

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED JANUARY 25, 1871;

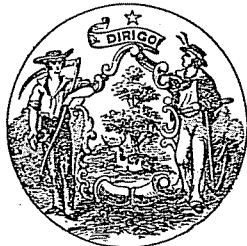
TO WHICH ARE PREFIXED  
THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

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BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY BAILEY & NOYES.

SEC. 7. During the continuance of any such partnership, no part of the capital stock shall be withdrawn therefrom, nor any division of interest or profits be made, so as to reduce the capital stock below the sum stated in the certificate above mentioned; and if during the continuance or at the termination of the partnership, the property is not sufficient to pay the partnership debts, the special partners shall be severally answerable for all sums by them in any way received, withdrawn or divided, with interest thereon from the time of withdrawal, notwithstanding the provision in section eight.

CHAP. 34.

Capital not to be reduced below the amount stated in the certificate, &c.  
R. S. c. 33, § 7.

SEC. 8. All suits respecting the business of such partnership shall be commenced and prosecuted by and against the general partners only, except in those cases in which provision is herein before made, that special partners shall be deemed general partners, and special partnerships, general partnerships; in which cases all the partners deemed general partners, may join or be joined in such suits.

In whose names suits may be brought.  
R. S. c. 33, § 8.

SEC. 9. No voluntary dissolution of such partnerships shall take place before the time specified in the certificate before named, unless a notice thereof is recorded in each registry, in which the original certificate, or certificate of renewal or continuance is recorded, and published in such paper, as is directed in the fifth section.

Voluntary dissolution and notice thereof.  
R. S. c. 33, § 9.

SEC. 10. In all cases not otherwise provided for herein, the members of limited partnerships shall be subject to the liabilities, and entitled to the immunities, incident to general partnerships, and the supreme judicial court may hear and determine, in equity, all questions between co-partners in any partnership formed by virtue of this chapter, and between said co-partners and any creditors of the firm.

In cases not otherwise provided for herein, limited partners to be same as general, &c.  
R. S. c. 33, § 10.

## CHAPTER 34.

### AUCTIONS AND AUCTIONEERS.

- SEC. 1. Municipal officers to license auctioneers and keep a record thereof.
2. Appeal to county commissioners in case of refusal.
3. Auctioneers to keep particular account of all goods sold, and pay to town a per cent. on goods voluntarily sold for benefit of non-residents, under penalty.
4. Penalty for allowing any one, not a legal voter in the town, to act under him in sales.
5. Penalty for knowingly receiving goods of minors or servants, and for selling before sunrise and after sunset.
6. Real estate lying in two towns may be sold by auctioneer of either. Penalty for selling beyond or without a license.
7. Penalty for knowingly permitting any person to sell goods, contrary to law, in any building or appurtenances.

CHAP. 34. SEC. 8. Exceptions as to sales by sheriffs and other officers.

9. Fines, how recovered and appropriated, and duty of sheriffs and other officers to prosecute therefor.

Municipal officers to license auctioneers and keep a record thereof. 1865 c. 297, § 1. 1868 c. 204, § 1. 1870 c. 139, § 1. In what cases auctioneers may be exempt from liability to deduct 2 1-2 per cent.

Appeal to county commissioners, in case of refusal. R. S. c. 34, § 2.

Auctioneers to keep account of goods sold, &c. R. S. c. 34, § 3. 1867 c. 113, § 1. 53 Me. 394.

Penalty for allowing any one not a voter in the town, to act under him. R. S. c. 34, § 4.

Penalty for receiving goods of minors or servants, &c. R. S. c. 34, § 5. Municipal officers may grant licenses to sell after sunset. 1867 c. 113.

Real estate lying in two towns, how sold. Penalty. R. S. c. 34, § 6. 4 Me. 258. 43 Me. 158. 53 Me. 394.

