

# MAINE STATE LEGISLATURE

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# REPORT

OF THE

## COMMISSIONERS

APPOINTED TO REVISE THE

# PUBLIC LAWS

OF THE

## STATE OF MAINE.

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### TITLE V.

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**Augusta:**

SMITH & ROBINSON, PRINTERS TO THE STATE.

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1840.



# TITLE FIFTH.

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## OF CORPORATIONS OF VARIOUS KINDS, AND PROPRIETORS IN COMMON OF REAL ESTATE.

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- Chap.* 76. Of corporations.  
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78. Of manufacturing corporations.  
79. Of insurance companies.  
80. Of turnpike corporations and toll bridges.  
81. Of rail roads.  
82. Of agricultural and horticultural societies.  
83. Of aqueducts.  
84. Of libraries and their proprietors.  
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### CHAPTER 76.

#### OF CORPORATIONS.

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29. Liabilities of members of quasi-corporations.

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SECT. 1. All corporations shall, where no other provisions is specially made, be capable in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any courts or elsewhere; to have a common seal, which they may alter at pleasure; to elect in such manner, as they shall determine to be proper a clerk and all other necessary officers and to fix their compensation and define their duties and obligations; and to make by-laws and regulations consistent with the laws of the State for their own government, and for the due and orderly conducting of their affairs and the management of their property.

1836, 200, § 1. 217, § 1. 1837, 289, § 1.

SECT. 2. Every corporation, instituted under the authority of this State, shall keep the office of its clerk together with its records and papers at some place within this State.

1837, 289, § 1.

SECT. 3. The clerk of every private corporation, shall within twenty days after his acceptance of the office, file a certificate of his appointment in the office of the register of deeds in any county or district, where such corporation is established or in which it may have a place of business, or general agent.

1837, 289, § 2.

SECT. 4. Parole contracts may be binding upon aggregate corporations if made by an agent duly authorized by a corporate vote or under the general regulations of the corporation; and contracts may be implied on the part of such corporation from their corporate acts or those of an agent, whose powers are of a general character.

10 Mass. rep. 397. 1 Pick. 297. 7 Green. 118.

SECT. 5. Corporations whether public or private, which exist by the laws of any other State, or within any foreign jurisdiction, may sue in this State by their corporate name, and the acts of their agents in this State shall have the same validity, as the acts of agents of foreign private persons, unless expressly prohibited by law.

10 Mass. rep. 91.

SECT. 6. All corporations, instituted in this State may, by their by-laws, where no other provision is specially made, determine the manner of calling and conducting all meetings; the number of members that shall constitute a quorum; the number of shares that shall entitle the members to one or more votes; the mode of voting by proxy; the mode of selling shares for the non-payment of assessments, and the tenure of office of the

8 several officers; and they may annex suitable penalties to such  
9 by-laws, not exceeding in any case the sum of twenty dollars  
10 for any one offence; provided that no such by-laws shall be  
11 made by any corporation repugnant to any provisions of its  
12 charter. M. R. S.

SECT. 7. The first meeting, of all corporations shall, unless  
2 otherwise provided for in their acts of incorporation, be called  
3 by a notice signed by any one or more of the persons named in  
4 the act of incorporation, and setting forth the time, place and  
5 purposes of the meeting; and such notice shall, seven days at  
6 least before the meeting, be delivered to each member, or pub-  
7 lished in some newspaper of the county, where the corporation  
8 may be established, or if there be no newspaper in the county,  
9 then in some newspaper of an adjoining county. 1836, 200, § 2.

SECT. 8. Whenever for want of sufficient by-laws for the pur-  
2 pose, or of officers duly authorized, or from the improper neglect  
3 or refusal of such officers, or from other legal impediment, a  
4 legal meeting of any corporation cannot be otherwise called,  
5 any justice of the peace, in the county where it is desirable to  
6 hold such meeting, or where such corporation is established, if it  
7 be local, may, on a written application of three or more members  
8 thereof, issue a warrant to either of said members, directing  
9 him to call a meeting of the corporation, by giving such notice  
10 as is required in the preceding section, and where the law  
11 requires notice in some public newspaper, or by posting up in  
12 some public place, the justice shall in his warrant designate the  
13 paper or public place for such notice, as the case may be.

1835, 155, § 1. M. R. S.

SECT. 9. Whenever a meeting of any corporation, shall be  
2 called by a warrant from a justice of the peace, pursuant to any  
3 provision of law, said justice, or the person to whom such war-  
4 rant is directed may call the meeting to order, and preside  
5 therein, until a clerk shall be duly chosen and qualified, if there  
6 be no officer present, whose duty it may be to preside; provided  
7 that the justice or other person organizing such meeting shall  
8 not be responsible for any error in judgment in receiving or  
9 rejecting the vote of any person claiming to be a member.

1829, 439, § 1. M. R. S.

SECT. 10. The person legally presiding at a meeting of any  
2 corporation, shall have the same power and authority as is given  
3 by law to moderators in town meetings. 1839, 439, § 1.

SECT. 11. When all the members of a corporation shall be  
2 present at any meeting, however called or notified, and shall  
3 sign a written consent thereto on the record of such meeting,  
4 the doings of such meeting shall be as valid, as if legally called  
5 and notified. 8 Greenleaf, 365, 372.

SECT. 12. Every corporation, instituted in this State, may  
2 hold lands to an amount authorized by law and may convey the  
3 same. Whenever the capital stock of any such corporation is  
4 divided into shares and certificates thereof issued, such shares

5 may be transferred by endorsement and delivery of the certifi-  
 6 cates thereof; such endorsements being by the signature of the  
 7 proprietor, or his attorney or legal representative; but such  
 8 transfer shall not be valid, except between the parties thereto,  
 9 until the same shall have been so entered on the books of the  
 10 corporation as to show the names of the parties, the number and  
 11 designation of the shares and the date of the transfer.

M. R. S. 1838, 325, § 1.

SECT. 13. The cashiers of banks and the clerks of all other  
 2 corporations instituted under the authority of this State, holding  
 3 property liable to be taxed, shall under oath annually within  
 4 seven days after the first day of May, return to the assessors of  
 5 every town in which any of the stockholders may reside, the  
 6 amount of stock owned on the said first day of May and the  
 7 names of the stockholders, resident in such town, so far as  
 8 known to such cashiers or clerks, and the amount of stock  
 9 taken up and actually paid in, in such corporation; and such  
 10 returns so made shall be the basis of taxation on said property.

1837, 280, § 1.

SECT. 14. The said cashiers and clerks shall also annually,  
 2 within seven days after the first day of January, make return to  
 3 the secretary of the state, of the names of all the stockholders,  
 4 their residence and the amount of stock owned by each, and the  
 5 whole amount of stock taken up and actually paid in as afore-  
 6 said, on the said first day of January, and it shall be the duty of  
 7 the secretary to lay the same before the Legislature within the  
 8 first twenty days of its session.

1837, 280, § 2.

SECT. 15. If such cashier or clerk, shall within the times speci-  
 2 fied, deposit his returns required by the two preceding sections  
 3 in some convenient post office, directed to the assessors of the  
 4 proper towns, or to the secretary of state respectively, it shall  
 5 be deemed a sufficient compliance with the provisions of said  
 6 sections.

1837, 280, § 4.

SECT. 16. If the clerk or cashier of any such corporation  
 2 holding property as aforesaid, shall neglect or refuse to make  
 3 the returns required by the thirteenth and fourteenth sections of  
 4 this chapter, the said corporation shall forfeit five hundred dol-  
 5 lars to be recovered in an action of debt one half to the use of  
 6 the prosecutor and the other half to the use of the State.

1837, 280, § 3.

SECT. 17. The corporate property of any company incorpo-  
 2 rated in this State and the franchise of any corporation having  
 3 a right to receive toll, with the privileges and immunities thereof,  
 4 shall be liable to attachment on mesne process and to be levied  
 5 upon by execution for the debts of such corporation in the  
 6 manner prescribed in chapter ninety-four.

1821, 60, § 13 to 16. 1831, 519, § 19.

SECT. 18. In all corporations created by the Legislature, after  
 2 the sixteenth day of February in the year eighteen hundred  
 3 and thirty-six, excepting banking corporations, unless otherwise

4 specified in their charter, in case of deficiency of attachable  
5 corporate property or estate, the individual property, rights and  
6 credits of every stockholder thereof, shall be liable to be taken  
7 on execution, to the amount of his stock and no more, for all  
8 debts of the corporation contracted during his ownership of such  
9 stock; and such liability shall continue notwithstanding any  
10 subsequent transfer of such stock for the term of one year after  
11 the record of the transfer thereof on the books of the corpora-  
12 tion, and for the term of six months after judgment recovered  
13 against such corporation, in any suit commenced within the  
14 year aforesaid; provided that in every such case, the officer  
15 holding the execution, shall first ascertain and certify upon such  
16 execution, that he cannot find corporate property or estate.

1836, 200, § 3, 4.

SECT. 19. In such case the officer may cause the property of  
2 such stockholder to be levied upon by execution in the same  
3 manner, as if the same were against him individually, after giv-  
4 ing him forty eight hours previous notice of his intention and  
5 the amount of the debt or deficiency, if he reside within the  
6 State, or if not, within the State to his agent, if he have any  
7 within the State; otherwise to the clerk of the corporation unless  
8 such stockholder, his agent or the said clerk, on demand and  
9 notice as aforesaid, shall disclose and shew to the execution  
10 creditor, or the said officer, attachable property or estate suffi-  
11 cient to satisfy said execution and all fees. 1836, 200, § 3, 4.

SECT. 20. Such creditor after demand and notice, as men-  
2 tioned in the preceding section, at his election may have an  
3 action on the case against any such stockholder, to recover of  
4 him individually the amount of his execution and costs or of the  
5 deficiency, as aforesaid, not exceeding the amount of the stock  
6 held by such stockholder. 1836, 200, § 3, 4.

SECT. 21. The clerk of every such corporation, on demand  
2 of any officer legally holding any execution against the same  
3 shall furnish the officer with the names, places of residence so  
4 far as to him known, and the amount of liability of every per-  
5 son liable as aforesaid. 1836, 200, § 6.

SECT. 22. When the officers or members of a corporation, or  
2 any of them, are liable for the debts of the corporation, or for  
3 any acts of such officers or members, respecting the business of  
4 the corporation, and also when any of the said officers or mem-  
5 bers are liable to contribute for money paid by any other or  
6 others of them, on account of any such debts or acts, the money  
7 due may be recovered by a bill in equity in the supreme judicial  
8 court; and the said court may make all such orders and decrees  
9 therein as may be necessary to do justice between the parties;  
10 or by action at law at his election.

SECT. 23. All acts of incorporation passed after the seven-  
2 teenth day of March, in the year eighteen hundred and thirty-  
3 one, or which may hereafter be passed, shall at all times be  
4 liable to be amended, altered or repealed, at the pleasure of the



5 Legislature, in the same manner, as if an express provision to  
6 that effect were therein contained ; unless there shall have been  
7 inserted in such act of incorporation an express limitation or  
8 provision to the contrary ; but nothing in this section shall be  
9 construed as superseding or abrogating any control, which by  
10 the principles of the common law is vested in any of the judi-  
11 cial courts over any corporation or any of its officers in cases of  
12 misconduct, negligence, irregularity of procedure, or other  
13 cause, which on such principles would require the interference  
14 of such court. 1831, 503, § 1.

SECT. 24. All corporations, whose charters, shall expire by  
2 their own limitation, or be annulled by forfeiture or otherwise,  
3 shall be continued bodies corporate, for three years from such  
4 time, for the purposes of prosecuting and defending suits by or  
5 against them, of gradually settling and closing their concerns,  
6 of disposing of their property and of dividing their capital stock  
7 and for no other purpose. 1839, March 21.

SECT. 25. When the charter of any corporation shall expire  
2 or be annulled, any creditor or stockholder of such corporation  
3 may apply to the supreme judicial court, which shall have jur-  
4 isdiction in chancery of such application and may appoint one  
5 or more persons as trustees to take charge of the estate and  
6 effects of such corporation, with power to collect the debts and  
7 property of the same, and to prosecute and defend in the name  
8 thereof, all necessary suits in law.

SECT. 26. The said court shall have jurisdiction in chancery  
2 of such application, and of all questions arising in the proceed-  
3 ings thereon ; and may make such orders, injunctions and  
4 decrees therein, as justice and equity shall require.

M. R. S. 44, § 9.

SECT. 27. The said receivers, shall pay all debts due from  
2 the corporation, if the funds in their hands shall be sufficient  
3 therefor, and if not, they shall distribute the same ratably  
4 among all the creditors, who shall prove their debts in the man-  
5 ner that shall be directed by any order or decree of the court  
6 for that purpose ; and if there shall be any balance remaining  
7 after the payment of said debts, the receivers shall distribute  
8 and pay the same to and among those, who shall be justly entit-  
9 led thereto, as having been stockholders or members of the  
10 corporation, or their legal representatives. M. R. S. 44, § 10.

SECT. 28. On the final dissolution of any corporation, all its  
2 real and personal estate, not legally disposed of, shall be vested  
3 in the individuals, who may be stockholders or members at the  
4 time of such dissolution in their respective proportions, who  
5 shall hold the same as tenants or owners in common.

SECT. 29. Inhabitants of counties, towns and members of  
2 such other bodies politic, as by the common law are termed  
3 quasi corporations, instituted for the due regulation of their pub-  
4 lic affairs and not for the purpose of holding and managing any  
5 corporate funds, shall be liable to have their private property

6 taken on execution to satisfy any debt of such body politic of  
7 which they are members in such manner as is provided in chap-  
8 ter 117—and for all such sums, as they may be thus held to pay  
9 with costs thereon, such inhabitants or members shall have their  
10 remedy by action, as at common law against such body politic.

1 Greenleaf, 361.

SECT. 30. The stockholders of all incorporations, excepting  
2 banking corporations and corporations for literary and benevo-  
3 lent purposes created since the seventeenth day of March, in  
4 the year eighteen hundred and thirty-one, shall be subject, as it  
5 regards debts hereafter to be contracted by such corporations to  
6 all the liabilities imposed on such stockholders by the provisions  
7 of the eighteenth section of this chapter; provided that such  
8 liability shall not be incurred excepting for such stock as they  
9 shall have acquired since the twenty-fourth day of April in the  
10 year eighteen hundred and thirty-nine, nor for stock held by any  
11 person, as executor, administrator, guardian or trustee.

1839, March 14.

SECT. 31. Any corporation incorporated by any other State  
2 or county, and having property in this State, shall be liable to  
3 be sued and the property of the same, shall be subject to attach-  
4 ment, in the manner as individuals, residents of other States or  
5 countries, and having property in this State, are now liable to  
6 be sued and their property subject to be attached and the ser-  
7 vice of the writ in such case shall be made in the manner  
8 provided in chapter 114, with such further service, if any, as the  
9 court where the same is returnable may order.

## CHAPTER 77.

### OF BANKS.

- Sect.* 1. Banks to be subject to the provisions of this chapter.  
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16. Semi-annual State tax.

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20. Not to engage in trade.
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22. Appointment of cashier and other officers.
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28. Liability of directors, when they exceed said limits.
29. Innocent directors, how to be exonerated.
30. Bank funds to be liable for the same notwithstanding.
31. All loans and issues of bills to be at the banking house.
32. Amount of circulation.
33. Of the tenor of bills, and how signed. Every bank to redeem its own bills.
34. Restrictions as to small bills. Fractional expressions of value prohibited.
35. Interest may be allowed on deposits, but not on notes, &c.
36. All bills, &c. redeemable in specie at the bank, whence issued.
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39. Interest allowed, till rate of damages commences.
40. When rate of damages and interest shall cease.
41. When private property of stockholders may be taken.
42. Directors to disclose names and interests of stockholders.
43. Their liability or neglect or refusal, on demand.
44. Loss of from mismanagement of directors, how to be made up.
45. Liabilities of stockholders at the expiration of the charter.
46. Remedy of creditors, in case of deficiency, &c. in equity and at law.
47. Also of stockholders for contribution.
48. Same rules applicable to corporate bodies, when stockholders.
49. Restrictions as to usury.
50. Loans to the State, on what terms may be required.
51. How to be demanded by the treasurer.
52. Bank returns, when the governor may require them, and the form.
53. Also to be made in January and June.
54. Returns to be signed and sworn to.
55. Returns of stockholder's names, &c. may be required by the Legislature.
56. Cashier's return to be verified by the directors.
57. Penalty for not making returns.
58. Forms to be furnished by secretary of state.
59. Secretary to prepare abstract and transmit copies, &c.
60. Appointment and duty of bank commissioners.
61. Their powers, and power of Legislature, to revoke charters in certain cases.
62. Penalty for obstructing the examination of the commissioners.
63. What plates may be used for the bills. Bills not made void by any alterations.
64. Sealing of weights.
65. Gold in what manner to be weighed.
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67. Special commissioners to be appointed.
68. Their duties.
69. May sell real estate and mortgages.
70. May collect or assign debts due the bank.
71. Judge may revoke their authority on application and notice.
72. Appeal to the whole court.

