

# 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. 29.

## Chapter 29.

An act additional to chapter sixty-seven of the revised statutes, relating to guardians.

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

Judge of probate may appoint guardian of married women in certain cases.

SECT. 1. The judge of probate of the county in which such person resides, may appoint the husband or some suitable person, guardian of any married woman, without inquisition being made by the municipal officers of the town, as provided in section fourth of chapter sixty-seven of the revised statutes, when it shall be made to appear, after due notice and hearing, that such married woman has, or is entitled to property, which is in danger of being wasted or lost, or when it shall be made to appear to such judge, that such person, by reason of infirmity or mental incapacity is incompetent to manage her estate.

Special guardians may be appointed to institute or defend suits.

SECT. 2. When proceedings have been, or hereafter may be commenced in probate, in which any married woman is interested, and when on due notice and hearing the judge of said court shall be satisfied that such woman is incompetent, by reason of age or mental infirmity, to settle or manage or protect her rights, the judge may appoint her husband, or some suitable person as her guardian for such special purpose; and said guardian shall be authorized, in her name, to institute or defend any proceeding in law or in equity which he may deem necessary for the protection of the interest of his ward, or the recovery of her property, and no proceeding thus instituted, shall be delayed or otherwise disposed of, without the consent of such guardian.

When to take effect.

SECT. 3. This act shall take effect when it is approved by the governor.

[Approved March 25, 1858.]

## Chapter 30.

An act in relation to trustees of railroads.

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

Bondholders of railroads may elect trustees to fill vacancy.

SECT. 1. The holders of bonds of any railroad corporation in this state, at any regular meeting called and held in pursuance of the provisions of an act approved April fifteenth, eighteen hundred and fifty-seven, and entitled "an act providing for the foreclosure

of certain mortgages given to secure the payment of bonds and coupons, issued by railroad corporations," are hereby authorized to elect by ballot, one or more new trustees to supply any place left vacant by the death or resignation of any trustee, under such mortgage; and they are also authorized, when they shall deem it advisable so to do, to elect in like manner, one or more new trustees in place of persons holding such trust.

—may elect  
new trustees.

SECT. 2. The proceedings of such meeting may be presented in a summary manner, by any party in interest, to the supreme judicial court at any regular term, or to any justice thereof, at chambers, whose duty it shall be to appoint a day for a hearing, and order such notice to parties interested as such court or justice may deem proper. At such hearing, the court or justice before whom the same is had, shall have power to ratify and confirm such election, and to make all orders and decrees for the purpose of effectuating the same, and of causing and enforcing a transfer of the property in trust to such new trustee or trustees, as may be deemed necessary and just. And it shall be the duty of any former trustee to execute such deed of quit-claim and release of the said property in trust as may be necessary to carry out the purposes of this act, and be ordered and decreed as aforesaid. All such orders and decrees shall be filed with the clerk of the courts where such hearing is had, and entered of record.

Proceedings of  
meeting may  
be presented to  
S. J. court or  
justice, hearing  
to be granted.

Power of court  
or justice.

Duty of former  
trustee.

Decrees to be  
filed and re-  
corded.

SECT. 3. The trustee or trustees so elected and confirmed, together with the trustee or trustees of the former board, if any are left remaining on the new board, shall take and hold in trust, the property embraced in the mortgage according to the terms thereof, in the same manner, and with the same rights, duties, powers, interest and privileges as they would have, if they derived the title or interest at the same time, and by the same conveyance.

Powers of new  
trustees.

SECT. 4. The provisions of this act shall be applicable to the new boards of trustees elected under it, and to subsequent boards; and all the provisions of the act of April fifteenth, eighteen hundred and fifty-seven, referred to in the first section, shall apply to the new boards of trustees, constituted by virtue of the foregoing provisions.

Provisions,  
how applica-  
ble.

SECT. 5. The trustees of any railroad, when they shall have entered into possession for the purpose of running the same, are hereby authorized, when directed by the bondholders at a regular meeting thereof, to make a contract with any connecting road in this state, and run the same, under said contract, in accordance with the provisions of the act of April fifteenth, eighteen hundred and fifty-seven, before referred to; *provided*, that such contract shall not

Trustees in  
possession may  
contract with  
connecting  
road for run-  
ning.

Proviso.

CHAP. 31.

extend beyond two years, unless the same shall have been submitted to, and approved by the bondholders at a regular meeting of the same, and in no event beyond the time such trustees shall be authorized to hold possession of said road for the purpose of running the same.

Trustee not to be removed until secured.

SECT. 6. No trustee shall be removed or displaced under the provisions of this act until he shall have been secured against any liabilities assumed by him, in running the road, and paid all sums advanced by him in paying the coupons due and falling due on the bonds of cities and towns secured by the mortgage of the road, and the sinking fund provided for the security or redemption of said bonds, as well as any moneys paid out in running the road, remaining due to him.

[Approved March 25, 1858.]

### Chapter 31.

An act to amend sections fifty and fifty-four of chapter forty-seven of the revised statutes, relating to banks and banking.

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

Ch. 47, sec. 50,  
R. S. amended.

SECT. 1. Section fifty of chapter forty-seven of the revised statutes is hereby amended by striking out all that part of said section after the word "circulation" in the seventeenth line as printed, and inserting instead thereof the words, "deposits, amount due to other banks, specie, loan, amount due from other banks, bills issued, and amount of unsigned bills on hand."

Ch. 47, sec. 54,  
amended.

SECT. 2. Section fifty-four of said chapter is amended, by striking out that part of the section between the word "annually" in the second line as printed and the word "and" the fifth word in the fourth line, and inserting in place thereof the following words: "four printed copies of each form of the returns required by section forty-nine, and that part of section fifty requiring semi-annual returns, and fifteen copies of the returns required by that part of the same section requiring monthly returns."

Form of returns to be furnished.

SECT. 3. This act shall take effect when approved by the governor.

[Approved March 25, 1858.]