

# MAINE STATE LEGISLATURE

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REVISION II.

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REPORT

OF THE

COMMISSIONER

APPOINTED TO

REVISE THE PUBLIC LAWS

OF THE

STATE OF MAINE.

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CORPORATIONS.

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TITLE IV.

Augusta:  
FULLER & FULLER, PRINTERS TO THE STATE.

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1856.



# TITLE FOURTH.

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

### *Chap.* 46. Corporations.

47. Banks and savings institutions.
48. Manufacturing corporations.
49. Insurance and insurance companies.
50. Turnpikes and toll bridges.
51. Railroads.
52. Steam navigation companies, and the transportation of goods and passengers by common carriers.
53. Telegraph companies.
54. Aqueducts.
55. Libraries, and charitable and benevolent societies.
56. Proprietors of lands, wharves, and other real estate in common.
57. Mills and their repairs.
58. Society and board of agriculture and local agricultural societies.

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## Chapter 46.

### C O R P O R A T I O N S .

#### *Sect.* 1. Corporate capacity.

2. First meeting, how called.
3. Any meeting may be called by a justice, when no other legal mode.
4. When all shareholders present and sign record, meeting legal.
5. By-laws, what they may determine.
6. Who presides at meetings called by a justice, not responsible for error.
7. When a failure to have annual meeting, officers elected on another day, effect.
8. Clerk to call a meeting, when objections to elections on another day.
9. Clerk's office in the state. Records and books open to inspection.
10. Clerk to file certificate of election in the registry of deeds.
11. Transfer of shares, how made.
12. Proxies, powers of attorney, rights under them.
13. Preventing use of records and books, penalty.
14. Property and franchise may be taken for debts.
15. Corporations may be bound by parol or implied contracts.
16. Foreign corporations, acts of their agents.
17. Acts of incorporation liable to be altered or repealed.
18. Corporations continue for certain purposes three years after charter expires.
19. Court may appoint trustees, their powers.
20. Trustees to pay debts, divide balance.
21. Cashiers and clerks to make return to assessors.
22. Cashiers and clerks to make return to secretary of state.
23. A deposit of return in post office sufficient, penalty for neglect.
24. Stockholder's liability for debts of corporation.
25. Creditor may demand of stockholder to show property.
26. Action commences within six months.
27. Stockholder's claims set off.

- CHAP. 46. *Sect.* 28. Treasurer to keep a record of stockholder's claims against corporation.  
 29. Clerk to furnish to officer names of stockholders.  
 30. Stockholder's liability in corporations created since March seventeen, eighteen hundred and thirty-one.  
 31. Stockholder's paying for corporation may recover.  
 32. Officer having execution may sell real estate in certain cases.  
 33. Corporations not allowed to divide capital, till debts are paid.  
 34. Judgment creditor may file bill in equity in certain cases.  
 35. Proceedings in the suit.  
 36. Amendments by striking out or adding names may be allowed.  
 37. Estate of corporations on dissolution vested in shareholders.  
 38. Property of inhabitants of quasi corporations may be taken for debts.  
 39. Foreign corporations may be sued and their property attached.

Corporate  
capacity.

R. S., c. 76,  
§ 1, 15.

First meeting,  
how called.

*Idem*, § 7.

Any meeting  
may be called by  
a justice, if no  
other legal mode.

*Idem*, § 8.

When all are  
present and sign  
written consent,  
meeting is legal.  
*Idem*, § 11.

By-laws, what  
they may  
determine.

*Idem*, § 6.

SECT. 1. Corporations have capacity to sue and be sued,  
 2 to plead and be impleaded, in their corporate names; to have  
 3 a common seal alterable at pleasure; to elect all necessary  
 4 officers; to prescribe their duties and fix their compensation;  
 5 to make by-laws consistent with the laws of the state and  
 6 their charters; and to hold lands and other property and  
 7 convey it.

SECT. 2. Their first meeting, unless otherwise provided,  
 2 is to be called by a notice signed by a person named in the  
 3 act of incorporation setting forth the time, place, and purpose,  
 4 of the meeting, a copy of which is to be delivered to each  
 5 member or published in a newspaper in the county, if any,  
 6 otherwise in the state paper, seven days before the meeting.

SECT. 3. When any meeting cannot be otherwise called  
 2 lawfully, three members of the corporation may make a  
 3 written application to a justice of the peace, where it is  
 4 established, if local, or if not, where it is desirable to hold  
 5 the meeting, who may issue his warrant to either of such  
 6 members directing him to call a meeting by giving the  
 7 notice required in the preceding section. When the law  
 8 requires a publication of notice in some newspaper or  
 9 posting of it in some public place, the justice is to designate  
 10 the newspaper or place.

SECT. 4. When all the members of a corporation are  
 2 present at a meeting and sign a written consent on the  
 3 record thereof such meeting is to be regarded as legal.

SECT. 5. Corporations may determine by their by-laws the  
 2 manner of calling and conducting meetings; the number of  
 3 members that constitute a quorum; the number of votes to  
 4 be given by shareholders; the mode of voting by proxy; of  
 5 selling shares for neglect to pay assessments; the tenure of  
 6 office; and enforce such by-laws by penalties not exceeding  
 7 twenty dollars.

SECT. 6. When a meeting is called by a justice of the peace, he, or the person to whom his warrant was directed, may call the meeting to order and preside therein, until a clerk is chosen and qualified, if there be no officer present, whose duty it is to preside. The person presiding is not responsible for an error in judgment in receiving or rejecting the vote of a person claiming to be a member.

CHAP. 46.

Who may  
preside at  
meeting called  
by a justice—  
not responsible  
forever.

Idem, § 9.

SECT. 7. When a corporation has or shall fail to hold its annual meeting on the day appointed, the officers of the preceding year continue in the exercise of their duties and their acts are legal, until other officers are duly chosen and qualified in their stead. When upon due notice given officers have been or shall be regularly elected on any other day than that of the annual meeting, they are to hold their offices and perform their duties as if chosen on that day, unless a majority of the corporate members file with the clerk within six months after such election written objections thereto, and their acts are to be considered legal, until others are chosen and qualified in their stead.

When fail to  
have an annual  
meeting, and  
officers elected  
on another day,  
acts legal.

1855, § 1, 2.

SECT. 8. When such a notice is filed the clerk is to call a meeting of the corporation at such time and place, as he may appoint, and give the notice required for an annual meeting stating in it the fact, that objections have been filed and the purpose of the meeting; and officers duly elected at such meeting are to hold their offices and their acts are to be considered legal, until other officers are chosen and qualified in their stead.

Clerk to call  
meeting, when  
objections made  
to elections made  
on another day.

Idem, § 2.

SECT. 9. Corporations are to keep at some place within the state a clerk's office containing their records and books, which at seasonable hours are to be open to the inspection of persons interested, who may take copies and minutes therefrom of such parts, as concern their interests, and have them produced in court on trial of an action, in which they are interested, when they can be used as evidence.

Clerk's office in  
state, records  
and books open  
to inspection,  
produced in  
court.

R. S., c. 76, § 2.  
1849, c. 141.

SECT. 10. The clerk of a corporation within twenty days after acceptance of the office is to file a certificate of his election in the office of the registry of deeds of the district, where the corporation is established, or where it has a place of business, or a general agent; *and an attested copy of that certificate is to be a sufficient evidence, that he is clerk, for services of process upon the corporation, until another certificate has been filed.* (a)

Clerk to file a  
certificate of his  
election in  
registry of deeds.

Idem, § 3.

(a) The object of the proposed new revision will be perceived by reading it.

## CHAP. 46.

Transfer of  
shares, how  
made.

SECT. 11. When the capital of a corporation is divided  
2 into shares and certificates thereof issued, they may be  
3 transferred by indorsement and delivery, but such transfer of  
4 shares is not valid, except between the parties thereto, until  
5 the same is so entered on the books of the corporation as to  
6 exhibit the names of the parties, the number of the shares,  
7 and the date of their transfer.

Idem, § 12.

Proxies, powers  
of attorney,  
rights under  
them.

SECT. 12. The shareholders may be represented by proxies  
2 not granted more than thirty days before the meeting to be  
3 set forth therein; and they are not valid after a final  
4 adjournment of the meeting. They may be represented by  
5 a general power of attorney, *to be produced to the meeting*,  
6 until it is revoked. Shares hypothecated to the corporation  
7 are not to be represented. No person can give by right of  
8 representation a greater number of votes, than is allowed  
9 to any one by the charter or by-laws.

1843, c. 14.

Preventing use  
of records and  
books; penalty.

SECT. 13. Any officer or member of a corporation, who  
2 prevents a person from having access to and use of the  
3 records and books as provided in section nine, is liable to  
4 all damages occasioned thereby to be recovered by an action  
5 on the case.

1849, c. 141.

Property and  
franchise may  
be taken for  
debts.

SECT. 14. The property of any corporation, and the fran-  
2 chise of one having a right to receive a toll *established by*  
3 *the state* (a) with its privileges and immunities are liable  
4 to attachment on mesne process and levy on execution for  
5 debts of the corporation in the manner prescribed by law.

R. S., c. 76, § 17.

Corporations  
may be bound  
by parol or  
implied  
contracts.

SECT. 15. Corporations are bound by parol contracts  
2 made by an agent authorized by vote or by its by-laws.  
3 Contracts may be implied from corporate acts, or from the  
4 acts of a general agent.

Idem, § 4.

Foreign corpo-  
rations, acts of  
their agents.

SECT. 16. Corporations existing by the laws of another  
2 state or of a foreign jurisdiction may sue or be sued by their  
3 corporate name in this state. The acts of their agents are  
4 to have the same effect, as the acts of agents of foreign pri-  
5 vate persons, unless prohibited by law.

Idem, § 5, 31.

Acts of incorpo-  
ration liable to  
alteration or  
repeal.

SECT. 17. Acts of incorporation passed since March sev-  
2 enteen eighteen hundred and thirty-one, are liable to be  
3 amended, altered, or repealed, by the legislature, as if  
4 express provision therefor were made in them, unless they

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(a) The words *established by the state* are not in the present statute, but are inserted to make plain, what is believed to be the true legal construction of the existing statute. If for example, the franchise of a railroad not having any toll established by the state could be sold, that might be owned by one and the railroad by another. If a purchaser of the franchise could hold and regulate the fare, the legislature could not control him in the exercise of an individual and purchased right.

5 contain an express limitation. This is not to deprive the  
6 judicial courts of any power, they have at common law over  
7 a corporation or its officers.

CHAP. 46.

Idem, § 23.

SECT. 18. Corporations, whose charters expire or are  
2 otherwise terminated, are to have a corporate existence for  
3 three years thereafter to prosecute and defend suits; to  
4 settle and close their concerns; to dispose of their prop-  
5 erty; and to divide their capitals.

Corporations  
continue for  
certain purposes  
three years after  
charter expires.

Idem, § 24.

SECT. 19. When the charter of a corporation expires or  
2 is terminated, a creditor or stockholder may apply to the  
3 supreme judicial court, which may appoint one or more  
4 trustees to take charge of its estate and effects with power  
5 to collect its debts and to prosecute and defend suits at  
6 law. The court has jurisdiction in equity of all proceedings  
7 therein and may make such orders and decrees, and issue  
8 such injunctions as may be necessary.

Court may  
appoint trustees,  
their powers.

Idem, § 25, 26.

SECT. 20. The debts of the corporation are to be paid in  
2 full by such trustees, when the funds are sufficient, when  
3 not, ratably to those creditors, who prove their debts, as  
4 the law provides, or as the court directs. Any balance  
5 remaining is to be distributed among the stockholders or  
6 their legal representatives in proportion to their interests.

Trustees to pay  
debts—divide  
balance.

Idem, § 27.

SECT. 21. The cashiers of banks and the clerks of other  
2 corporations holding property liable to be taxed within  
3 seven days after the first day of April annually are to return  
4 under oath to the assessors of a town, in which any of its  
5 stockholders are known to reside, the names of such stock-  
6 holders, the amount of stock owned by them on the first day  
7 of April, and the amount of stock paid into such corpora-  
8 tion. Such returns are to be the basis of taxation on such  
9 property.

Cashiers and  
clerks to make  
returns to  
assessors.

Idem, § 13.

SECT. 22. Such cashiers and clerks within seven days after  
2 the first day of January annually are to make return to the  
3 secretary of state of the names of all the stockholders; their  
4 residence; the amount of stock owned by each; and the  
5 whole amount of stock paid in. The secretary is to lay the  
6 same before the legislature within the first thirty days of its  
7 session.

To make returns  
to secretary of  
state.

Idem, § 14.

SECT. 23. A deposit of the return required in the two  
2 preceding sections in a post office postage paid properly  
3 directed is to be deemed a compliance. For the neglect or  
4 refusal of its officer to make such return the corporation  
5 forfeits five hundred dollars to be recovered in an action of

A deposit of  
return in post  
office sufficient.  
Penalty for  
neglect.

CHAP. 46.

Idem, § 15, 16.

Stockholders' liability for debts of the corporation.

6 debt, one half to the use of the prosecutor and the other to  
7 the state.

SECT. 24. The stockholders of all corporations created  
2 by the legislature after the sixteenth day of February in  
3 the year eighteen hundred and thirty-six, excepting banking  
4 corporations, unless it is otherwise specified in their char-  
5 ter, or by any general law of the state, shall be liable for  
6 the debts of the corporation contracted during their own-  
7 ership of such stock, in case of deficiency of attachable  
8 property of the corporation, to the amount of their stock  
9 and no more. And such liability shall continue, notwith-  
10 standing any subsequent transfer of such stock, for the term  
11 of one year after the record of the transfer thereof on the  
12 books of the corporation.

1856, c. 271, § 1.

Creditor may demand of stockholder to show property.

SECT. 25. At any time within six months after the return  
2 of an execution against a corporation unsatisfied in whole  
3 or in part for want of attachable property of the corpora-  
4 tion, the plaintiff in such execution may make demand of  
5 any stockholder of such corporation to disclose and show  
6 to the officer having such execution attachable property of  
7 such corporation sufficient to satisfy the execution.

Idem, § 2.

Action commenced within six months.

SECT. 26. After demand as aforesaid the execution credi-  
2 tor may have an action of the case against such stockholder  
3 to recover of him individually the amount of his execution  
4 and costs, or the deficiency thereof not exceeding the amount  
5 for which said stockholder is liable by the first section hereof.  
6 Such action must be commenced within six months after the  
7 date of the rendition of judgment against the corporation.

Idem, § 3.

Stockholder may set off claims.

SECT. 27. In such action said stockholder may prove in  
2 reduction of his liability the amount of debt of the corpora-  
3 tion, which he has previously paid, and which has not been  
4 repaid to him by such corporation; also any debt due him  
5 from such corporation, for which he at the time might main-  
6 tain an action at law against said corporation, and may show  
7 any other legal cause, why judgment should not be rendered  
8 against him.

Idem, § 4.

Treasurer to keep record of stockholders' claims against corporation.

SECT. 28. The treasurer of every such corporation shall  
2 keep a full record of all claims in favor of its stockholders  
3 against the corporation, and exhibit the same with a par-  
4 ticular statement of the financial condition of such corpora-  
5 tion to any creditor of the corporation, when requested by  
6 him, and in failure of exhibiting such statement the stock-  
7 holders of such corporations shall not be entitled in actions

8 against them to show previous payments on account of the  
9 corporation in reduction of their liability, but such stock-  
10 holders, if they suffer damages by reason of being thus  
11 deprived of their defense, may have a remedy upon the  
12 bond of such treasurer.

Idem, § 5.

SECT. 29. 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, place of residence so  
4 far as to him known, and the amount of liability of every per-  
5 son liable as aforesaid.

Clerk to furnish  
names to officer.

R. S., c. 76, § 21.

SECT. 30. The stockholders of corporations, excepting  
2 those created for literary, benevolent, and banking purposes,  
3 incorporated since March seventeen eighteen hundred and  
4 thirty-one are subject, as it regards debts of the corporation,  
5 to the liabilities imposed on stockholders by the twenty-  
6 fourth section of this chapter, except for stock owned before  
7 April twenty-four eighteen hundred and thirty-nine, and for  
8 stock held as executor, administrator, guardian or trustee.

Stockholders'  
liability in  
corporations  
created since  
March 17, 1831

Idem, § 30.

SECT. 31. When members of a corporation are liable for  
2 its debts, or on account of any acts of its officers or mem-  
3 bers, or to contribute for money paid on account of such  
4 debts or acts, the amount due may be recovered by an  
5 action at law, or a bill in equity; and the court may make  
6 such orders and decrees as may be necessary.

Stockholders  
paying for  
corporation may  
recover.

Idem, § 22.

SECT. 32. When an officer having an execution against a  
2 corporation not created for purposes of education or religion  
3 certifies thereon, that he is unable to find personal property  
4 of the corporation, the creditor may cause so much of its  
5 real estate to be seized and sold at public auction in the  
6 town, where it lies, in the manner that the real estate of  
7 banks is sold and subject to the same right of redemption,  
8 as may be necessary to satisfy such execution and incidental  
9 charges.

Officer having an  
execution may  
sell real estate  
in certain cases.

1845, c. 143,  
§ 1, 2.

SECT. 33. Corporations, not created for literary, benev-  
2 olent, or banking purposes, are not allowed to divide any of  
3 their corporate property so as to reduce their stock below  
4 its par value, until all debts are paid, and then for the pur-  
5 pose of closing its concerns.

Corporations not  
allowed to  
divide capital  
till debts paid.

1848, c. 64, § 1.

SECT. 34. When such a corporation has unlawfully made  
2 a division of any of its property, or has property, which  
3 cannot be attached, or is not by law attachable, any judg-  
4 ment creditor may file a bill in equity in the supreme judicial  
5 court setting forth the facts, and the names of such persons,  
6 as are alleged to have possession of any such property or

Judgment  
creditor may  
file bill in  
equity in certain  
cases.

CHAP. 46.

7 chuses in action either before or after division. Service is  
 8 to be made on the persons so named as in other suits in  
 9 equity. They are in answer thereto to disclose on oath all  
 10 facts within their knowledge relating to such property in  
 11 their hands or received by a division among stockholders.  
 12 When any one of them has the custody of the records of the  
 13 corporation, he is to produce them and make extracts there-  
 14 from and annex to his answer, as the court may direct.

Idem, § 2.

Proceedings in  
the suit.

SECT. 35. The court is to determine with or without a  
 2 jury, whether the allegations in the bill are sustained, and it  
 3 may decree, that any such property shall be paid to such  
 4 creditor in satisfaction of his judgment, and cause such  
 5 decree to be enforced as in other chancery cases. [Any  
 6 question arising may at the election of either party be  
 7 submitted to the decision of a jury under the direction of  
 8 the court.] (a)

Idem, § 2.

Bill may be  
amended, costs.

SECT. 36. The court may allow the bill to be amended by  
 2 striking out or adding names of defendants, and may award  
 3 costs at its discretion.

Idem, § 3.

Estate of  
corporations on  
dissolution  
vested in share  
holders.

R. S., c. 76, § 28.

SECT. 37. When a corporation is dissolved, its real and  
 2 personal estate is vested in the individuals, who were at the  
 3 time shareholders, as tenants in common according to their  
 4 interests.

Property of  
inhabitants of  
quasi corpora-  
tions liable to  
be taken for  
debts.

SECT. 38. The property of the inhabitants of counties,  
 2 towns, and other quasi corporations may be taken to pay  
 3 any debt due from such body politic, of which they are  
 4 members. All sums so paid with interest and costs may be  
 5 recovered of such body politic.

Idem, § 29.

Foreign corpo-  
rations may be  
sued, &c.

Idem, § 31.

SECT. 39. Foreign corporations having property in the  
 2 state may be sued and such property attached, as the prop-  
 3 erty of individuals not inhabitants of the state.

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(a) The clause in brackets is of doubtful expediency. It is not allowed generally in equity cases. A finding of the jury on a single question does not decide the case. The law does not declare, what the effect shall be.

## Chapter 47.

CHAP. 47.

## BANKS AND SAVINGS INSTITUTIONS.

- Sect.* 1. All banks, except savings banks, subject to the provisions of this chapter.
2. Notice of acceptance of charter to be given to secretary of state.
  3. Corporate name, privileges and liabilities.
  4. Number and qualifications of directors.
  5. Choice of president. Quorum.
  6. Annual meeting for choice of directors.
  7. Votes allowed to each stockholders. Proxies.
  8. Special meetings. Vacancies in board of directors.
  9. Where the bank shall be kept.
  10. When a bank may commence business.
  11. Installments of capital stock when payable. No stockholder to own more than one-fifth.
  12. Shares not transferable till all the capital stock is paid in. Exceptions.
  13. Right of the state to take stock in any bank.
  14. Attachment and sale of shares on writs and executions.
  15. Lands and mortgages may be taken and sold.
  16. Semi-annual state tax.
  17. Payment thereof, how enforced.
  18. Power of banks to hold real estate. Restriction.
  19. Loans and discounts. Restriction on loans to directors.
  20. Not to engage in trade.
  21. Semi-annual dividends.
  22. Cashier and other officers.
  23. Cashier not to be a director.
  24. Cashier and clerks to be sworn, and give bond, suit on bond.
  25. Special meeting of stockholders, how called.
  - 26, 27. Limitation of amount of debts and credits.
  28. Liability of directors if they exceed those limits.
  29. Innocent directors exonerated.
  30. Banks still liable.
  31. Loans and issues not to be made but at the banking house.
  32. Charters of banks extended till October 1, 1857.
  33. Amount of circulation allowed.
  34. Cashiers to make weekly balances. Commissioners' duties.
  35. Penalty for over issues.
  36. How recovered.
  37. Form and signature of bills. Every bank to receive its own bills in payment of debts.
  38. Restriction as to bills under five dollars. Fractional bills prohibited.
  39. Interest may be paid on deposits, but not to be payable on notes.
  40. Bills to be redeemable in specie at the bank.
  41. Exception as to drafts or checks.
  42. Twenty-four per cent. yearly damages for not redeeming bills.
  43. Interest to be paid till yearly damages commence.
  44. Damages to cease after tender of the amount.
  45. Private property of stockholders liable in certain cases.
  46. Directors to disclose names and interests of stockholders.
  47. Liability for neglect, on demand.
  48. Loss from mismanagement of directors, how made up.
  49. Liability of stockholders at expiration of charter.
  50. Mode of enforcing payment from directors or stockholders.
  51. Mode of obtaining contribution by a stockholder who has been compelled to pay.
  52. Similar liabilities and remedies of corporations, when stockholders.
  53. Bank interest limited to six per cent.
  54. Right of the state to require loans from banks.
  55. Requisition, how made.
  56. Cashier to make returns when required by the governor. Form thereof.
  57. Cashiers to make semi-annual returns. Form thereof.
  58. Returns to be signed and sworn to.

CHAP. 47.

- Sect. 59.* Names of stockholders to be returned when required by the legislature.
60. Cashier's return to be verified by the directors.
61. Penalty for not making returns.
62. Secretary of state to furnish blanks for returns.
63. To publish abstracts, and transmit a copy to each bank.
64. Bank commissioners; powers and duties.
65. Power to examine banks and savings institutions. May examine officers on oath. Punishment for refusal to testify.
66. Proceedings by commissioners if they deem a bank or savings institution unsafe. Injunction, and appointment of receivers to close its concerns. Liability of banks after expiration of their charters.
67. Directors to examine banks and cashiers' bonds annually.
68. Sale of real estate of banks after expiration of charter.
69. Claims and demands, how settled by receivers. Report of receivers.
70. Objections to report, how made and disposed of.
71. Assets of, how applied.
72. Assets not sufficient, bill in equity filed. Further proceedings.
73. Lien on real estate of stockholders.
74. Application of the foregoing provisions.
75. Directors' liability not diminished by these provisions.
76. Court may decree distribution.
77. Plates for bills. Bills not void by alterations.
78. Weights to be sealed by the state sealer.
79. Gold how to be weighed.
80. Counterfeit and altered bills to be marked by cashier. Damages in case of mistake in such marking.
81. Record to be kept of bills so marked.
82. Application to a judge of the supreme judicial court, if a bank refuse to pay its bills.
83. Court may appoint receivers, who shall give bond.
84. Their duties.
85. May sell real estate and mortgages.
86. May collect or sell any of the debts due to the bank.
87. Revocation of authority of receivers.
88. Appeal from any order of a judge to the whole court.
89. Compensation to receivers.
90. Liability of officers for refusing to surrender property to the receivers.
91. Receivers, after paying the debts, to deliver up the residue of property to the bank.
92. Stockholders may be witnesses after the sale of their stock.
93. Banking companies prohibited unless authorized by the state.
94. Agencies of foreign banks or bankers prohibited unless authorized by state.
95. No person to issue bills as a private banker to be circulated as money.
96. Penalty for violating the three preceding sections.
97. Punishment for frauds and embezzlements.
98. Institutions for savings insolvent bill may be filed.
99. Service of it how made.
100. Commissioners to decide on claims, proceedings.
101. Their notice. Debts due compromised.