Sect. 73. Compensation for commissioners.

74. Liability of officers for refusing to surrender property to the commissioners.

75. Expiration of their powers of commissioners, and how they shall account.

76. Stockholders may be witnesses, after transfers, their liability notwithstanding.

77. Charters to expire October 1st, 1847.

78. Private banking companies prohibited.

79. Also agencies of foreign banking companies, &c.

80. No private person to circulate bills as money.

81. Penalties for breach of the three preceding sections.

82. Punishment of frauds and embezzlement.

SECT. 1. Every bank, which now is, or shall hereafter be incorporated under the authority of this State, except savings banks, shall be governed by the following rules and subjected to all the duties, limitations, restrictions, liabilities and provisions contained in this chapter. 1831, 519, § 1.

SECT. 2. Any bank, hereafter incorporated, shall, within ten days after acceptance of its charter, give notice in writing of such acceptance to the secretary of state. 1836, 231, § 5.

SECT. 3. Every bank incorporated as aforesaid, shall be known by the corporate name of the president, directors and company of the bank (the blank to be filled with such name as its charter may authorize) and shall, except when special provision is otherwise made, be entitled to all the powers and privileges and be subject to all the liabilities contained in the seventy sixth-chapter. 1831, 519, § 2.

SECT. 4. Every bank shall have not less than five, nor more than nine directors, exclusive of such as may be appointed by the governor and council, as hereinafter provided, a majority of whom shall be residents in the county where such bank is established; and none but a stockholder in such bank and a citizen of, and resident in the State, shall be eligible by the stockholders to that office, nor shall any two members of a copartnership, be directors of the same bank, nor shall any person be a director in two banks, at one and the same time. 1831, 519, § 7.

SECT. 5. The directors shall choose one of their own number to act as president, and may make him such compensation as to them shall appear reasonable. The assent of a majority of the directors shall always be necessary for the transaction of business. 1831, 519, § 7.

SECT. 6. The directors shall be chosen by ballot, annually at a meeting of the stockholders, to be holden on one of the first fifteen days of the month of October annually, at some place within the town where the bank is established, which time and place shall be designated by the directors for the time being, by giving public notice thereof fourteen days previous to the meeting, in some newspaper printed in the county, and if there

8 be no newspaper printed in said county, then in some one pub-  
9 lished at the seat of government of the State.

1831, 519, § 8.

SECT. 7. Every stockholder shall be entitled to vote, accord-  
2 ing to the number of shares he may hold, in the following  
3 proportions, that is to say, for one share he shall have one vote,  
4 and for every two additional shares, he shall have a right to one  
5 vote more, provided always, that no one stockholder shall have  
6 more than twenty votes; absent members may vote by proxy,  
7 authorized in writing.

1831, 519, § 8.

SECT. 8. Directors may call special meetings of the stock-  
2 holders, as often as they think the interest of the corporation  
3 may require it, giving the same notice as before provided;  
4 vacancies in the board of directors may be filled at any such  
5 special meeting, the purpose being specified in the notice.

1831, 519, § 8.

SECT. 9. Every bank shall be kept in the town, where origin-  
2 ally established.

1831, 519, § 12.

SECT. 10. No bank shall go into operation, until one half at  
2 least, of its capital stock, shall have been paid in, in gold and  
3 silver money, which shall be in its vaults, and shall have been  
4 examined by three commissioners appointed by the governor  
5 with the advice and consent of the council. Said commission-  
6 ers, at the expense of the bank, shall examine and count the  
7 money actually in the vaults, and ascertain by the oaths of a  
8 majority of the directors, that such money has been paid in by  
9 the stockholders toward the payment of their respective shares,  
10 and not for any other purpose, and that it is intended, that the  
11 same shall remain therein, as part of said capital; and the said  
12 commissioners shall return a certificate thereof to the office of  
13 the secretary of state.

SECT. 11. The capital stock of every bank, hereafter incor-  
2 porated under the authority of this State, shall be paid in, one  
3 half in six months and the other half in twelve months after the  
4 date of its charter, in gold and silver money, of the legal cur-  
5 rency of the United States. No stockholder shall at any one  
6 time hold or own more than one fifth of the capital of any bank.

1831, 519, § 3, 27.

SECT. 12. No shares in the capital stock of any bank shall  
2 be sold, or transferred, except by execution or distress, or by  
3 executors, administrators, or guardians, until the whole amount  
4 of the capital stock, shall have been paid in.

1831, 519, § 3.

SECT. 13. The State shall have a right, whenever the Legis-  
2 lature shall make provision by law, to subscribe on account of  
3 the State, to the capital of any bank, a sum or sums not exceed-  
4 ing in the whole one tenth part of the previous capital of such  
5 bank in addition to the same, subject to such rules, regulations  
6 and provisions, as by the Legislature shall be made and estab-  
7 lished for the management of the same; and to appoint an  
8 additional director in such case.

1831, 519, § 14.

SECT. 14. Shares in any bank shall be liable to be attached  
2 on mesne process and taken in execution and sold agreeably to  
3 the provisions of chapter 117. 1831, 519, § 8.

SECT. 15. The lands of any bank, and all the right, title, claim  
2 and interest of any bank in lands mortgaged for security of any  
3 debt due or assigned to such bank, and any debt due such bank  
4 and secured by such mortgage, shall be liable to be attached on  
5 mesne process and taken in execution and sold, agreeably to the  
6 provisions also contained in chapter ninety-four.

1831, 519, § 19.

SECT. 16. Every bank within ten days after the first Mondays  
2 of April and October, respectively, in each year, shall pay to  
3 the treasurer of the State, for the use of the same, a tax of one  
4 half of one per cent. on the amount of its capital stock, actually  
5 paid in. 1831, 519, § 16.

SECT. 17. If any bank shall neglect to pay the aforesaid tax  
2 for thirty days after the same shall have become due, it shall be  
3 the duty of the treasurer to issue a warrant of distress to compel  
4 the payment of the same, out of the estate and effects of said  
5 bank; which warrant shall be in the same form, except verbal  
6 alterations to conform to the case, and shall be executed in the  
7 same way, as warrants of distress issued against the estate and  
8 effects of delinquent sheriffs, under the provisions of chapter—

SECT. 18. Every bank may hold, with power to sell and dis-  
2 pose of the same, such real estate as may be requisite for  
3 the convenient transaction of the business thereof; but the real  
4 estate, so held, shall not unless by special authority for the pur-  
5 pose exceed twelve per cent. on the amount of the capital stock,  
6 exclusive of what the bank may hold on mortgage, receive on  
7 execution, or take as security for, or payment of, any debts.

1831, 519, § 2, 6.

SECT. 19. Every bank, subject to such restrictions as are men-  
2 tioned in this chapter, may loan and negotiate their monies and  
3 effects, by discounting, on banking principles on such security  
4 as their regulations may permit; provided, that no loan shall be  
5 made by any bank upon pledge of its own stock; nor shall any  
6 bank discount notes, bills of exchange, drafts or other security  
7 for the payment of money, without at least two responsible  
8 names as principals, sureties or endorsers thereon (and for this  
9 purpose any firm composed of two or more persons are to be  
10 considered as one person) or adequate personal pledges or col-  
11 lateral security; and no loan shall be made to any stockholder,  
12 until the full amount of his shares shall have been paid into the  
13 bank. The aggregate of all the debts due from the directors  
14 as principals, endorsers or sureties, shall, at no time exceed one  
15 third part of the amount of the capital of such bank.

1831, 519, § 2, 27.

SECT. 20. No bank shall vest, use or improve any of its mon-  
2 ies, goods, chattels or effects in trade or commerce; but any  
3 bank may sell all kinds of personal pledges lodged with it by

4 way of security, to an amount sufficient to reimburse the sum  
5 loaned, with interest and expenses. 1831, 519, § 6.

SECT. 21. The directors shall make half yearly dividends of  
2 the profits of the bank. 1831, 519, § 9.

SECT. 22. The directors shall appoint a cashier, and may  
2 appoint clerks and other officers for conducting the business of  
3 the bank, with such salaries as to them may seem meet; which  
4 cashier, clerks and other officers, shall be removable at the  
5 pleasure of the directors. 1835, 519, § 9.

SECT. 23. The cashier of any bank shall not at the same  
2 time be a director therein. 1831, 519, § 9.

SECT. 24. The cashier and clerks before they enter upon the  
2 duties of their respective offices, shall be sworn, and shall also  
3 give bonds with two or more sureties to the satisfaction of the  
4 directors, conditioned for the faithful performance of the duties  
5 of their respective offices. The bond of the cashier shall be  
6 renewed every year in the month of October, and in no case  
7 shall the bond given by the cashier be signed by any director  
8 of the bank for which he is appointed, nor be given for a less  
9 penal sum—than twenty thousand dollars, nor greater than fifty  
10 thousand dollars. 1831, 519, § 10. 1838, 326, § 2.

SECT. 25. The cashier of every bank shall, on the applica-  
2 tion in writing of the proprietors of one fifth part of the capital  
3 stock thereof, call special meetings of the stockholders by  
4 giving notice of such meetings in the manner provided for noti-  
5 fying the annual meeting; and in case of refusal by such  
6 cashier, any justice of the peace in the county, where the bank  
7 is established, may on such application call such meetings giving  
8 the like notice. 1831, 519, § 10.

SECT. 26. The total amount of debts, which any bank shall  
2 at any time owe, shall not exceed twice the amount of its cap-  
3 ital stock, actually paid in, exclusive of sums due on account of  
4 deposits, not bearing interest; nor shall there be due to such  
5 bank, at any time, more than double the amount of its capital  
6 stock, actually paid in. 1831, 519, § 5.

SECT. 27. Debts due to any bank from any other bank payable  
2 on demand, including bills of the bank, so indebted, shall not  
3 be deemed debts due to a bank, within the intent and meaning  
4 of the preceding section. M. R. S. 36, § 10.

SECT. 28. If any bank shall become indebted, beyond the  
2 amount allowed by the two preceding sections, the directors  
3 under whose administration it shall happen shall be liable for the  
4 excess in their private capacities; any condition, release or  
5 agreement to the contrary notwithstanding; and an action of  
6 debt may in such case be brought against them or any of them,  
7 or the heirs, executors or administrators of them, or any of them,  
8 by any creditor of such corporation, and may be prosecuted to  
9 final judgment and execution; or such creditor may have a bill  
10 in equity against them in the supreme judicial court.

1831, 519, § 5. M. R. S. 36, § 11.

SECT. 29. Any director who may have been absent, when  
2 such excess of debts was contracted, or who may have at the  
3 time dissented from the resolution or act, whereby the same was  
4 contracted, may exonerate himself from being so liable by  
5 forthwith giving notice of the fact, and of his absence or dis-  
6 sent, to the governor and council and to the stockholders at any  
7 general meeting ; which meeting he shall have power to call for  
8 that purpose. 1831, 519, § 5.

SECT. 30. The provisions of the two preceding sections shall  
2 not be construed to exempt any bank, or the lands, goods or  
3 chattels, of the same, from being also liable for the excess  
4 therein mentioned. 1831, 519, § 5.

SECT. 31. No loan nor discount shall be made, nor shall any  
2 bill or note be issued by any bank, nor by any person on their  
3 account, except at the usual banking house of the same.

1831, 519, § 4.

SECT. 32. The amount of notes or bills at any time issued  
2 and put in circulation, as money, by the several banks incorpo-  
3 rated in this State, shall not exceed the following amounts and  
4 proportions respectively, viz—a bank authorized to have a capi-  
5 tal of fifty thousand dollars, may put into circulation an amount  
6 equal to its capital actually paid in ; a bank authorized to have  
7 a capital of more than fifty thousand and less than one hundred  
8 and fifty thousand, an amount equal to three fourths of its cap-  
9 ital actually paid in ; and a bank authorized to have a capital of  
10 one hundred and fifty thousand dollars or upwards, an amount  
11 equal to two thirds of its capital actually paid in.

1831, 510, § 4. 1838, 326, § 1.

SECT. 33. All bills shall be issued in the name of the presi-  
2 dent, directors and company of the bank issuing them, and shall  
3 be signed by the president and cashier thereof ; but all bills  
4 signed by either the president or cashier thereof, which shall be  
5 in circulation through the agency or neglect of any officer of  
6 the bank, shall be binding on the corporation. Every bank  
7 shall receive in payment for all debts due such bank, the bills  
8 issued by the same, if offered. 1831, 519, § 20, 15.

SECT. 34. Every bank within this State, whether heretofore  
2 limited by their charters, in this respect, or not, may issue bills  
3 under five dollars to the amount of one quarter part of its cap-  
4 ital actually paid in and no more ; and no bank shall issue or  
5 pay out, or receive in payment or on deposit any bill or note less  
6 than one dollar or on which is expressed any fractional part of a  
7 dollar, under penalty of one hundred dollars for each offence.

1831, 519, § 20. 1838, 326, § 7, 8.

SECT. 35. Any bank may allow a certain rate of interest for  
2 deposits made therein, if they think proper ; but no bank shall  
3 issue any note, bill, check or other negotiable security payable  
4 at a future day, or bearing interest.

1832, 32, § 1. 1831, 519, § 20.



SECT. 36. No bank shall issue any bill, note, check or draft, 2 redeemable at such bank in any other manner, than by payment 3 in specie; but every bank, which shall issue any bill, note, check 4 or draft, redeemable in any other manner than by payment in 5 specie on demand; or payable at any place other than the place, 6 where such bank is by law established and kept shall be liable 7 to pay the same in specie to the holder thereof on demand at 8 said bank, without a previous demand at the place where the 9 same is made payable by its tenor. 1831, 519, § 20.

SECT. 37. Nothing contained in the preceding section shall 2 extend to any draft or check for any balance due to said bank, 3 nor to any check or draft drawn by an officer of any bank 4 within this State, or any other bank, either within or without 5 this State, but all such checks or drafts shall first be presented 6 for payment at the place or bank, on which the same shall be 7 drawn, before the same shall be demanded at the bank which 8 issued them. 1831, 519, § 20.

SECT. 38. If the officer of any bank shall neglect or refuse 2 to redeem in gold or silver money, of the legal currency of the 3 United States, any note, bill, check or draft, described in the 4 two preceding sections and demandable at such bank, or any 5 other bill or note of such bank, on demand in its usual banking 6 hours, such bank, if it ordinarily redeems its bills only at its 7 own counter, shall be liable after the expiration of thirty days 8 from such demand to pay to the holder thereof—in damages at 9 the rate of twenty-four per cent by the year for the time during 10 which such payment shall be delayed or refused from and after 11 said thirty days. If any such bank ordinarily redeems its bills 12 at any other bank or place, than its own counter, or besides 13 redeeming at the same, it shall be liable as aforesaid after the 14 expiration of fifteen days from such demand.

1831, 519, § 11, 20. 1838, 326, § 3.

SECT. 39. The holder of any bill, note, check or draft, after 2 demand made, as described in the preceding section, shall also 3 be entitled to interest at the rate of six per cent a year, from 4 the time of such demand, until the rate of damages therein 5 specified shall commence.

SECT. 40. If the bank at which payment of such bill, note, 2 check or draft, shall have been demanded and refused shall at 3 any time afterwards cause a legal tender to be made at the place 4 of residence of the person, who made such demand, or of any 5 known owner or assignee of such person or of his agent of the 6 amount of such bill, note, check or draft, and all interest, dama- 7 ges and costs, which may have accrued at the time of such 8 tender, all further interest and damages, shall thereafter cease, 9 on account of the same. 1831, 519, § 11. 5 Pick. 106.

SECT. 41. Whenever any bill, note, check or draft, shall be 2 presented for payment at any bank in this State, which issued 3 and is liable to pay the same under the provisions of the thirty- 4 eighth and thirty-ninth sections of this chapter and payment

5 thereof shall have been delayed or refused for the term of thirty  
6 or fifteen days, as the case may be, then the private property of  
7 the stockholders of said bank to the amount of such shares as  
8 they may have acquired in said bank, after the taking effect of  
9 an act entitled "an act further regulating banks and banking  
10 passed March 29, 1836," shall be liable to be attached on mesne  
11 process and levied upon by execution in any suit therefor, which  
12 may be commenced against said bank, as well for the damages,  
13 as for the original demand and interest and costs.

