

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

4628

PASSED BY THE

TWENTY-SECOND LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A . D . 1 8 4 2 .

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

AUGUSTA:

Wm. R. SMITH & Co., PRINTERS TO THE STATE.

1842.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1842.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

ERRATA.

PUBLIC LAWS.

- Page 1, chap. 1, ninth line, for "depositions" read "deposition"
7, chap. 10, in enacting clause, for "*enncted*" read "*enacted*"
23, chap. 31, section 7, fourth line, before the word "court" insert "the"
24, chap. 31, bottom line, for "SECT. 15." read "SECT. 13."
27, chap. 32, section 1, tenth line, for "whatever" read "whatsoever"

PRIVATE AND SPECIAL LAWS.

- Page 6, chap. 5, section 1, fourth line, for "the" read "this"
16, chap. 17, fifth line from the bottom, for "agricultural" read "agricultural"
32, chap. 41, seventh line, for "building" read "buildings"

RESOLVES.

- Page 42, chap. 52, in the title and in second line, for "Brown" read "Brawn"
58, chap. 69, thirteenth line from the bottom, for "township" read "townships"

ERRATUM. Page 154. For "Hancock" read "Aroostook."

by or against towns, for the support of paupers, full costs may be taxed."

CHAP. 31.
against towns for
the support of
paupers.
§ 2.

SECT. 21. The same chapter shall be further amended in section two, by inserting after the words "towards his salary," the words "including ten cents for the blank writ in every action entered before him;" so that the second paragraph of said second section will be as follows:

"Whenever any such judge shall receive a stated salary for his services from the treasury of any county, he shall account under oath to the treasurer of said county for all fees accruing to him in said capacity towards his salary, including ten cents for the blank writ in every action entered before him; and if such fees exceed the amount of his salary for any such quarter, the excess shall be by him paid over to such treasurer."

Judges of municipal and police courts to account to county treasury for excesses of fees.

[Approved March 18, 1842.]

Chapter 32.

AN ACT in relation to institutions for savings.

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

SECT. 1. Whenever any institution for savings within this state, duly incorporated as such, shall not have sufficient assets belonging to the same to pay and discharge in full all just and legal claims upon it; and also all sums of money received by it on deposit, it shall be the duty of the supreme judicial court acting as a court of equity, and in the exercise of its equity jurisdiction, on a bill of complaint or petition duly filled, of the trustees of such institution, or of any depositor, due notice having been first ordered and given, as hereinafter provided, to sequester by a decretal order the whole assets of every name and nature whatever belonging to such institution and the same to place in the hands of a receiver, to be by him managed and disposed of as said court shall direct, to the end that by the definitive decree of said court a just and equitable distribution of such assets, and of the proceeds of the same, may be made to and among all the depositors in such institution according to the respective amounts justly due them, for the sums of money by them severally deposited. And such decree of sequestration so made shall operate at law and in equity as a dissolution and discharge of any and all attachments of any goods, effects, rights and credits of such institution which shall be or may have been

Proceedings to be had when any institution for savings have not sufficient assets to discharge all legal claims upon it.

CHAP. 32.

made in any suit at law brought against such institutions by any creditor or depositor, or their legal representatives, and shall further operate as a stay or supercedeas of any execution on any judgment which has or may be recovered in any such suit.

Order of notice to be given on the filing of a bill of complaint.

SECT. 2. Upon the filing of such bill of complaint or petition, the said court, at any term thereof, or any justice thereof in vacation, may order notice of the filing and pendency of such bill to be given to all persons interested to the end that they may appear and shew cause wherefore the assets of such institution should not be sequestered, and a just and equitable distribution thereof be made to and among all the depositors. And a publication of the substance of the bill of complaint and prayer thereof, and of an attested copy of the order of notice thereon, in some public newspaper designated in said order, printed in the county where such institution is established, for such term of time as the said court or justice in said order may have directed, shall be deemed and taken a sufficient legal notice to all persons interested, of the pendency of such bill of complaint or petition.

Publication of bill of complaint, &c. sufficient legal notice to all persons interested therein.

Court to appoint a commission of insolvency,

SECT. 3. After the entering of the decretal order of sequestration aforesaid, it shall be the duty of the court to institute and appoint a commission, in the nature of a commission of insolvency, with all the powers of a master in chancery, whose duty it shall be, after giving due notice, to receive, audit and allow all such claims and demands against such institution, as shall appear to the commissioners to be justly due—and a notification of the time and place of meeting of the commission, for the purpose of receiving, auditing and allowing claims, signed by the commissioners, and published three weeks successively in the newspaper in which the notice of the pendency of the bill was published by order as aforesaid, prior to the time assigned for a hearing by the commission, shall be deemed and taken as sufficient and legal notice of the time and place of the meeting of the commission. And said commission shall have power to adjourn from day to day, and from time to time, until the business committed to it shall be fully accomplished.

Powers and duties of the same.

Notice of time and place of meeting to be given.

Commission to make report to the court.

And it shall be the duty of such commission to report as soon as may be to the court the whole amount of the assets of such institution—also a list of all outstanding claims and demands against such institution proved and allowed other than those for money's deposited, and furthermore a list of the depositors and of the sums of money due them respectively, which report being so made, shall be subject to exception and amendment as other reports of a master in chancery. And the said report being accepted and confirmed by the court, it shall be the duty of the court by a definitive decree

Proceedings to be had when report is accepted and confirmed.

to cause the several sums so adjudged due, other than for moneys deposited, to be paid and discharged out of said assets, and after deducting all necessary expenses allowed by the court to cause the rest and residue of said assets and the proceeds thereof to be distributed and paid according to equity and good conscience, to and among the several depositors in proportion to their respective claims.

SECT. 4. The trustees of institutions for savings and the receivers appointed by the court as herein provided, shall have full power to compromise and adjust with any debtor of such institution any debt due the same, on such terms and conditions as they may respectively think most for the interest of the depositors; *provided*, that this act shall not interfere with or apply to the suit of any depositor which shall have been defaulted or upon which a verdict shall have been rendered for the plaintiff prior to the passage of the same.

Powers of trustees and receivers in relation to compromise.

Proviso.

SECT. 5. This act shall take effect and be in force so soon as it shall have been approved by the governor.

When to take effect.

[*Approved March 18, 1842.*]

Chapter 33.

AN ACT additional to an act in relation to public lands.

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

SECT. 1. That whenever any of the settling lands belonging to this state shall be surveyed into lots for settlement, as provided in chapter three, and section fifteen, of the revised statutes, if the same or any part thereof, shall be occupied or improved, it shall be the duty of the surveyor to locate the lot on which such occupation or improvement shall be found, in such a manner as to secure as far as may be, without material injury to adjoining lots, the benefit thereof to the person entitled thereto. And the surveyor shall return to the land office the field notes of his said survey, together with the names of the persons who have made such improvements, and the numbers of the lots on which they reside, and also the numbers of the lots on which said improvements have been made; and any person residing on any such lot surveyed as aforesaid, and any person who has made such residence or improvements upon any such lot surveyed before the passing of this act, who shall notify the land agent of such residence or improvement and furnish

Duties of surveyors in relation to the survey of settling lands as provided in the R. S. ch. 3, § 15.

Field notes, &c. to be returned to the land office.

When settlers shall be entitled to preemption.