

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115-

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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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:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1870.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.  
1870.

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two, when amended, shall read as follows: 'The board shall appraise the value of the minority's proportion of the house, make a record of their proceedings, and within ten days cause it to be transcribed into the records of the town where the house is.'

CHAP. 138.

Approved March 14, 1870.

### Chapter 138.

An act to amend section one of chapter eighty-seven of the public laws of eighteen hundred sixty-two, relating to appeals from decision of county commissioners.

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

SECT. 1. Section one of chapter eighty-seven of the public laws of eighteen hundred sixty-two, is hereby amended, so as to read as follows: 'If the judgment of the commissioners in favor of laying out or altering a way as prayed for is wholly reversed on an appeal, they shall proceed no further; and in all cases when the judgment of the commissioner shall be reversed on appeal, no petition praying for substantially the same thing shall be entertained by them for two years thereafter. If their judgment is affirmed in whole or in part they shall carry into effect the judgment of the appellate court; and in all cases they shall carry into full effect the judgment of the appellate court in the same manner as if made by themselves, and the party appealing or prosecuting shall pay the costs incurred since the appeal, if so adjudged by the appellate court, which may allow costs in such cases to the prevailing party, to be paid out of the county treasury. The compensation of the committee to be paid the same as commissioners would have for like services to be allowed by the court. The costs allowed the prevailing party and the fees of the committee are to be collected as provided in section three.'

Public laws 1862, chap. 87, sect. 1, relating to appeals from decisions of county commissioners in matters appertaining to highways, amended.

SECT. 2. This act shall take effect when approved.

Approved March 14, 1870.

### Chapter 139.

An act to amend section one of chapter thirty-four of the revised statutes, relating to licensing auctioneers.

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

SECT. 1. Section one of chapter thirty-four of the revised statutes, is hereby amended, by striking out the words "in such town and" in the third line thereof, and the words "other" "where

R. S., chap. 34, sect. 1, relating to licensing auctioneers, amended.

CHAP. 140. there is no licensed auctioneer" in the fourth line thereof, so that said section shall read as follows :

R. S., chap. 34,  
sect. 1, as  
amended.

' Sect. 1. The municipal officers of any town may license any suitable inhabitants of their county, by a writing under their hands, to be auctioneers for one year in any town in said county ; and shall record every such license in a book kept by them for that purpose.'

SECT. 2. This act shall take effect when approved.

Approved March 15, 1870.

## Chapter 140.

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

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

Liability of stockholders of banks the assets of which are in the hands of receivers.

SECT. 1. When it appears to the supreme judicial court that the assets of a bank in the hands of receivers are insufficient to pay the claims allowed against said bank, the court after reserving a sufficient sum for further necessary expenses, may assess upon all the persons liable as stockholders to contribute to the payment of such claims such sum as may be requisite to make up the deficiency of assets.

A stockholder may deposit his liability with receivers.

SECT. 2. Any stockholder may deposit with the receivers a sum of money equal to his liability, subject to such assessments as the court may make.

Receivers may be authorized to compound the liability of stockholders.

SECT. 3. The court may from time to time authorize the receivers to compound with such stockholders as are unable to pay the full amount of their liability.

Costs in suits brought by the receivers.

SECT. 4. Upon the trial of a bill in equity brought by the receivers against the stockholders to recover the amount deficient, if judgment is rendered against the stockholders, no costs shall be awarded against those who before service on them have deposited with the receivers a sum equal to their liability, or compounded as aforesaid, or those on whom no service has been made. Against any stockholder who pays to the receivers before judgment the amount assessed upon him by the court, or who is defaulted, the costs awarded shall be only the costs of service on him, and one dollar for other expenses. Those who appear and defend shall be held to pay all the remaining costs, to be equitably divided between them by the court, and the court may in its discretion require security for the payment of such costs. When judgment is rendered against the stockholders, execution may be