

MAINE STATE LEGISLATURE

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1856.

PART SECOND.

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1856.

THIRTY-FIFTH LEGISLATURE.

SENATE.

No. 19.

REPORT

*Of the Commissioner appointed to examine and classify the
Special Acts and Resolves of this State.*

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*To the Legislature of Maine :*

THE undersigned, appointed Commissioner to examine the "Special Acts" and "Resolves" of this State, in conformity with the provisions of a resolve entitled "Resolve concerning the special acts and resolves of this state," approved March 16th, A. D. 1855, begs leave to present the following

### REPORT :

The Commissioner is required to report to you: "First, the number of each class which is of sufficient interest and importance to the public, to require and repay publication."

The special laws from the origin of the state government to and including the year 1852, are contained in six volumes, differing in size and in the manner of printing; those passed since that time are contained in the pamphlet editions of the acts and resolves published for the last three years. A very large proportion of these are acts of incorporation; and of them, a few classes, as acts incorporating railroad and insurance companies, from the extent of the business conducted by such corporations, and the magnitude of the interests involved in them, are of as much importance to the public as many public laws,

and there is the same necessity for their publication and general diffusion.

The remaining classes affect the interests of a much smaller portion of the community, and it is difficult to devise any general rule for determining their relative public importance.

The undersigned believe that every act of incorporation which contains provisions enlarging or restricting the powers given by the public laws to such corporations, and which may become the subject of reference, should be given to the public in some form more accessible than the original records in the office of the Secretary of State.

Many of the corporations created by these acts have not been and probably never will be organized; and it may at first seem unnecessary to republish acts of incorporation that are not in force; which have been passed for many years and not acted upon, or where the time for their organization has expired; but as acts are revived, or the time for their organization extended, at every session of the legislature, they may become of as much importance as any acts of the same class in force.

A part of the special laws contain penal provisions, and though very limited in their operation, have for that reason been considered worthy of publication.

Guided by these rules, and in conformity with the express language of the resolve, the undersigned has selected, from the private and special acts, twenty-four classes which would repay the cost of publication.

They include all acts belonging to each class, which have not been repealed, and are as follows:

*First Class*—One hundred and twenty-eight acts incorporating railroad companies, and acts in addition to the same.

*Second Class*—One hundred and seventeen acts incorporating insurance companies.

*Third Class*—Fifty-five acts incorporating cities.

*Fourth Class*—One hundred and forty acts incorporating towns.

*Fifth Class*—Eighty-one acts incorporating literary seminaries and academies.

*Sixth Class*—Three hundred and ninety-nine acts incorporating manufacturing companies.

*Seventh Class*—Thirty-two acts regulating fisheries.

*Eighth Class*—Fifty acts incorporating lock and canal companies.

*Ninth Class*—One hundred and forty-six acts incorporating bridge and turnpike companies.

*Tenth Class*—Sixty-six acts incorporating sluiceway and boom companies.

*Eleventh Class*—Fifty-seven acts incorporating navigation companies.

*Twelfth Class*—Thirty-three acts incorporating log-driving companies.

*Thirteenth Class*—Thirty acts incorporating ferry companies.

*Fourteenth Class*—Thirty acts incorporating wharf companies.

*Fifteenth Class*—Seventy-eight acts incorporating dam and water power companies.

*Sixteenth Class*—Two acts incorporating mutual loan and savings institutions.

*Seventeenth Class*—Two acts establishing police in towns.

*Eighteenth Class*—Twenty-four acts incorporating gas light companies.

*Nineteenth Class*—Seven acts incorporating plank road companies.

*Twentieth Class*—Five acts incorporating ice companies.

*Twenty-first Class*—Nine acts incorporating telegraph companies.

*Twenty-second Class*—Twelve acts authorizing cities and towns to loan their credit to railroads, or take stock in them.

*Twenty-third Class*—Five acts incorporating water companies.

*Twenty-fourth Class*—Thirty-three acts of a miscellaneous character, which could not be more definitely classified.

Acts incorporating banks and other corporations which are regulated by a public law, are omitted in the above classification. One act of each of these classes, with a list of all others that have been passed, is all that could be required for reference.

The resolves are contained in the same number of volumes as the special laws, but of smaller size. Published with them, are the reports of committees and commissioners on various subjects; the messages of the governors, and the civil government for each year.

The greater part of the resolves relate to the appropriations of money, and are not in the same sense, as the private acts, of public importance.

In the following classes are included all the resolves which have the effect of public or special acts, together with those relating to subjects of such importance as, in the opinion of the undersigned, would repay the cost of publication in full:

*First Class*—Twenty-six resolves relating to the public lands.

*Second Class*—Fifty-nine resolves relating to education and the endowments to literary institutions.

*Third Class*—Twenty-two resolves regulating the printing and distribution of state documents.

*Fourth Class*—Nine resolves relating to the affairs of the Penobscot and Passamaquoddy tribes of Indians.

*Fifth Class*—Five resolves authorizing the appointment of officers, and fixing their compensation and duties.

*Sixth Class*—Fifty-four miscellaneous resolves, which could not be more definitely classified.

A list of the resolves contained in the above classes, referring to the date of their approval, with such of the special laws as are not readily collated from the classification accompanying this report.

The resolves omitted in the above classification, are the resolves with the accompanying reports relating to the settlement of the north-eastern boundary, resolves declaring the sense of the legislature on questions of national policy, and containing instructions to the senators of this State in congress, resolves making various appropriations, with those which have been repealed.

From the matter thus rejected, much could be selected which would be useful for precedents in legislation, and much that is interesting as containing the history of the State and its legislation, but of about the same relative importance.

