

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1859.

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

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.

1859.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1859.

Chapter 99.

An act additional to chapter eighty-one of the revised statutes.

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

Ch. 81, sec. 95,
R. S. amended.

SECT. 1. Section ninety-five of chapter eighty-one of the revised statutes, is amended so as to read as follows :

Scire facias on
bail or sure-
ties.

SECT. 95. No scire facias shall be served on bail unless within one year next after judgment rendered against the principal, nor on sureties in recognizances in criminal cases unless within one year next after the default of the principal.

Suits commenced,
not barred.

SECT. 2. This act shall not bar any scire facias already commenced.

[Approved April 2, 1859.]

Chapter 100.

An act additional to chapter forty-seven of the revised statutes, relating to banks and banking.

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

Banks ceasing
business, offi-
cers to deliver
plates, dies and
bills to secre-
tary of state.

SECT. 1. Whenever any bank shall surrender its charter, or shall cease to perform the business of deposit and discount, or shall pass into the hands of receivers, it shall be the duty of the officers of said bank to deliver the plates, dies and unsigned bills of the bank, to the secretary of state, who shall personally in the presence of the treasurer of the state, destroy the same within thirty days after he receives them, and shall also make a record of his doings therein, and it shall be the duty of the receivers of any bank as soon as they are appointed to see that the foregoing requirements are carried into effect.

Duty of secre-
tary and re-
ceivers.

Penalty for
neglect of offi-
cer.

SECT. 2. If any officer of such bank refuses or neglects to comply with the requirements of this act, he shall forfeit for each offence a sum not exceeding one thousand dollars to the use of the state, to be recovered by the treasurer thereof.

Applicable to
banks now
closing.

SECT. 3. The provisions of this act shall apply to all banks and their officers that are now in the process of closing their business, or that may be in the hands of receivers at the time of its passage.

Banks may
subscribe to
capital of Bank
of Mutual Re-
demption.

SECT. 4. Any bank in this state when duly authorized by a vote of its stockholders, may subscribe to the capital stock of the Bank of Mutual Redemption located in the city of Boston, to an amount not exceeding five per cent. of its capital stock, nor the sum of ten thousand dollars.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

CHAP. 101.

Acts inconsistent repealed.

[Approved April 2, 1859.]

Chapter 101.

An act relating to drainage.

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

SECT. 1. Any person, persons or corporation having the ownership or possession of any lands, swamps, meadows, quarries or mines, that by reason of adjacent lands belonging to another person, persons, corporation or highway cannot be approached, drained or used in the ordinary manner without crossing said land or highways, may be authorized to establish drains or ditches to said places in the manner hereinafter provided.

Drains authorized.

SECT. 2. The party desirous of making such improvements shall file a petition therefor with the county commissioners for the county where the premises are situate, setting forth in detail the proposed work and the situation of the adjoining land and the names of the parties interested, if known to the petitioner, accompanied by a bond satisfactory to the commissioners and payable to the county treasurer, conditioned to pay all costs and damages.

Petition to county commissioners, what to set forth, bond for costs.

SECT. 3. The county commissioners of the county, on the filing of said petition and bond, shall order notice to be given to all the parties named in said petition, by serving on them an attested copy of the petition with the order thereon, fourteen days at least before the next regular session of said court, and also by publishing an attested copy of the said petition in some newspaper of general circulation, published in said county, or if no newspaper is published in said county, then in some newspaper published in some adjoining county, and after said order has been fully complied with, the commissioners may, if they see cause, appoint a committee of review, and fix the compensation per day, to be composed of not less than three, nor more than five judicious disinterested persons to meet on the premises on the day named, and by examination and inspection determine whether the proposed improvement is necessary to the ordinary working, occupation and beneficial use of said lands, swamps, meadows, quarries or mines, and if so, said committee shall proceed to lay out and establish the same, and in such a manner as to do as little injury as practicable, and shall furthermore fix and assess the amount of damages which any pro-

Commissioners to order notice, how to be served and published.

— may appoint committee of review, proceedings of committee, notice to be given, report.