate of stock of a corporation for security merely, shall not, while he so holds such stock, be subject to any of the liabilities of a stockholder, unless he appears on the books of the corporation as the absolute owner of such stock.

Transfer of stock shall not affect holder of record till

Sect. 3. No transfer shall affect the right of the corporation to pay any dividend due upon the stock, or to treat the holder of record as the holder in fact, until such transfer is

recorded upon the books of the corporation or a new certificate is issued to the person to whom it has been so transferred.

Sect. 4. Persons holding stock as executors, administrators, guardians, or trustees, shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such trust funds would be if they were respectively living and competent to act and hold the stock in their own names.

Approved March 26, 1897.

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transfer is recorded, etc.

Executors, etc., holding stock shall not be personally liable as stockholders.

Chapter 302.

An Act to amend clause twenty-six of Section six of Chapter one of the Revised Statutes, as amended by Chapter one hundred and forty-one of the Public Laws of eighteen hundred and ninety-five, relating to Corporations.

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

Clause twenty-six of section six of chapter one of the revised statutes, as amended by chapter one hundred and forty-one of the public laws of eighteen hundred and ninety-five, is hereby amended by striking out the word "three" in the tenth line and inserting in place thereof the word 'two,' so that said clause shall read as follows:

Clause 26, chapter 1, section 6, R. S., as amended by chapter 141, laws, 1895, further amended.

'XXVI. Acts of incorporation shall be regarded in legal proceedings as public acts, and be in force on the date of their approval. All acts of incorporation granted since January one, eighteen hundred and ninety-three, become null and void in two years from the day when the same take effect, unless such corporations shall have organized and commenced actual business under their charters. The organization of any corporation which may be hereafter organized under any general law of this state becomes null and void within two years from the day when its certificate of incorporation has been filed in the office of the secretary of state, unless such corporation shall have commenced actual business under its organization.'

Acts of incorporation shall be regarded as public acts.

—Limitation.

Approved March 26, 1897.

Chapter 307.

An Act to amend Section one of Chapter twenty-two of the Revised Statutes, relating to Division Fences.

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

Section 1,
chapter 22,
R. S.,
amended.

Sect. 1. Section one of chapter twenty-two of the revised statutes is hereby amended by adding at the end of said section the following words, 'and no division fence hereafter built within thirty rods of any dwelling house in the construction of which barbed wire is used, shall be accounted legal and sufficient, except by mutual written consent of the adjoining owners,' so that said section, as amended, shall read as follows:

What are
legal
fences.

'Sect. 1. All fences four feet high and in good repair, consisting of rails, timber, stone walls, iron or wire, and brooks, rivers, ponds, creeks, ditches and hedges, or other things which in the judgment of the fence viewers having jurisdiction thereof are equivalent thereto, are legal and sufficient fences; provided, however, that no barbed wire fence built since April fifteen, eighteen hundred and eighty-three, shall be accounted legal and sufficient, unless it is protected by an upper rail or board of wood, and no division fence hereafter built within thirty rods of any dwelling house in the construction of which barbed wire is used, shall be accounted legal and sufficient, except by mutual written consent of the adjoining owners.'

—proviso.

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

Approved March 26, 1897.