

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115-

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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

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AUGUSTA:  
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1870.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.  
1870.

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CHAP. 140. there is no licensed auctioneer" in the fourth line thereof, so that said section shall read as follows :

R. S., chap. 34,  
sect. 1, as  
amended.

' Sect. 1. The municipal officers of any town may license any suitable inhabitants of their county, by a writing under their hands, to be auctioneers for one year in any town in said county ; and shall record every such license in a book kept by them for that purpose.'

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

Approved March 15, 1870.

## Chapter 140.

An act additional to chapter forty-seven of the revised statutes relating to banks.

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

Liability of stockholders of banks the assets of which are in the hands of receivers.

SECT. 1. When it appears to the supreme judicial court that the assets of a bank in the hands of receivers are insufficient to pay the claims allowed against said bank, the court after reserving a sufficient sum for further necessary expenses, may assess upon all the persons liable as stockholders to contribute to the payment of such claims such sum as may be requisite to make up the deficiency of assets.

A stockholder may deposit his liability with receivers.

SECT. 2. Any stockholder may deposit with the receivers a sum of money equal to his liability, subject to such assessments as the court may make.

Receivers may be authorized to compound the liability of stockholders.

SECT. 3. The court may from time to time authorize the receivers to compound with such stockholders as are unable to pay the full amount of their liability.

Costs in suits brought by the receivers.

SECT. 4. Upon the trial of a bill in equity brought by the receivers against the stockholders to recover the amount deficient, if judgment is rendered against the stockholders, no costs shall be awarded against those who before service on them have deposited with the receivers a sum equal to their liability, or compounded as aforesaid, or those on whom no service has been made. Against any stockholder who pays to the receivers before judgment the amount assessed upon him by the court, or who is defaulted, the costs awarded shall be only the costs of service on him, and one dollar for other expenses. Those who appear and defend shall be held to pay all the remaining costs, to be equitably divided between them by the court, and the court may in its discretion require security for the payment of such costs. When judgment is rendered against the stockholders, execution may be

issued against each stockholder for the amount of his liability and for the costs awarded against him. CHAP. 141.

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

Approved March 16, 1870.

### Chapter 141.

An act additional to chapter one hundred and twenty-six of the revised statutes, concerning frauds.

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

Whoever fraudulently makes or utters any receipt or other written evidence of the delivery or deposit of any grain, flour, pork, wool or other goods, wares or merchandise in any warehouse, mill, store or other building, when the quantity specified therein had not, in fact, been so delivered and deposited in such building ; or so makes or utters any receipt or other written evidence of the delivery or deposit with him of any bonds or other securities or evidences of debt, when the same have not, in fact, been so delivered and deposited, shall be punished by imprisonment not less than one year nor more than ten.

Penalty for fraudulently making or uttering written evidence of the delivery or deposit of goods or securities.

Approved March 16, 1870.

### Chapter 142.

An act additional to chapter ninety of the revised statutes, concerning mortgages of real estate.

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

SECT. 1. When the mortgagee or person claiming under him has taken possession of the mortgaged premises and the debt secured by the mortgage is paid or released after condition broken and before foreclosure perfected, the mortgager or person claiming under him may maintain a writ of entry to recover possession of said premises, the same as if paid or released before condition broken.

Recovery of mortgaged premises before foreclosure is perfected.

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

Approved March 16, 1870.