All banks,  
except savings  
banks, subject  
to the provisions  
of this chapter.

1841, c. 1, § 1.

Notice of acceptance of charter,  
&c.

1841, c. 1, § 2.

Corporate name,  
privileges, &c.

SECT. 1. Every bank incorporated under the authority of  
2 this state, except savings banks, shall be governed by the  
3 rules, and subjected to all the duties, limitations, restrictions,  
4 liabilities and provisions contained in this chapter.

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

SECT. 3. Every bank incorporated as aforesaid shall be  
2 known by the corporate name of "The president; directors,

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3 and company of the — bank —," [the blank to be filled  
4 with such name as its charter may authorize] and shall,  
5 except when special provision is otherwise made, be entitled  
6 to all the powers and privileges and be subject to all the  
7 liabilities contained in chapter forty-six.

1841, c. 1, § 3.

SECT. 4. Every bank shall have not less than five nor more  
2 than nine directors, exclusive of such as may be appointed  
3 by the governor and council as hereinafter provided, a  
4 majority of whom shall be residents in the county, where  
5 such bank is established. None but a stockholder in such  
6 bank and a citizen of and resident in the state shall be  
7 eligible to that office, nor any two members of a copartner-  
8 ship be directors of the same bank, nor any person be a  
9 director in two banks at the same time.

Number and  
qualifications of  
directors.

1841, c. 1, § 4.

SECT. 5. The directors shall choose one of their own num-  
2 ber to be president, and may make him such compensation  
3 as to them shall appear reasonable. The assent of a majority  
4 of the directors shall always be necessary for the transaction  
5 of business; *but they may by vote authorize the president*  
6 *or a director to discount paper or to transact any other*  
7 *business.*

Choice of presi-  
dent. Quorum.

1841, c. 1, § 5.

SECT. 6. The directors shall be chosen by ballot annually  
2 at a meeting of the stockholders to be holden on one of the  
3 first fifteen days of the month of October annually at some  
4 place within the town, where the bank is established, which  
5 time and place shall be designated by the directors for the  
6 time being by giving public notice thereof fourteen days  
7 previous to the meeting in some newspaper printed in the  
8 county, and if there is none such, then in the state paper;  
9 and in all cases wherein the bank shall be the owner of any  
10 of the shares of its stock, or where any shares of its stock  
11 shall be pledged to the bank, or held by any person or per-  
12 sons as trustee for the bank, such shares as are so owned,  
13 pledged, or held, shall in no case be entitled to a vote, and  
14 shall not be represented by any person in the business or  
15 transactions of the bank.

Annual meeting  
for choice of  
directors.

1846, c. 1, § 6.

SECT. 7. Every stockholder shall be entitled to vote  
2 according to the number of shares he may hold in the  
3 following proportions: for one share he shall have one vote,  
4 and for every two additional shares he shall have one vote  
5 more; but no one stockholder shall have more than twenty  
6 votes.

Votes allowed to  
each stock-  
holder. Proxies.

1841, c. 1, § 7.

SECT. 8. The directors may call special meetings of the  
2 stockholders as often as they think the interest of the cor-

Special meet-  
ings. Vacancies

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in board of  
directors.

1841, c. 1, § 8.

Where the bank  
shall be kept.  
1841, c. 1, § 9.

When a bank  
may commence  
business.

1841, c. 1, § 10.

Installments of  
capital stock  
when payable,  
&c.

1841, c. 1, § 11.

Shares not  
transferable, &c.

1841, c. 1, § 12.

Right of the  
state to take  
stock in any  
bank.

1841, c. 1, § 13.

Attachment and  
sale of shares,  
&c.

1841, c. 1, § 14.

Land and  
mortgages may  
be taken and  
sold.

3 poration requires it giving the same notice as before  
4 provided: vacancies in the board of directors may be filled  
5 at any such special meeting the purpose being specified in  
6 the notice.

SECT. 9. Every bank shall be kept in the town where  
2 originally established.

SECT. 10. No bank shall go into operation until one half  
2 at least of its capital stock has been paid in in gold and  
3 silver money deposited in its vaults and examined by *the*  
4 *bank commissioners*. (a) Said commissioners at the ex-  
5 pense of the bank shall examine and count the money actually  
6 in the vaults, and ascertain by the oaths of a majority of the  
7 directors, that such money has been paid in by the stock-  
8 holders toward the payment of their respective shares and  
9 not for any other purpose, and that it is intended that the  
10 same shall remain therein as part of said capital; and the  
11 said commissioners shall return a certificate thereof to the  
12 office of the secretary of state.

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

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

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

SECT. 14. Shares in any bank may be attached on mesne  
2 process and taken in execution and sold agreeably to the  
3 provisions of chapters eighty-one and eighty-four.

SECT. 15. The lands of any bank, and all the right, title,  
2 claim and interest of any bank in lands mortgaged for

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(a) Bank commissioners substituted for three special commissioners as being both more safe and convenient.

3 security of any debt due or assigned to such bank, and any  
 4 debt due such bank and secured by such mortgage, may be  
 5 attached on mesne process and taken in execution and sold  
 6 agreeably to the provisions contained in chapters seventy- 1841, c. 1, § 15.  
 7 six and eighty-one.

SECT. 16. Every bank within ten days after the first Semi-annual  
 2 Mondays of April and October respectively in each year state tax  
 3 shall pay to the treasurer of the state for the use of the  
 4 same a tax of one-half of one per cent. on the amount of its 1841, c. 1, § 16.  
 5 capital stock actually paid in.

SECT. 17. If any bank neglects to pay said tax for thirty Payment thereof,  
 2 days, after the same has become due, it shall be the duty of how enforced. \*  
 3 the treasurer to issue a warrant of distress to compel the  
 4 payment of the same out of the estate and effects of said  
 5 bank; which warrant shall be executed in the same way as  
 6 warrants of distress issued against the estate and effects of 1841, c. 1, § 17.  
 7 delinquent sheriffs under the provisions of chapter six.

SECT. 18. Every bank may hold with power to sell and Power of banks  
 2 dispose of the same such real estate, as may be requisite for to hold real  
 3 the convenient transaction of its business; but the real estate estate.  
 4 so held shall not, unless by special authority for the purpose, Restrictions.  
 5 exceed twelve per cent. on the amount of the capital stock,  
 6 exclusive of what the bank may hold on mortgage, receive on 1841, c. 1, § 18.  
 7 execution, or take as security or in payment of any debts.

SECT. 19. Every bank, subject to such restrictions as are Loans and  
 2 mentioned in this chapter, may loan and negotiate their discounts.  
 3 moneys and effects by discounting on banking principles on Restrictions on  
 4 such security, as their regulations may permit; but no loan loans to  
 5 shall be made by any bank upon pledge of its own stock; directors.  
 6 nor shall any bank discount notes, bills of exchange, drafts,  
 7 or other security for the payment of money, without at least  
 8 two responsible names as principals, sureties, or indorsers  
 9 thereon, and for this purpose any firm composed of two or  
 10 more persons is to be considered as one person; or without  
 11 adequate personal pledges, or collateral security; and no  
 12 loan shall be made to any stockholder, until the amount of  
 13 his shares has been paid into the bank. The aggregate of  
 14 all the debts due from the directors as principals, indorsers,  
 15 or sureties, shall at no time exceed one-third part of the  
 16 amount of the capital of such bank; nor shall the debts due  
 17 from any one director, as principal, indorser or surety, exceed 1841, c. 1, § 19.  
 18 eight per cent. of the capital stock.

SECT. 20. No bank shall invest use or improve any of its Not to engage in  
 2 moneys, goods, chattels or effects, in trade or commerce; but trade.

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1841, c. 1, § 20.

Semi-annual  
dividends.  
1841, c. 1, § 21.Cashier and  
other officers.

1841, c. 1, § 22.

Cashier not to  
be a director.  
1841, c. 1, § 23.Cashier and  
clerks to be  
sworn, and give  
bonds; suits on  
bond.

3 any bank may sell all kinds of personal pledges lodged with  
4 it by way of security to an amount sufficient to reimburse the  
5 sum loaned with interest and expenses.

SECT. 21. The directors shall make half yearly dividends  
2 of the profits of the bank.

SECT. 22. The directors shall appoint a cashier, and may  
2 appoint clerks and other officers for conducting the business  
3 of the bank, with such salaries as to them seem meet; remov-  
4 able at the pleasure of the directors.

SECT. 23. No cashier of any bank shall be a director  
2 therein.

SECT. 24. The cashier and clerks before they enter upon  
2 the duties of their offices shall be sworn, and give bonds,  
3 with two or more sureties to the satisfaction of the directors  
4 conditioned for the faithful performance of their duties. The  
5 bond of the cashier shall be renewed every year in the month  
6 of October, and in no case shall it be signed by any director  
7 of the bank for which he is appointed, nor be given for a less  
8 penal sum than twenty thousand dollars nor greater than fifty  
9 thousand dollars. When the directors of any bank shall have  
10 determined the amount to be required as the penal sum in  
11 the bond of the cashier of such bank, they may authorize the  
12 same to be executed in the following manner. The princi-  
13 pal shall be holden and bound in the whole of such penal  
14 sum, and the several sureties shall be holden and bound,  
15 respectively, for such sums as they shall subscribe. Each  
16 surety at the time of subscribing and sealing such bond may  
17 express in writing thereon the amount, for which he is to be  
18 holden and bound, and the aggregate amount of all such sev-  
19 eral subscriptions by sureties shall be not less than once and  
20 a half the amount so established as the penal sum for such  
21 bond, and a bond so executed may be delivered and accepted  
22 by the directors if deemed by them sufficient. Any suit upon  
23 such bond may be brought against all the parties thereto  
24 jointly, or against any one or more of the sureties, jointly  
25 or severally. In such suit against all the parties jointly, if  
26 the plaintiffs shall prevail, judgment shall be rendered  
27 against the principal for the whole amount of damages sus-  
28 tained by the plaintiffs, and against each surety for the same  
29 amount, if it shall not exceed the sum, for which he became  
30 holden and bound by his subscription; otherwise for such  
31 part of said damages as shall be equal to the sum so sub-  
32 scribed by him; and several executions may be issued under  
33 such judgment, against each of said parties for the several

34 amounts aforesaid with costs. But only one bill of costs,  
 35 except the fee for the execution and officers' fees thereon,  
 36 shall be collected under such judgment and the sum first  
 37 collected under such judgment, shall be applied, if sufficient,  
 38 and so far as necessary in payment and satisfaction of costs  
 39 of suit. Every surety shall have a right of action against  
 40 his principal for indemnity as in case of other liabilities on  
 41 bonds, and any surety in such bond as is authorized by this  
 42 act to be executed and given, shall have a right of action  
 43 for contribution against any other surety, according to the  
 44 principles of the common law. And said cashier or clerks  
 45 shall have no voice in the choice of directors of said bank,  
 46 nor represent for themselves or by proxy any shares therein.

1841, c. 1, § 24.  
 1856, c. 275.

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

Special meetings  
 of stockholders,  
 how called.

1841, c. 1, § 25.

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

Limitation of  
 amount of debts  
 and credits.

1841, c. 1, § 26.

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

Debts due to any  
 bank, &c.,  
 payable on  
 demand.  
 1841, c. 1, § 27.

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

Liability of  
 directors if they  
 exceed those  
 limits.

1841, c. 1, § 28.

SECT. 29. Any director, who was absent when such excess  
 2 of debts was contracted, or who at the time dissented from  
 3 the resolution or act whereby the same was contracted, may

Innocent  
 directors  
 exonerated.

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1841, c. 1, § 29.

Banks still  
liable.

1841, c. 1, § 30.

Loans and issues  
not to be made  
but at the bank-  
ing house.  
1841, c. 1, § 31.Charters of  
banks extended  
till Oct. 1, 1857.

1846, c. 220, § 1.

Amount of  
circulation  
allowed.

1846, c. 220, § 3.

Cashiers to make  
weekly bal-  
ances, Commis-  
sioners' duties.

1846, c. 220, § 4.

Penalty for  
over issues.

1846, c. 220, § 5.

How recovered.

4 exonerate himself from being so liable by forthwith giving  
5 notice of the fact, and of his absence or dissent to the  
6 governor and council and to the stockholders at any general  
7 meeting, which meeting he may call for that purpose.

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

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

SECT. 32. The charters of all banks existing August  
2 tenth eighteen hundred and forty-six, or incorporated since  
3 that date, are extended to the first day of October in the  
4 year of our Lord one thousand eight hundred and fifty-seven  
5 subject to the provisions of this chapter.

SECT. 33. No bank shall issue and put in circulation as  
2 money bills to the amount of more than fifty per cent. of its  
3 capital stock actually paid in, unless said bank shall have in  
4 its vaults at the time of such issue, one dollar in specie for  
5 every three dollars in bills so issued over and above fifty  
6 per cent. of its capital stock; nor shall the circulation of  
7 any bank within this state at any time exceed the amount of  
8 its capital stock paid in and the specie in its vaults.

SECT. 34. Weekly balances shall be made by the cashiers  
2 of banks, exhibiting the amount of specie on hand and the  
3 amount of bills in circulation; and it shall be the duty of  
4 the bank commissioners at their annual examination to note  
5 all over-issues shown by such balances and report the same  
6 to the governor and council.

SECT. 35. Every bank shall forfeit and pay for the use of  
2 the state ten per cent. upon the amount of bills, which it  
3 shall at any time put in circulation over and above the amount  
4 authorized by the thirty-third section of this chapter. Said  
6 forfeiture may be sued for and recovered in the name of  
7 the treasurer in an action on the case in the supreme judicial  
8 court.

SECT. 36. When by the annual report of the bank com-  
2 missioners or otherwise it appears, that any bank has put  
3 in circulation a larger amount of bills, than is authorized by  
4 this chapter, it shall be the duty of the secretary of state  
5 to notify the attorney general of the fact, who upon the  
6 receipt of such notice shall forthwith commence an action  
7 against the directors and company of such delinquent bank

8 to recover the penalty provided for by the thirty-fifth section  
9 of this chapter.

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1846, c. 220, § 6.

SECT. 37. All bills shall be issued in the name of the  
2 president directors and company of the bank issuing them  
3 and signed by the president and cashier thereof; but any  
4 bills signed by either the president or cashier thereof, which  
5 shall be in circulation through the agency or neglect of any  
6 officer of the bank, shall be binding on the corporation.  
7 Every bank shall receive in payment for all debts due such  
8 bank the bills issued by the same, if offered.

Form and  
signature of  
bills, &c.

1841, c. 1, § 33.

SECT. 38. Every bank may issue bills under five dollars to  
2 the amount of one quarter part of its capital actually paid  
3 in and no more; and no bank shall issue, pay out, receive in  
4 payment, or on deposit, any bill or note less than one dollar,  
5 or on which is expressed any fractional part of a dollar,  
7 under penalty of one hundred dollars for each offense.

Restriction as to  
bills under \$5.  
Fractional bills  
prohibited.

1841, c. 1, § 34.

SECT. 39. Any bank may allow a certain rate of interest  
2 for deposits made therein, if they think proper; but no bank  
3 shall issue any note, bill, check or other negotiable security,  
4 payable at a future day or bearing interest.

Interest may be  
paid on deposits,  
but not to be  
payable on notes.  
1841, c. 1, § 35.

SECT. 40. No bank shall issue any bill, note, check or  
2 draft, redeemable at such bank in any other manner than by  
3 payment in specie; and every bank, which shall issue any  
4 bill, note, check or draft, redeemable in any other manner  
5 than by payment in specie on demand, or payable at any  
6 place other than the place where such bank is by law estab-  
7 lished, shall be liable to pay the same in specie to the holder  
8 thereof on demand at said bank without a previous demand  
9 at the place, where the same is made payable.

Bills to be  
redeemable in  
specie at the  
bank.

1841, c. 1, § 36.

SECT. 41. Nothing contained in the preceding section shall  
2 extend to any draft or check for any balance due to said  
3 bank, nor to any check or draft drawn by an officer of any  
4 bank within this state on any other bank either within or  
5 without this state; but all such checks or drafts shall first  
6 be presented for payment at the place, where they are made  
7 payable, before the same are demanded at the bank, by which  
8 they were issued.

Exceptions as to  
drafts or checks.

1841, c. 1, § 37.

SECT. 42. If the officers of any bank neglect or refuse to  
2 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 bank-  
6 ing hours, such bank shall be liable after the expiration of  
7 fifteen days from such demand to pay to the holder thereof

Twenty-four per  
cent. yearly  
damages for not  
redeeming bills.

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1841, c. 1, § 38.

Interest to be  
paid till yearly  
damages  
commence.

8 in damages at the rate of twenty-four per cent. by the year  
9 for the time, during which payment is delayed or refused  
10 from and after said fifteen days.

1841, c. 1, § 39.

Damages to  
cease after  
tender of the  
amount.

SECT. 43. The holder of any bill, note, check or draft, after  
2 demand made as described in the preceding section shall  
3 also be entitled to interest at the rate of six per cent. a year  
4 from the time of such demand, until the rate of damages  
5 therein specified commence.

1841, c. 1, § 40.

Private property  
of stockholders  
liable in certain  
cases.

SECT. 44. If the bank, at which payment of such bill, note,  
2 check or draft has been demanded and refused, shall at any  
3 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 thereof, or of his agent, of the  
6 amount of such bill, note, check or draft, and all interest  
7 damages and costs, which have accrued at the time of such  
8 tender, all further interest and damages shall thereafter  
9 cease on account of the same.

1841, c. 1, § 41.

Directors to  
disclose names  
and interests of  
stockholders.

SECT. 45. When any bill, note, check, or draft is presented  
2 for payment at any bank which issued and is liable to pay  
3 the same under the provisions of the forty-second and forty-  
4 third sections of this chapter, and payment thereof is delayed  
5 or refused for the term of fifteen days, then the private  
6 property of the stockholders of said bank to the amount  
7 of their shares, shall be liable to be attached on mesne pro-  
8 cess, and levied upon by execution in any suit therefor,  
9 which may be commenced against said bank for the damages  
10 and for the original demand, interest and costs.

1841, c. 1, § 42.

Liability for  
neglect, on  
demand.

SECT. 46. Any director of any bank, against which any  
2 suit is commenced, as specified in the preceding section, on  
3 demand of the plaintiff in such suit, or on demand of any  
4 officer legally charged with the service of any writ or execu-  
5 tion, as aforesaid, is required to make and exhibit to such  
6 plaintiff or officer a true list of the stockholders liable as  
7 aforesaid with the amount of stock, on account of which  
8 they are so liable.

1841, c. 1, § 43.

Loss from  
mismanagement  
of directors, how  
made up.

SECT. 47. Should any director of any bank, on demand as  
2 aforesaid, unreasonably neglect or refuse to make and exhibit  
3 such true list, then the private property of such director  
4 shall be liable to attachment on mesne process or execution  
5 to the full amount of the judgment recovered in such suit.

SECT. 48. If any loss or deficiency of the capital stock  
2 in any bank arises from the official mismanagement of the  
3 directors thereof, the persons, who are directors at the time  
4 of such mismanagement and guilty thereof, shall in their

5 individual capacities, be respectively liable to pay the same; and, in case of their inability to pay such loss or deficiency, the persons, who are stockholders at the time of such official mismanagement, shall be liable therefor; but no stockholder, other than directors guilty as aforesaid, shall be liable to pay a sum exceeding the amount of the stock actually held by him at that time; and such liability shall not continue beyond one year, after such stockholder has in good faith transferred his stock, no process having at the time of such transfer been commenced against him on account of the same, either in law or equity.

1841, c. 1, § 44.

SECT. 49. The holders of stock in any bank at the time, when its charter expires, shall be liable in their individual capacities for the redemption and payment of all bills, which have been issued by said bank and which remain unpaid, in proportion to the stock they hold at the dissolution of the charter; but such liability shall continue for the term of two years only from the time, that notice, that such charter has expired as aforesaid, has been given in the state paper.

Liability of stockholders at expiration of charter.

1841, c. 1, § 45.

SECT. 50. Any creditor of any bank, which has sustained a loss or deficiency of its capital stock through the official mismanagement of its directors, or any holder of any bills issued by any bank, which after the expiration of its charter remain unredeemed, and which 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 on the case against them on the principles of the common law.

Mode of enforcing payment from directors or stockholders.

1841, c. 1, § 46.

SECT. 51. Any stockholder of a bank, who by virtue of any of the provisions of this chapter has 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 has so paid, from the directors or other stockholders liable for the same and such damages and costs, as the court may decree.

Mode of obtaining contribution by a stockholder who has been compelled to pay.

1841, c. 1, § 47.

SECT. 52. Any corporation, which is 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

Similar liabilities and remedies of corporations, when stockholders.

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1841, c. 1, § 48.

Bank interest  
limited to six  
per cent.

4 from the official mismanagement of its directors, and shall  
5 also be liable for the payment and redemption of all bills,  
6 which have been issued by said bank and remain unpaid,  
7 when its charter expires, in the same manner, as individual  
8 stockholders are liable in their individual capacities; and  
9 such corporation may compel a contribution from other  
10 stockholders in the manner prescribed in the preceding  
11 section.

SECT. 53. No bank shall be permitted to take any greater  
2 rate of interest or discount on any note, draft, or security,  
3 than at the rate of six per cent. a year, whether such loan  
4 be made in specie or otherwise, or agreement made to pay  
5 such loan in specie or at a place other than the bank making  
6 such discount; but such interest or discount may be calcu-  
7 lated and taken according to the established rules of banking;  
8 *provided* that in discounting drafts, bills of exchange, or  
9 other negotiable securities, payable at another place the  
10 bank discounting the same may in addition to the said  
11 interest charge the then existing rate of exchange between  
12 the place of discounting and the place, where any such  
13 security is payable.

1841, c. 1, § 49.

Right of the  
state to require  
loans from  
banks.

SECT. 54. Upon any requisition of the legislature each  
2 bank shall loan to the state a sum not exceeding five per  
3 cent. of its capital stock at any one time reimbursable by  
4 five annual installments or at any shorter period at the  
5 election of the state with the annual payment of interest at  
6 a rate not exceeding five per cent.; but the state shall not  
7 be entitled to demand of any bank loans, which shall  
8 together at any one time exceed one-tenth part of its capital;  
9 and the faith of the state is pledged for the re-payment of  
10 the same.

1841, c. 1, § 50.

Requisition,  
how made.

SECT. 55. When a loan is required of any bank as afore-  
2 said, the treasurer of the state shall give notice in writing  
3 to the president or cashier thereof of the amount, which is  
4 to be furnished by such bank, and demand a loan of the  
5 same conformably to the provisions of this chapter; which  
6 notice and demand shall be accompanied by a copy of the  
7 act or resolve of the legislature requiring such loan attested  
8 by the secretary of state, and by the approval of the gov-  
9 ernor of such demand, in writing.

1841, c. 1, § 51.

Cashier to make  
returns when  
required by the  
governor. Form  
thereof.

SECT. 56. The cashier of each bank shall make a return  
2 of the state of such bank, as it existed on the first Satur-  
3 day of any month at two o'clock in the afternoon, when  
4 thereto required by the governor, and transmit the same to

5 the office of the secretary of state within such time, as shall  
 6 be directed by the governor in his requisition aforesaid;  
 7 stating the several particulars mentioned in the following  
 8 form exhibiting in distinct columns the amounts due from  
 9 the bank and the resources of the bank, viz.:  
 10 State of — bank, on the first Saturday of —, 18—  
 11 two o'clock P. M.

