

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1869.

Chapter 36.

An act to regulate the taking of porgies or menhaden in the waters of Maine.

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

Penalty for setting any seine within three miles of shore for the purpose of taking menhaden or porgies.

SECT. 1. No person shall set or use any seine within three miles of the shore, in any waters of this state, for the purpose of taking menhaden or porgies, under a penalty of not less than one hundred nor more than five hundred dollars, and the forfeiture of all vessels, boats, craft and apparatus employed in such unlawful fishing, for each offence ; but a net of no more than one hundred and forty meshes deep, shall not be deemed a seine.

Penalty for throwing menhaden or herring offal into navigable waters.

SECT. 2. Any person who shall cast or deposit, or cause to be thrown or deposited into any of the navigable waters of this state, any pumice, scraps or other offal arising from the making of oil or slivers for bait from menhaden or herring, shall pay a fine of not less than fifty, nor more than one thousand dollars for each offence.

Vessels, boats and apparatus liable to seizure for violation of foregoing provisions.

SECT. 3. All vessels, boats, crafts and apparatus of any kind, employed in violation of any of the provisions of this act, shall be liable for any fines and cost, and it shall be lawful for any person or persons to seize and detain said property, not exceeding thirty-six hours, that the same may be attached by due process of law, to satisfy any judgment that may be rendered in the suit.

Penalties and forfeitures, how recovered.

SECT. 4. All penalties and forfeitures named in this act may be recovered in an action of debt in the name and to the use of the county, or in the name of any person suing therefor ; one-half of such fine and forfeiture to be paid to the person prosecuting, and the other half to the county where the offence is committed.

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 All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 6. This act shall take effect when approved.

Approved February 27, 1869.

Chapter 37.

An act to amend section forty-three of chapter seventy-six of the revised statutes, relating to the levy of executions against the estates of deceased persons.

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

R. S., chap. 76, sect. 43, relating to levy of executions against estates of deceased persons, amended.

SECT. 1. Section forty-three of the seventy-sixth chapter of the revised statutes is hereby amended by inserting after the word "life-time," the following words, to wit: 'unless the estate of such deceased person shall have been represented insolvent, and a commission of insolvency issued thereon before such levy shall

have been made,' so that as amended the first period of said section shall read :

'Sect. 43. The real estate of deceased persons may be taken for payment of his debts by an execution issued on a judgment recovered against his executor or administrator, and levied on, sold and redeemed, as if taken in his life-time, unless the estate of such deceased person shall have been represented insolvent, and a commission of insolvency issued thereon before such levy shall have been made.'

Execution may be levied against estate of deceased persons unless commission of insolvency has issued thereon.

SECT. 2. In all cases a commission of insolvency, issued by the probate court on the estate of deceased persons before levy or satisfaction of execution, shall vacate attachments.

A commission of insolvency on estate of deceased person vacates attachments.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 2, 1869.

Chapter 38.

An act relating to school district taxes assessed and collected without authority of law.

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

All the provisions of section ninety-eight of the sixth chapter of the revised statutes, and any and all other statutes relating to the same subject, shall apply to the case of taxes assessed by or for school districts, so far as the same are applicable; *provided that* the school district and not the town shall be liable in the case herein specified.

R. S., chap. 3, sect. 98, relating to school taxes assessed without authority, to apply to school districts.

Approved March 3, 1869.

Chapter 39.

An act providing for reviews in criminal cases.

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

SECT. 1. The supreme judicial court held by one justice, may grant reviews in criminal as well as civil cases, upon the discovery of new and important evidence, and when in the opinion of said court there is reasonable doubt of the guilt of any person convicted and sentenced in any judicial tribunal, provided a petition therefor is presented within six years after such conviction and sentence.

Reviews in criminal cases may be granted within six years, upon discovery of new evidence where there is doubt of the guilt of prisoner.

SECT. 2. Such petition may be presented in any county, and notice be there ordered returnable in the county where such person

The petition may be presented in any county.