

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

1857.

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Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26, 1840,  
and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1857.

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as justice may require. But the court may, in its discretion, allow such specification and declaration to be filed, and the case entered on the trial docket, after such time; and, also, may allow amendments to specifications. In all cases which shall be marked for trial, as aforesaid, if no issue shall be joined, or no actual trial had in any mode, and judgment be rendered for the plaintiff, the defendant shall be liable for treble costs, unless the presiding judge shall certify, or enter upon record, that the defendant had reasonable grounds for filing his said specifications and declaration, and that the same was not filed for the mere purpose of delay. Plaintiff may demur to said specifications of defense, and the demurrer shall be disposed of as in other cases.

Court may allow specifications, and amendments thereto, &c.

Defendant liable for treble costs.

Plaintiff may demur, &c.

SECT. 5. All acts and parts of acts, inconsistent with this act, are hereby repealed; and this act shall be in force from and after its approval by the governor.

Inconsistent acts repealed.

[Approved April 15, 1857.]

**Chapter 56.**

An act to promote the incorporation of towns in new settlements.

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

SECT. 1. The inhabitants of unincorporated townships in the several counties in this state, shall be subject to become organized in the manner and for the purposes hereinafter provided.

Unincorporated townships subject to become organized.

SECT. 2. Such organizations shall be applied to those unincorporated townships having not less than three hundred inhabitants, to be ascertained in the manner hereinafter provided.

Organization, how applied.

SECT. 3. It shall be the duty of the county commissioners of the several counties in which such unincorporated townships may be situated, at their next session, or at a meeting called for that purpose, after this act shall take effect, to cause an enumeration to be made of the inhabitants upon such unincorporated places, so far as may be necessary to ascertain what townships shall then contain the number of inhabitants required for organization under this act, which enumeration shall be taken and a return thereof made to the county commissioners, on or before the first day of July next; and said county commissioners shall, once in five years thereafter, when there is no census of the United States taken within said five years, cause an enumeration of the inhabitants upon such unincorporated townships to be made, for the purposes aforesaid.

Enumeration of inhabitants, how made.

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Townships to be organized, description of, &c., to be returned to secretary of state.

SECT. 4. Immediately upon such return being made, it shall be the duty of the county commissioners to determine what townships have the requisite number of inhabitants for such organization, and to make some suitable description and designation of each of said townships, and to return such descriptions and designations, together with the description of such townships as may have the requisite number, as aforesaid, to the secretary of state; all of such descriptions and designations of the county commissioners.

Meeting for organizing, how called.

SECT. 5. The county commissioners shall, in the month of March thereafter, issue a warrant to some principal inhabitant of each of the townships so described and designated, commanding him to notify the other inhabitants to assemble on a day, and at a place designated, in such warrant, for the purpose of organizing such townships as plantations, and choosing all necessary plantation officers; and a copy of such warrant shall be served on said inhabitants, by being posted up in two public places in the intended plantation, fourteen days before the day of meeting; the person serving such warrant shall return the same, with his doings thereon, to such meeting.

Organization of plantation, choice of officers, &c.

SECT. 6. At such meetings, it shall be the duty of the said inhabitants to organize the said plantations, respectively; they shall choose all such officers, and the said plantations, when so organized, shall possess all the powers and privileges, and be liable to all the duties which are provided in the case of plantations organized under the provisions of the fourteenth chapter of the revised statutes, by the forty-fourth section of the said chapter, relating thereto, except so much thereof as imposes upon such plantations liabilities for damages done or suffered, through defects or want of repair of the highways thereof, and under all the provisions of the general laws of this state, which are or may be enacted with reference to such plantations; and the officers of the several plantations organized under this act, shall have the same powers, and be subject to the same penalties, as are provided in the case of plantations organized under the provisions of the said forty-fourth section of the fourteenth chapter of the revised statutes.

—under act of October 2, 1840, to cease.

SECT. 7. From and after the respective times appointed by the warrants aforesaid, for the first meeting of the inhabitants to organize in their several places, under the provisions of this act, the respective territories described and designated as aforesaid, and the inhabitants thereof, shall cease to constitute any part of any plantation organized for election purposes, under the act approved October second, eighteen hundred and forty; and at all general elections holden after such times, under the constitution and laws of this

Electors to vote only in plantations organized under this act.

state, the said inhabitants being qualified electors, shall vote only in their respective plantations organized under this act, at meetings called and holden for that purpose therein; and the returns of the votes cast at such meetings shall be made by the assessors and clerks of said plantations, in the same manner as is provided by general law for the return of votes cast in cities and towns.