1836, 233, § 1.

SECT. 42. Any director of any bank against which any suit  
2 may be commenced, as specified in the preceding section, on  
3 demand of the plaintiff in such suit, or on demand of any officer  
4 legally charged with the service of any writ or execution, as  
5 aforesaid, is hereby required to make and exhibit to such plain-  
6 tiff or officer, a true list of the stockholders liable as aforesaid  
7 with the amount of stock on account of which they are so liable.

1836, 233, § 1.

SECT. 43. Should any director of any bank, on demand, as  
2 aforesaid, unreasonably neglect or refuse to make and exhibit a  
3 true list, as provided in the preceding section, then the private  
4 property of such director shall be liable to attachment on mesne  
5 process or execution, to the full amount of the judgment which  
6 may be or has been recovered in such suit, of execution issued  
7 thereon.

1836, 233, § 3.

SECT. 44. If any loss or deficiency of the capital stock in any  
2 bank shall arise from the official mismanagement of the directors  
3 of such bank, the persons who are directors at the time of such  
4 mismanagement and guilty thereof, shall, in their individual  
5 capacities be respectively liable to pay the same; and in case of  
6 their inability to pay such loss or deficiency, the persons, who  
7 are stockholders at the time of such official mismanagement,  
8 shall be liable therefor; provided that no stockholder, other  
9 than directors, guilty as aforesaid, shall be liable to pay a sum,  
10 exceeding the amount of the stock, actually held by such stock-  
11 holder at that time; and provided also that such liability shall  
12 not continue beyond the term of one year from and after such  
13 time, as such stockholder may have bona fide transferred his  
14 stock, no process having, at the time of such transfer, been com-  
15 menced against him on account of the same, either in law or  
16 equity.

1831, 519, § 28.

SECT. 45. The holders of stock in any bank at the time, when  
2 its charter may expire, shall be liable, in their individual capaci-  
3 ties, for the redemption and payment of all bills, which may have  
4 been issued by said bank, and which shall remain unpaid, in  
5 proportion to the stock they may respectively hold, at the disso-  
6 lution of the charter; provided that such liability shall continue  
7 for the term of two years only from the time that notice, that  
8 such charter has expired as aforesaid, shall have been given in  
9 some newspaper, specially authorized to publish the laws of the  
10 State.

1831, 519, § 29.

SECT. 46. Any creditor of any bank, which may have sustained a loss or deficiency of its capital stock, through the official mismanagement of its directors or any holder of any bill or bills issued by any bank, which bill or bills, after the expiration of its charter, shall remain unredeemed, and which may have been duly demanded of such bank or at its last and usual place of transacting business, may pursue his remedy and avail himself of the liabilities of its directors and stockholders, specified in the two preceding sections, by a bill in equity to be prosecuted in the supreme judicial court; but this section shall not be construed to deprive any person injured by the misconduct or neglect of the directors or other officers of any bank, of his right to a special action in the case, on the principles of the common law, against such director or other officer.

SECT. 47. Any stockholder of a bank, who by virtue of any of the provisions of this chapter, shall have been obliged to pay any debt or demand against said bank, or any part thereof, out of his individual property may have a bill in equity, in the supreme judicial court, to recover the proportional parts of such sums of money, as he may have so paid, from the directors or other stockholders liable for the same, and such damages and costs as the court may decree.

1831, 519, § 30. 1836, 233, § 2.

SECT. 48. Any corporation, which is or shall be a stockholder in any bank, shall be liable in its corporate capacity, to pay any loss or deficiency of the capital stock in such bank, arising from the official mismanagement of its directors, and shall also be liable for the payment and redemption of all bills, which shall have been issued by said bank and which shall remain unpaid when its charter shall expire, in the same manner as individual stockholders are liable in their individual capacities; and such corporation may compel a contribution from other stockholders in the manner prescribed in the preceding section.

M. R. S. 36, § 33.

SECT. 49. No bank in this State shall be permitted to take any greater rate of interest or discount, on any note, draft or security, than at the rate of six per cent. a year whether such loan be made in specie or otherwise, or agreement made to pay such loan in specie, or at a place other than the bank making such discount; but such interest or discount may be calculated and taken according to the established rules of banking; provided that in discounting drafts, bills of exchange or other negotiable securities payable at another place, the bank so discounting the same, may in addition to the said interest charge the then existing rate of exchange, between the place of discounting and the place where any such security may be payable.

1831, 519, § 20.

SECT. 50. Upon any requisition of the Legislature, each bank shall loan to the State a sum not exceeding five per cent. of its capital stock at any one time, reimbursable by five annual installments, or at any shorter period, at the election of the State, with

5 the annual payment of interest, at a rate not exceeding five per  
6 cent. ; but the State shall not be entitled to demand of any bank  
7 loans, which shall together at any one time, exceed one tenth  
8 part of its capital; and the faith of the State is pledged for the  
9 repayment of the same. 1831, 519, § 13.

SECT. 51. Whenever a loan shall be required of any bank as  
2 aforesaid, the treasurer of the State shall give notice in writing  
3 to the president or cashier thereof, of the amount which is to be  
4 furnished by such bank, and demand a loan of the same, con-  
5 formably to the provisions of this chapter; which notice and  
6 demand, shall be accompanied by a copy of the act or resolve  
7 of the Legislature, requiring such loan, attested by the secre-  
8 tary of the State and by the approval of the governor of such  
9 demand, in writing. 1831, 519, § 13.

SECT. 52. The cashier of each bank shall make a return of  
2 the state of such bank, as it existed on the first Saturday of any  
3 month at two o'clock in the afternoon, when thereto required by  
4 the governor, and shall transmit the same to the office of the  
5 secretary of state, within such time as shall be directed by the  
6 governor in his requisition aforesaid, stating the several particu-  
7 lars mentioned in the following form, exhibiting in distinct  
8 columns the amounts due from the bank and the resources of  
9 the bank, viz :  
10 State of — Bank on the first Saturday of — 18 , 2 o'-  
11 clock, P. M.

<i>Due from the Bank.</i>	<i>Resources of the Bank.</i>
Capital stock, . . . \$ Bills in circulation, . . . " Net profits on hand, . . . " Balances due from other banks, . . . " Cash deposited, including all sums whatsoever, due from the bank, not bear- ing interest; its bills in circulation, profits and balances due to other banks excepted. }	Gold, silver and other coin- ed metal in its banking } \$ house, } Real estate, Bills of other banks incor- porated in this State, } " Bills of other banks with- out the State, } " Balances due from other banks. } " Amount of all debts due, including notes, bills of exchange, and all stocks and funded debts of every description, excepting the balances due from other banks, } " } \$
Cash deposited bearing in- terest, } } \$	} \$
Total amount due from the bank, } }	Total amount of the re- sources of the bank, } }

- 12 Rate of last dividend, \$
- 13 Amount of last dividend, \$
- 14 When declared, \$
- 15 Amount of reserved profits at the time of declaring the last dividend, \$
- 16 Amount of debts due, and not paid and considered doubtful, \$
- 17 Bills in circulation, under five dollars, \$

SECT. 53. The cashier of each bank, shall on the first Monday of the months of January and June, in each year make returns exhibiting the state and condition of the bank as existing at two o'clock in the afternoon of the preceding Saturdays and transmit the same within fifteen days to the secretary of state, stating all the particulars mentioned in the preceding section with the addition of the following—viz:—

- 8 Amount due from the directors as principals \$
- 9 Amount due from the directors as sureties \$
- 10 Amount due from stockholders as principals \$

1828, 326, § 4. 1833, 80, § 1.

SECT. 34. The returns required in the two preceding sections, shall be signed by the cashiers of the several banks respectively, who shall make oath to the truth of said returns according to their best knowledge and belief. 1831, 519, § 22.

SECT. 55. The cashier of each bank, whenever required by the Legislature, shall also make return under oath, as aforesaid, of the names of the stockholders and the amount of stock owned by each in such bank. 1831, 519, § 22.

SECT. 56. Whenever a return shall be made by any cashier, as provided in either of the four preceding sections, a majority of the directors of each bank, shall certify under oath, that the books of the bank indicate the state of facts so returned by their cashier, and that they have full confidence in the truth of said return. 1831, 519, § 22.

SECT. 57. For neglect or refusal to make any such return, by such cashier and directors of any bank, such bank 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. 1831, 519, § 22.

SECT. 58. The secretary of the State shall furnish to the cashier of every bank in the month of March or April annually, at the expense of the State, four printed copies of each of the forms of the returns required by the fifty-second and fifty-third sections of this chapter. 1831, 519, § 23.

SECT. 59. The secretary of state, after receiving the returns required by the fifty-third section of this chapter, shall as soon as may be, cause to be prepared and printed a true abstract from those returns, with each column of such abstract footed up; and transmit by mail one copy thereof to the cashier of each bank in the State, and further cause the same to be pub-

7 lished in the state paper and such other papers as the governor  
8 and council may direct.

1831, 519, § 23. 1833, 519, § 2. 1838, 326, § 5.

SECT. 60. The governor with the advice of council, shall  
2 appoint two commissioners, who during their continuance in  
3 office, shall not hold any office in any bank in this State, and  
4 whose duty it shall be at least once a year and as much oftener  
5 as the governor and council shall deem it expedient, to inquire  
6 into and examine the transactions of the several banks incorpo-  
7 rated in this State, and to ascertain the condition of the same,  
8 and whether there has been any departure by brokerage or other-  
9 wise from the ordinary business of banking associations; and  
10 said commissioners shall make report of their doings annually  
11 to the governor and council, to be laid before the Legislature.  
12 Said commissioners shall be removeable, and vacancies may be  
13 filled, at pleasure by the governor and council.

1831, 519, § 31. 1836, 231, § 4.

SECT. 61. In discharge of the duties of their commission,  
2 said commissioners may send for persons, books and papers, and  
3 shall have free access to all the books and the vaults of any  
4 such bank; and if they shall find, and if, after a full hearing of  
5 the corporation on the subject, it shall be determined by the  
6 Legislature, that said corporation have exceeded the powers  
7 granted to them, or failed to comply with any of the rules,  
8 restrictions, and conditions provided in the laws relating to  
9 banks, its charter may thereupon be declared forfeited and void.

1831, 519, § 32.

SECT. 62. If any officer of any bank, or other person having  
2 charge of the books and property of any bank, shall refuse or  
3 neglect to exhibit said books and property, or shall in any way  
4 obstruct said examination by commissioners as aforesaid, he  
5 shall on indictment and conviction be punished by a fine not  
6 exceeding ten thousand dollars, or imprisonment at hard labor  
7 for a term not exceeding ten years, or both, at the discretion of  
8 the court.

1831, 519, § 32.

SECT. 63. No bill or note, of the denomination of one hun-  
2 dred dollars, or less, shall be issued by any bank for circulation,  
3 unless the same shall be impressed from the patent stereotype  
4 plate of Abraham Perkins or his assigns, or unless said bank  
5 shall be in writing authorized by the aforesaid commissioners to  
6 issue bills of such other plates, as they may judge to afford  
7 greater security against counterfeiters, from the mode of their  
8 engraving or style of workmanship; but the Legislature may at  
9 any time hereafter authorize and require the use of other plates.  
10 Every bank shall be held to pay to any bona fide holder the  
11 original amount of any note of said bank, notwithstanding the  
12 same may have been altered to a larger amount.

1831, 519, § 26. 1833, 80, § 4. 1835, 164, § 1. 1831, 519, § 15.

SECT. 64. The directors of the several banks once in five  
2 years, shall have all the weights used in their respective banks,

3 compared, proved and sealed, by the treasurer of the State, or  
4 by some person specially authorized by him for that purpose ;  
5 which shall supersede so far as respects such banks, the sealing  
6 of their weights by the town sealer. 1821, 131, § 8.

SECT. 65. No tender of gold, by any bank, weighed with  
2 weights other than those compared, proved and sealed as required  
3 in the preceding section, shall be legal; and the payer or recei-  
4 ver may also require that the gold shall be weighed in each  
5 scale, and the mean weight, resulting therefrom, shall be consid-  
6 ered the true weight. 1821, 131, § 8.

SECT. 66. If at any time the officers of any bank, shall refuse  
2 or neglect to pay any of its bills, when duly presented at their  
3 banking house for payment in their usual hours of business, or,  
4 to pay any deposits, made by any person on demand, made in  
5 such hours, and for the space of thirty days thereafter, shall  
6 neglect to pay or tender payment of such bills or deposits in the  
7 manner described in section fortieth of this chapter, the holder  
8 of such bill, or the person making such deposit, may make com-  
9 plaint thereof in writing, to any judge of the supreme judicial  
10 court, whose duty it shall be thereupon to cause the president  
11 or cashier of such bank to be notified to appear before him at  
12 such time and place as he may appoint to answer to such com-  
13 plaint, and shew cause against further proceedings thereon.

1831, 519, § 33.

SECT. 67. If such president or cashier, or other agent of such  
2 bank, duly authorized, shall not appear at such time and place,  
3 or appearing shall not shew sufficient cause against further pro-  
4 ceedings, said judge shall appoint three disinterested and discreet  
5 commissioners, and require of them a bond to the said bank for  
6 the faithful discharge of their trust, to his satisfaction in such  
7 sum as he shall determine, to be delivered to said bank for their  
8 use.

1831, 519, § 33.

SECT. 68. Such commissioners shall immediately demand,  
2 and receive, of the officers of such bank, all its real and personal  
3 estate, with all its books, papers and evidences of debts due such  
4 bank, delivering to the officers their receipt containing accurate  
5 lists and memoranda of such estate, books and debts; and shall  
6 proceed with due diligence to dispose of all or any part of such  
7 property and collect the debts and with the proceeds thereof to  
8 pay the demands against such corporation.

1831, 519, § 33.

SECT. 69. The commissioners aforesaid, may sell at public  
2 auction, after giving thirty days notice in the manner prescribed  
3 in chapter ninety-four, for notice on the sale of real estate of  
4 banks taken on execution, and with like power to adjourn the  
5 sale, any real estate of said bank and any mortgages of real  
6 estate due to said bank, and make and deliver to the highest  
7 bidder in the name of the corporation, any deed or other instru-  
8 ment necessary for the due conveyance of such real estate, or  
9 mortgages with the debts thereby secured, and the purchaser

10 shall have the same rights and powers, as a purchaser of real  
11 estate, and mortgages taken on execution as aforesaid.

1831, 519, § 34.

SECT. 70. Said commissioners may collect the debts due and  
2 owing to such bank and commence and prosecute in the name  
3 of such bank, or in their own names and capacity, as commis-  
4 sioners, any action necessary for the collection of said debts, or  
5 they may sell or assign said debts with the evidences thereof, as  
6 they shall think expedient, 1831, 519, § 34.

SECT. 71. The authority given as aforesaid to said commis-  
2 sioners may be revoked on a like application to any judge of the  
3 supreme judicial court, as is provided in section sixty-eight, if  
4 he shall see cause after due notice to such commissioners and  
5 hearing the parties.

SECT. 72. Either party aggrieved by the determination of  
2 such judge, whether in originally appointing such commissioners,  
3 or revoking their authority, may have the same revised, and if a  
4 sufficient cause be shown, reversed, at any term of the supreme  
5 judicial court, when a majority of the judges thereof shall be  
6 present, on complaint to such court, and on such notice as any  
7 judge thereof may order.

SECT. 73. Such commissioners may retain to their own use  
2 for their services such sums as may be agreed upon between  
3 them and such bank, and in case of disagreement, such sum as  
4 may be awarded by any one of the judges aforesaid, at a term  
5 of said court held in the county, where the bank is established,  
6 on application with reasonable notice to the other party.

1831, 519, § 35.

SECT. 74. If the officers of any such bank on demand made  
2 by such commissioners, shall refuse or neglect to surrender to  
3 them all the property, which they are required to do by the pro-  
4 visions of the sixty-ninth section of this chapter any such officer  
5 so refusing or neglecting on demand, shall be liable in his indi-  
6 vidual capacity for the payment of all debts due from said bank  
7 in an action or actions on the case to be brought by any creditor  
8 or creditors of such bank against such officer.

1831, 519, § 36. 1831, 519, § 34.

SECT. 75. Whenever such commissioners shall have realized,  
2 from the property of the bank, in their hands, a sum sufficient  
3 to pay all its debts, their power over the residue of the property  
4 shall cease, and it shall be their duty to surrender the same to  
5 said bank, together with all the books and papers belonging to  
6 it, on taking from the officers of the bank a sufficient receipt for  
7 the same. They shall also render to the bank a fair and just  
8 account of their proceedings, receipts and expenditures, at the  
9 time of such surrender and at such previous times as they shall  
10 be required by any judge of the supreme judicial court.

