

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1845.

AUGUSTA:

WM. T. JOHNSON, PRINTER TO THE STATE.

1845.

TWENTY-FIFTH LEGISLATURE.

No. 22.]

[SENATE.

[Reported from the Committee on the Judiciary.]

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-FIVE.

AN ACT in relation to Steam Navigation Corporations.

*Be it enacted by the Senate and House of Represent-
2 atives in Legislature assembled—as follows :*

3 SECTION 1. In all corporations created in this State
4 for the purposes of steam navigation, unless otherwise
5 specified in their charter, in case of a deficiency of
6 attachable corporate property or estate, arising in part
7 or in whole from the loss of the boat or boats of such
8 corporations, the individual property, rights and cred-
9 its of every stockholder thereof shall be liable to be
10 taken on execution to one half of the amount of his
11 stock in addition to the amount as now provided for
12 in the eighteenth section in chapter seventy six of the
13 Revised Statutes, for all debts contracted, and all lia-
14 bilities incurred by the corporation during his owner-

15 ship of such stock ; and such liability shall continue
16 for the period of time, and may be enforced by the
17 same proceedings, as is provided for the continuance
18 and enforcement of the liability mentioned in the said
19 eighteenth section of said chapter. *Provided*, this
20 additional liability shall not be enforced unless the
21 corporate property and the liability of the stockholder
22 in his individual property, rights and credits, provided
23 in said eighteenth section, shall be insufficient to pay
24 the said debts and liabilities of the corporation.

SEC. 2. Every such corporation shall have a treas-
2 urer ; and he shall keep his office within this State,
3 and shall publish, semi-annually, in the months of
4 January and July, in some newspaper printed in the
5 county in which he keeps his office, and, in case no
6 paper is printed therein, then in some newspaper
7 printed in an adjoining county or in the paper pub-
8 lished by the printer to the State, a correct statement,
9 under oath, of the amount of all the assessments voted
10 by the corporation and actually paid in, the net
11 amount of the then existing capital stock, the amount
12 of all the debts due from, and of the liquidated liabil-
13 ties against such corporation, the amount insured upon
14 the boat or boats of the corporation with the name or
15 names of the insurance company or companies, or of
16 the person or persons, and of his or their place of res-
17 idence, making the insurance, and also the amount of
18 the capital stock invested in such boat or boats. If
19 any such treasurer shall neglect or refuse to publish

20 such statement he shall be fined, not exceeding five
21 hundred dollars, or be imprisoned not exceeding six
22 months, on indictment and conviction thereof. And
23 if he shall neglect or refuse to publish such statement,
24 or shall knowingly publish a false statement, with the
25 fraudulent intent to injure any creditor or claimant,
26 or any who might thereafter become a creditor or
27 claimant of such corporation, he shall be deemed
28 guilty of a high misdemeanor, and upon indictment
29 and conviction thereof he shall be punished by fine
30 not exceeding one thousand dollars, imprisonment in
31 the county jail, not exceeding one year, confinement
32 in the State prison, to hard labor, not exceeding five
33 years, or any or all of said punishments, according to
34 the aggravation of the offence.

SEC. 3. It shall be the duty of such corporations to
2 keep, at all times, their boats insured against losses by
3 fire and against the risks and dangers of the sea ; and
4 all policies of assurance on their boats, after the hap-
5 pening of the loss or injury insured against, shall be
6 deemed and shall become a part of the capital stock
7 of the corporation.

SEC. 4. The directors of every such corporation
2 may make dividends amongst the stockholders, from
3 time to time, of their net profits ; but no dividend,
4 reducing the capital stock of such corporation or the
5 debts due to the same, shall be made, until all the
6 debts due therefrom shall have been paid.

SEC. 5. Any director, officer or other member of

2 such corporation, who shall vote for, or aid in making
3 any dividend, against the provisions of the foregoing
4 section, shall be fined, not exceeding five hundred
5 dollars, or imprisoned for a term not exceeding six
6 months; and all such sums received by any stock-
7 holder for any such dividend, shall be liable to be re-
8 covered of such member by any creditor or claimant
9 of such corporation in an action on the case.

SEC. 6. All such corporations are hereby expressly
2 prohibited from contracting debts, which, with the
3 amount of liquidated liabilities, shall exceed, at any
4 one time, one half of the amount of their capital stock
5 paid in and remaining undivided; and if the amount
6 of indebtedness of said corporations, at any one time,
7 or if the debts of such corporations with the liquidated
8 liabilities against the same at the time of contracting
9 such debts shall exceed the limitation aforesaid, then
10 the stockholders shall at once become individually
11 liable for all the debts of their respective corporations;
12 and such liability shall continue for the same period
13 of time, and such proceedings shall be had to enforce
14 the same against such stockholders, but without limi-
15 tation as to the amount, and for contribution between
16 stockholders, as is provided in said chapter seventy
17 six of the Revised Statutes.

SEC. 7. No person shall be chosen a director or
2 treasurer of any such corporation, nor continue to
3 hold any of such offices, unless he be a stockholder
4 therein.

STEAM NAVIGATION.

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SEC. 8. This act shall take effect and be in force
2 from and after its approval by the governor. And all
3 acts and parts of acts inconsistent with the provisions
4 of this act are hereby repealed.

AMENDMENTS OFFERED BY MR. OTIS.

A.

Amend section 2, line 11, by adding after the word
“stock,”—

1 And in estimating the value of the property of such
2 companies the value of the vessel or vessels belonging
3 to such companies shall be valued at the sum for
4 which they are at the time actually insured.

B.

Amend by adding a new section immediately after the
first section, as follows—

The undivided property of the stockholders shall be
2 liable to be attached and taken on execution in the
3 manner and under the limitation as to time, provided
4 in the seventy sixth chapter of the Revised Statutes
5 upon all claims for damages against said company
6 arising out of the breach of any contract, express or
7 implied, made by the corporations as common carri-
8 ers, or from any misconduct or neglect of said corpo-
9 ration or its agents under the maritime law, in every
10 case to the same extent as if they were part owners

11 of the vessel or vessels of said company in their indi-
12 vidual capacity. And in case the private property of
13 any stockholder is taken under and by virtue of this
14 act, he shall have the same rights to contribution from
15 the corporation and the other stockholders; and the
16 same process for enforcing the same as are provided
17 for similar cases in the seventy sixth chapter of the
18 Revised Statutes.

STATE OF MAINE.

IN SENATE, Feb. 28, 1845.

ORDERED, That 350 copies of this bill, and the amendments on sheets A and B, offered by Mr. Otis, be printed for the use of the legislature.

J. O. L. FOSTER, *Secretary.*