SEC. 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. Persons so licensed may be exempted from any liability to deduct two and one-half per cent. from the gross amount of sales as provided in section three. (a)

SEC. 2. If such officers, after written application to them for a license, unreasonably refuse or neglect to grant it, the applicant, by giving them ten days notice and a bond to pay all costs arising thereafter, may appeal to the county commissioners, who, after a hearing of the parties, may grant the license if they judge it reasonable.

SEC. 3. Every person licensed shall keep a fair and particular account of all goods and chattels by him sold, stating of whom received, and the price for which the same were sold; and unless otherwise authorized, if said goods are sold voluntarily for the benefit of parties residing out of the state, he shall deduct two and a half per cent. from the gross amount of the sales for the use of the town, where the sale is made, and pay the same to the treasurer thereof within ten days after the sale; and in default thereof, he shall be liable to a fine of not less than fifty, nor more than three hundred dollars, and forfeit his license.

SEC. 4. No auctioneer shall allow any person, not a legal voter in the town, from which he received his license, to act for or under him in any sales by public auction, under penalty of fifty dollars for each offence; and any person so acting shall be subject to the same penalty.

SEC. 5. If any auctioneer receives any goods for sale, at public auction, of any servant or minor, knowing him to be such, or sells any goods, before sunrise or after sunset, at public auction, he shall forfeit a sum not less than fifty nor more than one hundred and seventy dollars for each offence; but the municipal officers of any town may license any duly licensed auctioneer specially, to sell after sunset upon payment of a sum not exceeding twenty dollars.

SEC. 6. A parcel of real estate lying partly in one town and partly in another, may be sold by an auctioneer of either; but if any auctioneer sells or offers to sell any real or personal property at public auction in any other towns, than those authorized by his license, or if any person sells without a license, he shall forfeit not exceeding six hundred dollars.

(a) 4 Me. 258, 333; 25 Me. 140; 33 Me. 302; 43 Me. 158.

SEC. 7. If the tenant or occupant of any building, having actual possession and control thereof, knowingly permits any person to sell any goods or chattels at public auction contrary to the provisions of this chapter, in such building, or in any apartment, or yard appurtenant thereto, he shall forfeit not more than six hundred, nor less than one hundred dollars.

CHAP. 35.  
Penalty for permitting any person to sell contrary to law &c.  
R. S. c. 34, § 7.

SEC. 8. Nothing in the preceding sections shall extend to sales made by sheriffs, deputy sheriffs, coroners, constables or collectors of taxes, executors or administrators, or any other person authorized to sell goods, chattels, or lands, by order of any court or judge of probate.

Exceptions as to sales by officers.  
R. S. c. 34, § 8.

SEC. 9. All fines imposed by this chapter may be recovered by indictment in any court proper to try the same; and it shall be the especial duty of city marshals and their deputies, sheriffs, constables and police officers, to make immediate complaint for every offence against the provisions hereof; and one-half of all fines shall be for the use of the prosecutor, and the other for the use of the town where the offence is committed.

Fines how received and appropriated.  
R. S. c. 34, § 9.

## CHAPTER 35.

### PAWNBROKERS AND INTELLIGENCE OFFICES.

#### PAWNBROKERS.

- SEC. 1. License and removal of pawnbrokers and penalty for acting without license.
2. To keep accurate and particular account of all business done, under a penalty.
3. Rate of interest fixed at twenty-five per cent. on loan of twenty-five dollars, and six on larger.
4. Time and mode of selling pawned property, and notice thereof, fixed under a penalty.
5. Penalty for not paying over proceeds of sale, after deducting amount due on loan.

#### INTELLIGENCE OFFICES.

- SEC. 6. Municipal officers may license intelligence offices. Penalty for keeping such office without license.
7. Penalties, how recovered and appropriated.

#### PAWNBROKERS.

SEC. 1. The municipal officers of any town may grant licenses to persons of good moral character to be pawnbrokers therein for one year, unless sooner removed by said officers for a violation of law regulating their business; and any person carrying on said business

License and removal of pawnbrokers, &c.  
R. S. c. 35, § 1.