1831, 519, § 34.

SECT. 76. Any person who may have held shares in any bank  
2 and afterwards may have disposed of the same, may be a compe-



3 tent witness in any suit in which such bank is interested, unless  
4 otherwise disqualified, notwithstanding any liabilities still attach-  
5 ing to him by virtue of the provisions of this chapter.

1829, 418, § 1.

SECT. 77. The charters of all the banks incorporated in this  
2 State, shall expire on the first day of October, in the year  
3 eighteen hundred and forty-seven.

1831, 519, § 25.

SECT. 78. No person unless specially authorized by the Legis-  
2 lature, shall contribute to the funds, or become a member of any  
3 company or banking association for the purpose of issuing notes  
4 to be circulated as money, receiving deposits, making discounts  
5 or transacting any other business, which incorporated banks  
6 may or do transact by virtue of their charters; and all notes or  
7 other securities for the payment of money or the delivery of  
8 property, made to such company or association, or for their use  
9 shall be void.

1821, 147, § 1.

SECT. 79. No private person nor body corporate, unless  
2 specially authorized by law, shall hold any agency in this State  
3 for the purpose of receiving and issuing, loaning or putting in  
4 circulation, as money, the bills, notes, orders or other evidences  
5 of debt, of any banking company not incorporated by the Legis-  
6 lature of this State, nor of any private banker, not a resident in  
7 this State; but this prohibition shall not extend to any incor-  
8 porated bank, in this State, exercising the powers given to such  
9 banks by the foregoing provisions in this chapter, nor prevent  
10 such bank from paying out the bills of foreign banks received  
11 in its usual course of business, and the circulation of which, is  
12 not otherwise expressly prohibited by law.

1836, 231, § 1.

SECT. 80. No person shall issue any drafts, bills or promissory  
2 notes or other evidences of debt, payable to bearer or order as a  
3 private banker, for the purpose of loaning them or putting them  
4 in circulation, as money.

1836, 231, § 2.

SECT. 81. If any body corporate, or private company, or  
2 individual, shall be guilty of any or either of the offences,  
3 described in the three last preceding sections, such offender  
4 shall forfeit one thousand dollars for each and every such  
5 offence to be recovered by information or indictment for the use  
6 of the State, or by action of debt, one half to the use of the  
7 State and the other half, to the person who may first sue for the  
8 same.

1836, 221, § 3. 1831, 147, § 1.

SECT. 82. The following offences by officers, stockholders or  
2 servants of banks in this State, committed with a fraudulent  
3 intent to injure any creditor, stockholder, holder of bank notes  
4 issued or to be issued by such bank or other person, are hereby  
5 declared to be high misdemeanors, and the persons guilty thereof,  
6 shall, on conviction be punished by fine not exceeding five  
7 thousand dollars, imprisonment in the county jail not exceeding  
8 one year, confinement in the state prison to hard labor, not  
9 exceeding ten years, or any or all of said punishments according  
10 to the aggravation of the offence.

11 *First*, if any such person shall convert to his own use or deliver  
12 to any other person, or to his check or order, any funds or  
13 evidence of debt or other property belonging to the bank—or  
14 deposited therein ;

15 *Secondly*, if he shall issue or aid in issuing any bank notes or  
16 other evidence of debt, obligatory on said bank, with the intent  
17 that the same shall not be paid ;

18 *Thirdly*, if he shall become indebted to such bank for valua-  
19 ble consideration with like intent, or shall aid or abet any other  
20 person so doing ;

21 *Fourthly*, if he on behalf of the bank shall loan any money or  
22 deliver any valuable property of such bank or deposited therein,  
23 to any stockholder, or other person ;

24 *Fifthly*, if he shall make any dividend of the funds or effects of  
25 such banks, amongst the stockholders or any of them, beyond  
26 the profits actually accrued to such bank, or aid therein, thereby  
27 diminishing the capital of said bank.

1825, 315, § 1, 9. 1831, 519, § 21.

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## CHAPTER 78.

### OF MANUFACTURING CORPORATIONS.

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- Sect.*
1. How far this chapter to be binding on manufacturing corporations.
  2. Officers of such corporations.
  3. Choice of president and directors.
  4. Clerk and treasurer to be chosen and their duties.
  5. First meeting how to be called.
  6. Penalty of breach of by-laws, not exceeding twenty dollars.
  7. Division of capital into shares at the first meeting, subsequent extensions.
  8. Certificates of shares.
  9. Transfer of shares.
  10. Assessments on shares.
  11. How collected.
  12. Sale of shares for non-payment.
  13. Additional shares.
  14. Annual statements of assessments and net amount of capital, to be published by the treasurer.
  15. Dividends of profits.
  16. Liabilities of officers and members, when unlawful dividends are declared.
  17. Agents, &c. to disclose property to officers, holding writs or executions against the company.
  18. Executions may be levied on debts due the company—how such debts to be transferred.
  19. Penalty for refusing to disclose, &c.
  20. Books of the company to be produced in court, in certain cases.
  21. Charters may be altered, or repealed by the Legislature.
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SECT. 1. All corporations incorporated in this State for the  
2 purpose of carrying on any kind of manufacture, and the officers

3 of every such corporation, and the stockholders therein may  
4 exercise the powers, and shall be subject to the duties and lia-  
5 bilities contained in this chapter and in chapter seventy-six,  
6 respecting corporations, so far as consistent with the provisions  
7 of their respective charters.

SECT. 2. The business of every such manufacturing company  
2 shall be managed by the president and directors thereof, and  
3 such other officers, agents, and factors, as the company shall  
4 think proper to authorize for that purpose; and every such  
5 company shall also have a clerk and a treasurer.

1821, 137, § 1. M. R. S.

SECT. 3. The directors shall be chosen annually at such time  
2 and place as may be prescribed by the by-laws of the company,  
3 and shall continue in office until others are chosen and accept  
4 in their stead; they shall not be fewer than three in number,  
5 and one of their number may be elected president of the corpo-  
6 ration, by the directors or by the company, as the by-laws may  
7 prescribe.

SECT. 4. The clerk and treasurer, shall also be chosen annu-  
2 ally and continue in office, till others are chosen in their stead  
3 and qualified, the clerk shall be sworn to the faithful discharge  
4 of his duty and shall record all votes of the company in a book  
5 to be kept for that purpose, and perform such other duties as  
6 may be assigned to him and the treasurer shall give bond for the  
7 faithful discharge of his duty, in such sum and with such sureties,  
8 as the by-laws may require.

1821, 137, § 1.

SECT. 5. A majority of the persons named in any such act  
2 of incorporation, may call the first meeting by giving notice of  
3 the time and place of meeting in some public newspaper printed  
4 in the county where the manufactory shall be established, at  
5 least fourteen days before the time of meeting; and if no paper  
6 is printed within the county then the notice shall be thus given  
7 in some paper printed in an adjacent county.

1821, 137, § 2.

SECT. 6. The by-laws of any such corporation, if not repug-  
2 nant to the laws of this State may be enforced by penalties, not  
3 exceeding twenty dollars for each offence.

1821, 137, § 1.

SECT. 7. The amount of the capital stock of any such com-  
2 pany hereinafter incorporated within the limits defined by its  
3 charter, shall be fixed by the company and divided into shares  
4 at its first meeting and the proprietors of such shares respec-  
5 tively, shall be designated by the record the shares being  
6 numbered in progressive order beginning at number one; but  
7 the capital stock may be afterwards extended to any amount  
8 authorized by the charter of the corporation.

1821, 137, § 3.

SECT. 8. Every stockholder shall have a certificate under the  
2 seal of the corporation, and signed by the treasurer—expressing  
3 the shares by him held, by the number thereof.

1821, 137, § 3.

SECT. 9. Stock in any manufacturing or other corporation  
2 incorporated in this State, the capital of which is divided into

3 shares, may be transferred by endorsement and delivery of the  
4 certificate thereof; such certificate being by the signature of  
5 the proprietor or his attorney; but the title to such stock shall  
6 not pass from such proprietor until such transfer has been so  
7 far entered on the corporate records as to show the names of  
8 the parties therein and the date of the transfer. 1838, 325.

SECT. 10. Every such company may, from time to time, at  
2 any legal meeting called for that purpose, assess for each share  
3 such sums of money, as the company shall think proper, not  
4 exceeding in the whole, the amount at which each share shall  
5 be originally limited, for raising its capital for the objects of its  
6 incorporation and incidental expenses; and such sums assessed  
7 shall be paid to the treasurer, at such times and by such instal-  
8 ments as the company shall direct. 1838, 137, § 5.

SECT. 11. If the proprietor of any share shall neglect to pay  
2 any sum duly assessed thereon, for the space of thirty days after  
3 the time appointed for the payment thereof, the treasurer of the  
4 company, may sell by public auction, a sufficient number of  
5 the shares of such delinquent proprietor to pay all assessments  
6 then due from him with all necessary and incidental charges.

1838, 137, § 5.

SECT. 12. The treasurer shall give notice of the time and  
2 place appointed for such sale, and of the sum due on each  
3 share, by advertising the same, three weeks successively before  
4 the sale in some newspaper printed in the county, where the  
5 manufactory is established, if any is printed therein, otherwise  
6 in some adjoining county; and a certificate of such sale made  
7 by the treasurer and recorded, as before provided in this chap-  
8 ter, shall transfer said shares to the purchaser and he shall be  
9 entitled to a certificate therefor. 1838, 137, § 5.

SECT. 13. Every such company at any meeting called for the  
2 purpose, may also increase its capital stock, by adding to the  
3 number of shares, not exceeding the limits of its charter.

M. R. S. 11.

SECT. 14. The treasurer of every such company shall give  
2 notice annually in some newspaper printed in the county where  
3 the manufactory is established, and in case no paper is printed  
4 therein, then in some newspaper in an adjoining county, of the  
5 amount of all the assessments voted by the company and  
6 actually paid in, and the net amount of the then existing capi-  
7 tal stock. If any such treasurer shall neglect or refuse to give  
8 notice, or shall knowingly publish a false statement, he shall be  
9 fined not exceeding two thousand dollars, or be imprisoned not  
10 exceeding one year on indictment and conviction thereof.

1828, 385, § 2.

SECT. 15. The directors of every such company may make  
2 dividends amongst the stockholders from time to time, of their  
3 net profits, but no dividend reducing the capital stock of such  
4 company or of the debts belonging to the same shall be made,  
5 until all the debts due therefrom shall have been paid.

1828, 385, § 3.

SECT. 16. Any director, officer or other member of such company, who shall vote for or aid in making any dividend, against the provisions of the foregoing section, shall be fined not exceeding two thousand dollars or imprisoned for a term not exceeding twelve months; and all sums received by any stockholder for any such dividend, shall be liable to be recovered of such member, by any creditor of such corporation in an action on the case. 1828, 385, § 3.

SECT. 17. Every agent or other person, having charge of any property of such company, on request of any public officer having for service a writ against such company on mesne process or execution, shall furnish to such officer the names of the directors and clerk thereof and a schedule of all its property including debts, so far as he may have knowledge of the same. 1828, 385, § 3.

SECT. 18. If any such officer, holding an execution shall be unable to find other property belonging to such company liable to attachment, he or the judgment creditor may elect, in whole or part, to satisfy such execution by any debt or debts due such company not exceeding the amount thereof; and it shall be the duty of any agent or other person having the custody of any evidence of such debt to deliver the same to the officer for the use of the creditor, and such delivery with a transfer to the officer in writing for the use of the creditor and notice to the debtor, shall be a valid assignment thereof, and such creditor may sue for and collect the same in the name of such company, subject to such equitable set offs on the part of the debtor, as may be in other assignments. 1828, 385, § 4.

SECT. 19. Every such agent or other person, who shall unnecessarily neglect or refuse to comply with the provisions of the two preceding sections, shall be fined a sum not exceeding four times the amount due on such execution, or be imprisoned for a term not exceeding one year. 1828, 385, § 4.

SECT. 20. When any suit or prosecution shall be pending in any court, for the violation of any of the provisions of this chapter, it shall be the duty of the clerk or other person having the custody of the books of any such company to purchase the same at the trial, reasonable notice in writing having been given for that purpose; if he shall neglect or refuse so to do, he shall be liable to the like payment, fine or punishment, as the party so on trial would have been on conviction. 1828, 385, § 5.

SECT. 21. The Legislature from time to time, upon due notice to any such corporation, may make further provisions and regulations for the management of the business of the corporation, and for the government thereof—or wholly to repeal any act, or part thereof, establishing any corporation as shall be deemed expedient. 1821, 137, § 6. Mass. laws, 1809, 7.

CHAPTER 79.

OF INSURANCE COMPANIES.

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- Sect.* 1. Insurance companies to be governed by the provisions of this chapter, and of chapter
2. Of the president and directors.
  3. Choice of directors.
  4. Vacancies of directors to be filled.
  5. No person to be a director in two insurance companies—Five to be a quorum.
  6. Appointment and duties of the secretary.
  7. Special meetings, mode of calling and notice.
  8. Capital to be at least \$100,000.
  9. Stockholders liable in certain cases.
  10. Investment of the capital stock.
  11. Loans on bottomry and respondentia.
  12. What property may be insured.
  13. No single risk to exceed ten per cent. of the capital.
  14. Of the execution of policies.
  15. Insurance companies not to trade, &c.
  16. Dividends how to be made, &c.
  17. Diminution of capital to be made up before dividing.
  18. Statements of profit and loss to be made by directors triennially or oftener.
  19. Restrictions on insurance, where losses have happened equal to capital.
  20. Annual statements of net amount of stock to be published.
  21. Legislature may examine the company affairs.
  22. Certain provisions not applicable to mutual insurance companies. The following to be applicable.
  23. How mutual insurance companies may insure.
  24. Certain regulations to be set forth in the policy.
  25. Every person insured to be considered a member.
  26. Premium notes and the assessments thereon.
  27. Assessments not to exceed amount of same.
  28. Certain lien on real estate.
  29. The whole amount of note may be collected in some cases.
  30. Agents of foreign companies to file copy of charter, &c. in registry of deeds.
  31. Penalty for neglect.
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SECT. 1. All insurance companies now or hereafter incorporated in this State, may exercise the powers and shall be subject to the duties and liabilities contained in this chapter and in chapter seventy-six respecting corporations as far as consistent with the provisions of their respective charters.

SECT. 2. The business of every such company shall be managed by seven directors, who shall choose one of their number to be president; they shall hold their offices one year and until others are chosen and accept in their stead; and they shall be stockholders in said company and citizens of this State, but not directors of any other insurance company.

1832, 272, § 3, 4.

SECT. 3. The directors shall be chosen by the stockholders at such time and place and in such manner as the by-laws of the

3 company may prescribe, by the majority of ballots ; one vote  
4 in this and any other business of the company being allowed to  
5 each share, but no one stockholder to be allowed more than  
6 ten votes. In all cases absent stockholders, may act by proxy,  
7 authorized in writing. 1832, 272, § 3.

SECT. 4. Vacancies in the board of directors may be filled  
2 at any meeting, specially called for the purpose. 1832, 272, § 4.

SECT. 5. No person shall be eligible, as a director, who at  
2 the time shall be a director of any other insurance company.  
3 Four directors shall constitute a quorum for doing business. 1832, 272, § 5.

SECT. 6. Every such company or the directors thereof, as  
2 often as once a year, shall by ballot elect a secretary, who shall  
3 be the clerk of the company, and shall be sworn to the faithful  
4 discharge of his duty ; besides other duties required by the  
5 by-laws of the company, he shall keep a true record of all the  
6 votes of the stockholders and of the directors and a true list of  
7 the stockholders and of the number of shares held by each, and  
8 shall record every transfer of shares in a book kept for the pur-  
9 pose. The directors may appoint such other officers as they  
10 may think necessary. M. R. S. 37, § 4, 8.

SECT. 7. The secretary shall call special meetings of such  
2 company, besides any meeting for which the by-laws may pro-  
3 vide, to be holden at such time and place and for such purposes  
4 as may be in writing required by the proprietors of one fifth of the  
5 capital stock ; if the by-laws of such company prescribe no mode  
6 of calling such meeting it may be notified in the same manner,  
7 as may have been prescribed in the act of incorporation for  
8 calling the first meeting. 1821, 139, § 9.

SECT. 8. No insurance company shall be incorporated in this  
2 State with a capital of less than one hundred thousand dollars,  
3 to be paid in at such periods and in such proportions as may be  
4 required by the charter for the same. 1821, 139, § 7.