This digest of the acts and resolves would occupy three volumes of the size and style of printing of the sixth volume of the special laws. It should contain a list of all private acts and of all the resolves, referring to the date of their approval, in addition to the indexes appropriate to the volumes.

The acts, if bound separately, would occupy two volumes of a size one-eighth larger than the volumes referred to above, and the resolves, with the indexes, one volume of the size of volume fifth of the special laws.

The cost of collating this edition, and preparing suitable indexes, is estimated at about nine hundred dollars, and the expense of printing and binding the same, would be twenty-five hundred dollars for the first fifteen hundred volumes, and fifteen hundred dollars for each additional thousand volumes.

A digest thus prepared would be, in many respects, a useful and convenient work. It would contain all acts of incorporation of any importance, and all resolves in force, separated from much matter that could not be required for ordinary reference.

The cost of this publication would be small, and would place it in the hands of many who would not purchase a large and more expensive edition.

The resolves alone, separated from the other matter published with them, would, with suitable indexes, occupy two volumes, and with the selections from the special laws reported above, would be contained in four volumes.

This digest would contain all, that in ordinary business, would be required for reference.

That a republication of a part, if not all, the special acts and resolves, is required at this time, is very obvious to every one having occasion to refer to them; and this fact appears, with great propriety, to have been assumed by the legislature in the terms of the resolve creating the commission.

The resolve also appears to assume that the public interest would not require the publication of the same *in full*; and in this conclusion the undersigned does not concur.

The different volumes in which the special acts and resolves are contained will, in a few years, be entirely out of print. There is not a perfect set in the state library. A single copy of the resolves from 1820 to 1825 could not be found; and of several volumes, there remain but two or three copies. And yet, resolves passed in some of these years are now in force and reference frequently made to them.

The copies which are annually distributed among the different towns are illy kept, and but few towns have preserved any part of them.

In the event of the destruction of the state records by any casualty, they could be with great difficulty, if at all, replaced from printed copies in private libraries.

But if it is not indispensable to the preservation of the matter contained in these volumes, it is submitted that to perpetuate in some suitable form, the history of state legislature and the records of its progress and advancement, is peculiarly a work of public interest and importance.

Acts that have been repealed and resolves which appear obsoletè may at some time become the subjects of reference. They often contain the foundation of present action and are all useful as precedents in legislation. The origin, growth and ultimate success of the great industrial interests of the present day, appear, step by step, in these annals of successive legislatures. Here in a practical form, is exhibited the policy of the state in establishing and endowing common schools and colleges,



reform schools and asylums. And to legislate understandingly and effectively for the present interests of these institutions, requires an intimate knowledge of their past history.

The generation of statesmen that moulded our institutions, and were familiar with their origin and growth, has passed away; and it is therefore the more important that we should have the light of their wisdom to guide our footsteps in the paths they have pointed out; and in preserving these records of their acts we may cherish a wholesome conservatism which shall perpetuate what they originated so well.

It has been considered of so great public importance to preserve the memorials of the life of a statesman, that appropriations have been made to secure their publication; and should not these memorials of *the life of the state* be treasured with equal care?

The matter contained in these volumes is accessible to us in no other form; and how can the resources of the state be more properly expended than in transmitting the records of its acts for the use of its citizens through all time.

In the offices of the clerks of courts and the registers of deeds of the several counties, and the state offices in the state, and in public libraries, copies of such records should be deposited for preservation and for public use.

It is not to the antiquarian or historian chiefly, that such a work is of interest and use; to the legislator it is of the greatest practical importance. The absence of method and system in our special legislation is very obvious, and is undoubtedly attributable, in some measure, to ignorance of the action of past legislatures. Acts, establishing corporations of the same class, with very different provisions, are passed every year. Some contain only a clause of incorporation, while others fill a number of pages, as the interests or caprice of the applicant may dictate, although each is intended to accomplish the same purpose.

Hardly two of the acts incorporating mutual fire insurance companies, contain the same provisions; some are condensed into one section, while others are diffused through thirty, and many of them make important changes in the public laws regulating such corporations. The cause of this evil is readily attributed to the ignorance of the action of past legislatures, and it is quite impossible in the hurry of legislation to obtain the necessary information by examining some fourteen volumes of acts and resolves, arranged in the order of their passage, without the aid of index or classification.

A reform in this respect, is certainly desirable. And it is submitted that a publication in which all such acts are classified and could easily be found and compared, might remedy this evil, and introduce some method into our special legislation.

The digest, as contemplated by the resolve establishing this commission, may be compiled by individual effort, and the aid of the state extended to the work, if necessary; but it would not, in the opinion of the undersigned, supercede the necessity of republishing the special laws and resolves in full. And a work so extensive and so exclusively public in its character could be undertaken by the state alone.

It is estimated that the special acts would occupy four volumes, and the contents of the volumes of resolves three volumes of the size above named. The cost of printing and binding would not exceed the previous estimate. The expense of preparing suitable indexes, classifying the matter published, may be estimated at five hundred dollars.

If it is considered by the legislature inexpedient to republish this matter in full, the commissioner would recommend, as next in utility and completeness, the digest of the special acts reported above with the resolves alone separated from the other contents of the volumes; and finally the classification first reported.

With much distrust of his ability to compile from the mate-

rials a work of public interest and importance that would supersede the necessity of a republication in full, as contemplated by the resolve, but with great confidence in the soundness of the principles contained in the foregoing suggestions, this report is respectfully submitted to the legislature.

JOHN N. GOODWIN.

February, 1856.



STATE OF MAINE.

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IN SENATE, February 29, 1856.

ORDERED, That 350 copies of this report be printed for the  
use of the Legislature.

N. C. REED, *Secretary pro tem.*