

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SIXTIETH LEGISLATURE

OF THE
STATE OF MAINE.

1881.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1881.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1881.

CHAP. 67. section, and after the word "deponent," to insert the words, 'except the adverse party,' so that said section, as amended, shall read as follows :

On application, justice or notary may issue summons to deponent and notice to party.

'SECT. 5. On application of either party to a justice of the peace or notary public, he may issue a summons to any deponent, except the adverse party, to appear at a designated time and place, to give his deposition, and a notice to the adverse party to be then and there present; and the deposition may then and there be taken by him or any other justice or notary, but the deposition of such adverse party may be taken by commission in like manner as is now provided for taking depositions of other witnesses by commission.'

Approved March 15, 1881.

Chapter 67.

An act to amend section eleven, chapter seventy-five of the Public Laws of eighteen hundred and seventy-eight, relating to the taking of smelts, entitled "An act to regulate and protect fisheries and the propagation of fish."

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

Sec. 11, ch. 75, public laws of 1878, amended.

Section eleven of chapter seventy-five of the public laws of eighteen hundred and seventy-eight, is hereby amended by striking out the word "November," in the fourth line, and inserting in place thereof, the word 'October,' so that said section as amended shall read as follows :

Restrictions in regard to taking smelts.

—penalty.

'SECT. 11. No smelts shall be taken or fished for in any of the tidal waters in this state, in any other manner than by hook and line, between the first day of April and the first day of October in each year, under a penalty of not less than ten dollars, nor more than thirty dollars for each offense, and a further penalty of twenty cents for each smelt so taken, and all weirs for the capture of smelts shall be opened, and so remain, and all nets of any kind used in the smelt and tom-cod fishery shall be taken from the water on or before the said first day of April in each year, under a penalty of not less than twenty, nor more than fifty dollars, and a further fine of five dollars per day for each day that any such weir or net remains in violation of law; but weirs which have catch-pounds, covered with net, the meshes of which are one

inch square in the clear, or greater, shall not be subject to the provisions of this section. *Provided, however,* that dip-nets may be used from the first day of April to the twentieth day of April.'

CHAP. 68.

Proviso.

Approved March 15, 1881.

Chapter 68.

An act to regulate the practice in Equity Proceedings.

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

SECT. 1. The supreme judicial court shall always be open in each county for equity proceedings, except upon days upon which, by law, no court is to be holden, and in the first instance, except as herein provided, all hearings shall be had, all orders and decrees made, and all process issued by a single justice of said court, except upon appeal or exceptions as hereinafter provided, and said court shall establish rule-days for the return of subpoenas and the transaction of business relating to equity cases.

The supreme judicial court to be open for equity proceedings.

SECT. 2. All causes in equity shall be begun by bill of complaint filed in the clerk's office, upon which subpoena shall issue as matter of course, returnable to the first day of a term of court for the county where it is filed, or upon a rule-day, which in either case shall be holden within sixty days after the filing of such bill, and such subpoena shall be served at least fourteen days before the return day thereof; or by order of the court such subpoena may be made returnable on any day in or out of term, and be served as directed in such order; or such bill may be inserted in a writ of attachment, upon which property may be attached and which shall be made returnable as writs at common law. In all cases, service shall be made by copy of the subpoena and bill or writ of attachment. The bill of complaint shall state the material facts and circumstances relied on by the complainant, with brevity, omitting immaterial and irrelevant matters, and may be amended or re-formed at the discretion of the court, with or without terms, at any time before final decree is entered in said cause.

Causes in equity, how begun, return of subpoena, etc.

Service, how made.

Bill of complaint may be amended.