SECT. 9. If any such company become insolvent, before its  
2 whole capital shall have been paid in by the stockholders any  
3 creditor thereof may have his action on the case against any one  
4 or more of the stockholders, whose proportion of the whole  
5 stock allowed, by the charter, shall not have been paid in, to  
6 recover against them in their individual capacity toward his  
7 debt, an amount not exceeding the sum due from them on their  
8 respective shares. 1821, 139, § 2, 7.

SECT. 10. The capital stock of said companies paid at each  
2 instalment, shall within six months thereafter, except as provided  
3 in the next section, be invested either in the funded debt of the  
4 United States, or of this State, or in the stock of some bank,  
5 legally incorporated or authorized to transact its business in this  
6 State, in either or all of them, as may be most for the interest  
7 of said companies respectively on any amount not exceeding  
8 two thirds of the capital, may be loaned to persons resident in

9 this State, on mortgages of real estate situated therein, or on  
10 pledge of any of the funded debts or stocks above mentioned.

1821, 139, § 3.

SECT. 11. Any such company may loan to citizens of this  
2 State any portion not exceeding one half of its capital stock on  
3 respondentia or bottomry; but not unless at least three fourths  
4 of all the directors, shall agree to such loan and enter their con-  
5 sent to the same on the records of the corporation, at large, to  
6 be laid before the stockholders at their next meeting.

SECT. 12. Every such insurance company may make insur-  
2 ance upon vessels, freight, money, goods and effects, and  
3 against captivity of persons, and on the life of any person during  
4 his absence at sea, and on money lent upon bottomry and res-  
5 pondentia; and they may also make insurance against fire on  
6 any dwelling houses or other buildings and on merchandize or  
7 other property, within the United States; and fix the premiums  
8 and terms of payment.

1821, 139, § 1, 8.

SECT. 13. The risk incurred by any such company by virtue  
2 of any of the provisions of the two preceding sections, shall not  
3 at any one time exceed ten per cent. of its capital actually paid in on  
4 any one bottom, or on any one building with its contents.

1821, 139, § 3, 8, 1, 5.

SECT. 14. All policies of insurance made by such companies,  
2 shall be subscribed by the president, or in case of his death,  
3 inability or absence, by any two of the directors and counter-  
4 signed by the secretary of the company; and they shall be  
5 binding upon the company, in like manner as if executed under  
6 the corporate seal thereof.

1821, 139, § 1. 8 Pick. 56.

SECT. 15. The said companies shall not, directly or indirectly,  
2 deal or trade in buying or selling any goods, wares or merchan-  
3 dize, or commodities whatever.

1821, 139, § 3.

SECT. 16. The directors of every such company, at such times  
2 as their charter or by-laws shall prescribe, shall make dividends  
3 of so much of the profits of the company, as to them shall appear  
4 advisable; but monies received and notes taken for premiums  
5 on risks, which shall be undetermined at the time of making  
6 such dividends, shall not be deemed part of said profits.

1821, 139, § 2.

SECT. 17. After any diminution of the capital stock of any  
2 such company shall have happened by losses, by depreciation or  
3 otherwise, no dividend shall be made, until such diminution shall  
4 have been supplied by actual funds—or the value restored.

1821, 139, § 2.

SECT. 18. Once in every three years and oftener, if required  
2 by the stockholders, the directors shall lay before them at a  
3 meeting an exact and particular statement of their profits, if  
4 any, after deducting losses and dividends.

1821, 139, § 2.

SECT. 19. If any such company shall have sustained losses to  
2 an amount equal to their capital stock, and the president or  
3 directors, after knowing the same, shall make any new or further



4 insurance the estates of such of them, as shall make such insur-  
 5 ance or consent thereto, shall be jointly and severally liable for  
 6 the amount of any loss, which shall take place under such  
 7 insurance. 1821, 139, § 4.

SECT. 20. The president and directors of every such company  
 2 shall, previously to subscribing any policy, and once in every  
 3 year afterwards, publish in two newspapers printed in this State,  
 4 one of which shall be in the city of Portland, the amount of  
 5 their stock, exclusive of premiums on risks not determined, the  
 6 risks against which they insure, and the largest sum they will  
 7 take on any one risk. 1821, 139, § 5.

SECT. 21. The president and directors, whenever required by  
 2 the Legislature, shall also lay before them a statement of the  
 3 affairs of the company, and submit to an examination on oath,  
 4 concerning the same. 1821, 139, § 6.

SECT. 22. The provisions in the foregoing sections of this  
 2 chapter, relating to the amount of capital stock to be owned by  
 3 any insurance company, and the division of the same into shares  
 4 and dividends of profits thereon, and other provisions incidental  
 5 to the nature of its funds; and such of said provisions as relate  
 6 to the liability of directors or stockholders, in case of deficiency  
 7 of capital and the regulations concerning the business of any  
 8 such company contained in sections eleventh and twelfth of this  
 9 chapter, shall not be construed as applicable to mutual fire  
 10 insurance companies; but the following provisions shall be  
 11 binding on such companies, so far as consistent with their  
 12 respective charters. M. R. S. 37, § 24 to 39.

SECT. 23. Mutual insurance companies incorporated in this  
 2 State, may make insurance for a term not exceeding seven years,  
 3 on dwelling houses, stores, shops and other buildings and on  
 4 household furniture, merchandize and other property, the con-  
 5 tents of any building within this State against loss or damage  
 6 by fire, originating in any cause, other than by design in the  
 7 assured. Special laws, 1828. M. M. F. Ins. Co. 9.

SECT. 24. No by-law, rule or requirement made by any such  
 2 mutual insurance company, shall be binding on any person  
 3 insured, to vacate his policy issued or renewed subsequently to  
 4 April twenty-second, eighteen hundred and thirty-eight, unless  
 5 the same shall be distinctly set forth in such policy or renewal.  
 1838, 337, § 1, 2.

SECT. 25. Every person insured by such company, or his legal  
 2 representatives or assigns, continuing to be insured therein, shall  
 3 be deemed a member of the corporation, during the term speci-  
 4 fied in his policy and no longer.

M. M. Ins. Co. charter, 1828, § 2.

SECT. 26. Every person on being insured by such company,  
 2 shall, before receiving his policy, deposit his promissory note for  
 3 such sum of money, as shall be determined by the directors;  
 4 and such part of said note, as the by-laws may require, shall be  
 5 immediately paid towards the incidental expenses of the institu-

tion and endorsed upon said note, and the remainder of said note shall be payable in part, or the whole, in such instalments as the directors may from time to time require, for the payment of losses and other expenses, to be assessed on all who are members at the time when such losses or expenses happen, in proportion to the amounts of their respective notes.

M. M. Ins. Co. charter, 1828, § 2, 5.

SECT. 27. No member of such company shall be held to contribute to any losses or expenses beyond the amount of his said note, on which he is to be so assessed. At the expiration of any person's term of insurance, his note or such part thereof as shall remain uncalled for as aforesaid, shall be relinquished to him, except as provided in the next section.

M. M. Ins. Co. charter, 1828, § 2, 5, 6.

SECT. 28. The company shall have a lien against the assured, on buildings insured by them, and the land appurtenant to the same, to the amount at any time due on said note, to commence from the time of the recording of the same as hereinafter provided, and continue until sixty days after the expiration of the policy on which such note shall be given; provided the said company shall cause a certificate to their claim to such lien, signed by their secretary to be recorded by the registry of deeds for the county or district; and during the pendency of such lien an attachment of such property made in a suit to be commenced in said note in favor of the company, shall have priority to all other attachments or other claims; and execution when recovered may be levied on the same accordingly.

M. M. Ins. Co. charter, 1828, § 6.

SECT. 29. If any assessment made as provided in the twenty-sixth section of this chapter, shall remain unpaid for thirty days after demand made by any agent of the company or any person liable to pay the note aforesaid, the directors may sue for and collect the whole of any balance due on such note and the amount collected shall remain in the treasury of the company subject to the payment of such sums, as might otherwise have been assessed on the note; and the overplus at the expiration of the policy shall be the property of the assured.

M. M. F. Ins. Co. 1828, § 8.

SECT. 30. Every person who shall undertake to make insurance in this State, as the agent for or in behalf of any corporation established in any other State or country, shall deposit with the register of deeds within the county or district where he resides or usually transacts the business of his agency, a copy of the charter of such foreign corporation and a copy of the power of attorney given him by the corporation. 1828, 402, § 1.

SECT. 31. If any person shall make or renew any policy of insurance with any person in this State, contrary to the provisions of the foregoing section, he shall forfeit for every such offence, three hundred dollars to be recovered in an action of debt, one half to him who may sue therefor and the other half to the State.

1828, 402, § 1.

## CHAPTER 80.

## OF TURNPIKE CORPORATIONS, AND TOLL BRIDGES.

- Sect.* 1. On application for turnpike, committee to view to be appointed and notice given.
2. When one is granted, county commissioners shall lay it out, on being requested.
3. Road must be made in five years.
4. First meeting—how called—then officers to be chosen—and by-laws made.
5. To pay all damages—how estimated.
6. Corporation may buy and hold the lands for road.
7. Width of road.
8. No fences to be taken away, or trees cut, &c. till damages are paid.
9. Turnpike, where crossing any highway—how made.
10. When made and approved by commissioners, corporation may erect gates, &c.
11. Corporation may commute tolls, &c.
12. Carts with certain wheels to pay half toll.
13. Must have sign boards—rates of toll painted, &c.
14. Certain persons exempted from paying toll.
15. Same subject.
16. Persons to tell their names, &c.
17. Not more than twenty cattle to be driven over at one time.
18. Penalty for delaying passengers.
19. Only two persons to pass in wagons, &c.
20. Penalty for making a road, to avoid turnpike.
21. Penalty for demanding more than legal toll.
22. Corporation liable to indictment for bad bridges, &c. and damages.
23. What weight may be carried at once.
24. Certain persons must tell their name and weight of load.
25. No person to lock his wheels, without a shoe under.
26. Penalty for turning out, to avoid paying toll.
27. Measures to be taken for removal of gates.
28. When turnpike is out of repair, what proceedings to be had.
29. Shares, shall be personal estate.
30. Shares to be sold, when assessments are not paid.
31. Notice to be given of intended sale of shares.
32. When any part of road is discontinued, land shall revert, &c.
33. Account of expenses for making road to be lodged in the secretary's office.
34. Legislature may dissolve the corporation—in case.
35. Penalty for injuring gates.
36. This act not to affect vested rights, &c.
37. Covered bridges to be lighted, where toll is demanded.
38. Penalty and damages for neglect.

SECT. 1. Whenever any application shall be made for a turnpike road, a committee shall first be appointed by the Legislature, to view at the expense of the petitioners the route proposed by them; and the committee shall before they proceed to view any proposed road, give public notice of the time and place of their meeting, by publishing the same in some newspaper printed in the county, in which the road is proposed to be made; and if no newspaper is there printed, the said notice shall be given in such manner, as the committee shall think will cause the same

10 to be generally known to all persons interested ; and they shall  
11 further give notice in writing to one or more of the selectmen of  
12 each town, through which they propose to view, and of the time  
13 when they shall make their report to the Legislature.

1821, 138, § 1. M. R. S. G. 39.

SECT. 2. Whenever any grant is made for a turnpike road and  
2 application is made to the county commissioners, in the county  
3 in which such road is situated, the said commissions shall exer-  
4 cise the powers and perform the duties, provided by law in the  
5 laying out of highways. 1821, 138, § 2.

SECT. 3. If any turnpike corporation shall neglect to com-  
2 plete their road within five years from the date of their act of  
3 incorporation, the same shall be void. 1821, 138, § 22.

SECT. 4. The first meeting of any turnpike corporation here-  
2 after established shall be held at such time and place as shall  
3 be agreed on by a major part of the persons, to whom the grant  
4 of a charter is made, for the purpose of choosing a clerk, who  
5 shall be duly sworn, and such other officers as may be agreed  
6 on by such corporation ; and at that or any subsequent meet-  
7 ing, said corporation may make reasonable by-laws, not repug-  
8 nant to the constitution and laws of the State, for the well  
9 ordering of their affairs. Said first meeting may be called, by  
10 publishing notice thereof, by the persons appointing the time  
11 and place, in some newspaper printed near the route of the  
12 intended road, at least two weeks before said meeting.

1821, 138, § 16.

SECT. 5. Every turnpike corporation shall pay all sums that  
2 may be assessed according to law, for damages for laying out  
3 such turnpike road ; saving always to either party, so far as  
4 respects the damages only, the right of trial by jury, unless a  
5 committee be mutually agreed upon according to the provisions  
6 of chapter twenty-five relating to the laying out of highways ;  
7 and in such cases the turnpike corporation shall incur the same  
8 liabilities and have the same rights as to costs, as counties in  
9 the laying out of county roads. 1821, 138, § 2.

SECT. 6. Any turnpike corporation may purchase and hold  
2 the lands over which they shall make their road.

1821, 138, § 2.

SECT. 7. No turnpike road hereafter granted, shall be less  
2 than four rods wide ; and the travelled part thereof shall not be  
3 less than twenty-four feet wide in any part. 1821, 138, § 2.

SECT. 8. No turnpike corporation hereafter established with-  
2 out the consent of the owner of any land over which their road  
3 is to pass, shall throw open any fences or enclosures upon the  
4 same, or remove any buildings, or cut down any trees thereon  
5 standing, or make such road, or in any way injure the property  
6 of such owner, until the damages done by the passing of the  
7 road over such land shall have been first duly ascertained and  
8 paid, or tendered to the person entitled to receive the same ;  
9 or, if said owner cannot be found within the State, until the

10 same shall have been deposited to his use with the clerk of  
11 the county commissioners ; provided however that the officers  
12 of such corporation, or its agents or servants may enter on any  
13 such land for the purpose of surveying and laying out the roads  
14 and not otherwise. 1821, 138, § 19. M. R. S. 7.

SECT. 9. When any turnpike road hereafter established shall  
2 intersect any then existing highway or town way, the proprie-  
3 tors of such turnpike road, shall so construct the same, that it  
4 shall be convenient for travellers to pass from such way to such  
5 turnpike road. 1821, 138, § 9.

SECT. 10. All turnpike corporations hereafter established,  
2 whenever their roads shall be sufficiently made and approved  
3 by the commissioners of the county where said road is situated,  
4 may erect gates in such places as said commissioners may  
5 direct, and demand and receive of each traveller or passenger  
6 at each of said gates the following rates of toll, viz.—for each  
7 chariot, phaeton or other four wheel spring carriage drawn by  
8 two horses, twenty-five cents ; and if drawn by more than two  
9 horses, two cents for each additional horse ; for every wagon  
10 drawn by two horses, ten cents ; and if drawn by more than  
11 two, two cents for each additional horse ; for every cart or  
12 wagon drawn by two oxen, ten cents, and if by more than two,  
13 twelve and a half cents ; if by more than four oxen or horses,  
14 two for each additional ox or horse ; for every curricule, fifteen  
15 cents ; for every chaise, chair, sulkey or other carriage for  
16 pleasure, by one horse twelve and a half cents each ; for every  
17 cart, wagon or truck drawn by one horse, six cents and a  
18 quarter for every man and horse four cents ; for every sleigh or  
19 sled drawn by two oxen or horses eight cents ; and if drawn by  
20 more than two oxen or horses, one cent for each ox or horse ;  
21 for every sleigh or sled drawn by one horse four cents ; for all  
22 horses, mules or other neat cattle, led or driven, besides those  
23 in teams or carriages ; one cent each, for all sheep or swine at  
24 the rate of three cents by the dozen, provided that no turnpike  
25 gate where full toll is to be taken, shall be created within ten  
26 miles of any other turnpike gate, on the same road, unless  
27 expressly authorized by the Legislature, nor shall any such gate  
28 be erected by said turnpike corporation on any county or town  
29 way, previously established. 1821, 138, § 4.

SECT. 11. Any turnpike corporation may commute the rates  
2 of toll with any person, by annually taking of him a certain sum  
3 to be mutually agreed on. 1821, 138, § 4.

SECT. 12. Carts and wagons having wheels, the felloes of  
2 which shall be six inches broad or more, shall be subject to pay  
3 only half the toll, which carts and wagons otherwise constructed  
4 are liable to pay. 1821, 138, § 4.

SECT. 13. All turnpike corporations shall erect and keep  
2 exposed to view in some conspicuous place at every gate, where  
3 the toll is collected, a sign board, with all the rates of toll fairly  
4 and legibly written or painted on a white ground, in black letters

5 of a large size. If they neglect so to do they shall not be entitled  
6 to receive toll at such a gate, during such neglect.

