

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## TWENTY-EIGHTH LEGISLATURE

OF THE

# STATE OF MAINE,

A. D. 1848.

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

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**Augusta:**

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1848.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1848.

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**ERRATA:**

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

## STATE OF MAINE.

SECRETARY'S OFFICE, AUGUSTA, December 1, 1848.

I hereby certify, that the acts and resolves contained in this pamphlet have been compared with the originals deposited in this office, and appear to be correctly printed, with the exceptions mentioned in the *errata* hereunto annexed.

EZRA B. FRENCH, *Secretary of State.*

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### E R R A T A .

#### PUBLIC LAWS.

- Chapter 64, sec. 2, twentieth line, for "person" read "persons".  
67, in the title for "seventeenth" read "seventh".  
81, sec. 2, sixth line, for "and" read "or".

#### PRIVATE AND SPECIAL LAWS.

- Chapter 124, sec. 9, fourth line, for "insure" read "enure".  
131, sec. 9, thirteenth line, for "requested" read "required".  
132, sec. 3, second line, for "five" read "four".

## Chapter 63.

CHAP. 63.

An act additional in relation to hawkers and pedlers.

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

SECT. 1. Any person who shall hereafter travel from town to town, or place to place in this state, whether on foot or with any carriage drawn by one or more horses or other animals, or by steamboat, rail road, stage coach, or other public or private conveyance for the purpose of vending any goods, wares or merchandise, not manufactured in this state, shall be subject to all the requirements and provisions and liable to all the penalties and forfeitures contained in and prescribed by the act relating to hawkers and pedlers, approved July thirtieth, one thousand eight hundred and forty-six, although such person may have, for the time being, an established place of business in such towns or places, unless he shall continue to occupy such place of business more than four weeks successively in each town or place.

Liability of persons, traveling for the sale of goods, not manufactured in this state, and not occupying a place of business more than four weeks in such place.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor.

[Approved August 8, 1848.]

## Chapter 64.

An act relating to corporations.

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

SECT. 1. It shall be unlawful for any corporation, excepting corporations for literary and benevolent purposes, banking, and such as by the common law are termed quasi corporations, within this state, to make any division of the corporate funds, or property belonging to such corporation, so as to reduce the stock of such corporation below par value, except to close up the concerns of such corporation after all its debts are paid.

Unlawful for certain corporations to make division of their property so as to reduce their stock below par value.

SECT. 2. In all cases where any corporation, as aforesaid, has heretofore made, or shall, hereafter, make any such division of the corporate property, or funds, or of any portion thereof, and in all cases where such corporation has corporate property of any kind which is undivided, and which cannot be come at readily to be attached, or which is not attachable, any judgment

Remedy of judgment creditor or creditors in such case, where such corporation has undivided corporate property of any kind.

CHAP. 64.

creditor or creditors of such corporation or his or their attorney, may make complaint thereof to the supreme judicial court, therein setting forth in substance his or their judgment, and alleging the same to be unsatisfied by reason of inability to find corporate property wherewith to satisfy the same; and that he or they have reason to believe and do believe that such corporation has property or rights in action in the hands of its officers or elsewhere, or that such corporation has made division of corporate property or rights in action among the stockholders thereof without first causing the payment of the debts due from such corporation, and therein setting forth the names of such persons as he or they shall allege to have the custody or possession of any such property or rights in action either before or after division thereof as aforesaid; and such person whether officers or stockholders of such corporation or not, may be summoned into said court by having a copy of said complaint duly served upon them fourteen days before the sitting of said court and they shall be held to make full answer thereto, and a disclosure in writing and on oath of all facts within their knowledge relating to any corporate property, or funds, or rights in action belonging to said corporation and which may be in their hands or in the hands of any other person or which may have been divided among the stockholders of said corporation, as aforesaid; and if any person so summoned as aforesaid shall have the custody of the records of such corporation he shall be bound to produce the same and to make such extracts therefrom in his answer, as the complainant may require and the court shall direct; and the said court or either of the judges thereof shall have power to hear said answer and disclosure and all other evidence relating to any such property or rights in action which may be offered by either party and shall thereupon adjudge and determine whether such persons or any of them, at the time of the service of said complaint, held any property or funds or rights in action belonging to said corporation or which had been divided among the stockholders as aforesaid; or any of said questions (at the request of either party) may be submitted under the direction of the court to a jury to determine; and if said court, either with or without the verdict of a jury, shall adjudge that said corporation has any corporate property, funds or rights in action, in the hands of its officers or stockholders, so summoned as aforesaid, or elsewhere, or has made any division thereof as aforesaid, then said court shall have full power to order and decree that said

property, funds or rights in action shall be held to respond the judgment aforesaid, and to issue all such processes to enforce the said order and decree and to cause payment to be made to the judgment creditor or creditors as aforesaid, as they now have in cases in chancery.

SECT. 3. The court shall have power to allow the amendment of said complaint by striking out the names of any persons summoned as aforesaid, or by adding the names of any other persons, who shall be summoned into court and held to answer unto said complaint in such manner as the court shall direct, and also to award legal costs to any of the parties to said complaint as justice and equity may require.

Power of the court to allow the amendment of such complaint.

[Approved August 10, 1848.]

### Chapter 65.

An act giving further time to redeem lands forfeited to the state for non-payment of taxes and for the disposition of lands which may hereafter become forfeited.

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

SECT. 1. It shall be the duty of the treasurer of state within thirty days from the approval of this act to publish a list of all tracts of land forfeited to the state for non-payment of taxes, specifying the amount of taxes due on each and the time allowed by this act to pay the same, and hereafter, annually, on the first Monday of September, the treasurer shall publish a similar list of all tracts of land which may then have become forfeited, for the term of six months, once each week in the Eastern Argus, Portland Advertiser, Augusta Age, Kennebec Journal, Bangor Democrat and Bangor Courier, or as many of said papers as shall continue to be published.

Duty of treasurer of state to publish a list of all tracts of land so forfeited, annually.

SECT. 2. Any owner, tenant in common or other person having a legal interest in any tract of land so forfeited, or that may become forfeited to the state for non-payment of taxes, may pay to the treasurer at any time previous to the advertisement aforesaid or on or before the first day of March of each year, after said lands are advertised as aforesaid, the proportion due on his part of any tract of land of all taxes, interest and cost then due and the treasurer's receipt shall discharge his part of said tract.

Time when any owner, or person having a legal interest in any land, so forfeited, may redeem his part.