

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

---

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

---

AUGUSTA:  
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.  
1874.

---

PUBLIC LAWS

OF THE

STATE OF MAINE.

1874.

---

twenty-fourth, whether any such accident arose from carelessness or negligence of any person in the employ of the corporation, and whether such person is retained in its service; twenty-fifth, the number of employees of every sort, and the average pay of each of the following grades: conductors, baggage masters, station agents, switch-men, engine drivers, firemen, brakemen, foremen of track sections. If any railroad company neglect to make such report, it forfeits one thousand dollars; and it shall be the duty of the attorney general to prosecute for the recovery of the same upon complaint thereof made to him, and the same shall be published in the annual report of the railroad commissioners.'

CHAP. 219.

Employees and pay of.

Penalty for neglect to make return.

SECT. 2. When in the opinion of the railroad commissioners the passage of passenger trains over any portion of any railroad by passenger trains would be attended with imminent danger, they may notify the president or superintendent of such road of such unsafe condition of said portion of said road and order the immediate stopping of all passenger trains about to run over the same. In case said order is not obeyed said commissioners shall at once apply to some judge of the supreme judicial court, who may, upon satisfactory proof of the necessity for such order, and without notice to said company, issue an injunction prohibiting the running of passenger trains over said road until further order of the court.

Passenger trains prohibited from running over railroads when unsafe.

Approved March 3, 1874.

---

## Chapter 219.

An act in relation to the protection of bottles used by the manufacturers of mineral waters, ginger ale and small beer.

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

SECT. 1. All persons or corporations engaged in the manufacture and sale of soda waters, mineral waters, ginger ale, small beer, spruce beer, white beer, or other similar beverages, in syphons or bottles with their name or names, or other marks or devices branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such bottles or syphons, or anything connected therewith and appertaining thereto, may file in the office of the city or town clerk in which the principal place of business of such person or persons is situated, a description of the names and marks aforesaid used by them, and cause the same to be published once a week for three successive weeks in any weekly paper published in said county.

Protection of trade marks on bottles, &amp;c.

—how secured.

**CHAP. 220.**

Unlawful use of  
trade marks.

—penalty for.

**SECT. 2.** It is hereby declared unlawful for any person or persons knowingly and wilfully, without the written consent of the owner thereof, to use any such syphon so marked, or to deface or obliterate the names, marks or devices thereon, with the intent to sell, dispose of, buy or traffic in the same, or convert to their own use, unless purchased of the lawful owner. Any person or persons offending against the provision hereof, shall forfeit the sum of ten dollars, one half to the prosecutor, and one half to the town where such offense is committed, to be recovered by complaint or action of debt before any trial justice or justice of a police or municipal court in the county where the offense is committed.

Approved March 3, 1874.

### Chapter 220.

An act to amend section fifty-three of chapter one hundred and thirteen of the revised statutes, relating to damages on bonds.

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

Sec. 53, ch. 113,  
R. S., amendment  
of.

Section fifty-three of chapter one hundred and thirteen of the revised statutes is hereby amended by striking out all after the words "such part" in the fourth line, and inserting 'If the penalty in the bond in any such action be more than twenty dollars, the plaintiff shall recover full cost though the amount of damages recovered be less than twenty dollars.' So that said section as amended shall read as follows :

Discharge of  
executions.

'SECT. 53. If the whole amount due on the execution or warrant of distress is recovered in any such action, the new judgment shall be a discharge of said execution or warrant of distress; if only a part is recovered it shall be a discharge of such part. If the penalty in the bond in such action be more than twenty dollars the plaintiff shall recover full cost though the amount of damages recovered be less than twenty dollars. If the verdict or judgment is that the creditor has sustained no damage neither party shall recover cost.'

Cost.

Approved March 3, 1874.