1821, 138, § 4. 3 Pick. 342.

SECT. 14. No toll shall be receivable at any turnpike gate  
2 from any foot passenger, nor from any person riding to his usual  
3 place of public worship, or passing such gate in any mode on  
4 military duty; nor from any person residing in the town where  
5 such gate may be placed, unless he is going, or returning from,  
6 beyond the limits of said town, nor for any person going to or  
7 from any place on the common and ordinary business of a  
8 family.

1821, 138, § 5.

SECT. 15. The officers, soldiers and musicians, of all military  
2 companies, together with their ordnance and equipage, on days  
3 of training or review, while under arms, or in going to, or return-  
4 ing from their place of parade, and all persons going to or from  
5 any funeral, or to or from public worship on the sabbath, may  
6 pass over and upon any toll bridge, or turnpike road, free of toll.

1836, 213. 1821, 138, § 5.

SECT. 16. Every traveller claiming to pass any turnpike gate  
2 or toll bridge free of toll, shall communicate to the toll gatherer,  
3 his name and place of abode, if required by him. Whoever shall  
4 refuse or omit so to do, or shall wilfully render a false answer,  
5 and thereby evade the payment of his legal toll, shall forfeit to  
6 the use of the proprietors of such turnpike or bridge the sum of  
7 ten dollars to be recovered in an action of debt.

1821, 138, § 6.

SECT. 17. If any person driving neat cattle or horses over any  
2 turnpike bridge or over any toll bridge, which shall be more  
3 than fifty feet in length, from one abutment pier or trussel part  
4 to another, shall, without the consent of the toll gatherer or  
5 agent of the corporation owning such bridge permit more than  
6 twenty neat cattle or horses to be on such bridge, at one and  
7 the same time; or if any person shall without such consent,  
8 drive or transport over any such bridge, any loaded cart or  
9 wagon, or other carriage, the weight whereof shall exceed forty-  
10 five hundred pounds, exclusive of the team and carriage and  
11 shall thereby break down or injure such bridge, such person or  
12 the owner of such neat cattle, horses, cart, wagon, carriage or  
13 load shall not recover any damages for his own injury or loss  
14 against such corporation.

1821, 138, § 14.

SECT. 18. If any turnpike or bridge corporation or any agent  
2 thereof, shall unreasonably delay or hinder, any person driving  
3 any cart or wagon, sleigh or other carriage, from passing any  
4 turnpike gate or toll gate, such corporation, shall forfeit and pay  
5 to such person so delayed or hindered, not less than two dollars,  
6 nor more than twenty dollars, to be recovered by a special  
7 action on the case.

1821, 138, § 8.

SECT. 19. No more than two persons and children with them  
2 not received for the purpose of evading the payment of toll shall  
3 have a right to pass any toll bridge in any wagon free of the

4 toll, payable by foot passengers, in addition to the toll, due on  
5 such wagon. 1821, 138, § 2.

SECT. 20. If any person, with his horse, team or cattle, shall  
2 turn out of such road to pass any turnpike gate with intent to  
3 avoid paying the toll, and again enter on said road, he shall for-  
4 feit and pay treble the toll which would have been payable at  
5 such gate, to the use of the corporation, and recoverable in an  
6 action of trespass on the case. 1821, 138, § 5.

SECT. 21. If any turnpike corporation, their toll gatherer or  
2 any other person in their employ, shall demand or receive more  
3 toll than the rate by law established, the said corporation shall  
4 forfeit a sum not exceeding ten dollars nor less than two dollars  
5 for the use of the person of whom the same is demanded or  
6 received, recoverable in an action on the case. 1821, 138, § 7.

SECT. 22. Every turnpike corporation shall be liable to be  
2 indicted for defect of any of its bridges, or want of repair in its  
3 roads. If any person, liable to the payment of toll shall sus-  
4 tain any injury of himself or property from deficiency in want  
5 of repair in said bridge or road, said corporation shall be  
6 answerable to such person for the same in damages in an action  
7 on the case. 1821, 138, § 7.

SECT. 23. All loaded carts or wagons, passing on any turn-  
2 pike road, and carrying more than forty-five hundred pounds,  
3 shall be drawn on wheels having each a felloe, not less than  
4 three and a half inches wide. If any person shall pass on any  
5 turnpike road with a cart or wagon loaded as aforesaid, and  
6 drawn on wheels having narrower felloes, than aforesaid, he  
7 shall pay to the corporation owning said road three times the  
8 stated toll for such cart or wagon. 1821, 138, § 12.

SECT. 24. Every person passing on any turnpike road and  
2 driving or having the care of a loaded cart or wagon, with  
3 wheels the felloes of which are less than three and a half inches  
4 wide, shall, upon the request of the toll gatherer give a true  
5 account of the weight of the load and also his name and place  
6 of abode; and if he shall refuse so to do, or shall make any  
7 misrepresentation with an intent to defraud the corporation, he  
8 shall forfeit to the use of such corporation ten dollars. 1821, 138, § 1.

SECT. 25. If any person driving or having the care of any  
2 loaded cart or wagon passing on any turnpike road shall lock,  
3 chain or fasten any of the wheels of such cart or wagon without  
4 putting under said wheel an iron shoe, not less than six inches  
5 wide and twelve inches long, he shall for such offence forfeit to  
6 the use of the corporation owning said road not less than two  
7 dollars, nor more than twenty dollars. 1821, 138, § 15.

SECT. 26. If any person shall open or make any road or pass-  
2 way other than a county road duly located, leading from any  
3 turnpike road, and shall reunite said road or passway with such  
4 turnpike road or with any road connected with the same, for the

5 purpose of avoiding or aiding others to avoid any gate on such  
6 turnpike road, he shall forfeit to the use of the turnpike corpo-  
7 ration, so intended to be injured a sum, not less than two  
8 hundred dollars, nor more than one thousand dollars.

1821, 138, § 13.

SECT. 27. The county commissioners in any county where a  
2 turnpike gate belonging to any corporation is placed, on peti-  
3 tion from such corporation or the directors thereof stating the  
4 reasons therefor, may authorize the removal of such gate to any  
5 other place in the county which they judge expedient. In such  
6 case the commissioners shall give public notice of the time,  
7 place and object of their meeting by advertising in such public  
8 newspaper as they may think proper, ten days at least before the  
9 time appointed for such meeting; at which meeting they shall  
10 view the places where the gate is placed, and to which it is  
11 intended to be removed, and all persons interested may be  
12 heard. The commissioners shall thereupon order their doings  
13 to be duly entered on their records at their next regular session;  
14 provided that all expenses attending any of the proceedings  
15 shall be defrayed by the petitioners.

1821, 138, § 1.

SECT. 28. Whenever any turnpike road shall be suffered to  
2 be out of repair, the county commissioners in the county where  
3 the defective road is situate, may order the gates thereof to be  
4 set open; the said commissioners having at least ten days pre-  
5 viously notified the clerk of the corporation, owning such turn-  
6 pike road of complaint having been made against said road, and  
7 appointing a time and place, to hear the parties, on the subject  
8 of such complaint. If on such hearing or view of the premises  
9 they see sufficient cause to order the gates to be set open, they  
10 shall cause an attested copy of their order to be left with the  
11 said clerk, and the said gates shall thereupon be set open, and  
12 no toll shall be demanded, thereat, until the said commissioners  
13 shall otherwise order.

1821, 138, § 18.

SECT. 29. All shares in turnpike corporations shall be personal  
2 estate, and transferable by deed, acknowledged before any jus-  
3 tice of the peace, and recorded by the clerk of the corporation,  
4 in a book kept for that purpose.

1821, 138, § 18.

SECT. 30. When any proprietor of shares in any turnpike  
2 corporation hereafter established, shall neglect or refuse to pay  
3 any tax or assessment, duly made, for sixty days after the time  
4 appointed for payment thereof, the treasurer of such corpora-  
5 tion may sell at public vendue a sufficient number of the shares  
6 of such delinquent proprietor, to pay the said assessment and  
7 all necessary charges. Should any surplus remain on the sale  
8 of any share, such surplus shall be paid by the treasurer, to such  
9 delinquent proprietor on demand.

1821, 138, § 11.

SECT. 31. Before making sales of such shares, the treasurer  
2 shall give notice of the time and place appointed for the sale,  
3 and of the sums due on each share, by advertizing the same in



4 the manner mentioned in chapter one hundred seventeen—as to  
5 sales on execution. 1821, 138, § 11.

SECT. 32. Whenever any turnpike road, in whole or in part,  
2 shall be discontinued, the land, over which such discontinued  
3 turnpike or part thereof was laid, shall revert in the persons,  
4 their heirs or assigns, who were owners thereof, at the time  
5 such land was taken or purchased for the purpose of making  
6 such turnpike; any conveyance of said land, by deed to said  
7 corporation, notwithstanding. 1821, 138, § 20.

SECT. 33. Every turnpike corporation hereafter established  
2 shall within six months, from the time of erecting their gates,  
3 lodge in the office of the secretary of the State an account  
4 of all the expenses thereof; and every such corporation where-  
5 ever established shall annually in the month of January exhibit  
6 to the governor and council, a true account of the income or  
7 dividends arising from their tolls, with their necessary annual  
8 disbursements. The books of all turnpike corporations shall at  
9 all times be subject to the inspection of the governor and coun-  
10 cil and of the Legislature. 1821, 138, § 21.

SECT. 34. The Legislature may dissolve any turnpike cor-  
2 poration, hereafter established after the expiration of twenty  
3 years from the date of its charter; or sooner if it shall appear  
4 to their satisfaction that the income of the road, of such corpo-  
5 ration shall have compensated them for all monies they may  
6 have expended in purchasing lands for such road and in making,  
7 repairing and taking care of the same, together with twelve per  
8 cent. a year; and thereupon the property of said road shall be  
9 vested in the State, and be at the disposal of the Legislature.

1821, 138, § 22.

SECT. 35. If any person shall maliciously break down or oth-  
2 erwise destroy or injure any toll gate or any turnpike or toll  
3 bridge, or shall wilfully injure such turnpike or bridge; or if  
4 any person liable to pay toll at such turnpike or bridge shall  
5 pass or attempt to pass the gate thereof with the intent of avoid-  
6 ing the payment of the legal toll, the same being demanded  
7 shall forfeit and pay not less than five dollars, nor more than  
8 fifty dollars, to the use of the proprietors of such road or bridge,  
9 in addition to any actual damage thereby occasioned to such  
10 road or bridge. 1827, 357, § 1. 1821, 138, § 5.

SECT. 36. None of the provisions of this chapter shall be  
2 construed as enlarging, diminishing or altering the rights, powers,  
3 obligations or liabilities of any turnpike corporation existing in  
4 this State on the fifteenth day of February in the year eighteen  
5 hundred and twenty-one.

SECT. 37. Every bridge or any turnpike and every toll bridge,  
2 if in whole or in part covered, shall be suitably lighted with not  
3 less than one sufficient light for every seventy-five feet in length  
4 of said bridge, which is covered, commencing within twenty  
5 minutes after sunset and continuing until ten o'clock in each

6 evening—except it be, at certain seasons of the year, if any,  
7 when toll is not demanded on such bridge or turnpike.

1839, March 12.

SECT. 38. Every corporation which shall neglect, or refuse to  
2 comply with the provisions of the preceding section, shall forfeit  
3 for each evening they shall so neglect or refuse two dollars to be  
4 recovered by an action of debt, brought in the county where the  
5 bridge or any part of it is situated, to the use of the person who  
6 shall sue therefor. Such corporation, shall also be liable in a  
7 special action for damages to any person injured by such neglect.

1839, March 12.

## CHAPTER 81.

### OF RAIL ROADS.

- Sect.* 1. No petition for rail road, shall be acted upon, without a previous report of engineer, &c. and form of petition.
2. Corporation may take, and hold land, necessary for the road, &c.
3. If damages are not agreed upon, how they are to be estimated.
4. Application for damages, to be made within three years.
5. No location of the road shall include any meeting house, dwelling house, or burying ground.
6. Provisions for securing damages to owners of land taken by corporation.
7. Lands of minors, &c. when taken, how to be agreed and settled for.
8. Corporation may raise or lower turnpike or other road, so as to pass under or over it, &c.
9. If corporation requires further alterations, they may apply to commissioners to determine as to same, if parties do not agree, with costs.
10. Penalty if corporation neglect to make alterations, &c.
11. No action shall be maintained against corporation for damage by turnpike proprietors or owner of any other way, for damages by crossing them, but within one year.
12. Corporation may alter the course of any highway, &c. for crossing it more conveniently—as commissioners may decide.
13. Commissioners when requested, shall direct the corporation as to mode of raising or lowering turnpike or other road.
14. Corporation while raising or lowering road, shall keep good temporary ways for passing by upon.
15. Such corporation may carry their rail road over or under any other rail road or canal, subject to payment of damages, if any.
16. Shall keep all bridges in repair which they construct.
17. Shall keep a bell on each locomotive, and ring it when approaching any crossing, &c.
18. Shall keep large sign boards at crossings.
19. Gates to be placed across a rail road, and an agent stationed, at a crossing, if selectmen of town, where, &c. are of opinion they are necessary, and if the commissioners direct it.
20. Penalty for neglecting compliance with the three preceding sections.
21. Corporation liable for all damages for neglect and misconduct of their agents.
22. Shares in the capital stock to be deemed personal estate; and how transferred.

Sect. 23. Same subject.

24. All rail road companies that have been or may be incorporated, shall have all the powers and be subject to the liabilities, in this act mentioned, unless, &c. &c.

SECT. 1. No petition for the establishment of any rail road corporation shall be acted upon, unless the same is accompanied and supported by the report of a skilful engineer founded on actual examination of the route, and by other evidence, shewing the character of the soil, the manner in which it is proposed to construct such rail road, the general profile of the surface of the country, through which it is proposed to be made, the feasibility of the route and an estimate of the probable expense of constructing the same. The petition shall set forth the places of beginning and end of the proposed rail road, the distance between the same, the general course of said rail road together with the names of the towns through which the same on actual survey may be found to pass. 1836, 200, § 1.

SECT. 2. Any rail road corporation, may take and hold, under the provisions contained in this chapter, so much real estate as may be necessary for the location, construction and convenient use of their road. Such corporation may also take, remove and use, for the construction and repair of such road and its appurtenances, any earth, gravel, stone, timber or other materials on or from the land so taken. Provided that the land so taken, otherwise than by consent of the owners, shall not exceed four rods in width, unless where greater width is necessary for excavation, or embankment, or procuring stone, gravel or other materials. 1836, 200 § 1.

SECT. 3. Such rail road corporation may purchase and use real estate for a price to be agreed upon with the owner thereof; or the damages to be paid by such corporation for any real estate taken as aforesaid, when not agreed upon, shall be ascertained and determined by the county commissioners under the same conditions and limitations, as are by law provided in case of damages by laying out highways. The land so taken shall be held, as lands taken and held for public highways. 1836, 200, § 1.

SECT. 4. No application to such commissioners to estimate said damages shall be sustained, unless made within three years from the time of taking such real estate. 1836, 200, § 1.

SECT. 5. No corporation shall take, as aforesaid, any meeting house, dwelling house, or public or private burying ground, without the consent of the owners. 1836, 200, § 1.

SECT. 6. When any application for an estimate of damages shall be made to the county commissioners either by such corporation or the owner of real estate taken as aforesaid, the commissioners, if requested by any such owner, shall require the said rail road corporation to give security to the satisfaction of said commissioners, for the payment of all such damages and

7 costs, as shall be awarded and finally determined, by jury or  
8 otherwise, for the real estate so taken; and all the right, or  
9 authority of said corporation to enter upon or use said real  
10 estate, except for making surveys, shall be suspended until they  
11 shall give such security. 1836, 200, § 2.

SECT. 7. Whenever any rail road corporation shall take any  
2 real estate, as aforesaid, of any minor, insane person, or any  
3 married woman, whose husband is under guardianship, the  
4 guardian of such minor or insane person, or such married  
5 woman, with the guardian of her husband, may agree and settle  
6 with said corporation for all damages or claims, by reason of the  
7 taking of such real estate, and may give valid releases and dis-  
8 charges therefor. 1836, 200, § 3.

SECT. 8. Any rail road corporation may raise or lower, any  
2 turnpike or other way for the purpose of having their rail road  
3 pass over or under the same, and in such cases said corporation  
4 shall put said turnpike, or other way, as soon as may be, in as  
5 good repair and condition, as before such alteration; and they  
6 shall forthwith on the completion of such alteration give notice  
7 thereof in writing to the agent or clerk of the proprietors of  
8 such turnpike, or to one of the selectmen of the town where  
9 such other way may be situated. 1836, 200, § 4.