DUE FROM THE BANK.		RESOURCES OF THE BANK.	
Capital stock, . . . .	\$	Gold, silver and other coined metal, in its banking house, }	\$
Bills in circulation, . . . .	\$	Real estate, }	\$
Net profits on hand, . . . .	\$	Bills of other banks incorporated in this state, }	\$
Balances due to other banks, .	\$	Bills of other banks without the state, }	\$
Cash deposited, including all suras } whatsoever due from the bank, } not bearing interest; its bills in } circulation, profits, and balances } due to other banks, excepted, }	\$	Balances due from other banks, }	\$
Cash deposited bearing interest, }	\$	Amount of all debts due, including notes, bills of exchange, and all stocks and funded debts of every description, except balances due from other banks, }	\$
Total amount due from the bank, . \$		Total amount of the resources of the bank, }	

Rate of last dividend, \$

Amount of last dividend, \$

When declared,

Amount of reserved profits at the time of declaring the last dividend, \$

Amount of debts due and not paid, and considered doubtful, \$

Bills in circulation under five dollars, \$

*The bank commissioners may make a like requisition to be transmitted to one of them. (a)* 1841, c. 1, § 52.

SECT. 57. The cashier of each bank shall on the first  
 2 Mondays of the months of January and June in each year  
 3 make returns exhibiting the state and condition of the bank  
 4 as existing at two o'clock in the afternoon of the preceding  
 5 Saturdays, and transmit the same within fifteen days to the  
 6 secretary of state stating all the particulars mentioned in  
 7 the preceding section with the addition of the following, viz:

Amount due from the directors as principals, \$

Amount due from the directors as sureties, as individuals,  
 or as members of a firm, or as agents or officers of a  
 corporation, \$

Amount due from stockholders as principals, \$

Amount of matured debts unpaid, \$

Cashiers to  
make semi-  
annual returns.  
Form thereof.

1841, c. 1, § 53.  
1856.

(a) It may be very desirable for public safety for them to know the state of a bank without visiting it. New.

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Returns to be  
signed and  
sworn to.  
1841, c. 1, § 54.

Names of  
stockholders to  
be returned  
when required  
by the  
legislature.  
1841, c. 1, § 55.

Cashier's  
return to be  
verified by the  
directors.

1841, c. 1, § 56.

Penalty for not  
making returns.

1841, c. 1, § 57.

Secretary of  
state to furnish  
blanks for  
returns.

1841, c. 1, § 58.

To publish  
abstracts, and  
transmit a copy  
to each bank.

1841, c. 1, § 59.

Bank commis-  
sioners; powers  
and duties.

SECT. 58. Such returns shall be signed by the cashiers of  
2 the several banks respectively, who shall make oath to the  
3 truth thereof according to their best knowledge and belief.

SECT. 59. The cashier of each bank, whenever required  
2 by the legislature, shall also make return under oath as  
3 aforesaid, of the names of the stockholders and the amount  
4 of stock owned by each in such bank.

SECT. 60. Whenever a return is made by any cashier, as  
2 provided in either of the four preceding sections, a majority  
3 of the directors of each bank shall certify under oath, that  
4 the books of the bank indicate the state of facts so returned  
5 by their cashier, and that they have full confidence in the  
6 truth of said return.

SECT. 61. For neglect or refusal to make any such return  
2 by such cashier and directors of any bank, such bank shall  
3 forfeit for each offense a sum not exceeding one thousand  
4 dollars to the use of the state to be recovered by the treas-  
5 urer thereof.

SECT. 62. The secretary of state shall furnish to the  
2 cashier of every bank in the month of March or April  
3 annually at the expense of the state four printed copies of  
4 each of the forms of the returns required by the fifty-sixth  
5 and fifty-seventh sections of this chapter.

SECT. 63. The secretary of state after receiving the  
2 returns required by the fifty-seventh section of this chapter,  
3 shall, as soon as may be, cause to be prepared and printed  
4 a true abstract from those returns with each column of such  
5 abstract footed up; and transmit by mail one copy thereof  
6 to the cashier of each bank in the state; and further cause  
7 the same to be published in the state paper and such other  
8 papers, as the governor and council may direct.

SECT. 64. The governor with the advice of the council  
2 shall appoint two commissioners, who during their continu-  
3 ance in office shall not hold any office in any bank in this  
4 state, and whose duty it shall be at least once a year, and  
5 as much oftener as the governor and council shall deem it  
6 expedient, to inquire into and examine the transactions of  
7 the several banks and savings institutions incorporated in  
8 this state, and to ascertain their condition, and whether  
9 there has been any departure by brokerage or otherwise  
10 from the ordinary business of banking associations; and  
11 said commissioners shall make report of their doings an-  
12 nually to the governor and council to be laid before the

## CHAP. 47.

13 legislature. They shall be removable, and vacancies may  
14 be filled at pleasure, by the governor and council.

1841, c. 1, § 60.  
1855, c. 140.

SECT. 65. They shall have power to visit every bank and  
2 savings institution in this state, as often as they deem it  
3 expedient for the public safety, and shall thoroughly inspect  
4 and examine all the affairs of said corporations, and make  
5 all such inquiries, as may be necessary to ascertain their  
6 condition and their ability to fulfill all the engagements made  
7 by them; and they may summon and examine under oath all  
8 the directors, officers, or agents thereof, and such other  
9 witnesses, as they may think proper, in relation to their  
10 affairs transactions and condition; and any such director,  
11 officer, or agent, or other person, who refuses without  
12 justifiable cause to appear and testify when thereto required  
13 as aforesaid, or who obstructs in any way any commissioner  
14 in the discharge of his duty, as prescribed in this chapter,  
15 shall on conviction be subject to a fine not exceeding one  
16 thousand dollars or be imprisoned for a term not exceeding  
17 two years.

Power to exam-  
ine banks and  
savings institu-  
tions, &c.

1841, c. 1, § 61.  
1855, c. 140.

SECT. 66. If upon examination of any bank or savings  
2 institution they be of opinion that the same is insolvent, or  
3 that its condition is such as to render its further progress  
4 hazardous to the public or to those having funds in its  
5 custody, or that said bank or savings institution has exceeded  
6 its powers, or has failed to comply with all the rules  
7 restrictions and conditions provided by law, they may  
8 apply to some one of the justices of the supreme judicial  
9 court to issue an injunction to restrain such corporation in  
10 whole or in part, from further proceeding with its business,  
11 until a hearing of the same can be had. And said justice  
12 shall forthwith issue such process; and after a full hearing  
13 of the said corporation upon the matters aforesaid may  
14 dissolve or modify, or make perpetual the same; and make  
15 such orders and decrees to suspend, restrain or prohibit the  
16 further prosecution of the business of said corporation, as  
17 may be needful in the premises according to the course of  
18 chancery proceedings; and at his discretion may appoint  
19 agents or receivers to take possession of the property and  
20 effects of the corporation, subject to such rules and orders  
21 as may from time to time be prescribed by the supreme  
22 judicial court or any justice thereof in vacation. And said  
23 commissioners shall have power to appoint a clerk of their  
24 board, prescribe his duties and fix his compensation, when-  
25 ever the public good may in their opinion demand such

Proceedings by  
commissioners  
if they deem a  
bank or savings  
institution  
unsafe, &c.

CHAP. 47.

26 appointment. All banks and savings institutions, whose  
 27 charters shall expire or be surrendered or revoked, shall  
 28 continue subject to all the provisions and penalties in this  
 29 chapter during the time allowed their stockholders to act in  
 30 their corporate capacity for the purpose of closing their  
 31 concerns; and it shall be the duty of the commissioners to  
 32 examine and proceed against them in the same manner, as if  
 33 their charters had not expired or been surrendered or  
 34 revoked.

1841, c. 1, § 62.  
 1855, c. 140.

Directors to  
 examine banks  
 and cashiers'  
 bonds annually.

SECT. 67. It shall be the duty of the directors of each

2 bank, in the month of October annually, to make an exam-  
 3 ination in regard to the condition of such bank and the  
 4 responsibility of the sureties on the bond of the cashier.  
 5 Said bond shall be recorded upon the directors' records.

1855, c. 164, § 1.

Sale of real  
 estate of banks  
 after expiration  
 of charter.

SECT. 68. When the charter of any bank has expired, and

2 there remains any real estate standing in the name of the  
 3 corporation but belonging to the several stockholders  
 4 thereof, the trustees authorized by law to close the concerns  
 5 of such bank shall have the right to sell and dispose of such  
 6 real estate for the benefit of such stockholders at public  
 7 auction, after having given the same notice required by law  
 8 to be given by receivers in such cases, and to execute all  
 9 proper instruments of conveyance thereof.

1855, c. 164, § 2.

Claims and  
 demands, how  
 settled by  
 receivers.  
 Report of  
 receivers.

SECT. 69. When receivers of the assets of any bank are

2 appointed and qualified in the manner provided by law, all  
 3 claims and demands against such bank whether founded on  
 4 its bills or other evidence of indebtedness shall be laid before  
 5 said receivers for examination and allowance. And such  
 6 bills shall be filed with said receivers, they giving to the  
 7 respective holders thereof a schedule of the same under  
 8 their hands. The receivers shall make a report in detail to  
 9 the supreme judicial court at such times, as the court shall  
 10 direct, specifying all claims presented and the amount  
 11 allowed in each case, which report shall be accepted, if no  
 12 objection is made thereto, and the court is satisfied the same  
 13 is correct and ought to be allowed.

1855, c. 164, § 3.

Objections to  
 report, how  
 made and  
 disposed of.

SECT. 70. When such report is presented to the court for

2 acceptance, any claimant interested in the allowance or the  
 3 rejection of any claim, which has been allowed, may make  
 4 his objection specifying in writing the claim, the allowance  
 5 of which he demands to have made or increased rejected or  
 6 diminished; and the court shall hear the parties and deter-  
 7 mine the same. If either party requests it, the court may  
 8 direct an issue to be made up and submitted to the jury.

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9 Questions of law arising in the course of the proceedings  
 10 may be made and carried before the full court in the manner  
 11 provided in actions in court. All claims allowed shall bear 1855, c. 164, § 4.  
 12 an interest of six per cent. from the time they are filed.

SECT. 71. It shall be the duty of the receivers to report  
 2 to the court the amount and value of the assets in their  
 3 hands belonging to such bank. When the claims against  
 4 any bank have been ascertained and determined by the  
 5 court, or by the court and jury upon an accepted verdict in  
 6 the manner aforesaid, the court shall order an application of 1855, c. 164, § 5.  
 7 the proceeds of the assets to the payment thereof.

SECT. 72. If it is made to appear to the court, that the  
 2 assets aforesaid are insufficient to pay the said claims against  
 3 the bank, said receivers shall forthwith file their bill in  
 4 equity in their own names but in behalf of the claimants  
 5 against the persons, who are or were stockholders of the  
 6 bank liable to contribute to the payment of its debts; and  
 7 they shall be cited to appear before the court or judge, upon  
 8 such notice as the court or judge shall order to be given.  
 9 Upon the hearing on the bill in equity, the court shall from  
 10 time to time determine and assess the amount, which the  
 11 several stockholders aforesaid shall be held to pay to the  
 12 receivers to meet the claims aforesaid. The court shall  
 13 have authority to issue all requisite precepts for the collec-  
 14 tion of the sums assessed as aforesaid, and for the enforce- 1855, c. 164, § 6.  
 15 ment of its orders and decrees.

SECT. 73. The appointment of receivers in any case shall  
 2 create a lien upon all real estate of all the stockholders liable  
 3 for claims against such bank situate within the state as fully, Lien on real  
 4 as if the same were attached under due process of law, estate of  
 5 which shall continue, so that such real estate or any interest stockholders.  
 6 therein may be seized on execution or other process granted  
 7 by the court, and be sold or set off in satisfaction of the  
 8 claims aforesaid, or until such stockholder has paid over to  
 9 or deposited with the receivers an amount of money equal 1855, c. 164, § 7.  
 10 to his ability.

SECT. 74. No action shall be maintained against any bank  
 2 after the appointment of receivers thereof; but all its cred- Application of  
 3 itors shall have their remedy under the provisions of this the foregoing  
 4 chapter. All legal cost accrued upon suits commenced be- provisions.  
 5 fore the appointment of receivers shall be allowed and added 1855, c. 164, § 8.  
 6 to the claim sued, if such claim is adjudged valid.

SECT. 75. Nothing in the preceding seven sections shall be  
 2 construed to increase or diminish the amount, for which the Directors'  
 liability not

**CHAP. 47.**

diminished by  
these provisions.

1855, c. 164, § 9.

Court may  
decree distri-  
bution.

1855, c. 164, § 10.

Plates for bills.  
Bills not void by  
alterations.

1841, c. 1, § 63.

Weights to be  
sealed by the  
state sealer.

1841, c. 1, § 64.

Gold, how to be  
weighed.

1841, c. 1, § 65.

Counterfeit and  
altered bills to  
be marked by  
cashier, &c.

1855, c. 180,  
§ 1, 2, 3.

3 directors or stockholders of any bank are liable under the  
4 provisions of the other sections of this chapter. In assess-  
5 ing the amount, which stockholders may be required to pay,  
6 the court may have reference to such liability of the  
7 directors.

SECT. 76. When the ascertainment of any claim is delayed  
2 by questions of law arising therein, the court shall have  
3 power, when it shall be deemed safe and reasonable so to  
4 do, to decree distribution amongst the claims allowed, and  
5 to cause the stockholders to be cited in, and to make assess-  
6 ments upon them to meet deficiencies as aforesaid: *provided*  
7 there shall be reserved from distribution an amount suffi-  
8 cient to meet such contested claim or claims, if allowed.

SECT. 77. No bill or note of the denomination of one  
2 hundred dollars or less shall be issued by any bank for cir-  
3 culation, unless the same is impressed from the patent stereo-  
4 type plate of Abraham Perkins or his assigns, or unless said  
5 bank is in writing authorized by the aforesaid commissioners  
6 to issue bills of such other plates, as they may judge to  
7 afford greater security against counterfeiters. Every bank  
8 shall be held to pay to any innocent holder the original  
9 amount of any note of said bank, notwithstanding the same  
10 has been altered.

SECT. 78. The directors of the several banks once in five  
2 years shall have all the weights used in their respective  
3 banks compared, proved and sealed by the treasurer of the  
4 state, or by some person specially authorized by him for that  
5 purpose; which shall supersede so far as respects such banks  
6 the sealing of their weights by the town sealer.

SECT. 79. No tender of gold by any bank weighed with  
2 weights other than those compared proved and sealed, as  
3 required in the preceding section, shall be legal; and the  
4 payer or receiver may also require, that the gold shall be  
5 weighed in each scale, and the mean weight resulting there-  
6 from shall be considered the true weight.

SECT. 80. The cashier or other officer of any bank may  
2 write or stamp the word "counterfeit," upon any counterfeit  
3 bill, and the word "altered," upon any altered bill, which is  
4 offered to such bank in payment, for deposit, or for redemp-  
5 tion, adding thereto his own name and the name of his bank.  
6 If any such cashier or officer makes such writing or stamp  
7 upon any bill, which is not in fact counterfeit or altered, he  
8 shall be liable only for the actual damage sustained, unless  
9 it appear that it was fraudulently done.

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SECT. 81. The cashier of said bank shall keep a book, in  
 2 which he shall record the denomination of such bill, and the  
 3 name of the bank from which it purports to have issued, and  
 4 its date and number, and the time when so stamped or writ-  
 5 ten upon.

Record to be kept of bills so marked.

1855, c. 180, § 4.

SECT. 82. If at any time the officers of any bank refuse or  
 2 neglect to pay any of its bills, when duly presented at their  
 3 banking house for payment in their usual hours of business,  
 4 or to pay any deposits made by any person on demand made  
 5 in such hours, and for the space of fifteen days thereafter  
 6 neglect to pay or tender payment of such bills or deposits  
 7 in the manner described in section forty-four of this chap-  
 8 ter, the holder of such bill, or the person making such deposit,  
 9 may make complaint thereof in writing to any judge of the  
 10 supreme judicial court, whose duty it shall be thereupon to  
 11 cause the president or cashier of such bank to be notified  
 12 to appear before him at such time and place, as he may  
 13 appoint, to answer to such complaint, and show cause against  
 14 further proceedings thereon.

Application to a judge of the supreme judicial court, if a bank refuse to pay its bills.

1841, c. 1, § 66.

SECT. 83. If such president or cashier or other agent of  
 2 such bank duly authorized shall not appear at such time and  
 3 place, or appearing shall not show sufficient cause against  
 4 further proceedings, said judge shall appoint three disinter-  
 5 ested receivers and require of them a bond to 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  
 8 for their use.

Courts may appoint receivers, who shall bond.

1841, c. 1, § 67.

SECT. 84. Such receivers shall immediately demand and  
 2 receive of the officers of such bank all its real and personal  
 3 estate with all its books papers and evidences of debts due  
 4 such bank delivering to the officers their receipt, containing  
 5 accurate lists and memoranda of such estate books and  
 6 debts; and shall proceed with due diligence to dispose of  
 7 all or any part of such property and collect the debts and  
 8 with the proceeds thereof to pay the demands against such  
 9 corporation.

Their duties.

1841, c. 1, § 68.

SECT. 85. The receivers aforesaid may sell at public auc-  
 2 tion, after giving thirty days notice in the manner prescribed  
 3 in chapter seventy-six 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  
 8 instrument necessary for the due conveyance of such real

May sell real estate and mortgages.

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9 estate or mortgages with the debts thereby secured; and  
 10 the purchaser shall have the same rights and powers as a  
 11 purchaser of real estate and mortgages taken on execution  
 12 as aforesaid.

1841, c. 1, § 69.

May collect or  
 sell any of the  
 debts due to the  
 bank.

SECT. 86. Said receivers may collect the debts due and  
 2 owing to such bank, and commence and prosecute in the  
 3 name of such bank or in their own names and capacity as  
 4 receivers any action necessary for the collection of said debts,  
 5 or they may sell or assign said debts with the evidences  
 6 thereof, as they shall think expedient.

1841, c. 1, § 70.

Revocation of  
 authority of  
 receivers.

SECT. 87. The authority given as aforesaid to said receiv-  
 2 ers may be revoked on a like application to any judge of the  
 3 supreme judicial court, as is provided in section eighty-two,  
 4 if he shall see cause, after due notice to such receivers and  
 5 hearing the parties.

1841, c. 1, § 71.

Appeal from any  
 order of a judge  
 to the whole  
 court.

SECT. 88. Either party aggrieved by the determination of  
 2 such judge, whether in originally appointing such receivers  
 3 or revoking their authority, may have the same revised, and  
 4 if a sufficient cause be shown, reversed, at any law term of  
 5 the supreme judicial court on complaint to such court, and  
 6 on such notice as any judge thereof may order.

1841, c. 1, § 72.

Compensation to  
 receivers.

SECT. 89. Such receivers may retain to their own use for  
 2 their services such sum, as may be agreed upon between  
 3 them and such bank, and in case of disagreement such sum,  
 4 as may be awarded by any one of the judges aforesaid at a  
 5 term of said court held in the judicial district, in which the  
 6 bank is established, on application with reasonable notice to  
 7 the other party.

1841, c. 1, § 73.

Liability of  
 officers for  
 refusing to  
 surrender  
 property to the  
 receivers.

SECT. 90. If any officer of any such bank on demand made  
 2 by such receivers refuses or neglects to surrender to them  
 3 all the property, which they are required to do by the pro-  
 4 visions of the eighty-fourth section of this chapter, he shall  
 5 be liable in his individual capacity for the payment of all  
 6 debts due from said bank in an action on the case.

1841, c. 1, § 74.

Receivers,  
 after paying the  
 debts, to deliver  
 up the residue of  
 property to the  
 bank.

SECT. 91. Whenever such receivers have realized from the  
 2 property of the bank in their hands a sum sufficient to pay  
 3 all its debts, their power over the residue of the property  
 4 shall cease, and it shall be their duty to surrender the same  
 5 to said bank together with all the books and papers belong-  
 6 ing to it on taking from the officers of the bank a sufficient  
 7 receipt for the same. They shall also render to the bank a  
 8 fair and just account of their proceedings receipts and expend-  
 9 itures at the time of such surrender, and at such previous  
 10 times as any judge aforesaid may require.

1841, c. 1, § 75.

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SECT. 92. Any person, who has held shares in any bank  
 2 and afterwards has disposed of the same, may be a compe-  
 3 tent witness in any suit, in which such bank is interested,  
 4 unless otherwise disqualified, notwithstanding any liabilities  
 5 still attaching to him by virtue of the provisions of this  
 6 chapter.

Stockholders  
 may be wit-  
 nesses after the  
 sale of their  
 stock.

1841, c. 1, § 76.

SECT. 93. No person, unless specially authorized by the  
 2 legislature, shall contribute to the funds or become a mem-  
 3 ber of any company or banking association for the purpose  
 4 of issuing notes to be circulated as money, receiving deposits,  
 5 making discounts or transacting any other business, which  
 6 incorporated banks may transact by virtue of their charters;  
 7 and all notes or other securities for the payment of money  
 8 or the delivery of property, made to such company or  
 9 association, or for their use shall be void.

Banking com-  
 panies  
 prohibited  
 unless author-  
 ized by the state.

1841, c. 1, § 78.

SECT. 94. No private person or body corporate, unless  
 2 specially authorized by law, shall hold any agency in this  
 3 state for the purpose of receiving and issuing loaning or  
 4 putting in circulation as money the bills, notes, orders, or  
 5 other evidences of debt, of any banking company not incor-  
 6 porated by the legislature of this state, nor of any private  
 7 banker not a resident in this state; but this prohibition  
 8 shall not extend to any incorporated bank in this state  
 9 exercising the powers given to such banks by the foregoing  
 10 provisions in this chapter, nor prevent such bank from  
 11 paying out the bills of foreign banks received in its usual  
 12 course of business, the circulation of which is not prohibited  
 13 by law.

Agencies of  
 foreign banks or  
 bankers pro-  
 hibited unless  
 authorized by  
 the state.

1841, c. 1, § 79.

SECT. 95. No person shall issue any drafts, bills, or prom-  
 2 issory notes, or other evidences of debt, payable to bearer  
 3 or order as a private banker for the purpose of loaning  
 4 them or putting them in circulation as money.

No person to  
 issue bills as a  
 private banker  
 to be circulated  
 as money.  
 1841, c. 1, § 80.

SECT. 96. If any body corporate private company or  
 2 individual shall be guilty of any of the offenses described  
 3 in the three preceding sections, such offender shall forfeit  
 4 one thousand dollars for each offense to be recovered by  
 5 indictment for the use of the state, or by action of debt one  
 6 half to the use of the state and the other half to the person,  
 8 who may first sue for the same.

Penalty for  
 violating the  
 three preceding  
 sections.

1841, c. 1, § 81.

SECT. 97. The following offenses by officers stockholders  
 2 or servants of banks committed with a fraudulent intent  
 3 to injure any creditor, stockholder, holder of bank notes  
 4 issued, or other person, are hereby declared to be high  
 5 misdemeanors, and the persons guilty thereof shall on con-

Punishment for  
 frauds and  
 embezzlements.

CHAP. 47.

6 viction be punished by fine not exceeding five thousand  
7 dollars, imprisonment in the county jail less than one  
8 year, confinement in the state prison to hard labor not  
9 exceeding ten years, or any or all of said punishments  
10 according to the aggravation of the offense:

11 *First*—If any such person converts to his own use, or  
12 delivers to any other person, or to his check or order, any  
13 funds or evidence of debt or other property belonging to  
14 the bank or deposited therein.

15 *Second*—If he issues or aids in issuing any bank notes or  
16 other evidence of debt obligatory on said bank with the  
17 intent, that the same shall not be paid.

18 *Third*—If he becomes indebted to such bank for a valu-  
19 able consideration with like intent, or aids or abets any  
20 other person so doing.

21 *Fourth*—If he on behalf of the bank loans any money or  
22 delivers any valuable property belonging to such bank or  
23 deposited therein to any stockholder or other person.

24 *Fifth*—If he makes any dividend of the funds or effects of  
25 such bank amongst the stockholders or any of them, beyond  
26 the profits actually accrued to such bank or aids therein  
27 thereby diminishing the capital of said bank.

