

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1849.

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.

1849.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1849.

residing out of the state, shall be liable to be taxed to the person or persons having the same in possession, for the purpose of sale.

CHAP. 141.

persons having the same in possession.

SECT. 2. The person having such goods, wares and merchandise in possession, and who shall have been taxed therefor, shall have a lien on the same to secure the amount of the tax so assessed, and there shall also be a lien upon said goods, wares and merchandise to secure the collection thereof, and the whole tax may be enforced by a lien upon any goods which may be in the possession of such person and held by him as aforesaid or owned by him, and the collector or constable to whom such tax is committed, shall be entitled to receive the same fees, and the like proceeding shall be had to secure the benefit of such lien as is provided in sections sixty-one sixty-six and sixty-seven of the fourteenth chapter of the revised statutes.

Lien created to secure the collection thereof.

Collector's fees.

SECT. 3. If any person shall, under the provisions of this act, pay more than his proportionate part of the tax, or in case his own goods or property shall be applied to the payment and discharge of the whole tax, he shall be entitled to recover of the owner of the goods, wares or merchandise, such portion of the whole tax as would be such owner's proper share.

Remedy of person having such goods in possession.

[Approved August 14, 1849.]

Chapter 141.

An act concerning corporations.

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

That whenever any corporation instituted by any law of this state, or any stockholder, owner or member of such corporation, or other person, shall withhold from inspection, at all seasonable hours, the records or books of such corporation from any stockholder, owner, member, or other person interested in such records or books of such corporation, or shall neglect or refuse to exhibit the same after due notice to produce the same for such purpose, such corporation, stockholder, member, owner or other person so withholding, neglecting, or refusing to exhibit, as aforesaid, shall be liable to pay to the party injured thereby, all expenses and damages resulting therefrom; and whenever action shall be pending in any court in this state,

Books to be exhibited to persons interested.

Penalty for refusing or neglecting to exhibit.

CHAP. 142.

Proviso.

wherein the records or books of such corporation may be desired, and such corporation, stockholder, member, owner, or other person or persons, shall withhold the records or books, or cause the same to be withheld, or shall neglect or refuse to exhibit the same, as aforesaid, after due notice and demand for the production of the same, such corporation, stockholder, member, owner, or person, so withholding, neglecting or refusing, or causing the same to be withheld, as aforesaid, shall be liable to the party injured thereby to pay all costs, charges, expenses and damages resulting therefrom: *provided, however*, no stockholder, owner, or member aforesaid, shall be subject to the provisions of this act, unless such stockholder, owner, or member, or other person, has in his custody and possession such records or books, provided said books are beyond his or their control: *provided further*, that this act shall not affect nor operate upon any cause now pending.

[*Approved Aug. 15, 1849.*]

Chapter 142.

An act to encourage and protect the planting of oysters.

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

Right of citizens
to plant oysters
in navigable
waters.

Manner of en-
closing.

SECT. 1. Every inhabitant of this state, having obtained the consent of the owners or occupants of the adjacent shores, may lay down or plant oysters, below lowwater-mark, in any of the navigable waters of this state; and may mark and stake out the ground upon which said oysters shall have been laid down or planted, and enclose it with stakes set at suitable distances and of such length as to be at least two feet above highwater-mark; every such inhabitant who shall so lay down or plant and enclose oysters, shall hold, possess and enjoy the same, and shall have the exclusive right and privilege of taking up and disposing of such oysters.

Liability of tres-
passers.

SECT. 2. If any person shall enter on any such enclosure, without the consent of the owner or owners of such oysters and injure the same or commit any trespass thereon, he shall be liable to the party injured for the damage, to be recovered in an action of trespass; and if any person shall, in the day time, gather any oysters upon any such enclosure without the