SECT. 9. If said proprietors or said selectmen respectively  
2 require further alterations, or amendments of such turnpike or  
3 other way, and give notice thereof in writing to the agent, or  
4 clerk of such rail road corporation, and if the parties cannot  
5 agree respecting the same, either of the parties may apply to the  
6 county commissioners at their next regular meeting, who, after  
7 reasonable notice to the adverse party, shall make final deter-  
8 mination respecting such proposed alterations or amendments,  
6 and shall award costs in favor of the prevailing party.

SECT. 10. If such rail road corporation shall unnecessarily  
2 neglect to make such alterations and amendments, thus deter-  
3 mined upon by the commissioners, the said turnpike corporation,  
4 or the aggrieved town, shall be entitled to their damages to be  
5 recovered in an action on the case. 1836, 200, § 4.

SECT. 11. No action shall be sustained against any rail road  
2 corporation, by the proprietors of any turnpike, or by any town,  
3 or by the owners of any private way, by reason of any obstruc-  
4 tion thereto, occasioned by said rail roads crossing the same,  
5 unless brought within one year after the causing of such  
6 obstruction. 1836, 200, § 4.

SECT. 12. If any rail road corporation shall be desirous of  
2 altering the course of any highway, or town way, where it may  
3 be crossed by their rail road, for the purpose of facilitating the  
4 crossing of the same, they may alter the same accordingly, in  
5 such manner as the county commissioners for the county, where  
6 such way is situated, may direct; provided the said commis-  
7 sioners after due notice to the selectmen of the town, where

8 such way is situated, shall be of opinion, that such alteration  
9 will not essentially injure said highway. 1836, 200, § 5.

SECT. 13. If any rail road corporation, before commencing  
2 the work of raising or lowering any turnpike, or other way, as  
3 aforesaid, or before completing the same, shall request the direc-  
4 tion of the county commissioners, as to the mode of raising or  
5 lowering the same, it shall be the duty of said commissioners  
6 after due notice to the parties interested, to direct the mode of  
7 performing said work, and their decision shall be final.

1836, 200, § 5.

SECT. 14. Every rail road corporation, whilst employed in  
2 raising or lowering any turnpike or other way, or making any  
3 other alteration by means of which the same may be obstructed,  
4 shall provide and keep in good order suitable temporary ways  
5 to enable travellers to avoid or pass by such obstructions.

1836, 200, § 5.

SECT. 15. Any rail road corporation may construct and carry  
2 their rail road across, over or under any rail road or canal, when  
3 it may be necessary in the construction of the same; and in  
4 such cases said corporation shall so construct their rail road  
5 crossings as not unnecessarily to impede the travel or transpor-  
6 tation upon the rail road, or canal, so crossed. Said corporation  
7 shall be liable in an action on the case for the damages occa-  
8 sioned to any corporation or party injured, by reason of said  
9 crossing.

1836, 200, § 6.

SECT. 16. Every rail road corporation shall maintain and keep  
2 in repair all bridges, with their abutments which such corpora-  
3 tion shall construct, for the purpose of enabling their road to  
4 pass over or under any turnpike, road, canal, highway or other  
5 way.

M. R. S. 72.

SECT. 17. Every rail road corporation shall cause a bell, of  
2 at least thirty-five pounds in weight, to be placed on each loco-  
3 motive engine passing upon their road; and the said bell shall  
4 be rung, at the distance of at least eighty rods, from the place  
5 where said road crosses any turnpike, highway or town way,  
6 upon the same level with the rail road, and shall be kept ring-  
7 ing until the engine shall have crossed such turnpike or way.

SECT. 18. Every rail road corporation shall cause boards to be  
2 placed, well supported by posts, or otherwise, and constantly  
3 maintained across each turnpike, highway or town way, where  
4 it is crossed by the rail road, upon the same level therewith;  
5 the said posts and boards to be of such height, as shall be easily  
6 seen by travellers without obstructing the travel; and on each  
7 side of said boards, the following inscription shall be printed in  
8 plain legible letters of at least the length of nine inches each—  
9 RAIL ROAD CROSSING—LOOK OUT FOR THE EN-  
10 GINE WHILE THE BELL RINGS.

1836, 200, § 7.

SECT. 19. If the selectmen of any town, wherein any turn-  
2 pike, highway or town way, so crossed by any rail road, is situa-

3 ted, shall be of opinion it is necessary for public security, that  
4 gates should be erected across the rail road, and that an agent  
5 should be stationed to open and close said gates, whenever any  
6 engine passes, the said selectmen may by a writing, delivered  
7 to the clerk or a general agent of such corporation, request  
8 said corporation to erect such gates and station an agent, as  
9 aforesaid; and if said corporation shall neglect or refuse so to  
10 do, the said selectmen may apply to the county commissioners  
11 to decide upon the reasonableness of such request; and if said  
12 commissioners after due notice and hearing the parties, shall  
13 decide, that the erection of such gates and providing such  
14 agent, are necessary for the security of the public, said rail road  
15 corporation shall comply with said decision and pay the costs  
16 of the application; but if the commissioners shall be of the  
17 opinion that the establishment of said gates and agent is not  
18 required, as aforesaid, the said selectmen shall be liable to pay  
19 all the costs of their application. 1836, 200, § 7.

SECT. 20. If any rail road corporation shall unreasonably  
2 neglect or refuse to comply with the requisitions, contained in  
3 the three preceding sections, they shall forfeit for every such  
4 neglect or refusal, to the use of the State, a sum not exceeding  
5 five hundred dollars to be recovered by indictment; and if any  
6 agent stationed, as aforesaid, shall neglect to open or close said  
7 gates, for the safe passing of the engine on the rail road, or the  
8 traveller on the turnpike, highway or town way, he shall for  
9 every such neglect forfeit to the use of the State a sum not  
10 exceeding fifty dollars to be recovered as aforesaid.

1836, 200, § 8.

SECT. 21. Every rail road corporation shall be liable for all  
2 damages sustained by any person in consequence of any neglect  
3 of the provisions of the foregoing section, or of any other neg-  
4 lect of any of their agents, or by any mismanagement of their  
5 engines, in an action on the case by the person sustaining such  
6 damages.

1836, 200, § 8.

SECT. 22. The shares in the capital stock of any rail road  
2 corporation shall be deemed personal estate, and they may be  
3 transferred by any conveyance in writing recorded either by the  
4 treasurer in books to be kept in his office, or by an officer duly  
5 authorized by the directors, in books to be kept at such other  
6 place as they may appoint within the State. When recorded in  
7 any other place, they shall within ten days thereafter be also  
8 recorded in the said books kept by the treasurer. No convey-  
9 ance of any such shares shall be valid against any other persons  
10 than the grantors, or their representatives unless so recorded.

1836, 200, § 9.

SECT. 23. On making any such transfer, the certificates of  
2 the shares transferred shall be given up and cancelled and new  
3 certificates shall be issued to the purchasers, unless some attach-  
4 ment of such shares shall have been made previous to such  
5 transfer, in which case the issuing of said certificates shall be

6 suspended, until said attachment shall be dissolved or the shares  
7 sold by process of law. 1836, 200, § 9.

SECT. 24. All such road companies that have been or shall  
2 be incorporated under the authority of this State, shall have all  
3 the powers and privileges, and be subject to all the duties, lia-  
4 bilities and other provisions contained in this chapter respecting  
5 such corporations, unless inconsistent with the express pro-  
6 visions of their charters.

## CHAPTER 82.

### OF AGRICULTURAL AND HORTICULTURAL SOCIETIES.

- Sect. 1. State treasurer to pay to treasurers of agricultural and horticultural societies a sum equal to what such societies have raised by subscription.
2. When there are *three* societies in any county, limitation as to amount, &c.
3. Treasurer of such society shall file certificate with State treasurer as to amount raised.
4. Such societies may offer premiums, &c.
5. Duty of societies as to application of monies, &c.
6. Measures to be taken by applicants for premiums.
7. Same subject.
8. Duty of secretary of state, as to his official statements.
9. Legislative rights reserved.

SECT. 1. The treasurer of the State is hereby authorized and  
2 directed to pay to the treasurer of any agricultural society or  
3 any agricultural or horticultural society, whenever any such  
4 treasurer shall apply for the same, a sum equal to that which  
5 said society may have raised and actually received by subscrip-  
6 tion or otherwise, within the next preceding year, all of which  
7 sums shall be appropriated to the purposes specified in the char-  
8 ter of said society. 1832, 24, § 1.

SECT. 2. If there be three such societies in a county, the pay-  
2 ment from the State treasury, shall not exceed one hundred  
3 dollars to each of them, if two and only two, one hundred and  
4 fifty dollars to each of them; and if there be only one such  
5 society, the payment thereto shall not exceed three hundred  
6 dollars. 1832, 24, § 1.

SECT. 3. None of the aforesaid payments shall be made, till  
2 the treasurer of such society, shall file with the State treasurer,  
3 a certificate on oath or affirmation, therein specifying the amount  
4 raised and actually paid into said society. 1832, 24, § 1.

SECT. 4. Every society availing itself of the benefit of this  
2 chapter shall, at their discretion, annually and publicly offer  
3 premiums for introducing or improving any breed of useful  
4 cattle or animals, or any tools or implements of husbandry or

5 manufacture; introducing, raising or preserving any valuable  
6 trees, shrubs or plants; or in any way, encouraging or advanc-  
7 ing any of the branches or departments of agriculture, horticul-  
8 ture or manufactures. 1832, 24, § 2.

SECT. 5. And such society shall be held to apply to some or  
2 all of the purposes mentioned in the preceding section, a sum,  
3 in each year, equal at least, to that received from the State; and  
4 shall annually in the month of December transmit to the secre-  
5 tary of the State an official statement of its expenditures, expres-  
6 sing the object for which premiums have been awarded, and  
7 to whom paid, accompanied by such general observations as may  
8 be deemed useful. 1832, 24, § 2. 1833, 71.

SECT. 6. Any person to whom a premium shall be awarded  
2 for raising the greatest crop for any given quantity of land (of  
3 at least one acre, if the crop be of corn or grain) shall before  
4 receiving the premium, deliver to the society a statement in  
5 writing, specifying the kind and quantity of dressing put upon  
6 the land; the course pursued in cultivating the same, and the  
7 kind of soil cultivated, with such other circumstances, as may  
8 be considered useful. 1832, 24, § 3.

SECT. 7. If the premium be awarded for introducing or  
2 improving the breed, of any cattle, horses or other animals, he  
3 shall, before receiving the same, make a similar statement of the  
4 breed or stock, and of the advantages thereof for labor, the  
5 dairy or fattening or any other purpose, together with the mode  
6 and expense of rearing or treating the same, as compared with  
7 with the usual methods and any other useful remarks.

1832, 24, § 3.

SECT. 8. The secretary of State shall annually, on or before  
2 the first day of February, lay said official statements before the  
3 Legislature, to be submitted to a committee on agriculture, who  
4 may publish extracts therefrom, and such essays, relative to the  
5 subject, as they may think adapted to the advancement of agri-  
6 culture and horticulture—and the Legislature may cause a  
7 suitable number of copies to be distributed. 1832, 24, § 4.

SECT. 9. The powers and privileges granted by this chapter  
2 may be enlarged, restricted, or annulled, at the pleasure of the  
3 Legislature. 1832, 24, § 5.

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## CHAPTER 83.

### OF AQUEDUCTS.

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- Sect.* 1. Proprietors of aqueducts, how incorporated.  
2. Their corporate name.  
3. Organization, meetings and clerk.  
4. Shares and transfers to be registered.  
5. Choice of directors, and other officers.



- Sect.* 6. Assessments how made and collected.  
 7. Penalties for breach of by-laws.  
 8. Votes according to number of shares—proxies.  
 9. Shares personal property, and subject to attachment and sale.  
 10. Corporation may hold real estate.  
 11. May dig up highways, &c. with consent of selectmen.  
 12. Penalty for injuring aqueduct and treble damages.  
 13. Water may be used by towns in case of fire.  
 14. Liability of corporators, after dissolution of company.  
 15. Individuals liable after dissolution of the company, unless.  
 16. The property to be owned in common, upon dissolution.

SECT. 1. Any persons associated by agreement in writing, as  
 2 proprietors of an aqueduct, for the purpose of conveying fresh  
 3 water into or within any town, or of any funds for establishing  
 4 such aqueduct, may apply in writing to some justice of the peace  
 5 for the county in which the said aqueduct, or any portion  
 6 thereof, may be situated, or is proposed to be made, stating in  
 7 such written application the name and style of their association,  
 8 and the objects of their proposed meeting; and requesting such  
 9 justice to issue his warrant to some one of the persons applying  
 10 directing him to call such meeting, and such justice may there-  
 11 upon issue his warrant accordingly, stating therein the time, place  
 12 and object of such meeting; and the proprietor to whom the  
 13 warrant is directed, shall notify such meeting by posting up the  
 14 substance of the said warrant, with his notice annexed thereto,  
 15 seven days at least before the said meeting in some public place  
 16 in every town, in which the said aqueduct or any portion  
 17 thereof, may be or is proposed to be made.

1821, 140, § 1.

SECT. 2. The proprietors aforesaid, duly assembled in pursu-  
 2 ance of such warrant, and their successors, shall be a corpora-  
 3 tion by the name and style mentioned in their application.

1821, 140, § 2.

SECT. 3. The said proprietors may at any legal meeting agree  
 2 upon the method of calling future meetings of the corporation,  
 3 and they may choose a clerk, who shall be duly sworn, and shall  
 4 fairly and truly, record in books, to be provided and kept by  
 5 him for that purpose, all by-laws, votes and other proceedings  
 6 of such corporation, which books shall, at all times, be subject  
 7 to the inspection of any person appointed for that purpose by  
 8 the Legislature.

1821, 140 § 2, 3.

SECT. 4. At or immediately after the first meeting, the clerk  
 2 shall enter in the books aforesaid, the names of the several pro-  
 3 prietors, and the shares owned by each of them; and when any  
 4 share shall afterwards be transferred, the transfer shall be  
 5 entered by said clerk in said books, within three months after it  
 6 shall have been made, in such form and for such fees, as the  
 7 directors shall order; and no person shall be deemed a proprie-  
 8 tor, whose share or interest shall not be so entered.

1821, 140, § 8.

SECT. 5. The proprietors may choose any number of directors and other officers, to manage the business of said corporation ; and the directors shall choose one of their number to be president of the corporation. 1821, 140, § 3.

SECT. 6. The directors may make such assessments on the proprietors of the shares in such aqueduct or funds, as they shall find necessary ; and on the default of any proprietor to pay such assessment for thirty days after notice thereof, they may sell by public auction so many of his shares, as will be sufficient to pay the same with necessary charges ; the sale of such shares being first advertised in some newspaper printed in the county, three weeks successively, or notifications thereof being posted up twenty days at least before the sale in some public places, in each of the towns wherein such aqueduct may be or is proposed to be made ; and the surplus monies, if any there be, arising from such sale, shall be paid to the owner of the shares so sold. 1821, 140, § 3. M. R. S. 40, § 7.

SECT. 7. Such corporation may impose penalties for the breach of any of their reasonable by-laws, not exceeding thirty dollars for each offence. 1821, 140, § 5.

SECT. 8. At any meeting, the proprietors shall be entitled to one vote for each share by them respectively held and may vote by proxy, authorized in writing. 1821, 140, § 4.

SECT. 9. The shares in said companies, whilst they shall exist as corporations, shall be deemed personal estate, and transferable, and subject to attachment on mesne process and sale on execution for the debts of the proprietors thereof, like shares in other corporations. 1821, 140, § 3, 6, 9.

SECT. 10. Every such corporation may purchase and hold any real estate, necessary for the purpose of their association not exceeding thirty thousand dollars in value.

1821, 140, § 6.

SECT. 11. Any such corporation may with the written consent of the selectmen of the town, dig up and open any street or way, for the purpose of placing such pipes, as may be necessary in constructing such aqueduct, or for repairing or extending the same ; provided the same be done in such manner, as not to prevent the convenient passing of teams and carriages.

1821, 140, § 7.

SECT. 12. If any person shall maliciously injure any such aqueduct, or any of its appurtenances, he shall forfeit a sum not exceeding twenty dollars to the use of the town, to be recovered by indictment ; and he shall also be liable in a civil action brought by the corporation, to pay treble the amount of the damages sustained thereby. 1821, 140, § 10.

SECT. 13. Any town in which such aqueduct is placed, may put conductors into the pipes thereof, for the purpose of drawing therefrom, free of expense, as much water as may be necessary, when any building shall be on fire in such town ; provided that such conductors shall be so secured, that water

6 shall not be drawn therefrom, unless for the purpose of extin-  
7 guishing fires. 1821, 140, § 11.