1841, c. 1, § 82.

Institutions for  
savings  
insolvent, bill  
may be filed for  
an equal  
distribution of  
assets.

SECT. 98. When a savings institution has not sufficient  
2 assets to pay all demands due to depositors and others, its  
3 trustees or any depositor may file a bill in equity in term  
4 time of the supreme judicial court or in vacation to have a  
5 sequestration made of its assets and an equitable distribu-  
6 tion of them. After service as provided in the following  
7 section the court may appoint a receiver to take possession  
8 of all its assets. Any existing attachments will thereby be  
9 dissolved and no action can thereafter be commenced against  
10 the institution, until the proceedings under the bill are  
11 closed.

1842, c. 32, § 1.

Service of the  
bill, how made.

SECT. 99. Service is to be made of such bill by an order  
2 of the court or of a judge of it, requiring the institution and  
3 all persons interested to appear and shew cause, why its  
4 assets should not be sequestered and an equal distribution  
5 of them made, published in such newspaper and for such  
6 time, as may be designated in such order.

*Idem*, § 2.

Commissioners  
to decide on  
claims; their  
proceedings.  
Distribution of  
assets.

SECT. 100. After a decree for sequestration has been  
2 passed, the court is to appoint commissioners, who are to  
3 receive and decide upon all claims against the institution  
4 and make a report to the court of claims allowed and disal-  
5 lowed and of the amount due to each depositor, which is

6 subject to exception and amendment as reports of masters  
 7 in chancery. When the amount due to each person is estab-  
 8 lished, the court is to cause payment to be made in full to  
 9 others than depositors; and after deducting all expenses  
 10 distribution of the balance to be made among the depositors  
 11 in proportion to the amount due to them.

Idem, § 3.

SECT. 101. Commissioners are to give notice of the times  
 2 and places of their session, as the court orders. The trust-  
 3 ees or receiver may compromise any debt due to the insti-  
 4 tution.

Notice by  
 commissioners;  
 debts due  
 compromised.  
 Idem, § 3, 4.

## Chapter 48.

### MANUFACTURING CORPORATIONS.

Sect. 1. Officers' powers and liabilities.

2. Officers when chosen, clerk to be sworn, treasurer to give bond.
3. First meeting how called. By-laws.
4. Capital fixed, divided into shares, names of owners and their shares entered of record.
5. Certificates of stock to be issued transferable.
6. Assessments may be made, shares sold for neglect to pay.
7. Notice of sale how given, title of purchaser.
8. Treasurer to publish statements semi-annually, what contain, penalty.
9. Prohibition to contract debts beyond certain amount. Stockholders not liable individually, if do not.
10. Dividends may be made not to reduce capital or debts due.
11. Names of directors, clerk, and schedule of property, furnished to an officer.
12. Officer having an execution may elect to take debts, proceedings.
13. Person refusing to obey two preceding sections, penalty.
14. Books to be produced on trial for a penalty.
15. Children under fifteen years of age not to be employed without proof of schooling.
16. Penalty for doing so. County attorney to prosecute.
17. Persons under sixteen years of age to work only ten hours of a day.

SECT. 1. Manufacturing corporations are to exercise the  
 2 powers and be subject to the duties and liabilities contained  
 3 in this and the forty-sixth chapter, and in their charters.  
 4 They are to have a president, directors, clerk, treasurer, and  
 5 any other desirable officers.

Officers' powers and liabilities.

R. S., c. 78,  
 § 1, 2, 3.

SECT. 2. These officers are to be chosen annually and are to  
 2 continue in office, till others are chosen and qualified in their  
 3 stead. There are not to be less than three directors, one  
 4 of whom is to be by them elected president. No director  
 5 or treasurer can hold such office after he ceases to be a  
 6 stockholder. The treasurer is to give bond for the faithful  
 7 discharge of his duties in such sum and with such sureties  
 8 as may be required. The clerk is to be sworn, and is to

Officers, when  
 chosen. Clerk  
 to be sworn.  
 Treasurer to  
 give bond.

CHAP. 48. 9 record all votes of the corporation in a book to be kept for  
 Idem, § 3, 4, 15. 10 that purpose.

First meeting,  
 how called.  
 By-laws.

SECT. 3. The first meeting may be called by a majority  
 2 of the persons named in the act in the manner prescribed  
 3 in the second section of chapter forty-six giving fourteen  
 4 days notice thereof. By-laws may be made and enforced as  
 5 provided in the fifth section of that chapter.

Idem, § 5, 6.

Capital fixed  
 and divided into  
 shares. Names  
 of owners and  
 their shares  
 entered of  
 record.

SECT. 4. The capital is to be fixed within the limits of  
 2 the charter and divided into shares, and the names of own-  
 3 ers, and the number of shares owned by each, are to be  
 4 entered of record at its first meeting. The capital may be  
 5 subsequently increased to the amount allowed by its charter  
 6 by adding to the number of shares.

Idem, § 7, 13.  
 1853, c. 22, § 1.

Certificates of  
 stock to be  
 issued  
 transferable.

SECT. 5. Certificates stating the number of shares owned  
 2 by them signed by the treasurer with the seal of the corpo-  
 3 ration affixed are to be furnished to the stockholders. They  
 4 are transferable, as provided in the eleventh section of  
 5 chapter forty-six.

Idem, § 8, 9.  
 1853, c. 22, § 2.

Assessments  
 may be made  
 and shares sold  
 for neglect to  
 pay.

SECT. 6. Assessments not exceeding the amount origi-  
 2 nally limited for a share may be made on all the shares to  
 3 be paid to the treasurer in such installments and at such  
 4 times, as may be ordered. The treasurer may sell at auction  
 5 a sufficient number of shares to pay all assessments on them  
 6 with incidental charges of any stockholder, who for thirty  
 7 days has neglected to pay such assessments.

Idem, § 10, 11.

Notice of sale,  
 how given;  
 title made to  
 purchaser.

SECT. 7. The treasurer is to give notice of the time and  
 2 place of such sale, and of the amount due on each share,  
 3 before the sale in a newspaper printed in the county, where  
 4 the manufactory is established, if any, otherwise the state  
 5 paper, three weeks successively; and a certificate of the  
 6 sale of such shares made by the treasurer and recorded, as  
 7 transfers are required to be, transfers the title to the  
 8 purchaser.

Idem, § 12.

Treasurer to  
 publish state-  
 ments semi-  
 annually;  
 what to contain,  
 penalty for  
 neglect.

SECT. 8. The treasurer is to publish semi-annually in the  
 2 month of January and July in a newspaper designated in the  
 3 preceding section a statement under oath of the amount of  
 4 assessments actually paid in, of the existing capital, of the  
 5 debts due, of the capital invested in real estate and fixtures  
 6 upon it including machinery, and of the last value of the  
 7 real estate, and of the aggregate value of the taxable prop-  
 8 erty, of the corporation as fixed by assessors. For neglect  
 9 or refusal to publish such a statement the treasurer on  
 10 indictment and conviction is to be fined not exceeding two  
 11 thousand dollars or imprisoned less than one year. For

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12 such neglect or refusal or for publishing a false state-  
 13 ment with intent to injure a present or future creditor of  
 14 the corporation he is on such conviction to be fined not  
 15 exceeding five thousand dollars, or by imprisonment in the  
 16 county jail less than one year, or in the state's prison  
 17 not exceeding ten years, any or all of them according to  
 18 the aggravation of the offense.

1844, c. 109, § 1

SECT. 9. These corporations are prohibited to contract  
 2 debts exceeding at any one time the amount of their capital  
 3 invested within the state in real estate and fixtures thereon  
 4 including machinery; and from becoming indebted to an  
 5 amount exceeding one half their capital paid in and remaining  
 6 undivided and of their other property and assets. When  
 7 corporations comply with these prohibitions and limitations  
 8 their stockholders are relieved from all individual liability  
 9 for their debts. When either of these limitations are vio-  
 10 lated their stockholders become individually liable for debts  
 11 of the corporation for the time and to be enforced in the  
 12 manner provided in chapter forty-six, without the benefit of  
 13 a limitation of the amount [or of contribution]. (a)

Prohibition to  
 contract debts;  
 stockholders not  
 liable individu-  
 ally, if do not.

1844, c. 109, § 3.  
1850, c. 157, § 1.

SECT. 10. Dividends of profit may be made by the direct-  
 2 ors, but the capital or the debts due are not thereby to be  
 3 reduced, until all debts due from the corporation are paid.  
 4 Any officer or member, who votes or aids to make a dividend  
 5 in violation of this provision, is liable to a fine not exceeding  
 6 two thousand dollars, and to imprisonment less than one  
 7 year; and all sums received for such dividends may be  
 8 recovered by any creditor of the corporation in an action on  
 9 the case.

Dividends may  
 be made; not  
 to reduce capital  
 or debts due.  
 Penalty.

R. S., c. 78,  
§ 15, 16.

SECT. 11. Every agent or person having charge of corpo-  
 2 rate property is on request to furnish the names of the  
 3 directors and clerk and a schedule of all property including  
 4 debts known by him to belong to the corporation to an offi-  
 5 cer having a writ or execution against the corporation for  
 6 service.

Names of  
 directors, clerk,  
 and schedule of  
 property to be  
 furnished to an  
 officer.

Idem, § 17.

SECT. 12. An officer having an execution against such a  
 2 corporation and unable to find property liable to seizure  
 3 may, or the creditor may, elect to satisfy it in whole or in  
 4 part by a debt due to the corporation not exceeding the  
 5 amount due to the creditor, and a person having custody of  
 6 the evidence of such debt is to deliver the same to such offi-

Officer having  
 an execution  
 may elect to  
 take debts due  
 to corporation;  
 proceedings.

(a) Why should a contribution be refused among such stockholders, when they may all be equally ignorant of a violation? And one entirely innocent be made to bear the whole loss?

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7 cer with a written transfer thereof to him for the use of the  
 8 creditor, which is to constitute an assignment thereof, and  
 9 the creditor in the name of the corporation may sue for and  
 10 collect the same subject to any equitable set off by the  
 11 debtor.

Idem, § 18.

Person refusing  
 to comply with  
 provisions of  
 two preceding  
 sections, subject  
 to penalty.

SECT. 13. Any officer or other person, who unnecessarily  
 2 neglects or refuses to comply with the provisions of the two  
 3 preceding sections, forfeits not exceeding four times the  
 4 amount due on such execution, and may be imprisoned less  
 5 than one year.

Idem, § 19.

Books to be  
 produced on  
 trial for penalty.

SECT. 14. When any suit or prosecution is pending for a  
 2 violation of any provision of this chapter, the clerk or  
 3 person having custody of the books of the corporation,  
 4 upon reasonable written notice for the purpose, is to produce  
 5 them on trial; and for neglect or refusal so to do he is  
 6 liable to the like fine or imprisonment, as the party on trial  
 7 would be on conviction.

Idem, § 20.

Children under  
 15 years of age  
 not to be  
 employed  
 without proof of  
 schooling.

SECT. 15. No child can be employed in a cotton or woolen  
 2 manufactory without having attended a public school, or a  
 3 private one taught by a person qualified to be a public  
 4 teacher, if under twelve years of age four months, if over  
 5 twelve and under fifteen years of age three months, of the  
 6 twelve next preceding such employment in each year. A  
 7 certificate under oath of such teacher filed with the clerk or  
 8 agent before employment is to constitute the proof of such  
 9 schooling.

1847, c. 29,  
 § 1, 2, 3.

Penalty for a  
 violation.  
 County attorney  
 to prosecute.

SECT. 16. Any owner, agent, or superintendent, of such  
 2 manufactory for each violation of the provisions of the pre-  
 3 ceding section forfeits fifty dollars to be recovered by indict-  
 4 ment, one-half to the complainant, and the other to the  
 5 town, where the offense was committed to be added to its  
 6 school money. Superintending school committees may in-  
 7 quire into such violations and report them to a county attor-  
 8 ney, who on reception thereof is to prosecute therefor.

Idem, § 3, 4.

No person under  
 16 years of age  
 to be employed  
 more than ten  
 hours of a day.  
 Penalty.

SECT. 17. No person under the age of sixteen years is to  
 2 be employed by any corporation more than ten hours of a  
 3 day. Any person violating this provision forfeits one hun-  
 4 dred dollars one-half to the town, where the offense is com-  
 5 mitted and the other to the use of the person employed to  
 6 be recovered by complaint in any court having jurisdiction.

1848, c. 83, § 2.

## Chapter 49.

## INSURANCE COMPANIES AND INSURANCE.

- Sect.* 1. How far subject to the provisions of this chapter.
2. President and directors.
  3. Choice of directors. Manner of voting.
  4. Vacancies, how filled.
  5. Who shall be eligible. Quorum.
  6. Secretary and other officers.
  7. Manner of calling meetings.
  8. Capital to be at least \$100,000.
  9. Liability of stockholders in certain cases.
  10. Capital, how invested.
  11. Loans on respondentia or bottomry.
  12. What property may be insured.
  13. Limitation of amount of risks.
  14. Policies, how executed.
  15. Insurance companies not to engage in trade.
  16. Dividends, when and how made.
  17. Loss of capital to be repaired.
  18. Marine insurance companies may divide certain profits.
  19. Triennial statements to be made.
  20. Not to insure after loss of capital.
  21. Annual statements to be published and transmitted to secretary of state.
  22. Legislature may examine the company's affairs.
  23. Certain provisions not to be applied to mutual companies.
  24. Mutual companies, insurance by, regulated.
  25. Regulations to be set forth in the policies.
  26. All persons insured to be members.
  27. Assessments on premium notes.
  28. No liability beyond the amount of the note.
  29. Lien on real estate insured.
  30. Remedy if assessment be not paid.
  31. Agents of foreign companies to file certain copies with register of deeds.
  32. Penalty for neglect, and for fraud.
  33. Lien of mortgagee upon policy.
  34. How enforced if mortgager do not consent.
  35. How amount recovered in suit to be applied. Costs of suit if the company defend.
  36. Priority of mortgage, how determined.
  37. Claims of mortgagee, when to be void.
  38. Lien good on property of deceased persons insured.
  39. Annual statements to be made.
  40. Compensation of officers. Votes by proxy.
  41. Insurance companies may deposit securities with treasurer of state.
  42. Treasurer to furnish certificate.
  43. Interest or dividend may be collected by the company. Securities withdrawn.
  - 44, 45. When to be returned to the company.
  46. Duty of treasurer in case of failure of the company.
  47. Treasurer's fees.

SECT. 1. All incorporated insurance companies may exercise the powers, and shall be subject to the duties and liabilities contained in this chapter and in chapter forty-six, as far as consistent with the provisions of their charters.

How far subject to the provisions of this chapter.  
R. S., c. 79, § 1.

SECT. 2. The business of every such company shall be managed by seven directors, who shall choose one of their number to be president, hold their offices one year and until

President and directors.

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R. S., c. 79, § 2.

Choice of  
directors.  
Manner of  
voting.

R. S., c. 79, § 3.

Vacancies, how  
filled.  
R. S., c. 79, § 4.Who shall be  
eligible.  
Quorum.

R. S., c. 79, § 5.

Secretary and  
other officers.

R. S., c. 79, § 6.

Manner of  
calling meetings.

R. S., c. 79, § 7.

Capital to be at  
least \$100,000.

R. S., c. 79, § 8.

Liability of  
stockholders in  
certain cases.

R. S., c. 76, § 9.

4 others are chosen and qualified in their stead, and be stock-  
5 holders in said company and citizens of this state.

SECT. 3. The directors shall be chosen by the stockhold-  
2 ers by a majority of ballots at such time and place and in  
3 such manner, as the by-laws of the company prescribe; one  
4 vote in this and any other business of the company being  
5 allowed to each share, but no one stockholder to be allowed  
6 more than ten votes.

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

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

SECT. 6. Every such company or the directors thereof, as  
2 often as once a year, shall by ballot elect a secretary, who  
3 shall be the clerk of the company and 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  
6 the votes of the stockholders and of the directors, and a  
7 true list of the stockholders, and of the number of shares  
8 held by each, and record every transfer of shares in a book  
9 kept for the purpose. The directors may appoint such other  
10 officers as they think necessary.

SECT. 7. The secretary shall call special meetings of such  
2 company, besides any meeting for which the by-laws may  
3 provide, to be held at such time and place, and for such pur-  
4 poses, as may be in writing required by the proprietors of  
5 one-fifth of the capital stock; if the by-laws of such com-  
6 pany prescribe no mode of calling such meeting, it may be  
7 notified in the manner prescribed in the act of incorporation  
8 for calling the first meeting.

SECT. 8. No insurance company shall be incorporated in  
2 this state with a capital of less than one hundred thousand  
3 dollars to be paid in at the periods and in the proportions  
4 required by the charter.

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

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SECT. 10. The capital stock of said companies paid at  
 2 each installment shall within six months thereafter, except  
 3 as provided in the next section, be invested in the funded  
 4 debt of the United States, or of this state, or in the stock  
 5 of some bank legally incorporated in this state, or in all of  
 6 them, as may be most for their interest ; or any amount not  
 7 exceeding two-thirds of the capital may be loaned to persons  
 8 resident in this state well secured on mortgages of real  
 9 estate situated therein, or on pledge of any of the funded  
 10 debts or stocks above mentioned.

Capital, how  
invested.

R. S., c. 79, § 10.

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

Loans on  
respondentia or  
bottomry.

R. S., c. 79, § 11.

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

What property  
may be insured.

R. S., c. 79, § 12.

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

Limitation of  
amount of risks.

R. S., c. 79, § 13.

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

Policies, how  
executed.

R. S., c. 79, § 14.

SECT. 15. Said companies shall not directly or indirectly  
 2 deal or trade in buying or selling any goods, wares, mer-  
 3 chandise, or commodities whatever.

Insurance  
companies not  
to engage in  
trade.

R. S., c. 79, § 15.

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

Dividends,  
when and how  
made.

R. S., c. 79, § 16.

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Loss of capital  
to be repaired.

R. S., c. 79, § 17.

Marine insur-  
ance companies  
may divide  
certain profits.

1844, c. 97.

Triennial  
statements to be  
made.

R. S., c. 79, § 18.

Not to insure  
after loss of  
capital.

R. S., c. 79, § 19.

Annual state-  
ments to be  
published, &c.

R. S., c. 79, § 20.  
1856, c. 270, § 6.

Legislature may  
examine com-  
pany's affairs.

R. S., c. 79, § 21.

Certain provis-  
ions not to be  
applied to  
mutual  
companies.

SECT. 17. After any diminution of the capital stock of any  
2 such company by losses, depreciation or otherwise, no divi-  
3 dend shall be made until such diminution is supplied by  
4 actual funds, or the value restored.

SECT. 18. Any marine insurance company may by by-laws  
2 or votes duly passed for that purpose, divide among the  
3 stockholders of the company, and the persons insured therein,  
4 in proportion to the stock owned by such stockholders, and  
5 to the amount of premiums paid by the insured on risks  
6 terminated, all the clear profits of the company above six  
7 per cent. per annum on its capital stock. Before any such  
8 division is made, all arrearages of dividends to stockholders  
9 required to make up their annual dividends equal to six  
10 per cent. per annum shall first be paid. (a)

SECT. 19. Once in every three years, and oftener if re-  
2 quired by the stockholders, the directors shall lay before  
3 them at a meeting an exact and particular statement of the  
4 affairs of the company showing their profits, if any, after  
5 deducting losses and dividends.

SECT. 20. If any such company sustains losses to an  
2 amount equal to their capital stock, and the president or  
3 directors after knowing the same make any new or further  
4 insurance, the estates of all, who make such insurance or  
5 consent thereto, shall be jointly and severally liable for the  
6 amount of any loss, which occurs under such insurance.

SECT. 21. Every insurance company existing or doing  
2 business in this state, shall, on or before the first day of  
3 December in each year, transmit to the secretary of this  
4 state, to be laid by him before the legislature, a statement  
5 of the condition of said company as it existed at the time  
6 of its exhibit next preceding, showing the amount of capi-  
7 tal stock and how invested, the amount at risk, the amount  
8 of premium notes, the amount of liabilities, and shall cause  
9 the same to be published in some paper printed in the  
10 county where the company is located.

SECT. 22. The president and directors, when required by  
2 the legislature, shall lay before them a statement of the  
3 affairs of the company and submit to an examination on  
4 oath concerning the same.

SECT. 23. The provisions in the foregoing sections of this  
2 chapter relating to the amount of capital stock to be owned

(a) Attention is invited to this section authorizing a corporation to divide all its profits over  
six per cent. among its stockholders and persons not stockholders according to their premiums paid.  
Leaving stockholders for the risk of all their capital six per cent., and a chance for a division  
with all those, who pay premiums, of the remaining profits.

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3 by any insurance company, and the division of the same into  
 4 shares, and dividends of profit thereon, and other provisions  
 5 incidental to the nature of its funds, and such of said pro-  
 6 visions as relate to the liability of directors or stockholders  
 7 in case of deficiency of capital, and the regulations con-  
 8 cerning the business of any such company contained in  
 9 sections eleven and twelve, shall not be construed as appli-  
 10 cable to mutual fire insurance companies; but the following  
 11 provisions shall be binding on such companies, so far as  
 12 consistent with their charters.

R. S., c. 79, § 22.

SECT. 24. Mutual fire insurance companies incorporated  
 2 in this state may make insurance for a term not exceeding  
 3 seven years on dwelling-houses, stores, shops, and other  
 4 buildings, and on household furniture, merchandise and other  
 5 property, the contents of any building within this state,  
 6 against loss or damage by fire originating in any cause other  
 7 than by design in the assured.

Mutual  
companies,  
insurance by,  
regulated.

R. S., c. 79, § 23.

SECT. 25. No by-law, rule, or requirement, made by any  
 2 such mutual insurance company shall be binding on any per-  
 3 son insured to vacate his policy, unless the same is distinctly  
 4 set forth in such policy or renewal.

Regulations to  
be set forth in  
the policies.

R. S., c. 79, § 24.

SECT. 26. Every person insured by such company or his  
 2 legal representatives or assigns continuing to be insured  
 3 therein shall be deemed a member of the corporation during  
 4 the term specified in his policy, and no longer.

All persons  
insured to be  
members.

R. S., c. 79, § 25.

SECT. 27. Every person, on being insured by such com-  
 2 pany, before receiving his policy shall deposit his promissory  
 3 note for the sum of money determined by the directors;  
 4 and such part of said note, as the by-laws require, shall be  
 5 immediately paid towards the incidental expenses of the  
 6 institution and indorsed thereon; and the remainder of said  
 7 note shall be payable in such installments, as the directors  
 8 may from time to time require for the payment of losses  
 9 and other expenses to be assessed on all, who are members  
 10 at the time, when such losses or expenses happen, in pro-  
 11 portion to the amounts of their respective notes.

Assessments on  
premium notes.

R. S., c. 79, § 26.

SECT. 28. No member of such company shall be held to  
 2 contribute to any losses or expenses beyond the amount of  
 3 his deposit note. At the expiration of any person's term  
 4 of insurance his note, or such part thereof as remains  
 5 uncalled for as aforesaid, on payment of all assessments for  
 6 which it is liable, shall be relinquished to him, except as  
 7 provided in the next section.

No liability  
beyond the  
amount of the  
note.

R. S., c. 79, § 27.

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Lien on real  
estate insured.

R. S., c. 79, § 28.

Remedy if  
assessment be  
not paid.

R. S., c. 79, § 29.

Agents of foreign  
companies to  
file certain  
copies with  
register of  
deeds.

SECT. 29. The company shall have a lien against the  
2 assured on the buildings insured and the land appurtenant  
3 to the same for the amount at any time due on said note, to  
4 commence from the time of the recording of the same, as  
5 hereinafter provided, and to continue until sixty days after  
6 the expiration of the policy, on which such note is given;  
7 *provided* the company causes a certificate of their claim to  
8 such lien signed by their secretary to be recorded by the  
9 register of deeds for the county or district; and during the  
10 pendency of such lien an attachment of such property made  
11 in a suit commenced on said note in favor of the company  
12 shall have priority to all other attachments or claims; and  
13 execution when recovered may be levied on the same  
14 accordingly.

