

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTEENTH LEGISLATURE,

JANUARY SESSION, 1836.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 23, 1820.

AUGUSTA:

SMITH & ROBINSON.....PRINTERS TO THE STATE.

1836.

No discontinuance to be had without concurrence of a majority of the Commissioners.

said section on petitions for laying out such highways; and that no discontinuance of such highway shall be had without the concurrence of a majority of the Commissioners as is therein provided for laying out highways.

[Approved by the Governor, February 10, 1836.]

Chapter 199.

AN ACT repealing an Act, entitled "An Act to prevent Frauds in the Inspection of Fish."

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the Act, entitled an Act to prevent frauds in the Inspection of Fish, approved March 9, 1832, be, and the same is hereby repealed.

Former act repealed.

[Approved by the Governor, February 16, 1836.]

Chapter 200.

AN ACT concerning Corporations.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled, That from and after the passing of this Act, all Corporations, created by the Legislature, or which shall be established under existing Laws, shall be capable in their corporate name, to sue and be sued, appear, prosecute and defend to final judgment and execution, in any Courts of record, or in any other place whatever: to have a common seal, which they may alter at pleasure; to elect, in such manner as they shall determine, all needful officers, to fix their compensation and to define their duties, obligations and liabilities, consistent with the Constitution and Laws of the State, for their own gov-*

Corporations capable in their corporate name to sue, defend, &c.

—to elect needful officers, fix their compensation and define their duties, &c.

ernment, and for the due and orderly conducting of their affairs and the management of their property. [See additional act chap. 217.]

SECT. 2. *Be it further enacted,* That the mode of calling the first meeting of all Corporations, unless otherwise specially provided for, shall be by a notice, setting forth the time, place and purposes of the meeting, signed by any one or more of the persons named in the Act of Incorporation, and fourteen days at least previously to the meeting, delivered to each member, or published in some newspaper or newspapers in the County where the Corporation may be established, or if there be no newspaper, then in a newspaper in some adjoining County. Mode of calling the first meeting of corporations.

SECT. 3. *Be it further enacted,* That in all Corporations hereafter created by the Legislature, except Banking Corporations, unless otherwise specially provided for in the Act of Incorporation, the shares of individual stockholders shall be liable for the debts of the Corporation. And, in case of deficiency of attachable corporate property or estate; the individual property, rights and credits of any stockholder shall be liable, to the amount of his stock, for all debts of the Corporation contracted prior to the transfer thereof, for the term of one year after the record of the transfer in the books of the Corporation, and for the term of six months after judgment recovered against said Corporation in any suit commenced within the year aforesaid, and the same may be taken in execution on said judgment in the same manner as if said judgment and execution were against him individually, or, said creditor, after said judgment, may have his action on the case against said individual stockholder; but in no case shall the property, rights and credits of said stockholder be taken in execution or attached as aforesaid beyond the amount of his said stock. Individual stockholders liable for debts of the corporation. In case of deficiency of attachable corporate property, the individual property liable one year after transfer to a certain extent. —no property or rights attachable beyond the amount of stock.

SECT. 4. *Be it further enacted,* That it shall be the duty of the officer having said execution to appropriate towards the satisfaction thereof, in part or in whole any corporate property or estate, which he can find, and if sufficient cannot be found, to certify said deficiency on said execution and to notify the individual stockholder by giving him forty-eight hours previous notice thereof whose property he is about to take; and if said stockholder resides out of the State, said notice shall be given to his Agent, if he has any in the State, otherwise to the Clerk of said Corporation, and, if such individual stockholder, his Agent or said Clerk on demand of said officer and notice as aforesaid, shall disclose and shew to the execution creditor or officer attachable corporate property or estate sufficient to satisfy said execution and all fees, his individual property, rights and credits shall thereupon be exempt from attachment and execution. And said action on the case shall not be commenced against said stockholder until demand and notice as aforesaid.

Officer to satisfy execution out of corporate property, if to be found, &c.

--notify individual stockholder 48 hours before taking his property.

If out of State notice to be given, &c.

If property sufficient be shown --to be exempt.

Stockholder to have his remedy.

May have contribution.

Clerk of cor-

SECT. 5. *Be it further enacted,* That said individual stockholder, whose property, rights and credits shall be attached and taken as aforesaid shall have his remedy at law, or in equity against said Corporation to reimburse him for all monies paid as aforesaid, and to recover such damages as he may have sustained by the neglect of said Corporation to satisfy said execution. And, in case of a deficiency of corporate property or estate wherewith to satisfy said judgment or decree as said individual stockholder may recover or obtain as aforesaid, said stockholder may have his remedy as aforesaid for a contribution, in proportion to their respective stock in said Corporation, against the stockholders who were liable for the corporate debt sued for in said action against said Corporation.

SECT. 6. *Be it further enacted,* That it shall be the duty of the Clerk of said Corporation, on

demand, to furnish the officer having the execution against said Corporation, with the names and place of residence of the stockholders who may be liable as aforesaid.

poration to furnish officer with names of stockholders.

SECT. 7. *Be it further enacted,* That all provisions of Law touching the subject matter of Corporations and not inconsistent with this Act, shall not be affected thereby, and this Act shall take effect from and after its passage.

Provisions of former act repealed.

[Approved by the Governor, February 16, 1836.]

Chapter 201.

AN ACT relative to the collection of State Taxes, and assessments made by County Commissioners.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That it shall be the duty of the State Treasurer to cause that within three months from the assessment by the Legislature, of any tax upon any township or tract of land, not taxable by the assessors of any town or plantation, the said assessment shall have been published three weeks successively in the newspaper of the printer to the State, and in some newspaper printed in the County where such land may lie, if such newspaper there be. And said land shall be holden and encumbered to the State for the payment of all such State Taxes, and for the repayment of all such sums as the State may have paid to discharge any taxes or rates assessed by County Commissioners, together with the interest thereon for the term and at the rate hereinafter specified.

State Treasurer to publish the assessment of taxes on land not taxable by Assessors of any town or plantation, within 3 months, &c.

Such land holden to the State for the payment of said taxes, &c.

SECT. 2. *Be it further enacted,* That whenever any tax or rate upon any such township or tract shall have been duly assessed or ordered by County Commissioners, it shall be the duty of the County

Whenever any tax is assessed by County Commissioners, the County Treasurer to notify the