Returns of votes,  
how made.

SECT. 8. The assessors first chosen in the several plantations, under this act, shall, immediately after their election, proceed to take an inventory of the polls and estates within their respective limits, together with the valuation of the property and estates therein, in the manner and upon the principles provided by law for making the inventory of polls and estates, and the valuation thereof, in towns; and it shall be the duty of the said assessors to return the same on or before the first day of June following, to the county commissioners, in their several counties. In assessing county taxes, subsequent to the return so provided and required, the county commissioners shall apportion and assess to such plantations their respective ratable proportions of the county taxes, according to the valuations returned by said assessors, which taxes shall be assessed and collected within said plantations, in the same manner as in towns.

Inventory of  
polls and estate.

Assessment of  
taxes.

SECT. 9. If the assessors of any of said plantations shall neglect to make and return the valuation of the same, as hereinbefore provided, the county commissioners are empowered to appoint three or more suitable persons in the county to be assessors of taxes, in such plantations; and such assessors being duly sworn, shall make and return the valuation required, as aforesaid, within such time as the county commissioners shall prescribe. And the return so made shall be the basis for the apportionment and assessment of county taxes upon such plantation; and the taxes assessed upon such return shall be collected in the same manner as if the return had been made by the assessors of the plantation.

Valuation, how  
made and  
returned in case  
of neglect of  
assessors.

SECT. 10. It shall be the duty of the secretary of state, immediately upon the approval of this act, to furnish to the county commissioners of the several counties affected by the provisions thereof, a sufficient number of copies of the same, for distribution in the unincorporated places in their several counties.

Copies of this act  
to be furnished  
county commis-  
sioners.

SECT. 11. The plantations of Madawaska and Van Buren, in the county of Aroostook, shall be, and hereby are, exempt from the provisions of this act, for the period of three years from its passage; and at the end of which time all the provisions of this act shall be applicable to said plantations, and it shall be the duty of the county

Certain planta-  
tions exempt  
from provisions  
of this act.

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commissioners of said county, to organize the same in the manner provided for in this act.

Same subject.

SECT. 12. The provisions of this act shall not be applied to any islands lying on the sea-coast of Maine.

SECT. 13. This act shall take effect on its approval by the governor.

[Approved April 15, 1857.]

### Chapter 57.

An act providing for the foreclosure of certain mortgages given to secure the payment of bonds and coupons, issued by railroad corporations.

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

Breach of conditions of mortgage.

SECT. 1. Whenever a railroad corporation shall have mortgaged its railroad and franchise, to secure the payment of any of its bonds or coupons, whether such mortgage was made directly to the holders of such obligations, or to trustees for their use, the refusal or neglect to pay any such bond or coupon within ninety days after a presentment, (subsequent to its pay day,) to the treasurer or president for payment, shall be deemed a breach of the condition of the mortgage.

—bond holders may direct trustees to take possession of the road.

SECT. 2. Upon the breach of such condition, it shall be the duty of the trustees to call a meeting of the holders or owners of bonds, secured by the deed creating said trust, any of whose bonds or coupons have been dishonored, by giving public notice of the time and place of such meeting, three weeks successively, in the newspaper published by the state printer, and in some newspaper published within the county in which the road extends, the last publication to be at least one week before the time of such meeting. The bond holders assembled at such meeting shall have the power to organize, by the choice of a moderator, and of a clerk, and to determine in regard to the expediency of the trustees entering into possession of such road for the purpose of running and managing the same on their behalf. At such meetings each holder of a bond secured by the mortgage, either in person or by proxy, shall have one vote for every hundred dollars of bonds held or represented. It shall be the duty of the trustees, (provided they shall be so instructed by the holders of the bonds secured by the mortgage,) and they are hereby authorized, when not inconsistent with any of the provisions of the deed creating the trust, or the legal rights of any other parties,

Bond holders entitled to one vote for every \$100. Trustees to take possession of road when directed by bond holders.