SECT. 30. If an assessment made as provided in the  
2 twenty-seventh section remains unpaid for thirty days after  
3 demand made by any agent of the company on any person  
4 liable to pay the note, the directors may sue for and collect  
5 the whole or any balance due on such note; and the amount  
6 collected shall remain in the treasury of the company sub-  
7 ject to the payment of such sums, as might otherwise have  
8 been assessed on the note; and the overplus at the expiration  
9 of the policy shall be the property of the assured.

SECT. 31. The word foreign, whenever it is used in this  
2 chapter shall be construed to apply to companies not incor-  
3 porated by the legislature of this state. Every person au-  
4 thorized by any foreign fire insurance companies to advertise  
5 as its agent, or to receive and forward proposals for insurance,  
6 shall be deemed the agent of such company within the  
7 meaning of this chapter. Every foreign fire insurance com-  
8 pany insuring property by their agent in this state, shall  
9 give to their agent instructions in writing, signed and sworn  
10 to by the president and secretary thereof, to accept service  
11 of all lawful processes against the company; and in such  
12 written instructions shall consent and engage that service of  
13 all processes against such company, duly made upon such  
14 agent, shall be valid and binding as legal service upon such  
15 company, and give to the courts of this state like jurisdic-  
16 tion, and have the same effect as if the company had existed  
17 and been duly served with process in this state; and a  
18 duplicate of this writing, duly certified and authenticated,  
19 shall be filed in the office of the register of deeds in the  
20 county where such agent shall reside, and copies thereof, cer-  
21 tified by said register, shall be evidence in the courts of this  
22 state. This agency, so far as relates to service on such

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23 corporations, shall be continued while any liability remains  
 24 outstanding against the company in this state, or until the  
 25 same power is given to some other person, resident within  
 26 such county, and a duplicate thereof filed as aforesaid. And  
 27 service upon the agent shall be deemed sufficient service  
 28 upon the principal.

1856, c. 270,  
 § 1, 2, 3.

SECT. 32. If insurance shall be made hereafter by the  
 2 agent of any such foreign insurance company, without having  
 3 received the instructions aforesaid, and without the filing of  
 4 a duplicate of the same as aforesaid, the contract shall be  
 5 binding and valid, but such agent shall be liable to a fine  
 6 not exceeding three hundred dollars, to be enforced by in-  
 7 dictment in any court of competent jurisdiction, for the use  
 8 of the state. Any person who, without having been author-  
 9 ized, shall represent himself as the authorized agent of any  
 10 foreign insurance company, or who shall procure payment,  
 11 and any obligation for the payment of any insurance by false  
 12 or fraudulent representations, shall be punished by a fine  
 13 not exceeding one thousand dollars, or imprisonment not  
 14 exceeding six months, for each offense, to be enforced by  
 15 indictment in any court of competent jurisdiction.

Penalty for  
 neglect and for  
 fraud.

1856, c. 270,  
 § 4, 5.  
 R. S., c. 79, § 31.

SECT. 33. The mortgagee of any real estate shall have a  
 2 lien upon any policy of insurance against loss by fire pro-  
 3 cured upon the same by the mortgager to take effect from  
 4 the time, he files with the secretary of the company a written  
 5 notice briefly describing his mortgage the estate conveyed  
 6 thereby and the sum remaining unpaid thereon. If the  
 7 mortgager by a writing by him signed and filed with the  
 8 secretary consents that the whole of the sum secured by the  
 9 policy or so much as is required to discharge the amount  
 10 due on the mortgage at the time a loss occurs shall be  
 11 applied to the payment of the mortgage, it shall be so paid  
 12 by the company, and the mortgagee's receipt therefor shall  
 13 be a sufficient discharge of the company for the sum so paid.

Lien of mort-  
 gagee upon  
 policy.

1844, c. 107,  
 § 1, 2.

SECT. 34. If the mortgager does not so consent, the mort-  
 2 gagee may at any time within sixty days after a loss insured  
 3 against by the policy enforce his lien by a suit against the  
 4 mortgager and the company as his trustee, in which judg-  
 5 ment may be rendered, for what is found due from said  
 6 company upon the policy, notwithstanding the time of pay-  
 7 ment of the whole sum secured by the mortgage has not  
 8 arrived.

How enforced if  
 mortgager do  
 not consent.

1844, c. 107, § 3.

SECT. 35. The amount so recovered shall be applied first  
 2 to the payment of the costs of the suit and officer's fees on

How amount  
 recovered in

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suit to be  
applied, &c.

1844, c. 107, § 3.  
1855, c. 130.

Priority of  
mortgage, how  
determined.

1844, c. 107, § 4.

Claims of mort-  
gagee, when to  
be void.

1844, c. 107, § 4.

Lien good on  
property of  
deceased per-  
sons insured.

1846, c. 203, § 1.

Annual state-  
ments to be  
made.

1846, c. 203, § 2.

Compensation of  
officers, &c.

3 the execution, and next to the payment of the amount due  
4 on the mortgage; and the balance, if any, shall be retained  
5 by the company and paid to the mortgager. If the company  
6 assumes the defense of the suit, it shall be liable to the  
7 plaintiff for costs in the same manner, as the principal de-  
8 fendant defending the suit would be.

SECT. 36. When two or more mortgagees claim the ben-  
2 efit of the three preceding sections, their rights shall be  
3 determined according to the priority of their claims and  
4 mortgagees by the principles of law.

SECT. 37. When any mortgagee claims the benefit of said  
2 sections, any policy of insurance, which he had procured or  
3 may subsequently procure on his interest in the same prop-  
4 erty by virtue of his mortgage, shall be void, unless it is  
5 consented to by the company insuring the mortgager's  
6 interest.

SECT. 38. Upon the decease of a member of any mutual  
2 fire insurance company the lien of said company shall remain  
3 good on the property insured to the amount due on the  
4 deposit note, and the policy shall descend to the executor  
5 or administrator of such deceased member for the benefit  
6 of the estate during its continuance, unless voluntarily sur-  
7 rendered or forfeited by the provisions of the charter of  
8 such company.

SECT. 39. The directors of each mutual fire insurance  
2 company shall cause a detailed account of their expenses for  
3 the year next preceding their annual meeting, the amount  
4 of property actually insured at that time, the amount due  
5 on their premium notes, and amount of all debts due to and  
6 from the company, (a) to be laid before the stockholders at  
7 their annual meeting in each year; and the company shall  
8 cause a copy thereof to be printed in some newspaper pub-  
9 lished in the county, in which it is located, if any, otherwise  
10 in the state paper; but no such company having an accumu-  
11 lated fund for the payment of losses shall be required to  
12 publish the names of those persons, who are indebted to  
13 such office.

SECT. 40. No director is eligible to the office of secretary  
2 or treasurer. The salary or compensation for services of  
3 the directors, treasurer, and secretary, shall be fixed by the  
4 stockholders at their annual meeting, and no stockholder or

(a) The language used in the statute as printed is "together with debts due to and the amount owned by said company." It is supposed the word owned, should be owed, and the enactment is so varied.

5 other person shall be allowed more than fifteen votes by  
6 proxy.

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1846, c. 203,  
§ 3, 4.

SECT. 41. When any insurance company, incorporated in  
2 this state, desires to deposit any portion of its stocks or  
3 other securities with any officer of this state, as a pre-requi-  
4 site to the establishing of agencies in any other state in  
5 compliance with the law thereof, it shall be the duty of the  
6 treasurer of state to receive such stocks or other securities  
7 and to hold the same on deposit and in trust for the benefit  
8 of all the policy holders in said company.

Insurance  
companies may  
deposit securities  
with treasurer  
of state.

1854, c. 63, § 1.

SECT. 42. When any company has made such deposit, the  
2 treasurer shall furnish it with a certificate or certificates of  
3 the fact in his official capacity embracing the items of the  
4 security so deposited, the amount and par value of each, and  
5 his opinion of their value.

Treasurer to  
furnish  
certificate.

1854, c. 63, § 2.

SECT. 43. He shall hold such securities on deposit in  
2 accordance with the provisions of this chapter, but such  
3 company shall be permitted to receive and collect the inter-  
4 est or dividends on its securities so deposited, and to with-  
5 draw them from time to time, on depositing in lieu thereof  
6 other securities of like character and value, to be determined  
7 by the treasurer.

Interest or  
dividend may be  
collected by the  
company, &c.

1854, c. 63, § 3.

SECT. 44. In case of any repeal or amendment of the  
2 laws of such other state, which would disqualify such com-  
3 pany from continuing its business therein after having made  
4 such deposit, the treasurer on being satisfied of such repeal  
5 or amendment and on demand by the company owning the  
6 securities shall return the same.

When to be  
returned to the  
company.

1854, c. 63, § 4.

SECT. 45. When any company having so deposited its  
2 stocks or other securities desires to relinquish its business  
3 out of the state, the treasurer on application thereof and on  
4 the oath of the president and secretary, that its assets are  
5 ample to meet all the existing demands against it, shall  
6 deliver up the securities belonging to such company.

Company  
depositing stock  
or other securi-  
ties, shall deliver  
up, &c.

1854, c. 63, § 5.

SECT. 46. If any such company fails, while its securities  
2 are on deposit as aforesaid, the treasurer shall demand of  
3 its secretary or clerk, and such officer shall furnish a full  
4 and complete list of the names and residences of all policy  
5 holders and others having claims upon the company; and  
6 they shall be notified forthwith through the post-office by the  
7 treasurer of the condition of the company; and he shall  
8 state in the notice, that the securities held by him will be  
9 disposed of and the proceeds, after paying expenses, paid  
10 over in a ratable proportion upon their claims properly

Duty of treas-  
urer in case of  
failure of the  
company.

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1854, c. 63, § 6

Treasurer's  
fees.

1854, c. 63, § 7.

11 authenticated; and the time when such dividend will be  
12 made; but nothing in the foregoing provisions shall be con-  
13 strued to impose any liability on this state on account of any  
14 delinquency of the treasurer.

SECT. 47. Any such company on making a deposit of its  
2 securities as herein provided shall pay to the treasurer the  
3 sum of five dollars for each certificate granted by him under  
4 the terms of this chapter; and in case of proceedings under  
5 the provisions of the forty-sixth section hereof the treasurer  
6 shall retain, as compensation for the services thereby required  
7 of him, the sum of two per cent. on the amount received and  
8 disbursed by him.

**Chapter 50.****TURNPIKES AND TOLL BRIDGES. (a)**

- Sect.* 1. Viewing committee, on application for a turnpike.  
2. Turnpike to be located by the county commissioners.  
3. To be completed within three years.  
4. First meeting, how called. Officers and proceedings.  
5. Estimate and payment of damages.  
6. Corporation may purchase the land.  
7. Width of road.  
8. Damages to be paid before road is opened.  
9. How made when crossing a highway.  
10. Gates, where erected. Tolls, when and where demanded.  
11. Commutation of tolls.  
12. Deduction on broad rimmed wheels.  
13. Sign boards, with rates of toll.  
14, 15. Exemptions from toll in certain cases.  
16. Persons exempted to inform the toll gatherer.  
17. Restrictions on weight of teams and droves of cattle and horses.  
18. Penalty for delaying passengers.  
19. Only two persons and children to pass in wagons toll free.  
20. Penalty for turning out to avoid paying toll.  
21. Penalty for demanding illegal toll.  
22. Liability for defects in road or bridges.  
23. Width of felloes of loaded wheels.  
24. Certain teamsters to tell the weight of their loads.  
25. Teamsters not to lock their wheels without a shoe.  
26. Penalty for making a road to avoid a turnpike gate.  
27. Measures to be taken for the removal of gates.  
28. Proceedings if turnpike be out of repair.  
29. Transfer of shares.  
30. Sale of shares to pay assessments.  
31. Advertisement of sale.  
32. On discontinuance of turnpike, land to revert.

(a) Most of the provisions contained in the first thirty-five sections have become obsolete; and the continuance of any of those sections of doubtful expediency. Should they be omitted, the last three and a few other sections should be so varied as to make them applicable to toll bridges only.

*Sect.* 33. Accounts to be rendered to the secretary of state. Books may be inspected by the legislature.

34. When the legislature may dissolve the corporation.

35. Penalty for injuring toll gates or attempting to pass without paying toll.

36. Covered toll bridges to be lighted.

37. Penalty for neglect.

38. Surrender of turnpikes and toll bridges to the county.

SECT. 1. When any application is 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, it shall be given in such manner as the committee think will cause the same to be generally known to all persons interested; and they shall further give notice in writing to one or more of the selectmen of each town through which they propose to view, and of the time when they shall make their report to the legislature.

Viewing committee, on application for turnpike.

R. S., c. 80, § 1.

SECT. 2. When any grant is made for a turnpike road, and application is made to the county commissioners in the county in which such road is situated, they shall exercise the powers and perform the duties provided by law in the laying out of highways.

Turnpike to be located by the county commissioners.

R. S., c. 80, § 2.

SECT. 3. If any turnpike corporation neglects to complete their road within three years from the date of their act of incorporation, the same shall be void.

To be completed within three years.  
R. S., c. 80, § 3.

SECT. 4. The first meeting of any turnpike corporation shall be held at such time and place as may be agreed on by a major part of the corporators named in the charter, for the purpose of choosing a clerk, who shall be duly sworn, and such other officers as are agreed on by such corporation; and at that or any subsequent meeting said corporation may make reasonable by-laws, not repugnant to the constitution and laws of the state, for the well ordering of their affairs. The first meeting may be called by publishing notice thereof, by the persons appointing the time and place, in some newspaper printed near the route of the intended road, at least two weeks before said meeting.

First meeting, how called, &c.

R. S., c. 80, § 4.

SECT. 5. Every turnpike corporation shall pay all sums that are assessed according to law for damages for laying out such turnpike road; saving always to either party, so far as respects the damages only the right of trial by jury,

Estimate and payment of damages.

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R. S., c. 80, § 5.

Corporation may  
purchase the  
land.  
R. S., c. 80, § 6.  
Width of road.

R. S., c. 80, § 7.

Damages to be  
paid before road  
is opened.

R. S., c. 80, § 8.

How made  
when crossing a  
highway.

R. S., c. 80, § 9.

Gates, where  
erected. Tolls,  
when and where  
demanded.

5 unless a committee be mutually agreed upon according to  
6 the provisions of the chapter relating to the laying out  
7 of highways; and in such cases the turnpike corporation  
8 shall incur the same liabilities and have the same rights, as  
9 to costs, as counties in laying out county roads.

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

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

SECT. 8. No turnpike corporation, without the consent of  
2 the owner of the land over which their road is to pass, shall  
3 throw open any fences or enclosures upon the same, remove  
4 any buildings, cut down any trees thereon standing, make  
5 such road, or in any way injure the property of such owner,  
6 until the damages done by the passing of the road over such  
7 land are first duly ascertained and paid or tendered; or if  
8 said owner cannot be found within the state, until the same  
9 are deposited to his use with the clerk of the county com-  
10 missioners; but the officers of such corporation, or its agents  
11 or servants may enter on any such land, for the purpose of  
12 surveying and laying out the roads, and not otherwise.

SECT. 9. When any turnpike road intersects any highway  
2 or town way, the proprietors of such turnpike road shall so  
3 construct the same, that it shall be convenient for travelers  
4 to pass from such way to such turnpike road.

SECT. 10. All turnpike corporations, when their roads are  
2 sufficiently made and approved by the commissioners of the  
3 county, may erect gates in such places as the commissioners  
4 may direct, and demand and receive of each traveler or  
5 passenger at each of said gates the following rates of toll,  
6 viz: for each four wheel spring carriage drawn by two  
7 horses, twenty-five cents; and if drawn by more than two  
8 horses, two cents for each additional horse; for every wagon  
9 drawn by two horses, ten cents; and if drawn by more than  
10 two, two cents for each additional horse; for every cart or  
11 wagon drawn by two oxen, ten cents; and if by more than  
12 two, twelve and a half cents; if by more than four oxen or  
13 horses, two cents for each additional ox or horse; for every  
14 curriele, fifteen cents; for every chaise, chair, sulkey or  
15 other carriage for pleasure, drawn by one horse, twelve and  
16 a half cents; for every cart, wagon or truck, drawn by one  
17 horse, six cents and a quarter; for every man and horse,  
18 four cents; for every sleigh or sled drawn by two oxen or

19 horses, eight cents; and if drawn by more than two oxen  
 20 or horses, one cent for each additional ox or horse; for  
 21 every sleigh or sled drawn by one horse, four cents;  
 22 for all horses, mules or neat cattle, led or driven, besides  
 23 those in teams or carriages, one cent each; for all sheep or  
 24 swine at the rate of three cents by the dozen; *provided*,  
 25 that no turnpike gate, where full toll is to be taken, shall be  
 26 erected within fifteen miles of any other turnpike gate on  
 27 the same road, unless expressly authorized by the legisla-  
 28 ture; nor shall any such gate be erected by said turnpike  
 29 corporation on any county or town way previously estab-  
 30 lished.

R. S., c. 80, § 10.

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

Commutation of  
 tolls.  
 R. S., c. 80, § 11.

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

Deduction on  
 broad rimmed  
 wheels.  
 R. S., c. 80, § 12.

SECT. 13. All turnpike corporations shall erect and keep  
 2 exposed to view, in some conspicuous place, at every gate  
 3 where toll is collected, a sign board with all the rates of toll  
 4 fairly and legibly written or painted on a white ground in  
 5 black letters of a large size. If they neglect so to do, they  
 6 shall not be entitled to receive toll at such gate during  
 7 such neglect.

Sign boards,  
 with rates of  
 toll.

R. S., c. 80, § 13.

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

Exemptions  
 from toll in  
 certain cases.

R. S., c. 80, § 14.

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

Officers, soldiers  
 and musicians of  
 all military  
 companies, &c.,  
 may pass over  
 toll bridge or  
 turnpike road  
 free of toll.

R. S., c. 80, § 15.

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Persons  
exempted to  
inform the toll  
gatherer.

SECT. 16. Every traveler claiming to pass any turnpike  
2 gate or toll bridge free of toll, shall communicate to the  
3 toll gatherer his name and place of abode, if required.  
4 Whoever refuses or omits so to do, or willfully renders a  
5 false answer, and thereby evades the payment of his legal  
6 toll, shall forfeit to the use of the proprietors of such turn-  
7 pike or bridge, the sum of ten dollars to be recovered in an  
8 action of debt.

R. S., c. 80, § 16.

Restrictions on  
weight of teams  
and droves of  
cattle and  
horses.

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

R. S., c. 80, § 17.

Penalty for  
delaying  
passengers.

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

R. S., c. 80, § 18.

Only two  
persons and  
children to pass  
in wagons toll  
free.

SECT. 19. No more than two persons, and children with  
2 them not received for the purpose of evading the payment  
3 of toll, shall have a right to pass any toll bridge in any wagon  
4 free of the toll payable by foot passengers in addition to  
5 the toll due on such wagon.

R. S., c. 80, § 19.

Penalty for  
turning out to  
avoid paying  
toll.

SECT. 20. If any person with his horse, team or cattle,  
2 turns out of such road to pass any turnpike gate with intent  
3 to avoid paying the toll, and again enters on said road, he  
4 shall forfeit and pay treble the toll which would have been  
5 payable at such gate to the use of the corporation recover-  
6 able in an action on the case.

R. S., c. 80, § 20.

Penalty for  
demanding  
illegal toll.

SECT. 21. If any turnpike corporation, their toll gatherer,  
2 or any other person in their employ, demands or receives  
3 more toll than the rate established by law, the corporation  
4 shall forfeit a sum not exceeding ten, nor less than two dol-

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5 lars, for the use of the person of whom the same is demanded  
6 or received recoverable in an action on the case.

R. S., c. 80, § 21.

SECT. 22. Every turnpike corporation is liable to indictment for defect of any of its bridges, or want of repair in its roads. If any person, liable to the payment of toll, sustains any injury to himself or property from deficiency or want of repair in said bridge or road, the corporation shall be answerable to such person for the same in damages in an action on the case.

Liability for defects in road or bridges.

R. S., c. 80, § 22.

SECT. 23. All loaded carts or wagons, passing on any turnpike road and carrying more than forty-five hundred pounds, shall be drawn on wheels having each a felloe not less than three and a half inches wide. Any person passing on any turnpike road with a cart or wagon loaded as aforesaid and with wheels having narrower felloes shall pay to the corporation owning said road three times the stated toll for such cart or wagon.

Width of felloes of loaded wheels.

R. S., c. 80, § 23.

SECT. 24. Every person passing on any turnpike road, and driving or having the care of a loaded cart or wagon with wheels, the felloes of which are less than three and a half inches wide, shall, upon the request of the toll gatherer, give a true account of the weight of the load, and his name and place of abode; and if he refuses so to do, or makes any misrepresentation with an intent to defraud the corporation, he shall forfeit to its use ten dollars.

Certain teamsters to tell the weight of their loads.

R. S., c. 80, § 24.

SECT. 25. If any person driving, or having the care of any loaded cart or wagon passing on any turnpike road, locks, chains, or fastens any of the wheels of such cart or wagon without putting under said wheel a shoe, not less than six inches wide and twelve inches long, he shall for such offense forfeit to the use of the corporation owning such road not less than two nor more than twenty dollars.

Teamsters not to lock their wheels without a shoe.

R. S., c. 80, § 25.

SECT. 26. Whoever opens or makes any road or passway, other than a county road duly located, leading from any turnpike road, and reunites said road or passway with such turnpike road, or with any road connected with the same for the purpose of avoiding, or aiding others to avoid, any gate on such turnpike road, shall forfeit to the use of the turnpike corporation so intended to be injured a sum not less than two hundred nor more than one thousand dollars.

Penalty for making a road to avoid a turnpike gate.

R. S., c. 80, § 26.

SECT. 27. The county commissioners, in any county where a turnpike gate belonging to any corporation is placed, on petition of such corporation or its directors stating the reasons therefor, may authorize the removal of such gate to

Measures to be taken for removal of gates.

CHAP. 50.

5 any other place in the county which they judge expedient.  
 6 In such case the commissioners shall give public notice of  
 7 the time place and object of their meeting, by advertising  
 8 in such public newspaper as they think proper, ten days at  
 9 least before the time appointed for such meeting; at which  
 10 meeting they shall view the places in which the gate is  
 11 placed and to which it is intended to be removed, and all  
 12 persons interested may be heard. The commissioners shall  
 13 thereupon order their doings to be duly entered on their  
 14 records at their next regular session. All expenses at-  
 15 tending any of the proceedings shall be defrayed by the  
 16 petitioners.

R. S., c. 80, § 27.

Proceedings if  
 turnpike be out  
 of repair.

SECT. 28. When any turnpike road is suffered to be out of  
 2 repair, the county commissioners of the same county may  
 3 order the gates thereof to be set open, having at least ten  
 4 days previously notified the clerk of the corporation owning  
 5 such turnpike road, that complaint has been made against  
 6 said road and of the time and place appointed to hear the  
 7 parties. If, on such hearing or view of the premises, they  
 8 see sufficient cause to order the gates to be set open, they  
 9 shall leave a copy of their order under their hands with the  
 10 said clerk, and the said gates shall thereupon be set open;  
 11 and no toll shall be there demanded, until the commissioners  
 12 otherwise order.

R. S., c. 80, § 28.

Transfer of  
 shares.

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

R. S., c. 80, § 29.

Sale of  
 shares to pay  
 assessments.

SECT. 30. When any proprietor of shares in any turnpike  
 2 corporation neglects or refuses to pay any assessment duly  
 3 made for sixty days after the time appointed for payment  
 4 thereof, the treasurer of such corporation may sell at public  
 5 vendue a sufficient number of his shares to pay the assess-  
 6 ment and all necessary charges; and if any surplus remains  
 7 on the sale of any share, it shall be paid by the treasurer  
 8 to him on demand.

R. S., c. 80, § 30.

Advertisement  
 of sale.

SECT. 31. Before making sale of such shares the treasurer  
 2 shall give notice of the time and place appointed for the  
 3 sale, and of the sums due on each share, by advertising the  
 4 same in the manner provided as to sales on execution.

R. S., c. 80, § 31.

On discontinu-  
 ance of turnpike,  
 land to revert.

SECT. 32. When any turnpike road, in whole or in part,  
 2 is discontinued, the land over which it was laid shall revert  
 3 in the persons their heirs or assigns, who were owners  
 4 thereof at the time such land was taken or purchased for

5 the purpose of making such turnpike; any conveyance of  
6 said land by deed to said corporation notwithstanding.

