

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,
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1881.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1881.

post paid, directed to the secretary of state, to be transmitted by mail. The governor and council shall meet seven days after such election, and open and canvass such returns, and declare the result. The governor and council shall receive certified copies of the record of any town in case the return from such town is lost, or is not received by the secretary of state. The governor shall immediately issue a certificate of election to such person as is thus declared to have received a plurality of votes.

CHAP. 88.

Canvass of returns, declaration of result and issue of certificate of election.

Approved March 17, 1881.

Chapter 88.

An act to amend section nine of chapter ninety-two of the Revised Statutes, relating to damage for flowage.

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

SECT. 1. Section nine of chapter ninety-two of the revised statutes, is hereby amended, by adding at the end thereof the following words: 'And said commissioners shall also ascertain, determine and report what sum in gross would be a just and reasonable compensation for all the damages, if any, occasioned by the use of such dam, and for the right of maintaining and using the same forever, estimated according to the height of the dam and flash-boards as then existing; and if within ten days after said report is presented to the court, the owners of said dam or mills shall elect to pay the damages in gross, the court, where the judgment is entered, shall fix the time in which said damages shall be paid, and if not paid within that time, the owners of the dam or mills shall lose all benefit of their election, and the annual damages shall stand as the judgment of the court, and except as herein provided, all proceedings shall be in conformity with the other provisions of said chapter.'

Sec. 9, ch. 92,
R. S., amended.

Commissioners to determine damages in gross.

If owners do not elect to pay, annual damages shall stand as the judgment of the court.

SECT. 2. If the damages in gross are paid within the time fixed, the judgment shall be a bar to any further complaint so long as the dam and flash-boards remain at the same height, but if thereafter either is raised, a new complaint may be made by the owner of the lands flowed for any additional

If damages in gross are paid, judgment to be bar to further complaint, unless change in dam.

CHAP. 89. damages caused thereby, and the proceedings in said new complaint shall be as hereinbefore prescribed.

Owners may apply to have damages assessed in gross.

—proceedings.

SECT. 3. In any case where annual damages have been determined by a judgment of the court, the owners of the dam or mills, may apply to the court by a new complaint, to have the damages assessed in gross, and commissioners may be appointed as in other cases, and ascertain, determine and report the damages in gross, and like proceedings shall then be had as are provided in sections one and two of this act:

Approved March 17, 1881.

Chapter 89.

An act explanatory of section twenty-five of chapter twenty-seven of the Revised Statutes, as amended by section three of chapter two hundred and forty-seven of the Public Laws of eighteen hundred and eighty, in relation to the sale of cider.

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

Provisions of sec. 25, ch. 27, R. S., not to apply to cider, unless sold for a beverage.

The provisions of section twenty-five of chapter twenty-seven of the revised statutes as amended by section three of chapter two hundred and forty-seven of the public laws of eighteen hundred and eighty, shall not apply to the sale of unadulterated cider, when sold in quantities of less than five gallons, unless the same is sold to be used as a beverage or for tippling purposes.

Approved March 17, 1881.

Chapter 90.

An act relating to proceedings and appeals in Probate Courts.

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

Persons claiming under heir, to have same rights as the heir.

Any person claiming under an heir at law shall have the same rights in all proceedings in probate courts, including rights of appeal, that the heir may have.

Approved March 17, 1881.