

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

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

Augusta:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

1846.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1846.

Chapter 220.

An Act additional in relation to banks and banking.

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

Charters of banks extended.

SECTION 1. The charters of all banks now incorporated, or which may hereafter be incorporated, within this state, are hereby extended to the first day of October in the year of our Lord one thousand eight hundred and fifty seven, subject to the provisions of this act and all existing acts upon the subject of banks and banking.

Notice of acceptance of renewal to be given to secretary of state.

SECT. 2. All banks accepting a renewal of charter, subject to the restrictions, limitations and penalties of this act, shall give written notice of such acceptance, to the secretary of state, on or before the first day of May, in the year of our Lord one thousand eight hundred and forty-seven.

Amount of circulation.

SECT. 3. No bank now incorporated or which may hereafter be incorporated within this state, shall issue and put in circulation as money, bills to the amount of more than fifty per cent. of its capital stock actually paid in, unless said bank shall have in its vaults, at the time of such issue, one dollar in specie for every three dollars in bills so issued, over and above fifty per cent. of its capital stock; nor shall the circulation of any bank within this state, at any time, exceed the amount of its capital stock paid in, and the specie in its vaults.

Cashiers to make weekly balances. Commissioners duties.

SECT. 4. Weekly balances shall be made by the cashiers of banks, exhibiting the amount of specie on hand and the amount of bills in circulation; and it shall be the duty of the bank commissioners, at their annual examination, to note all overissues shown by such balances, and report the same to the governor and council.

Penalty for overissues.

SECT. 5. Every bank now incorporated or which may hereafter be incorporated in this state, shall forfeit and pay for the use of the state, ten per cent. upon the amount of bills it shall at any time put in circulation over and above the amount authorized by the third section of this act; and said forfeiture may be sued for and recovered in the name of the treasurer, in an action on the case, in the supreme judicial court.

How recovered.

SECT. 6. Whenever by the annual report of the bank commissioners or otherwise, it shall appear that any bank has put in circulation a larger amount of bills than authorized by this act, it shall be the duty of the secretary of state to notify the attorney general of the fact, who upon the receipt of said notice, shall forthwith commence an action against the president, directors and company

of such delinquent institution, to recover the penalty established by CHAP. 221.
the fifth section of this act.

SECT. 7. The thirty-second section of the seventy-seventh chapter of the revised statutes is hereby repealed. § 32, ch. 77, R. S. repealed.

SECT. 8. This law shall take effect from and after the first Monday of October, eighteen hundred and forty-seven. When to take effect.

[Approved August 10, 1846.]

Chapter 221.

An Act to regulate the times of pleading certain pleas in real actions.

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

In all writs of entry, the defendant may plead that he is not tenant of the freehold, in abatement, but not in bar. And if any defendant would avail himself of the provisions of the ninth section of the one hundred and forty-fifth chapter of the revised statutes, his pleadings and brief statement shall be filed within the time required for filing pleas of abatement, and not after, except by special leave of the court and on such terms as the court shall direct. Writ of entry, time of pleading.

[Approved August 10, 1846.]

Chapter 222.

An Act in addition to "an act establishing town courts," approved March twenty-second, eighteen hundred and forty-four.

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

SECTION 1. The first section of the act to which this is additional is hereby so amended as to give the justices appointed in pursuance of said act original jurisdiction of all suits of a civil nature, where the debt or other matter in demand does not exceed fifty dollars; and concurrent jurisdiction with the district courts, in suits from fifty to one hundred dollars, excepting actions where the title of real estate is put in issue by either party, or where a town is a party in the action. Jurisdiction of justices in civil suits.

SECT. 2. The second section of said act is hereby so amended that the governor with advice of council, may appoint one addi- When additional justices may be appointed.