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R. S., c. 80, § 32.

SECT. 33. Every turnpike corporation hereafter estab-  
2 lished shall, within six months from the time of erecting their  
3 gates, lodge in the office of the secretary of state an account  
4 of all the expenses thereof; and every such corporation,  
5 whenever established, shall annually in the month of Janu-  
6 ary exhibit to the governor and council a true account of  
7 the income or dividends arising from their tolls and their  
8 necessary annual disbursements. The books of all turnpike  
9 corporations shall at all times be subject to the inspection  
10 of the governor and council and of the legislature.

Accounts to be  
rendered to the  
secretary of  
state, &c.

R. S., c. 80, § 33.

SECT. 34. The legislature may dissolve any turnpike cor-  
2 poration after the expiration of twenty years from the date  
3 of its charter, or sooner if it appears to their satisfaction  
4 that the income of the road of such corporation has compen-  
5 sated them for all moneys they have expended in purchasing  
6 lands for such road, and in making repairing and taking  
7 care of the same with six per cent. a year; and thereupon  
8 the property of said road shall be vested in the state and  
9 be at the disposal of the legislature.

When the legis-  
lature may  
dissolve the  
corporation.

R. S., c. 80, § 34.

SECT. 35. If any person maliciously breaks down or other-  
2 wise destroys or injures any toll gate, turnpike, turnpike  
3 bridge or toll bridge, or if any person liable to pay toll at  
4 such turnpike or bridge passes or attempts to pass the gate  
5 thereof with intent of avoiding the payment of the legal toll,  
6 the same being demanded, he shall forfeit and pay not less  
7 than five nor more than fifty dollars to the use of the pro-  
8 prietors of such road or bridge in addition to any actual  
9 damage thereby occasioned to such road or bridge; but no  
10 process shall be maintained to recover the penalty aforesaid,  
11 unless said corporation has complied with the requirements  
12 of the act creating the same, and said turnpike or bridge is  
13 in repair, as the public safety and interest require.

Penalty for  
injuring toll  
gates or  
attempting to  
pass without  
paying toll.

R. S., c. 80, § 35.  
1849, c. 127.

SECT. 36. Every turnpike bridge or toll bridge, if in whole  
2 or in part covered, shall be suitably lighted with not less  
3 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 at the seasons of the year, if any, when toll  
7 is not demanded on such bridge or turnpike.

Covered toll  
bridges to be  
lighted.

R. S., c. 80, § 37.

SECT. 37. Every corporation neglecting or refusing to  
2 comply with the provisions of the preceding section shall  
3 forfeit for each evening, they so neglect or refuse, two dol-

Penalty for  
neglect.

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R. S., c. 80, § 38.

Surrender of  
turnpikes and  
toll bridges to  
the county.

1850, c. 197.

lars; to be recovered by an action of debt, brought in the county where the bridge or any part of it is situated, to the use of the person suing therefor. Such corporation shall also be liable, in a special action for damages, to any person injured by such neglect.

SECT. 38. When any toll bridge or turnpike corporation offers to surrender the bridge or turnpike belonging to such corporation to the county or counties within which it is situated free of cost and incumbrance, the county commissioners of such county or counties shall accept the same to be thereafter maintained at the expense of such county or counties, *provided* such commissioners shall upon proper inquiry adjudge such acceptance to be for the public convenience and interest, and the same shall thereafter be the property of such county or counties. The provisions of this section shall not be extended to any bridge or turnpike that has been constructed to connect with or accommodate any private way or road not located or accepted by the town or county within which the same is situated. Any party aggrieved by the doings of the commissioners under the provisions of this section, may have a committee or jury to determine the matter, as provided in chapter eighteen.

**Chapter 51.****RAILROADS.****PETITION AND SURVEY.**

- Sect. 1.* Petition what to contain. Survey of route.
2. Land purchased or taken as land for highways.
  3. Location to be filed and recorded. Penalty for deviation.
  4. Damages; estimation; payment.
  5. Damages estimated by commissioners, paid by corporation.
  6. Notice of estimate of damages given to owners. No petition to alter them after proceedings closed.
  7. Damages and costs may be deposited with clerk.
  8. Security for damages how to be made.
  9. Damages not paid, bill in equity may be filed and injunction issued.
  10. Proceedings for breach of injunction.
  11. Damages not estimated, bill in equity may be filed.
  12. Failure of proceedings without decision of merit, renewed.
  13. Remedy for failure to do, or omit to do, acts required.
  14. Service of process and notices how made.

**CROSSINGS REGULATED.**

15. Crossings of highways and streets how made.
16. Crossings by lowering or raising ways.
17. Neglect of performance subjects to damages.
18. Crossings over or under canal or railroad bridges how repaired.

- Sect.* 19. Bell on engine how used, substitute for it.  
 20. Boards placed to give notice at crossings.  
 21. Gates at crossings, proceedings respecting them.  
 22. Penalties for neglect.

## FENCES, TRESPASSES ON ADJOINING LAND.

23. Fences, where and how made. Liability for neglect.  
 24. Remedy for owner of adjoining land, if not made.  
 25. Corporation liable for trespasses on adjoining land.

## CONNECTIONS, TARIFFS.

26. Connecting roads their duties.  
 27. Disputes settled by commissioners appointed by court.  
 28. Commissioners' duties and proceedings.  
 29. Court to issue process to cause performance of their award.  
 30. Rates of toll for lumber and wood to be fixed and posted yearly.

## ASSIGNMENTS, LEASES, SHARES TRANSFERRED, BONDS ISSUED.

31. Assignment or lease of road forbidden.  
 32. Shares how transferred.  
 33. Bonds may be issued and sold for less than par value.  
 34. Coupons collected by holder in his own name.

## COUNTY COMMISSIONERS, COMPENSATION.

35. To be paid by corporation as for services on highways.

## ANNUAL REPORT.

36. Reports to be made annually, contents of them.

## PROVISIONS FOR SAFETY.

37. One brakeman to two cars.  
 38. Fire caused by engine, liability.  
 39. Inquests on bodies of those killed on the road.  
 40. Intoxication on roads punished.  
 41. Negligence occasioning injury punished.  
 42. Negligence occasioning death how punished.  
 43. Not liable for death of those walking on road.  
 44. Walking or standing on road punished.  
 45. Printed copy of section forbidding to be posted.  
 46. Highways how to be passed; not to be obstructed.  
 47. Payment of fare; evading it punished.

## BAGGAGE AND EFFECTS.

48. Lists of effects left to be published.  
 49. Effects left to be examined by municipal officers.  
 50. Effects to be sold at auction, disposition of proceeds.  
 51. Corporation liable for neglect of their duties.

*Petition and survey.*

- SECT. 1. When a petition for a railroad corporation is  
 2 presented to the legislature, it must state the places, where  
 3 the road is to begin and end, the distance between them, its  
 4 general course, and the names of the towns, through which  
 5 it may pass. It must be supported by the report of an  
 6 engineer founded on an examination of the route exhibiting  
 7 a profile of the surface of the land, an estimate of the expense  
 8 of construction, the route and its feasibility.

Petition, what  
 it must contain.  
 Survey of route.

R. S., c. 81, § 1.

## CHAP. 51.

*Real estate, how taken.*

Land may be purchased or taken as land is for highways.

Idem, § 2, 3, 4, 5, 7, 1853, c. 41, § 9.

Location to be filed and recorded. Remedy for a deviation from its prescribed course.

1853, c. 41, § 4. New.

When road may be built. R. S., c. 81, § 6. 1853, c. 41, § 4.

Damage to be estimated by commissioners, and paid by corporation.

SECT. 2. Railroad corporations may take and hold real estate necessary for the location, construction, and convenient use of its road; may purchase land therefor; may take it under the limitations and conditions and in the manner provided for taking it for highways, not to exceed four rods in width, unless necessary for excavation, embankment, or to procure materials. No meeting house, dwelling house, public or private burying ground, can be taken without consent of the owners. The land is to be taken and held as land taken for highways; and all materials in or upon it may be used for the road. When land is owned by a person incapable of making a conveyance, his guardian may settle for and give a valid release of damages. Any person not an owner, but having an interest in land taken, has the rights and remedies of an owner, so far as his interest is concerned.

SECT. 3. The railroad is to be located within the time and substantially according to its description in the charter. Its location is to be filed with the county commissioners approved by them and recorded. *Any subscriber to the stock alleging that it has not been so located may before payment of his subscription make a written application to the commissioners in the county, where the deviation is alleged, stating it, who after fourteen days' notice to the corporation and upon a view and hearing shall determine, whether it has been located, as required; if they determine, that it has been, no such defense is to be made to any process to enforce payment; if they determine that it has not, the subscription of such applicant shall be void. The prevailing party recovers costs. (a)*

SECT. 4. The land taken is not to be entered upon, except to make surveys, before the location has been filed and the damages estimated and secured as provided in this chapter.

*Damages, estimation, payment.*

SECT. 5. The damages for real estate taken are to be estimated by the county commissioners on a written application of the corporation or owner of the estate within three years after the location was filed, and are to be paid by the

(a) The effect of this new provision is designed to cause the intention of the legislature to be executed; and to prevent a subscriber to the stock of a road, to be located where he desires one, from being compelled to pay for one where he does not desire it. It is suited to prevent litigation.

5 corporation. When no estimate is made within that time, the  
6 owner may maintain an action of trespass, or have any remedy  
7 provided in this chapter. When requested by the owner  
8 the commissioners are to require the corporation to give  
9 security for the payment of damages and costs as herein-  
10 after provided.

R. S., c. 81,  
§ 3, 4, 6,  
1853, c. 41, § 5.

SECT. 6. The commissioners are to make report of their  
2 general estimation of damages at a regular session and  
3 cause it to be recorded; their clerk is then to make out a  
4 notice to each person stating the amount of damages  
5 awarded to him, which is to be served by an officer upon  
6 such persons resident within the state, and upon the attor-  
7 neys of record of those out of the state, and upon others, if  
8 any, by a publication three weeks successively in a newspa-  
9 per printed in the county, *if any, if not in the state paper*.  
10 The expense of notices is to be added to the costs of the  
11 proceedings and paid accordingly. When no petition for  
12 increase or diminution is filed within thirty days after ser-  
13 vice of notice, the proceedings are closed. When such  
14 petition is filed and is not prosecuted, the same is to be  
15 dismissed, and the proceedings closed at the next regular  
16 session, unless good cause for delay be shown. No such  
17 petition is to be entertained after the proceedings are  
18 closed.

Notice of  
assessment of  
damages given  
to owners.  
No petition for  
alteration of  
them after  
proceedings  
closed.

1851, c. 41, § 14.

SECT. 7. When the proceedings are closed the corpora-  
2 tion may deposit with the clerk the amount of damages with  
3 interest thereon from the time when the estimation was  
4 recorded, with legal costs in full satisfaction therefor, unless  
5 a demand had been previously made and payment neglected.

Corporation  
may deposit  
damages and  
costs with  
clerk.

Idem, § 15.

SECT. 8. The security provided for in the fifth section is  
2 to be made by a deposit with the clerk at the risk of the  
3 corporation of specie or of notes or obligations of a state  
4 or public corporation, or of other security satisfactory to  
5 the party requiring it. When entitled to it so much of any  
6 specie so deposited is to be paid to him, as will satisfy his  
7 judgment. Notes or obligations so deposited are to be  
8 delivered to the officer having a warrant of distress to be  
9 by him sold, as personal property is sold on execution, to  
10 satisfy the warrant and fees, and any balance is to be paid  
11 to the treasurer of the corporation. When the corporation  
12 neglects for more than thirty days to give the security  
13 required, the owner is entitled to the remedies by injunc-  
14 tion provided in this chapter.

Security for  
damages, how  
to be made.

Idem, § 16.

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When damages not paid, bill in equity may be filed and injunction issued.

SECT. 9. When the damages remain unpaid for more than  
2 thirty days after due and demanded, a bill in equity may be  
3 filed in court in term time or vacation by the person entitled  
4 to them praying for an injunction against the use or occupa-  
5 tion of his land taken. Any judge of the court, after sum-  
6 mary notice to the corporation and upon proof of the facts,  
7 may without any bond filed issue an injunction prohibiting  
8 the same, until all damages and costs are paid. The bill is  
9 to be entered, service of it made, and continued at the term  
10 next after the injunction is issued. At the second term, if  
11 payment has not been made, the injunction may be made  
12 absolute; and all rights acquired by taking the land, and to  
13 whatever has been placed upon it, cease, and the owner may  
14 maintain any appropriate action for its recovery and pro-  
15 tection.

Idem, § 7.

Proceedings for breach of injunction.

SECT. 10. If such injunction after service be violated, the  
2 court may order those doing so or using the land to shew  
3 cause at a time fixed, why a decree should not be entered  
4 and execution issued against them individually and their  
5 goods and estate for the damages, interest, costs, and for  
6 additional damages and costs for breach of the injunction.  
7 Upon service and return of such order the court may enter  
8 such decree, as may be just and equitable, against such per-  
9 sons and issue execution accordingly; or may proceed against  
10 them as for breach of injunction in other chancery cases.

Idem, § 8.

When no estimate of damages within three years, owner of land may file bill in equity.

SECT. 11. When no proceedings for an estimation of dam-  
2 ages have been commenced within three years, and the owner  
3 of the land files a bill containing a prayer therefor, the court  
4 may estimate the damages, decree their payment, and issue  
5 execution therefor, and the plaintiff will be entitled to the  
6 remedies for their payment by injunction, as provided in  
7 other cases.

Idem, § 11.

When proceedings fail without decision on the merit.

SECT. 12. When proceedings for an estimation of damages  
2 commenced in season fail for a cause not affecting the merits,  
3 new proceedings may be commenced within one year there-  
4 after with the same effect, as if commenced in season.

Idem, § 13.

Remedy for failure to do or omit acts.

SECT. 13. When by an award of damages, upon which  
2 proceedings are closed, the corporation is required to do or  
3 to omit to do any act, and there is no compliance after  
4 notice and request within a reasonable time, the party injured  
5 is entitled to all the remedies provided in this chapter.

Idem, § 10.

Service of process and notices, how made.

SECT. 14. Service of process and notice may be made  
2 upon the president of the corporation. When no president  
3 upon any of its officers. When no officer, upon a stockholder.

4 Service of an injunction issued against any person, whether  
 5 a party to the bill or not, may be made upon him, and he will  
 6 be liable to all the penalties and consequences provided for *Idem*, § 17.  
 7 a breach of it.

*Crossings regulated.*

SECT. 15. Railroads may cross highways in the line of the Crossings of  
highways and  
streets, how  
made.  
 2 railroad; cannot pass along them without leave of the town.  
 3 The conditions and manner of crossing are to be first deter-  
 4 mined in writing by the county commissioners and entered  
 5 in their records, who are to give reasonable notice of their  
 6 intentions to the selectmen of the town, in which such cross-  
 7 ing is proposed. When the corporation is dissatisfied with  
 8 their decision, it may make a written application to the  
 9 governor, who is to appoint three disinterested persons not  
 10 residents of the county, who after notice to the commission-  
 11 ers and at the expense of the corporation are to revise and  
 12 adjudicate upon the matter; and their decision signed and  
 13 recorded in the records of the commissioners is to be final.  
 14 No crossing of a street in a city not a highway is to be made  
 15 without the written consent of the mayor and aldermen  
 16 stating the manner and conditions thereof to be recorded  
 17 in the records of the commissioners. Crossings not so made  
 18 are to be regarded as nuisances and may be so treated, and *Idem*, § 3.  
 19 the directors making them are personally liable.

SECT. 16. Upon a written application and after notice to Ways may be  
raised or  
lowered for  
crossing.  
 2 those interested the commissioners may authorize any way  
 3 to be raised or lowered, or its course to be altered, to facil-  
 4 itate a crossing, and may prescribe the manner, in which it  
 5 is to be done by the corporation. While its passage is R. S., c. 81,  
§ 8, 9, 12, 13, 14.  
1853, c. 41, § 3.  
 6 thereby obstructed, a temporary way is to be provided by  
 7 the corporation.

SECT. 17. When the corporation unnecessarily neglects Neglect to  
perform subjects  
to damages,  
R. S., c. 81,  
§ 10, 11.  
 2 to perform the acts so required, those injured may recover  
 3 damages in an action on the case commenced within one  
 4 year after performance is required.

SECT. 18. A railroad may be carried over or under a canal Crossing over or  
under canal or  
railroad.  
Bridges for  
crossings, how  
repaired.  
 2 or railroad in such manner as not unnecessarily to impede  
 3 the travel or transportation on them. The corporation  
 4 making such crossing is liable for damages occasioned by it  
 5 in an action on the case. Bridges and their abutments con-

## CHAP. 51.

Idem, § 15, 16.

Bell or engine,  
how used.  
Substitute for it.

Idem, § 17.

Boards placed  
to give notice of  
crossings.

Idem, § 18.

Gates at  
crossings;  
proceedings  
respecting.

Idem, § 19.

Penalties for  
neglects.

Idem, § 20, 21.

6 structed for a crossing of any way are to be kept in repair  
7 by the corporation.

SECT. 19. A bell of the weight of thirty-five or more  
2 pounds is to be placed on each engine used on a railroad  
3 and rung at the distance of eight rods or more from the  
4 place of crossing of any way on the same level, and kept  
5 ringing until the engine has crossed such way. *A steam*  
6 *whistle of equal power of sound may be substituted for the*  
7 *bell and used in like manner. (a)*

SECT. 20. Boards with the words "Railroad crossing, look  
2 out for the engine while the bell rings" or "*the whistle*  
3 *sounds,*" painted on each side in letters of the length of  
4 nine inches plainly legible are to be placed across a way,  
5 where it is crossed, supported so high as not to obstruct  
6 the travel and to be easily seen.

SECT. 21. When the municipal officers of a town deem it  
2 necessary for public safety, that gates should be erected  
3 across a railroad, where it crosses a way, and that a person  
4 should be appointed to open and close them, they may in  
5 writing request it to be done, and in case of neglect or  
6 refusal, they may apply to the commissioners to decide upon  
7 its reasonableness, who after notice and hearing are to  
8 decide upon it. When they decide, that such request is  
9 reasonable, the corporation is to comply with it and pay the  
10 costs. When they decide otherwise, the costs are to be  
11 paid by the applicants.

SECT. 22. For unnecessarily neglecting to comply with  
2 any provision of the three preceding sections the corpora-  
3 tion forfeits not exceeding five hundred dollars. Any person,  
4 whose duty it is neglecting to open or close such gates for  
5 the passage of an engine or a traveler on a way, forfeits not  
6 exceeding fifty dollars; both of these penalties recoverable  
7 by indictment. The corporation is liable for damages for  
8 its neglect to comply with these provisions, or for the  
9 neglect of any agent, or for the mismanagement of an engine  
10 to be recovered in an action on the case by the person  
11 damaged thereby.

*Fences. Trespasses on adjoining lands.*

Fences, how and  
where made.  
Liability for  
injury, &c.

SECT. 23. Legal and sufficient fences are to be made on  
2 each side of land taken for a railroad, where it passes

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(a) This is presented to make a common practice legal.

## CHAP. 51.

3 through enclosed or improved land or wood lots belonging  
 4 to a farm before a construction of the road is commenced,  
 5 and they are to be maintained and kept in good repair by  
 6 the corporation. For any neglect of it during the construc-  
 7 tion of the road and for injuries thereby occasioned by its  
 8 servants, agents, or contractors, the directors are jointly and  
 9 severally personally liable. For any subsequent neglect the  
 10 corporation is liable to a fine sufficient to make or repair  
 11 the fence to be recovered by indictment and expended by an  
 12 agent appointed by the court to make or repair the fence.

1842, c. 9, § 6.  
 1853, c. 41, § 4.

SECT. 24. The owner of land adjoining a railroad may  
 2 give written notice to its superintendent, that such fence is  
 3 not made, or that it needs repair. For neglect to make or  
 4 repair it for thirty days after such notice the corporation  
 5 forfeits to such owner one hundred dollars for each month's  
 6 neglect after the thirty days.

Remedy of  
 owner of land  
 adjoining, for  
 neglect to fence.

1853, c. 41, § 20.

SECT. 25. The corporation is liable for trespasses and in-  
 2 juries to lands and buildings adjoining or in the vicinity of  
 3 its road committed by a person in its employ, or occasioned  
 4 by its order, when the party injured has within sixty days  
 5 thereafter given notice of it to the corporation, but its liabil-  
 6 ity does not extend to acts of willful and malicious trespass.  
 7 The person committing any trespass will also be liable for it.

Corporation  
 liable for  
 trespasses on  
 adjoining land.

Idem, § 6.

### *Connections. Tariffs.*

SECT. 26. A corporation owning a railroad, on which cars  
 2 run is on request to draw over its road the cars of any  
 3 other railroad connecting with it at reasonable times and for  
 4 a toll not exceeding its ordinary rate. When it neglects the  
 5 corporation owning the connecting road may draw its cars  
 6 over such road with its own engines during such neglect  
 7 subject while on such road to its regulations for the manage-  
 8 ment of its own trains. The corporation owning the  
 9 connecting road is to furnish its own depots at the termini  
 10 of the other road, and be liable for all injuries occasioned  
 11 by such drawing of its cars; from which the other corpora-  
 12 tion is exempted.

Duties of  
 corporations  
 owning  
 connecting  
 roads.

1842, c. 9, § 1, 2.

SECT. 27. When corporations do not agree upon terms of  
 2 connection or rates of transportation, either may make  
 3 application to the supreme judicial court holden in a county,  
 4 where either road is located, and the court after notice to  
 5 the other and hearing the parties *or on default*, may appoint  
 6 three commissioners to determine the matter.

Commissioners  
 may be  
 appointed by  
 court to settle  
 disputes.

1854, c. 93, § 1.

## CHAP. 51.

Their duties and proceedings.

Idem, § 2.

Court issue process to cause performance.

Idem, § 3.

Rates of toll for lumber and wood to be fixed and posted yearly.

1853, c. 41, § 19.

SECT. 28. These commissioners are to notify and hear the parties and make and sign their award prescribing the things to be done. Such award made by them or a majority of them is to be returned to the court holden in the same county to be accepted and recorded or recommitted. When accepted it is binding upon the parties, until another award is made upon a new application, which cannot be made within one year after such acceptance.

SECT. 29. The court may prescribe the course of proceeding by the commissioners; and issue any process necessary to cause performance to be made according to any accepted award.

SECT. 30. In the month of September annually each corporation is to fix its rates of toll for transportation of timber wood and bark per ton, cord, or thousand feet per mile; and on the first day of October following post up at all the stations and depots on its road a copy of such rates of toll and cause a copy to remain posted during the year. For neglecting so to fix and post or for receiving higher rates of toll than those posted it forfeits one hundred dollars to any person suing therefor.

*Assignments, leases, shares transferred, bonds issued.*

Assessment or lease of road, forbidden.

1852, c. 247.

Shares, how transferred.

SECT. 31. No corporation can assign its charter or any rights under it; or lease or grant the use or control of its road or of any part of it, or divest itself thereof without consent of the legislature. On complaint of a violation of these provisions by any person the attorney general is to file an information in the nature of a writ of quo warranto against the corporation, and the court may enter such decree as justice and equity may require. These provisions do not extend to an agreement between the Somerset and Kennebec and the Kennebec and Portland railroad corporations existing on April 30, 1852, or to any portion of the Atlantic and St. Lawrence railroad within the states of New Hampshire and Vermont; nor is any mortgage made to secure payment of the debt of any such corporation to be affected thereby.

SECT. 32. Shares in the capital of such corporation are personal estate and may be transferred by any written conveyance recorded in the books of the treasurer. No conveyances are operative, except between the parties, until so recorded. Upon such transfer the certificates of shares are

## CHAP. 51.

6 to be surrendered and new ones issued, unless the shares  
7 had been previously attached, when new certificates are not  
8 to be issued, until the attachment is dissolved or the shares  
9 sold by process of law.