SECT. 14. All contracts made by or with such corporation  
2 shall, after its dissolution, remain in force, and the last share-  
3 holders shall have a corporate capacity, until all contracts and  
4 agreements made by or with the corporation before its dissolu-  
5 tion, shall be performed; and such share-holders shall continue  
6 liable and capable, in and by the same name, as before such  
7 dissolution, to sue and be sued, and may prosecute and defend  
8 in all suits respecting such contracts and agreements; provided  
9 that every such suit, shall be commenced within six years, after  
10 such dissolution, or within the like time after the right of action,  
11 shall have accrued.

SECT. 15. If no corporate property can be found to satisfy  
2 any judgment, which may be recovered against said share-hold-  
3 ers after such dissolution, and the judgment shall not be satisfied  
4 within six months after the same shall have been recovered, the  
5 judgment creditor may satisfy the same out of the private estate  
6 of such share-holders, or any of them, as if the judgment had  
7 been against them in their private capacity. 1821, 140, § 9.

SECT. 16. If such corporation shall, at its dissolution, be  
2 seized of any estate, the several persons who are their proprie-  
3 tors, shall become tenants in common thereof, in proportion to  
4 the shares or interests, which they shall then respectively hold  
5 in the stock of the corporation. 1821, 140, § 9.

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## CHAPTER 84.

### OF LIBRARIES AND THEIR PROPRIETORS.

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- Sect. 1. Mode of incorporation of proprietors.  
2. Mode of calling meetings afterwards.  
3. Corporations may hold real estate.  
4. Powers and proceedings of proprietors at meeting.  
5. Name of the corporation—"proprietors of social library."  
6. Mode of incorporating proprietors of military libraries.  
7. Mode of incorporating proprietors of a library of a literary and scientific character.  
8. Mode of incorporating proprietors of law libraries, in each county, and the power of such corporation.  
9. Duties of clerk of such corporation.  
10. Duties of treasurer, as to the funds of same.
- 

SECT. 1. Any seven or more persons, capable of contracting,  
2 in any town or plantation, being proprietors in common of any  
3 library, may form themselves into a society or body politic for  
4 the express purpose of holding, preserving, increasing and using

5 such library ; and any five of them may apply to a justice of the  
6 peace in the county in which such town or plantation may be,  
7 in writing by them signed, to issue his warrant for calling a  
8 meeting of such proprietors to be held at the time and place  
9 and for the purposes stated in such application, who shall issue  
10 his warrant accordingly to some one of such proprietors; and  
11 it shall be the duty of such persons to notify the meeting by  
12 posting the purport of the warrant in some public place in said  
13 town or plantation, seven days or more before said meeting.

1821, 141.

SECT. 2. At such meeting the proprietors may agree on the  
2 mode of calling future meetings, each proprietor being entitled  
3 to give one vote.

1821, 141.

SECT. 3. Such proprietors may hold real or personal estate to  
2 the amount of five thousand dollars.

1821, 141.

SECT. 4. Any seven or more proprietors, may at such meet-  
2 ing, choose a moderator, clerk, librarian, treasurer and such  
3 other officers as may be necessary; and the clerk shall be  
4 sworn, and the treasurer shall give bond with sufficient sureties  
5 to said proprietors by their corporate name, faithfully to account  
6 for all monies he may receive; and may also raise monies by  
7 vote and assessment on the several shares as they may deem  
8 necessary or proper; and make by-laws for the regulation of  
9 their concerns, not repugnant to the laws of the State, and  
10 annex penalties to their breach not exceeding three dollars.

1821, 141, § 2.

SECT. 5. Such proprietors, so incorporated, shall be called  
2 by the name of "the proprietors of the social library in the  
3 town (or plantation) of ——" and by that name may sue and be  
4 sued, and when there shall be more than one such library in  
5 said town or plantation, they shall be distinguished by prefixing  
6 to the name, the word second, third, according to the dates of  
7 incorporation.

1821, 141, § 3.

SECT. 6. Any seven or more officers in any division of militia,  
2 who shall in writing associate themselves for the purpose of  
3 forming a military library society, within the limits of the divi-  
4 sion; may become a body politic by that name, in the same  
5 manner as is prescribed in the first section of this chapter,  
6 except that the notice shall be given as aforesaid, twenty days  
7 before the meeting, or published in some newspaper printed  
8 within the limits of such division for such time, and at such  
9 meeting, they may exercise all such powers as are enumerated  
10 in the first section of this chapter.

1821, 141, § 4.

SECT. 7. And any seven persons who may have associated in  
2 writing, for the purpose of forming themselves into a society for  
3 holding, preserving and increasing a library of a literary and  
4 scientific character for their use, may procure their incorporation  
5 in like manner, and with like powers as are mentioned in the  
6 first section of this chapter, under any name and style they may  
7 see fit to adopt.

1830, 460.

SECT. 8. In every county where five or more attorneys admitted to practice in the district court, do or shall reside, it shall be lawful for any five of them to procure themselves and the other attorneys resident in the county to be incorporated in the manner prescribed in the first section of this chapter, by the name of "the practitioners of the law library in the county of \_\_\_\_\_" for the purpose of organizing the establishment of a law library, in such county, and at such meeting they may choose a clerk, librarian, and treasurer, who shall all be sworn to the faithful discharge of their duty, and hold their offices during the pleasure of the corporation, and make all lawful regulations necessary; at which meetings the oldest member of the bar of the county shall preside. 1821, 91, § 5.

SECT. 9. The treasurer of each library association shall apply all monies, received of the county treasurer with all bequests, and donations, to form a law library under the appointed regulations, and the clerk shall keep an exact record of all the proceedings of the association. 1822, 192, § 3.

SECT. 10. The treasurer shall keep an exact account of all monies, donations and bequests, belonging to such association, which he shall annually settle with the association on oath, in such manner as shall be prescribed, and the said treasurer, librarian and the clerk shall be answerable for all misfeasance in an action by the association. The treasurer shall annually in January, and before the second Wednesday deposit in the office of the State treasurer, a statement of the funds received the year preceding, by such association. 1822, 192, § 3.

## CHAPTER 85.

### OF MANAGEMENT OF LANDS, WHARVES AND OTHER REAL ESTATE LYING IN COMMON.

- Sect.* 1. Any five or major part of the proprietors may apply to justice of the peace to call a meeting by his warrant.
2. To whom directed.
  3. Mode of giving notice.
  4. Same subject.
  5. Same subject.
  6. Proceedings of such meeting.
  7. Clerk and other officers to be sworn.
  8. Proprietors may make by-laws, &c.
  9. Votes to be counted according to proprietor's interest.
  10. Nothing to be acted on, not stated in the warrant.
  11. Proprietors may prosecute and defend actions.
  12. May raise money, how assessed.
  13. Amount raised to be published—and how.
  14. When any sum assessed is not paid, what proceedings are to be had.
  15. Proprietors may redeem land sold, and how.
  16. Treasurer may sue for monies due—tenure of his office.

- Sect.* 17. Proprietors may by a major vote of those present, order, manage, improve or dispose of their lands—a vote may be given by proxy.
18. After final division of the property—records to be lodged with clerk of the town;—and his powers and duties.
19. After such division, corporation shall continue ten years, for certain purposes.

SECT. 1. When any five, or a major part of the proprietors of 2 lands lying in common are desirous of a meeting of the propri- 3 etors, on their application to a justice of the peace throughout 4 the State, or a justice of the peace for the county in which the 5 lands lie, he may issue his warrant for calling such meeting at 6 the time and place and for the purposes distinctly stated in such 7 application, which shall be in writing and signed by such appli- 8 cants or their agents. 1821, 43, § 1.

SECT. 2. Such warrant may be directed to one of the propri- 2 etors, requiring him to notify said proprietors of the time and 3 place of the intended meeting and the purposes of it.

SECT. 3. If the lands lie in one or more incorporated towns, 2 a notice in writing shall be posted up in some public place 3 within each town in which any of said lands lie, and published 4 in one of the newspapers in the city of Portland, and in one of 5 the newspapers printed in the county where the lands or any 6 part thereof lie, fourteen days before such meeting.

SECT. 4. If such lands do not lie in any incorporated town, 2 such notice shall be published in any two of the newspapers 3 printed in said Portland; and in one other newspaper (if such 4 there be) in the county where such lands or a part thereof lies, 5 four weeks successively next before such meeting.

SECT. 5. Such meeting may be warned by posting up written 2 notifications in some public place in each and every town and 3 plantation where any one of said proprietors may reside, fourteen 4 days before the time appointed for the meeting. 1821, 43, § 1.

SECT. 6. At such meeting so many as assemble in person, or 2 by attorney, may choose a moderator, a clerk, a treasurer, 3 assessors, collector or collectors of taxes, committees and all 4 other needful officers; and by vote decide upon the manner in 5 which future meetings may be called and notified.

SECT. 7. Such clerk shall be duly sworn and record all votes 2 passed at all meetings; and the treasurer, assessors and collec- 3 tors shall be also duly sworn by the moderator or a justice of the 4 peace. 1821, 43, § 1, 5.

SECT. 8. The proprietors may pass votes, as to the manage- 2 ment, improvement, division and disposition of said lands or 3 wharves, and annex penalties to the breach of them, not exceed- 4 ing three dollars for one offence, provided such orders or by-laws 5 shall be approved by the county commissioners of the county

6 where the lands may lie; and the penalties shall be disposed of  
7 as said proprietors may direct. 1821, 43, § 1, 5.

SECT. 9. At all meetings of said proprietors, the votes shall  
2 be collected and counted according to the interest which each  
3 proprietor has in the common lands, where the same is known.

SECT. 10. No affair or business shall be acted upon at any  
2 meeting, other than what is distinctly expressed in the warrant  
3 or application for such meeting—and the moderator shall cause  
4 all doubtful votes to be made certain, numbering polls according  
5 to the interest of each proprietor. 1821, 43, § 2.

SECT. 11. Said proprietors may prosecute and defend any  
2 suits by their agent duly appointed, and the certificate of the  
3 proprietor's clerk shall be evidence of such agency.

SECT. 12. At any legal meeting said proprietors may vote or  
2 order the raising of any money for bringing forward, complet-  
3 ing the settlement of, or managing or improving said lands, or  
4 which shall be for the common good of the proprietors and  
5 apportion such sum or sums, raised as above stated, upon the  
6 several rights of the proprietors, according to their several inter-  
7 ests therein.

SECT. 13. The committee of the proprietors shall publish the  
2 amount or proportion of the money raised, which each proprie-  
3 tor is bound to pay, in the *manner* in which a meeting of the  
4 proprietors is to be notified according to the provisions of this  
5 chapter. 1821, 43, § 4.

SECT. 14. And if any proprietor shall neglect to pay to the  
2 treasurer, collector or committee his proportion of the money  
3 raised, for the term of six months, if he resides in the State, or  
4 the term of twelve months, if he resides without the State, then  
5 the committee of the proprietors may from time to time, sell at  
6 public auction so much of each delinquents proportion or right  
7 of and in the common lands, as will be sufficient to satisfy and  
8 pay his tax and the reasonable charges of sale, after notice of  
9 such intended sale, posted up in the manner before mentioned,  
10 and published in two of the newspapers before named, five  
11 weeks successively next before the time of sale; and said com-  
12 mittee may give deeds of the land sold to the purchaser to hold  
13 in fee simple. 1821, 43, § 4.

SECT. 15. The proprietor of the right or proportion, so sold,  
2 may redeem the same any time within twelve months, by paying  
3 to such committee the sum for which the same was sold, with  
4 twelve dollars for each one hundred dollars produced by such  
5 sale, and in that proportion for a less or a greater sum.

1821, 43, § 4.

SECT. 16. The treasurer may sue for and collect all debts due  
2 to the proprietors and shall render his account of all monies  
3 received and paid and hold his office during the pleasure of the  
4 proprietors. 1821, 43, § 5.

SECT. 17. The proprietors of such lands, by a majority of  
2 those present at any legal meeting, may order, manage, improve,

3 divide or dispose of the same as they may decide upon; and  
4 any proprietor may vote in person or by attorney.

1821, 43, § 6.

SECT. 18. After a final division of the common property of  
2 the proprietors, they shall cause their records to be deposited in  
3 the office of the clerk of the town in which such lands or a part  
4 of them may lie, and such town clerk may record votes and  
5 certify copies of such records, in like manner as the proprietor's  
6 clerk might have done; and the last clerk chosen shall continue  
7 in office till the records are so deposited.

1821, 43, § 9. 43, § 8.

SECT. 19. Such a final division shall not dissolve the corpora-  
2 tion till the end of ten years thereafter, but the last proprietors  
3 in common and their heirs shall continue in their corporate  
4 capacity, and retain their corporate powers for collecting all  
5 debts due to the corporation, and remain liable to pay all debts  
6 due therefrom; and may call and hold meetings, vote and raise  
7 assessments for payment of their debts, and all other charges  
8 necessary for closing their business.

1821, 43, § 7.

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## CHAPTER 86.

### OF MILLS AND THEIR REPAIRS.

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- Sect.* 1. Course to be pursued, in calling a meeting of owners.  
2. What, when dam is partly in two towns.  
3. At the meeting, what and how, measures may be taken.  
4. How persons are to be reimbursed, who advance more than their share.  
5. This chapter, not to control special contracts.  
6. If part of the owners are minors, married women, &c., what proceedings.  
7. Miller must keep scales, &c.  
8. Toll established.
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SECT. 1. When any owner of a mill, or of the dam necessary  
2 to the working thereof, is of opinion that it is necessary the same  
3 should be rebuilt, or repaired in whole or in part on his written  
4 application to a justice of the peace, in the county, where such  
5 mill or dam is situate, to call a meeting of the owners, expressing  
6 the object, time and place of the meeting, such justice may  
7 issue his warrant for the purpose, directed to such owner, which  
8 shall be published in some newspaper, if there be any printed  
9 in said county, three weeks successively, the last publication to  
10 be not less than thirty nor more than ten days before the meeting;  
11 or a true copy of such notification may be delivered to each of  
12 said owners, or left at his last and usual place of abode; either  
13 of which kinds of notice, shall be binding on all the owners.

1821, 45, § 12.



SECT. 2. And when such mill dam shall be situated partly in one county and partly in an adjoining county, then such application for said meeting may be made to a justice of the peace in either of such counties.

SECT. 3. At such meeting, whether all the owners shall attend or not, a major part in interest of the owners, may rebuild or repair the mill or dam, or both so far as to make them serviceable; and shall be reimbursed and paid such sums as they or any of them shall have advanced thereon, beyond their respective proportions, with interest for the same, in the mean time, out of said mill or the profits. 1823, 45, § 13.

SECT. 4. If such sums shall not be reimbursed by the profits of the mill or paid by the persons neglecting or refusing to join in the rebuilding or repairing the same, within six months, after such work shall have been completed, the proprietors who have advanced such sums, may lawfully charge one per cent a month on the amount so advanced from the end of six months, till the same shall be reimbursed or paid as aforesaid; and in case of the death of any delinquent owner, or any alienation of his interest in the premises, the advancing owners shall, notwithstanding, have a continuing lien upon his share or title in said mill or dam, for the purpose of the reimbursement of the expenses of such rebuilding or repairing. 1821, 45, § 13.

SECT. 5. Nothing however in the preceding section, shall be construed to impair or affect any special contract made by the owners, respecting the building or repairing such mill or dam.

1821, 45, § 13.

SECT. 6. Where any part of such mill or dam, shall be, at the time of meeting and notice, held and possessed by minors, femme covert, tenant by courtesy, in tail, for life or years or by mortgager or mortgagee; the guardians of such minors, husbands of such femme covert, in her right, such tenant, or mortgager, or mortgagee, shall be deemed for the purposes of this act, the proprietor or proprietors thereof, and shall be notified, and vote, and contribute accordingly; and all advances made by them respectively, on account of such minors, heirs of such married women, those in remainder or reversion, or the other party in the mortgage, if not paid, shall be recoverable in a special action on the case with interest. 1821, 45, § 14.

SECT. 7. Every miller shall keep scales and weights to weigh corn, grain and meal, when required; and for neglecting to be so provided with them, or refusing to weigh corn, grain or meal when required, he shall forfeit five dollars to be recovered by action of debt with costs, before any justice of the peace, for the county where the offence shall be committed.

1821, 45, § 15.

SECT. 8. The toll for grinding, cleansing and bolting all sorts of grain, shall not exceed one sixteenth part thereof.

1821, 45, § 16. 1839, 363.