R. S., c. 81,  
§ 22, 23.

SECT. 33. A railroad corporation to obtain money to build  
2 or furnish its road or to pay debts contracted for that pur-  
3 pose may issue its bonds in sums not less than one hundred  
4 dollars bearing interest not exceeding six per cent. secured  
5 in such manner, as it may deem expedient, and binding upon  
6 it though sold at less than par value, and no defense of  
7 usury can for that cause be admitted.

Bonds may be  
issued and sold  
at less than par.

1853, c. 220,  
§ 1, 2.  
1856, c. 248, § 2.

SECT. 34. When coupons for interest are issued with such  
2 bonds and for a valuable consideration are detached and  
3 assigned by delivery, the assignee may maintain assumpsit  
4 upon them in his own name against the corporation engag-  
5 ing to pay them.

Holder of  
coupons may  
collect them in  
his own name.

1856, c. 248, § 1.

*Commissioners' compensation.*

SECT. 35. County commissioners for services performed  
2 under the provisions of this chapter are to be paid such  
3 compensation as is provided for their services respecting  
4 highways. For services in cases between corporations and  
5 the owners and occupants of lands they are to be paid by  
6 the corporations. When an appeal from their decision is  
7 taken the losing party is to pay the costs on the appeal.

Commissioners  
to be paid by  
corporations as  
for services  
respecting  
highways.

1850, c. 203.  
1854, c. 107, § 2.

*Annual reports.*

SECT. 36. Every railroad corporation is to make an annual  
2 report to the secretary of state in the month of February of  
3 its operations for the year previous to the first day of Jan-  
4 uary preceding to be verified by the oath of its treasurer.  
5 It is to state, first the length of the road in operation, the  
6 length of single track, the length of double track, the time  
7 when laid and the weight of the rail per yard; second, the  
8 capital stock, and the amount called and paid in; third, the  
9 whole cost of the road showing the amount expended for  
10 the purchase of lands, for grading, for expenses of engineer-  
11 ing, for bridging, for masonry, for iron, and for passenger  
12 and other cars; fourth, the amount and nature of its indebt-  
13 edness and its dues; fifth, the number of through and way  
14 passengers and the rate of fare; sixth, the amount received  
15 from the transportation of passengers, of property, of the  
16 mails and from other sources; seventh, the number of depots,

Report to be  
made annually,  
in February;  
contents of it.

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1849, c. 145, § 1.  
1853, c. 41, § 18.  
1845, c. 165, § 3.

17 engine houses, shops, engines and cars; eighth, the number  
18 of miles run by passenger, freight, and other trains respect-  
19 ively, and the average rate of speed; ninth, the whole num-  
20 ber of stockholders and the number, who reside in this state;  
21 tenth, the amount of each dividend and when made; eleventh,  
22 the amount charged for depreciation of road and other prop-  
23 erty; twelfth, the number of persons injured in life or limb,  
24 the cause of injury, and whether passengers or persons em-  
25 ployed; thirteenth, whether any such accidents arose from  
26 carelessness or negligence of any person in the employ of  
27 the corporation, and whether such person is retained in its  
28 service. If any railroad company willfully neglects to make  
29 such report, it forfeits one thousand dollars to be recovered  
30 by indictment to the use of the person prosecuting therefor.

*Provisions for safety.*

Brakeman to  
two cars.

1842, c. 9, § 3.

Fire, caused by  
engine.

1842, c. 9, § 5.

Coroner to hold  
inquest on bodies  
of those killed  
on road.

1853, c. 41, § 1.

Intoxication on  
railroads  
punished.

Idem, § 2.

Negligence  
occasioning  
injury, punished.

SECT. 37. No train of cars for passengers moved by the  
2 power of steam is to be run without one trusty and skillful  
3 brakeman to every two cars.

SECT. 38. When a building or other property is injured  
2 by fire communicated by a locomotive engine, the corpora-  
3 tion using it is responsible for such injury, and it has an  
4 insurable interest in the property along the route, for which  
5 it is responsible and may procure insurance thereon. (a)

SECT. 39. When an accident occurs on a road resulting  
2 in the death of a person, the corporation using it is to give  
3 immediate notice thereof to the county attorney, who is to  
4 call upon a coroner residing near the place of the accident  
5 to hold an inquest upon the bodies of those, whose deaths  
6 were so occasioned. If the county attorney does not reside  
7 within ten miles of that place, some justice of the peace  
8 residing in the county is to be called upon to notify a cor-  
9 oner to hold such inquest, before notice is given to the  
10 attorney to be present at it.

SECT. 40. A person having charge of a locomotive engine,  
2 or acting as conductor, brakeman, or switchman, who is  
3 intoxicated, while employed on a railroad, is liable to a fine  
4 not exceeding one hundred dollars or to imprisonment not  
5 exceeding six months or to both.

SECT. 41. Any person employed in conducting trains, who  
2 is guilty of negligence or carelessness occasioning an injury,

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3 is to be punished by imprisonment in the county jail not  
 4 exceeding one year or by fine not exceeding one thousand  
 5 dollars. The corporation employing him is not thereby ex- 1842, c. 9, § 4.  
 6 empt from responsibility.

SECT. 42. Any railroad corporation, by whose negligence  
 2 or carelessness or by that of its servants or agents while  
 3 employed in its business, the life of any person in the exer- Occasioning  
 4 cise of due care and diligence is lost, forfeits not less than death, how  
 5 five hundred nor more than five thousand dollars to be punished.  
 6 recovered by indictment found within one year, wholly to  
 7 the use of his widow, if no children, and to the children if 1848, c. 70.  
 8 no widow, if both to her and them equally, if neither to his 1855, c. 161,  
 9 heirs. § 1, 2.

SECT. 43. No railroad corporation is liable to a fine for  
 2 the loss of life of a person walking or being on its road  
 3 contrary to law or to its valid rules and regulations. Not liable for  
 death of a person  
 walking on  
 road.  
 1855, c. 161, § 3.

SECT. 44. A person without right standing or walking on  
 2 a railroad track or bridge, or passing such bridge in any  
 3 manner other than by railroad conveyance forfeits not less  
 4 than five nor more than twenty dollars to be recovered by  
 5 complaint. Forfeiture for  
 walking on  
 road.  
 Idem, § 5.

SECT. 45. A printed copy of the preceding section is to  
 2 be kept posted in a conspicuous place in every passenger  
 3 depot of a railroad; for neglect of it the corporation forfeits  
 4 not exceeding one hundred dollars for every offense to be  
 5 recovered by indictment. Printed copy of  
 preceding  
 section to be  
 posted.  
 Idem, § 6.

SECT. 46. No engine or train is to be run across a high-  
 2 way near the compact part of a town at a greater speed  
 3 than six miles in an hour. Nor is any way to be unreason- Highways, how  
 4 ably and negligently obstructed by engines, tenders, or cars. to be passed;  
 5 The corporation forfeits not exceeding one hundred dollars not to be  
 6 for every such offense to be recovered as in the preceding obstructed.  
 7 section. Idem, § 7.

SECT. 47. No person is entitled to be transported over a  
 2 railroad, who does not on demand first pay the established  
 3 fare. One who fraudulently evades payment by giving a  
 4 false answer, or by traveling beyond the place, to which he  
 5 has paid, or by leaving a train without paying, forfeits not  
 6 less than five nor more than twenty dollars to be recovered  
 7 on complaint. Evading  
 payment of fare;  
 penalty.  
 1854, c. 107.

CHAP. 52.*Baggage and effects.*

Lists of effects  
left by  
passengers to be  
published.

SECT. 48. Railroad corporations are to publish in one news-  
2 paper printed in each county, where there is a passenger  
3 depot, in the months of January and July of each year a list  
4 of the effects of passengers, which have been left by them  
5 and remain unclaimed at any place in their possession.  
6 The effects are to be described by all such marks on them  
7 as may serve to identify them.

1853, c. 44, § 1.

Lists to be  
examined by  
municipal  
officers.

SECT. 49. Articles remaining unclaimed for six months after  
2 being so advertised are to be examined by the municipal  
3 officers of the town, where the articles are, on notice given,  
4 and they are to cause them to be sold at auction or to be  
5 advertised again as before.

Idem, § 2.

Sale at auction,  
disposition of  
proceeds.

SECT. 50. After deducting from the proceeds of sale the  
2 expenses due to the corporation, and the costs of advertis-  
3 ing, examination, and sale, any balance is to be paid to the  
4 treasurer of state for its use.

Idem, § 3.

Corporation  
liable for neglect  
of these duties.

SECT. 51. For neglect of these duties the corporation is  
2 liable to an action for damages by any person aggrieved,  
3 and to a penalty of one hundred dollars for each case of  
4 neglect to be recovered by indictment, one half to the com-  
5 plainant, the other to the county, where the offense was  
6 committed.

Idem, § 4.

**Chapter 53.****CORPORATIONS FOR NAVIGATION BY STEAM. COMMON CARRIERS.**

*Sect. 1.* Officers to be stockholders, treasurer's office within the state.

2. Liability for neglect and misconduct.

3. Debts not to exceed half amount of capital.

4. Treasurer to publish amount of capital and of debts.

5. If debts exceed half amount of capital, stockholders liable.

6. Boats liable for loss, or damages of property transported in them and may  
be attached and sold.

7. Certain sections of chapter fifty-one applicable to steam boats, stage coaches,  
and common carriers.

Officers to be  
stockholders.  
Treasurer's  
office within the  
state.  
1845, c. 154,  
§ 2, 4.

SECT. 1. Corporations created for navigation by steam  
2 are to have officers, who are, and continue to be, stockhold-  
3 ers, and to have a treasurer, who keeps an office within the  
4 state.

Liable for neg-  
lect and miscon-  
duct.

SECT. 2. They are liable for the breach of contracts  
2 express or implied made as common carriers; for their  
3 neglect and misconduct; and for that of their agents, to

4 the same extent, as owners of vessels are by the maritime  
5 law.

Idem, § 1.

SECT. 3. They are prohibited from contracting debts and  
2 incurring liabilities exceeding at any one time half the  
3 amount of their existing capital estimated at its then actual  
4 value.

Debts not to  
exceed half  
amount of  
capital.  
Idem, § 3.

SECT. 4. Their treasurer is to publish annually in the  
2 month of January in a newspaper printed in the county,  
3 where his office is kept, if any, otherwise in the state paper,  
4 a statement under oath of the amount of assessments act-  
5 ually paid in; the amount of its then existing capital; the  
6 amount of debts and liquidated liabilities against it. For  
7 neglecting to do it he is liable to a fine not exceeding  
8 five hundred dollars, or to imprisonment not exceeding six  
9 months. For such neglect or knowingly publishing a false  
10 statement with intent to injure a present or future creditor  
11 he is to be punished by a fine not exceeding one thousand  
12 dollars or imprisonment in a county jail not exceeding one  
13 year, or in the state's prison not exceeding five years, or  
14 by all of them according to the aggravation of the offense.

Treasurer to  
publish annually  
a statement of  
capital and  
debts; penalty.

Idem, § 2.

SECT. 5. If the amount of indebtedness including liqui-  
2 dated liabilities exceeds, at the time when contracted or  
3 immediately after making a dividend of capital or profits,  
4 this limitation, the stockholders become individually liable  
5 for such debts, without limitation of amount, for the time  
6 and to be enforced in the manner provided in sections  
7 twenty-four to forty-eight inclusive of chapter forty-six.

If debts exceed  
half amount of  
capital,  
stockholders  
liable for them.

Idem, § 3.

SECT. 6. A boat, in which property is transported for hire  
2 on any river, stream, or bay, is liable for the loss or damage  
3 of it whether owned or not by the person undertaking to  
4 transport such property; and may be attached on a writ  
5 against him sued out within sixty days after such loss or  
6 damage; and may be sold on an execution issued on a judg-  
7 ment recovered in such suit as other personal property, and  
8 any surplus paid to the owner of the boat. Such attachment  
9 is to be effectual against any conveyance or lien after such  
10 loss or injury and prior to the attachment.

Boats liable for  
loss or damage of  
property trans-  
ported in them,  
and may be  
attached.

1846, c. 194,  
§ 1, 2.

SECT. 7. The provisions respecting payment and evading  
2 payment of fares contained in section forty-seven of chapter  
3 fifty-one are applicable to steamboats. The effects left by  
4 passengers in steamboats are to be advertised as provided  
5 in the forty-eighth section of that chapter. The provisions  
6 contained in the last four sections of that chapter are appli-

Certain sections  
of chapter 51,  
applicable to  
steamboats,  
stage coaches,  
and common  
carriers.

## CHAP. 53.

1848, c. 70, § 2.  
1853, c. 44,  
§ 1, 2, 3, 4, 5.  
1854, c. 107, § 1.  
1855, c. 161,  
§ 1, 2.

7 cable to these corporations. The provisions contained in  
8 the forty-second section of that chapter are applicable to  
9 these corporations, and to the proprietors of stage coaches,  
10 and to common carriers.

## Chapter 53.

## TELEGRAPH COMPANIES.

*Sect. 1.* Owners liable for errors in transmitting dispatches.

2. And for unnecessary delays.

3. Agents liable for misfeasance. Owners liable in case of inability of agent.

4. Operator, &c., not exonerated in case of fraud. Owners and operators not exonerated from liabilities at common law.

Owners liable  
for errors in  
transmitting  
dispatches.

SECT. 1. Every person or company owning or using any  
2 line of telegraph wholly or partly in this state, for any error  
3 made in the transmission or writing out of any dispatch  
4 upon their lines by their operators or agents affecting its  
5 value to the party interested therein, shall be liable for the  
6 whole amount paid for its transmission to its place of desti-  
7 nation both in and out of this state.

1852, c. 237, § 1.

And for  
unnecessary  
delays.

SECT. 2. When any dispatch is improperly or unnecessa-  
2 rily delayed in its transmission or delivery within the usual  
3 delivery limits of the several offices within this state, so  
4 that it is less valuable to the party interested therein, the  
5 person or company, whose operator or agent is in fault, shall  
6 refund the whole amount paid on such dispatch.

1852, c. 237, § 2.

Agents liable  
for misfeasance,  
&c.

SECT. 3. The operator or agent of any person or company  
2 owning any line of telegraph in this state, who designedly  
3 falsifies any dispatch for any purpose whatever, shall be  
4 liable in damages in a sum not less than twenty nor more  
5 than one hundred dollars for each offense to be recovered  
6 in an action of debt in any court of competent jurisdiction;  
7 and in case of the avoidance or inability of such operator  
8 or agent to pay a judgment recovered against him for such  
9 cause, said person or company shall be liable in damages  
10 as aforesaid, as if no judgment had been recovered against  
11 the operator or agent.

1852, c. 237, § 3.

Operator, &c.,  
not exonerated  
in case of fraud,  
&c.

SECT. 4. Nothing in this chapter shall be construed to  
2 exonerate any operator, agent, clerk, or other officer, em-  
3 ployed on any telegraph line in this state from liability for  
4 any act of fraud committed or attempted to be committed  
5 by means of telegraphic communication.

1852, c. 237, § 4.

## Chapter 54.

## CHAP. 54.

## AQUEDUCTS.

- Sect.* 1. Meeting of proprietors of aqueducts for incorporation, how called.  
 2. Declared a corporation.  
 3. Mode of calling meetings, and clerk.  
 4. Registry of shares and transfers.  
 5. Directors, and other officers.  
 6. Assessments, and collection thereof.  
 7. Penalties for breach of by-laws.  
 8. Manner of voting.  
 9. Transfer or attachment of shares.  
 10. Corporation may hold real estate.  
 11. May dig up highways or streets, by permission.  
 12. Penalty for injuring an aqueduct.  
 13. Towns may draw water in case of fires.  
 14. Continuance of certain corporate powers after dissolution.  
 15. Liabilities of corporators in such case.  
 16. Title to corporate property after dissolution.

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

Meetings of  
 proprietors of  
 aqueducts for  
 incorporation,  
 how called.

R. S., c. 83, § 1.

SECT. 2. The proprietors aforesaid duly assembled pursuant  
 2 to such warrant and their successors shall be a corporation  
 3 by the name and style mentioned in their application.

Declared a  
 corporation.  
 R. S., c. 83, § 2.

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

Mode of calling  
 meetings, and  
 clerk.

R. S., c. 83, § 3.

SECT. 4. At or immediately after the first meeting the  
 2 clerk shall enter in the books aforesaid the names of the

Registry of  
 shares and  
 transfers.

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R. S., c. 83, § 4.

Directors and  
other officers.

R. S., c. 83, § 5.

Assessments  
and collection  
thereof.1856, c. 241.  
R. S., c. 83, § 6.Penalties for  
breach of  
by-laws.

R. S., c. 83, § 7.

Manner of  
voting.

R. S., c. 83, § 8.

Transfer or  
attachment of  
shares.

R. S., c. 83, § 9.

Corporation may  
hold real estate.

R. S., c. 83, § 10.

May dig up  
highways or  
streets, by  
permission.

3 several proprietors, and the shares owned by each; and  
4 when any share is afterwards transferred, the transfer shall  
5 be entered by said clerk in said books within three months  
6 after it is made in such form and for such fees as the direct-  
7 ors order; and no person shall be deemed a proprietor,  
8 whose share or interest is not so entered.

SECT. 5. The proprietors may choose any number of di-  
2 rectors and other officers to manage the business of said  
3 corporation; and the directors shall choose one of their  
4 number to be president.

SECT. 6. The directors may make such assessments on the  
2 proprietors of the shares in such aqueduct or funds as they  
3 find necessary; and on the default of any proprietor to pay  
4 such assessment for thirty days after notice thereof, they  
5 may maintain an action on the case in their corporate name  
6 to recover the amount of such assessment or may sell by  
7 public auction so many of his shares, as will be sufficient to  
8 pay the same with necessary charges; the sale of such  
9 shares shall be first notified by advertising in some newspa-  
10 per printed in the county three weeks successively or by  
11 posting up notifications thereof twenty days at least before  
12 the sale in some public places in each of the towns, wherein  
13 such aqueduct is or is proposed to be made; and the surplus  
14 moneys, if any, arising from such sale shall be paid to the  
15 owner of the shares so sold.

SECT. 7. Such corporation may impose penalties for the  
2 breach of any of their reasonable by-laws, not exceeding  
3 thirty dollars for each offense.

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

SECT. 9. The shares in said companies, while they exist as  
2 corporations, shall be deemed personal estate and transfer-  
3 able and subject to attachment on mesne process, and sale  
4 on execution for the debts of the proprietors thereof, like  
5 shares in other corporations.

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

SECT. 11. With the written consent of the municipal offi-  
2 cers of the town they may dig up and open any street or  
3 way for the purpose of placing such pipes, as are necessary  
4 in constructing such aqueduct, or for repairing or extending

5 the same ; if it is done in such manner as not to prevent the  
6 convenient passing of teams and carriages.

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R. S., c. 83, § 11.

SECT. 12. If any person maliciously injures any such aque-  
2 duct or any of its appurtenances, he shall forfeit a sum not  
3 exceeding twenty dollars to the use of the town to be  
4 recovered by indictment; and be liable in a civil action  
5 brought by the corporation to pay treble the amount of the  
6 damages sustained thereby.

Penalty for  
injuring an  
aqueduct.

R. S., c. 83, § 12.

SECT. 13. Any town, in which such aqueduct is placed,  
2 may put conductors into its pipes for the purpose of draw-  
3 ing free of expense as much water as necessary, when any  
4 building is on fire in such town; provided that such conduct-  
5 ors are so secured, that water shall not be drawn there-  
6 from unless for the purpose of extinguishing fires.

Towns may  
draw water in  
case of fires.

R. S., c. 83, § 13.

SECT. 14. All contracts made by or with such corporation  
2 shall remain in force after its dissolution, and the last share-  
3 holders shall have a corporate capacity, until all their con-  
4 tracts and agreements made before its dissolution are per-  
5 formed; and such shareholders shall continue liable and  
6 capable by the same name to sue and be sued, and to pros-  
7 ecute and defend in all suits respecting such contracts and  
8 agreements; but every such suit shall be commenced within  
9 six years after such dissolution, or within the like time after  
10 the right of action accrued.

Continuance of  
certain corporate  
powers after  
dissolution.

R. S., c. 83, § 14.

SECT. 15. If no corporate property can be found to sat-  
2 isfy the judgment, which is recovered against said share-  
3 holders, after such dissolution, and the judgment is not sat-  
4 isfied within six months after the recovery thereof, the  
5 judgment creditor may satisfy the same out of the private  
6 estate of such shareholders, or any of them, as if the judg-  
7 ment had been against them in their private capacity.

Liability of  
corporators in  
such case.

R. S., c. 83, § 15.

SECT. 16. If such corporation at its dissolution is seized  
2 of any estate, the several persons who are proprietors shall  
3 become tenants in common thereof in proportion to the  
4 shares or interests, which they hold in the stock of the cor-  
5 poration.

Title to corpo-  
rate property  
after dissolution.

R. S., c. 83, § 16.

## CHAP. 55.

## Chapter 55.

## LIBRARIES, AND CHARITABLE AND BENEVOLENT SOCIETIES.

- Sect.* 1. Application to a justice of the peace to call the first meeting.  
 2. Notice of the meeting how given.  
 3. Manner of organizing into a body corporate. Powers, duties and liabilities incident thereto.  
 4. What estate, real and personal, it may hold, and for what purpose.  
 5. Corporations for charitable and benevolent purposes not to sue their members, or be sued by them, for dues or benefits.  
 6. County law library association, how organized.  
 7. 8. Duties of treasurer and clerk thereof.  
 9. Towns may establish public libraries.  
 10. May raise money therefor.  
 11. May receive and manage donations and bequests for that purpose.

Application to a justice of the peace to call the first meeting.

SECT. 1. When any seven or more persons desire to be incorporated as the proprietors of a social, a military, a literary, or scientific, or a county law library; as a masonic lodge, or chapter of any order or degree; as a lodge of the independent order of odd fellows; as a division of the sons of temperance, as a tent of Rechabites; or as a society to promote in any way the cause of temperance; or for any literary, scientific, musical, charitable, or benevolent purpose whatsoever, they may apply in writing to any justice of the peace in the county, where they reside, and he may thereupon issue his warrant directed to one of said applicants, requiring him to call a meeting of the applicants at such time and place, as the justice appoints.

1856, c. 253.  
 R. S., c. 84,  
 § 1, 4, 6, 8.  
 1847, c. 14, § 1.

Notice of the meeting, how given.

SECT. 2. The meeting may be called by reading the warrant in the presence and hearing of each of the applicants, or by leaving an attested copy thereof at their last and usual places of abode at least fourteen days before the day of meeting, or by publishing an attested copy of the warrant in some newspaper printed in said county two weeks successively, the first publication to be at least fourteen days before the day of meeting.

R. S., c. 84, § 1.  
 1847, c. 14, § 2.

Manner of organizing into a body corporate, &c.

SECT. 3. When assembled pursuant to the warrant they may organize themselves into a body politic and corporate with such name, as they may then adopt, and by such name they their associates and successors may have continual succession; have a common seal, elect all necessary officers, adopt by-laws not inconsistent with the laws of the state, and enforce the same by suitable penalties; have the same rights and be under the same liabilities, as other corporations, in prosecuting and defending suits at law, and have and enjoy all other rights privileges and immunities, that are incident to a legal corporation.

1847, c. 14, § 3, 5.

## CHAP. 55.

SECT. 4. Such corporation may take and hold by purchase, gift, devise, or bequest, personal or real estate in all not exceeding in value five thousand dollars owned at any one time, and use and dispose thereof for the purposes for which the corporation was organized, and for no other purposes.

What estate, real and personal, it may hold, &c.  
1847, c. 14, § 3, 6.

SECT. 5. No such corporation organized for charitable or benevolent purposes shall sue any of its members for dues or contributions of any kind, or be sued by any member for any benefit or sum due him, but all such rights and benefits, dues and liabilities, shall be regulated and enforced only in accordance with the by-laws of the corporation.

Corporations for charitable and benevolent purposes not to sue their members, &c.  
1847, c. 14, § 7.

SECT. 6. In every county, where five or more attorneys reside, any five of them may procure themselves and the other attorneys resident in the county to be incorporated in the manner prescribed in the first section of this chapter for the purpose of organizing the establishment of a law library; and the notification required, if posted up in some conspicuous part of the court house seven days previous to their meeting, shall be sufficient; and may take the name of "The trustees of the law library in the county of——;" and at such meeting, which shall be held at some term of the court in such county, they may choose a clerk, librarian, and treasurer, who shall all be duly sworn and hold their offices during the pleasure of the corporation; and make all lawful regulations necessary; and at their meetings the oldest member present of the bar of the county shall preside.

County law library association, how organized.

SECT. 7. The treasurer of each library association under the direction of the said trustees shall apply all moneys 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.

R. S., c. 84, § 8.

Duties of treasurer and clerk thereof.

R. S., c. 84, § 9.

SECT. 8. The treasurer shall keep an exact account of all moneys, donations, and bequests, belonging to such association, which he shall annually settle with the association on oath in the manner prescribed; and the treasurer, librarian, and 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.

Treasurer shall keep an exact account of all moneys, &c.

R. S., c. 84, § 10.

SECT. 9. Any town is authorized to establish and maintain a public library within the same for the use of the

Towns may establish public libraries.

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1854, c. 106, § 1.

May raise  
money therefor.

1854, c. 106, § 2.

May receive and  
manage dona-  
tions and  
bequests for that  
purpose

1854, c. 106, § 3.

3 inhabitants; and to provide suitable rooms therefor under  
4 such regulations for its government, as said inhabitants from  
5 time to time prescribe.

SECT. 10. Such town may appropriate for the foundation  
2 and commencement of such library a sum not exceeding one  
3 dollar, and for its maintenance and increase annually a sum  
4 not exceeding twenty-five cents, for each of its ratable polls  
5 in the year next preceding that in which such appropriation  
6 is made.

SECT. 11. Any town may receive in its corporate capacity,  
2 and hold and manage any devise, bequest, or donation, for  
3 the establishment increase or maintenance of a public library  
4 therein.

**Chapter 56.****PROPRIETORS OF LANDS, WHARVES, AND OTHER REAL ESTATE, IN  
COMMON.**

*Sect. 1.* Warrant for calling meetings.

2. To whom directed.

3, 4, 5. Modes of giving notice.

6. Officers, and manner of calling future meetings.

7. Officers to be sworn.

8. Proceedings at meetings, and by-laws.

9. How votes are to be counted.

10. No business to be transacted, unless specified in the warrant.

11. Prosecution and defense of actions.

12. Raising and assessment of moneys.

13. Publication of assessment.

14. Payment enforced by sale.

15. Right of redemption.

16. Treasurer's power and duties.

17. Management of property. Proxies.

18. Proprietors' records, how preserved.

19. Certain corporate powers continued after final division.

20. Money raised for highways.

Warrant for  
calling meetings.

SECT. 1. When any five or a major part of the proprietors  
2 of lands lying in common are desirous of a meeting of the  
3 proprietors and apply to a justice of the peace throughout the  
4 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  
6 at the time and place and for the purposes distinctly stated  
7 in such application, which shall be in writing and signed by  
8 such applicants or their agents.

R. S., c. 85, § 1.

To whom  
directed.

R. S., c. 85, § 2.

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

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

Modes of giving notice.

R. S., c. 85, § 3.

SECT. 4. If such lands do not lie in any incorporated town, such notice shall be published in the state paper, and in one other newspaper, if any, in the county, where such lands or any part thereof lie, four weeks successively next before such meeting.

If such lands do not lie in any incorporated town, such notice shall be published in the state paper, &c. R. S., c. 85, § 4.

SECT. 5. Such meeting may be warned by posting up written notifications in some public place in each town, where any one of said proprietors reside, fourteen days before the time appointed for the meeting.

Meetings may be warned by posting up written notifications, &c. R. S., c. 85, § 5.

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

Officers, and manner of calling future meetings.

R. S., c. 85, § 6.

SECT. 7. Such clerk shall be duly sworn and record all votes passed at all meetings; and the treasurer, assessors, and collectors, shall be duly sworn by the moderator or a justice of the peace.

Officers to be sworn.

R. S., c. 85, § 7.

SECT. 8. The proprietors may pass votes as to the management, improvement, division, and disposition, of said lands or wharves, and annex penalties to the breach of them, not exceeding three dollars for one offense; provided such orders or by-laws shall be approved by the county commissioners of the county, where the lands lie; and the penalties shall be disposed of as said proprietors direct.

Proceedings at meetings, and by-laws.

R. S., c. 85, § 8.

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

How votes are to be counted.

R. S., c. 85, § 9.

SECT. 10. No business shall be acted upon at any meeting, except it is distinctly expressed in the warrant for such meeting; and the moderator shall cause all doubtful votes to be made certain numbering according to the interest of each proprietor.

No business to be transacted, unless specified in the warrant.

R. S., c. 85, § 10.

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

Prosecution and defense of actions.

R. S., c. 85, § 11.

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Raising and  
assessment of  
moneys.

R. S., c. 85, § 12.

Publication of  
assessment.

R. S., c. 85, § 13.

Payment  
enforced by  
sale.

R. S., c. 85, § 14.

Right of  
redemption.

R. S., c. 85, § 15.

Treasurer's  
powers and  
duties.

R. S., c. 85, § 16.

Management of  
property.  
Proxies.

R. S., c. 85, § 17.

Proprietors'  
records, how  
preserved.

SECT. 12. At any legal meeting said proprietors may vote  
2 or order the raising of any money for bringing forward, com-  
3 pleting the settlement of, or managing or improving said  
4 lands, or for the common good of the proprietors, and ap-  
5 portion the sums so raised upon the rights of the proprie-  
6 tors according to their interests therein.

SECT. 13. The treasurer collector or committee of the  
2 proprietors shall publish the apportionment of the sums  
3 thus raised upon the several proprietors in the manner in  
4 which a meeting of the proprietors is to be notified accord-  
5 ing to the provisions of this chapter.

SECT. 14. If any proprietor neglects to pay to the treas-  
2 urer, collector, or committee, his proportion of the money  
3 raised for the term of six months, if he resides in the state,  
4 or the term of twelve months, if he resides without the state,  
5 then the committee of the proprietors may from time to time  
6 sell at public auction so much of each delinquent's propor-  
7 tion or right in the common lands, as will be sufficient to  
8 pay his tax and the reasonable charges of sale, after notice  
9 of such intended sale posted up in the manner before men-  
10 tioned, and published in two of the newspapers before named  
11 five weeks successively next before the time of sale; and  
12 said committee may give deeds of the land sold to the pur-  
13 chaser to hold in fee simple.

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

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

SECT. 17. The proprietors of such lands by a majority of  
2 those present at any legal meeting may order, manage, im-  
3 prove, divide, or dispose of the same as they choose; and  
4 any proprietor may vote in person or by attorney appointed  
5 in writing.

SECT. 18. After a final division of the common property  
2 of the proprietors, they shall cause their records to be  
3 deposited in the office of the clerk of the town in which  
4 such lands or a part of them lie; and such town clerk may  
5 record votes and certified copies of such records in like

6 manner, as the proprietors' clerk might have done; and the **CHAP. 57.**  
 7 last clerk chosen shall continue in office till the records are **R. S., c. 85, § 18.**  
 8 so deposited.

**SECT. 19.** Such a final division shall not dissolve the cor- **Certain corpo-**  
 2 poration till the end of ten years thereafter; but the last **rate powers**  
 3 proprietors in common and their heirs shall continue in their **continued after**  
 4 corporate capacity, and retain their corporate powers for **final division.**  
 5 collecting all debts due to the corporation, and remain liable  
 6 to pay all debts due therefrom; and may call and hold  
 7 meetings, vote and raise assessments for payment of their  
 8 debts, and all other charges necessary for closing their **R. S., c. 85, § 19.**  
 9 business.

**SECT. 20.** The owners of an unincorporate township or  
 2 tract of land are authorized to call meetings to raise money **Money raised**  
 3 and to choose officers to assess and collect it for making **for highways.**  
 4 and repairing highways laid out under the provisions of **R. S., c. 25, § 56.**  
 5 section thirty of chapter eighteen.

## Chapter 57.

### MILLS AND THEIR REPAIRS.

**Sect. 1, 2.** Manner of calling a meeting of mill owners.

3. Owners of half or more may repair or rebuild.

4. How to be reimbursed.

5. Special contracts not affected.

6. Proceedings if a part owner be a minor, and in certain other cases.

7. Owners of grist mills to furnish scales for weighing grain.

8. Toll established.

**SECT. 1.** When any owner of a mill or of the dam neces- **Manner of**  
 2 sary to the working thereof thinks it necessary, the same **calling a**  
 3 should be rebuilt or repaired in whole or in part, he may **meeting of mill**  
 4 apply in writing to a justice of the peace in the county, **owners.**  
 5 where such mill or dam is situate, to call a meeting of the  
 6 owners expressing the object time and place of the meeting,  
 7 and such justice may issue his warrant for the purpose  
 8 directed to such owner, which shall be published in some  
 9 newspaper, if there is any printed in said county, three  
 10 weeks successively the last publication to be not less than  
 11 ten nor more than thirty days before the meeting; or a true  
 12 copy of such notification may be delivered to each of said  
 13 owners or left at his last and usual place of abode; and **R. S., c. 86, § 1.**  
 14 either of these notices shall be binding on all the owners.

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When such mill  
dam shall be in  
two counties.  
R. S., c. 86, § 2.

Owners of half  
or more may  
repair or rebuild

R. S., c. 86, § 3.

How to be  
reimbursed.

R. S., c. 86, § 4.

Special contracts  
not affected.

R. S., c. 86, § 5.

Proceedings if a  
part owner be a  
minor, &c.

R. S., c. 86, § 6.

Owners of grist  
mills to furnish  
scales for weigh-  
ing grain.

SECT. 2. When such mill dam shall be situated partly in  
2 one county and partly in another, the application for said  
3 meeting may be made to a justice of the peace in either.

SECT. 3. At such meeting, whether all the owners attend  
2 or not, the owners in interest of at least one-half of such  
3 mill or dam may rebuild or repair the mill or dam or both,  
4 so far as to make them serviceable; and shall be reimbursed  
5 such sums, as they advanced thereon beyond their respect-  
6 ive proportions, with interest for the same in the meantime  
7 out of said mill or the profits.

SECT. 4. If such sums are not reimbursed by the profits of  
2 the mill or paid by the persons neglecting or refusing to  
3 join in rebuilding or repairing the same within six months,  
4 after such work is completed, the proprietors advancing  
5 such sums may charge one per cent. a month on the amount  
6 so advanced from the end of six months till reimbursed or  
7 paid as aforesaid; and in case of the death of any delinquent  
8 owner, or any alienation of his interest in the premises, the  
9 advancing owners shall have a continuing lien upon his  
10 shares or title in said mill or dam for the purpose of the  
11 reimbursement of the expenses of such rebuilding or re-  
12 pairing.

SECT. 5. Nothing in the preceding section shall be con-  
2 strued to impair or affect any special contract made by the  
3 owners respecting the building or repairing such mill or  
4 dam.

SECT. 6. Where any part of such mill or dam at the time  
2 of meeting and notice is held and possessed by minors,  
3 married women, tenants by courtesy, in tail, for life, or years,  
4 or by mortgager or mortgagee, the guardians of such minors,  
5 husband of such married woman in her right, such tenant,  
6 mortgager or mortgagee shall be deemed, for the purposes  
7 of this act, the proprietor or proprietors thereof, and shall  
8 be notified and vote and contribute accordingly; and all  
9 advances made by them respectively on account of such  
10 minors, heirs of married women, those in remainder or  
11 reversion, or the other party in the mortgage, if not paid,  
12 shall be recoverable in a special action on the case with  
13 interest.

SECT. 7. The owner of every grist mill shall keep in his  
2 mill scales and weights to weigh corn, grain, and meal, when  
3 required; and for neglecting so to do, or for refusing to  
4 weigh corn, grain, or meal, when required, or for taking  
5 more than lawful toll, he shall forfeit five dollars to be

- 6 recovered by action of debt with costs before any justice of **CHAP. 58.**  
 7 the peace for the county, where the offense is committed. **R. S., c. 86, § 7.**  
**SECT. 8.** The toll for grinding, cleansing and bolting all **Toll established**  
 2 sorts of grain shall not exceed one sixteenth part thereof. **R. S., c. 86, § 8.**

### Chapter 58.

#### SOCIETY AND BOARD OF AGRICULTURE AND LOCAL AGRICULTURAL SOCIETIES.

- Sect. 1.** Officers of state society elected annually.  
 2. State society can hold estate of annual income of \$5,000.  
 3. State society to receive from the state as much money as it raises.  
 4. State society to expend money so raised in premiums.  
 5. Presidents of local societies are vice presidents of this.  
 6. Persons named to act till trustees are chosen.  
 7. Board of agriculture established, members how elected.  
 8. First meeting at Augusta January 1857.  
 9. Annual meeting for choice of officers.  
 10. Powers and duties of board.  
 11. Same. Reports to be made, returns received.  
 12. Expenses of members to be paid by the state.  
 13. Board for the year 1856.  
 14. County or local societies to receive as many dollars as they raise.  
 15. Their treasurers to file certificate on oath.  
 16. Money received to be expended in premiums.  
 17. Annual returns to be made to their treasurers.  
 18. Their secretaries to make annual returns to secretary of board.  
 19. May fix bounds to places of exhibition.  
 20. Penalty for a violation of them.  
 21. Not to obstruct travel on ways.  
 22. May appoint persons to keep order.

- SECT. 1.** The Maine State Agricultural Society at its an- **Officers elected.**  
 2 nual meeting shall elect by ballot a president, secretary, and  
 3 such other officers as may be deemed necessary, and thirteen  
 4 members shall constitute a quorum for the transaction of **1856, c. 224, § 2.**  
 5 business.

- SECT. 2.** Said society may take and hold property, real **Hold estate,**  
 2 and personal, the annual income of which shall not exceed **annual income**  
 3 five thousand dollars to be applied exclusively to the ad- **not to exceed**  
 4 vancement of agriculture, horticulture, and the arts con- **\$5,000.**  
 5 nected therewith; and the treasurer of said society shall  
 6 give suitable bonds to the board of trustees for the safe  
 7 keeping of said property and for the faithful discharge of his **Idem, § 3.**  
 8 duties.

- SECT. 3.** There shall be paid from the treasury of state **To receive from**  
 2 each year during the next five years after the passage of **state as many**  
 3 this act as many dollars as may be raised by said society by **dollars as it**  
 4 assessment on the members thereof, or otherwise, not ex- **raises.**

CHAP. 58.

ceeding one thousand dollars in each year; and the governor and council, on presentation of a certificate signed by the president thereof stating the amount of money thus raised and actually received as the property and for the benefit of said society shall draw their warrant for a like amount as above specified.

Idem, § 4.

Money received,  
expended in  
premiums.

SECT. 4. The money received from the state shall be paid in premiums for the encouragement of the various departments of agriculture, horticulture, and the arts connected therewith; and a full and correct statement of such expenditures together with the several reports of the committees and the statements of the several competitors shall be annually transmitted to the board of agriculture through the secretary as the county societies are required to do.

Idem, § 5.

Presidents of  
county societies,  
vice presidents.

SECT. 5. The several presidents of the county agricultural societies, who are members of the state society, shall be ex-officio vice-presidents thereof.

Idem, § 6.

Persons to act  
till trustees  
chosen.

SECT. 6. A committee of five consisting of Samuel F. Perley, Seth Scammon, Francis Purington, Daniel Lancaster and J. D. Lang shall perform the duties of a board of trustees of said society, until a board of trustees be chosen in conformity with the constitution of said society.

Idem, § 7.

Board of  
agriculture,  
members, how  
elected.

SECT. 7. A state board of agriculture is hereby established to consist of one member from each county in the state, and the governor and secretary of state shall be members ex-officio. Said members shall hold their offices for the term of one year and shall be elected by ballot as follows: Where there is but one agricultural society, the member shall be elected annually; where there is more than one, the oldest incorporated society shall elect the first year, and the others in successive years by rotation, according to the dates of their respective incorporations. No member or officer of the legislature shall be a member of the board of agriculture, and in all cases the members shall be elected at the annual meetings or fairs of such societies, or at any regular meeting thereof called for such purpose, and they shall receive a certificate of their election signed by the president and secretary of such society; and in case of any vacancy occurring in the representation of any society at this board, it may be filled by an appointment by the president and secretary of such society.

1856, c. 239, § 1.

First meeting.

SECT. 8. And the first meeting of said board shall be held at the state house in Augusta, on the third Wednesday of January eighteen hundred and fifty-six.

§ 2.

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SECT. 9. At the first meeting of the board of agriculture,  
 2 and at each annual meeting on the third Wednesday of Jan-  
 3 uary thereafter the board shall organize by the choice of a  
 4 president and such other officers as may be deemed neces-  
 5 sary.

At annual  
 meetings,  
 officers chosen-

§ 2.

SECT. 10. It shall be the duty of this board to investigate  
 2 all such subjects relating to agriculture, horticulture and the  
 3 arts connected therewith in this state, as they may think  
 4 proper; and it is hereby empowered to take, hold in trust,  
 5 and exercise control over any donations or bequests that  
 6 may be made to it for promoting the science of agricultural  
 7 education or the general interests of husbandry.

Board's duties  
 and powers.

§ 3.

SECT. 11. The board of agriculture shall meet at the state  
 2 house in Augusta once a year; and they are hereby empow-  
 3 ered annually to elect a suitable person to act as secretary  
 4 of the board, and to prescribe and determine his duties; and  
 5 in case of vacancy by death or otherwise the governor with  
 6 the advice of his council is hereby empowered to fill the  
 7 same. And all reports and returns required by law to be  
 8 made by said societies shall be made and returned to the  
 9 secretary of this board. The governor and council shall  
 10 determine his compensation, which shall not exceed eight  
 11 hundred dollars per annum; and the compensation of the  
 12 members of the board of agriculture shall be the same as  
 13 the members of the legislature for a term not exceeding  
 14 ten days. And the said board shall annually on or before  
 15 the second Wednesday of January by its secretary submit to  
 16 the legislature a detailed report of its doings together with  
 17 a digest of the returns of the several agricultural and horti-  
 18 cultural societies, and of such statistics as he may be able  
 19 to collect, with such recommendations and suggestions as  
 20 the interests of agriculture may be deemed to require, and  
 21 cause not more than three thousand copies thereof to be  
 22 printed by the printer to the state, five hundred thereof  
 23 being for the use of the legislature, and the remainder for  
 24 distribution under the direction of the board among the  
 25 farmers of the state.

Same. Returns  
 received,  
 reports made.

§ 4.

SECT. 12. The governor shall draw his warrant on the  
 2 treasurer, from time to time, for such sums of money as may  
 3 be necessary to defray the salaries and expenses provided for  
 4 by this act, an account thereof having been first rendered by  
 5 the secretary of the board and audited by the executive coun-  
 6 cil; and a sum not exceeding one thousand five hundred dol-  
 7 lars annually is hereby appropriated to meet such expenses.

Expenses paid  
 from treasury of  
 state.

§ 5.

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Board for year of  
1856.  
§ 2.

County societies  
to receive from  
state as much  
as they raise.

1856, c. 230, § 1.

Treasurer of  
county society  
to file certificate  
on oath.

Idem, § 2.

Expend money  
in premiums.

§ 3.

To make annual  
returns to  
treasurer of  
county society.

Idem, § 4.

Secretary of  
county society  
to make annual  
returns to  
secretary of  
board.

SECT. 13. The present executive committee of the state  
2 agricultural society shall constitute the board of agriculture  
3 for the current year eighteen hundred and fifty-six.

SECT. 14. The treasurer of state is hereby authorized and  
2 directed to pay to the treasurer of any agricultural society,  
3 whenever any such treasurer shall apply for the same in  
4 conformity with the conditions hereinafter specified, a sum  
5 equal to that raised and actually received by any such soci-  
6 ety within the next preceding year, and not exceeding in  
7 cases where there are three such societies in a county, one  
8 hundred and fifty dollars to each of them; where there are  
9 two, and only two, two hundred dollars to each of them, and  
10 where there is only one such society in a county, three hun-  
11 dred dollars; in case a society is made up of parts of two  
12 counties, one hundred and fifty dollars.

SECT. 15. None of the aforesaid payments shall be made  
2 until the treasurer of such society shall file with the state  
3 treasurer a certificate on oath, therein specifying the amount  
4 raised and actually paid in to said society, and also a certifi-  
5 cate from the secretary of the board of agriculture, that  
6 said society has complied with all the requirements of sec-  
7 tion eighteen of this chapter.

SECT. 16. Every agricultural society which shall receive  
2 the said allowance from the state treasury, shall award  
3 annually by way of premiums, or shall apply otherwise at their  
4 discretion, for the encouragement or improvement of agri-  
5 culture or manufactures a sum not less than the amount  
6 annually received from the state.

SECT. 17. It shall be the duty of every agricultural soci-  
2 ety, applying for the bounty of the state, to require of all  
3 competitors for premiums to fill up the blanks furnished by  
4 the secretary of the board of agriculture for such purpose,  
5 by answering all the questions therein proposed to the best  
6 of their knowledge and belief, and present the same to the  
7 several awarding committees with their application for  
8 premiums; and said committees shall file all such returns  
9 with their list of awards, and return the same to the treas-  
10 urer of such society; and no such treasurer shall pay any  
11 such premiums that may be awarded by such committees  
12 which are not accompanied by such returns as above specified.

SECT. 18. It shall be the duty of the treasurers of all  
2 agricultural societies within seven days after receiving the  
3 returns from the several awarding committees, as provided  
4 for in the fourth section of this chapter, to place the same in

5 the hands of the secretary of such society, with a list of the  
 6 premiums awarded by such committees, so far as practicable;  
 7 the amount of such premiums, together with such other  
 8 expenditures as may be made in conformity to section third;  
 9 and said secretary shall annually, on or before the third  
 10 Wednesday in November, forward to the secretary of the  
 11 board of agriculture said list blanks and returns thereon,  
 12 retaining copies thereof for the use of said society, except  
 13 those relating to field crops and fruits, which shall be  
 14 returned on or before the first Wednesday of December in  
 15 each year; and the secretary of the board of agriculture on  
 16 the receipt and examination of such lists blanks and returns  
 17 thereon, shall furnish the treasurer of such society with a  
 18 certificate required in section fifteen of this chapter; and no  
 19 society failing to comply with the conditions above specified,  
 20 shall be entitled to draw any money from the state treasury.

Idem, § 5.

SECT. 19. All incorporated agricultural societies may by  
 2 their officers define and fix bounds of sufficient extent for  
 3 the erection of their cattle pens and yards, and for conven-  
 4 ient passage ways to and about the same, on the days of  
 5 their cattle shows and exhibitions, and also for their plowing  
 6 matches and trial of working teams, within which bounds no  
 7 person shall be permitted to enter or pass unless in con-  
 8 formity with the regulations of the officers of said society  
 9 respectively.

To fix bounds  
for their  
exhibitions.

Idem, § 6.

SECT. 20. If any person shall contrary to the regulations  
 2 of said officers and after notice thereof enter or pass within  
 3 the bounds so fixed, he shall forfeit a sum not exceeding five  
 4 dollars to be recovered on complaint in behalf of the state  
 5 in any court competent to try the same for the use and ben-  
 6 efit of such society.

Penalty for  
violation of  
them.

§ 7.

SECT. 21. The foregoing provisions shall not authorize  
 2 such societies to occupy or include within the bounds, which  
 3 they shall fix for the purposes aforesaid, the land of any per-  
 4 son without his consent, nor to occupy any turnpike or pub-  
 5 lic highway in any such manner as to obstruct the public  
 6 travel.

Not to obstruct  
travel on ways,

Idem, § 8.

SECT. 22. The officers of any such society may appoint a  
 2 sufficient number of suitable persons, inhabitants of the  
 3 county, to act as constables at cattle shows and exhibitions;  
 4 and they shall have and exercise all the powers of consta-  
 5 bles in relation to the preservation of the public peace and  
 6 enforcing the rules and regulations of said society within  
 7 the towns respectively, where such shows and exhibitions

Persons may be  
appointed to  
keep order.

CHAP. 58. 8 may be held; and they shall exercise their office from  
9 twelve o'clock at noon the day preceding the commence-  
10 ment of such shows and exhibitions, and until twelve o'clock  
11 at noon of the day succeeding the termination thereof, and  
Idem, § 9. 12 no longer.