

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

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

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.
1885.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1885.

Chapter 359.

An Act to amend the Revised Statutes.

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

Sec. 38, ch. 3,
R. S., amended.

SECT. 1. Section thirty-eight of chapter three of the revised statutes is hereby amended in line five, by inserting after the word "preceding," the words 'with a full account of the receipts and disbursements during that period, and to whom and for what purpose each item of the same was paid,' so that the first sentence of said section, as amended, shall read as follows :

Selectmen, treasurer, &c,
required to make
detailed reports.

'SECT. 38. Persons charged with the expenditure of the money of a town, shall, on or before the morning of each annual meeting, make a full, detailed written or printed report of all their financial transactions in behalf of the town, during the municipal year immediately preceding, with a full account of the receipts and disbursements during that period, and to whom and for what purpose each item of the same was paid, with a statement in detail of the indebtedness and resources of the town.'

Sec. 141, ch. 6,
R. S., amended.

SECT. 2. Section one hundred and forty-one of chapter six of the revised statutes is amended in line seven by inserting after the word "marries" the words 'the aforesaid notice is not requisite, but,' so that said section, as amended, shall read as follows :

Collector or adm^r
may sue for
taxes.
—town magis-
trate may try
case.

'SECT. 141. Any collector of taxes, or his executor or administrator, may, after due notice, sue in his own name for any tax, in an action of debt, and no trial justice or judge of any municipal or police court before whom such suit is brought, is incompetent to try the same by reason of his residence in the town assessing said tax. Where before suit the person taxed dies or removes to any other town, parish or place in the state, or, being an unmarried woman, marries, the aforesaid notice is not requisite, but the plaintiff shall recover no costs unless payment was demanded before suit.'

—no costs for
plaintiff unless
demand is made
before suit.

Sec. 8, ch. 18,
R. S., amended.

SECT. 3. Section eight of chapter eighteen of the revised statutes is amended in lines ten and eleven, by substituting for the words, "and issue execution for the damages recovered, with costs to the party prevailing in the appeal," the words 'for the damages recovered, and judgment for costs in

favor of the party entitled thereto, and shall issue execution for the costs only.' The same section is also further amended in line sixteen by inserting after the word "record," the words 'and order the damages therein recovered to be paid as provided in section seven,' so that said section, as amended, shall read as follows :

'SECT. 8. Any person aggrieved by the estimate of damages by the county commissioners, on account of the laying out or discontinuing of a way, may appeal therefrom, at any time before the third day of the regular term succeeding that at which the commissioners' return is made, to the term of the supreme judicial court, first held in the county where the land is situated, more than thirty days after the expiration of the time within which such appeal may be taken, excluding the first day of its session, which court shall determine the same by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages recovered, and judgment for costs in favor of the party entitled thereto, and shall issue execution for the costs only. The appellant shall file notice of his appeal with the county commissioners within the time above limited, and at the first term of the court shall file a complaint setting forth substantially the facts, upon which the case shall be tried like other cases. The clerk shall certify the final judgment of the court to the county commissioners, who shall enter the same of record, and order the damages therein recovered to be paid as provided in section seven. The party prevailing recovers costs to be taxed and allowed by the court, except that they shall not be recovered by the party claiming damages, but by the other party, if on such appeal by either party, said claimant fails to recover a greater sum as damages than was allowed to him by the commissioners.'

Appeal from commissioners to supreme court.

—by agreement, appeal may be determined by committee of reference.

—appellant to file notice of appeal with county commissioners.

—costs.

SECT. 4. Section sixteen of chapter eighteen of the revised statutes is amended in line five by substituting for the words "it has been laid out" the words 'the return has been filed,' so that said section, as amended, shall read as follows :

Sec. 16, ch. 18, R. S., amended.

'SECT. 16. A written return of their proceedings, containing the bounds and admeasurements of the way, and the damages allowed to each person for land taken, shall be made and filed with the town clerk in all cases. The way is not

After municipal officers have laid out, town may accept.

CHAP. 359

established until it has been accepted in a town meeting legally called after the return has been filed, by a warrant containing an article for the purpose.'

Sec. 18, ch. 18,
R. S., amended.

SECT. 5. Section eighteen of chapter eighteen of the revised statutes is amended so as to read as follows :

Damages, how
estimated and
paid.

'SECT. 18. The damages for a town way shall be paid by the town ; for a private way, by those for whose benefit it is stated in the petition to be, or wholly or partly by the town, if under an article in the warrant to that effect it so votes at the meeting accepting such private way ; or by cities, if it is proposed in the return laying out such way. Any person aggrieved by the estimate of such damages may have them determined as provided in section eight, by written complaint to the supreme judicial court, returnable at the term thereof next to be held within the county where the land lies, after sixty days from the date of the laying out, alteration or discontinuance of such way by the town. The complaint shall be served at least thirty days before said term by delivering in hand an attested copy to the clerk of the town where the land lies, and by posting attested copies in two public and conspicuous places within said town and in the vicinity of the way. But the final judgment shall be recorded in said court, and shall not be certified to the county commissioners.'

Sec. 22, ch. 18,
R. S., repealed.

SECT. 6. Section twenty-two of chapter eighteen of the revised statutes is repealed.

Sec. 10, amended.

SECT. 7. Section nineteen of chapter eighteen of the revised statutes is amended in the last line but one, by substituting for the word "and" the words 'as is provided in sections forty-nine to fifty-one, inclusive ; and also,' so that the last sentence of said section, as amended, shall read as follows :

Appeal.

'When the decision of the commissioners is returned and recorded, such owner or tenant, or other party interested, has the same right to appeal to the supreme judicial court as is provided in sections forty-nine to fifty-one, inclusive ; and also to have his damages estimated as provided in section eight.'

Sec. 44, ch. 27,
R. S., amended.

SECT. 8. Section forty-four of chapter twenty-seven of the revised statutes is amended so as to read as follows :

CHAP. 359

'SECT. 44. All liquors and vessels declared forfeited by any court under this chapter, shall, by order of the court rendering final judgment thereon, be delivered to the mayor and aldermen of any city, selectmen of any town, and assessors of any plantation to which they were forfeited. Said officers shall examine such liquors, and if they determine that any portions are fit to be sold for medicinal, mechanical or manufacturing purposes, they shall deliver such portions to the agent of their city, town or plantation, to be by said agent sold in accordance with this chapter. If they find any portions of the same unfit for such uses, they shall destroy the same by pouring them upon the ground. If there is no agency in the city, town or plantation where such forfeited liquors were seized, the same shall, by order of the court rendering final judgment thereon, be delivered to the state agent, who shall examine such liquors, and if he determines that any portions are fit to be sold for medicinal, mechanical or manufacturing purposes, he shall add the same to his stock and pay the value thereof to the municipal officers of the city, town or plantation where they were seized, and if he finds any portions thereof unfit for such uses, he shall destroy the same by pouring them upon the ground. All vessels forfeited under this chapter may be sold by said officers at public or private sale, and the proceeds thereof paid into the treasury of such city, town or plantation.'

Liquors forfeited, order of court.

—officer to deliver liquors to town agent, if fit for use.

—if unfit, shall destroy.

—if no town agency, shall deliver to state agent.

—officers shall sell vessels.

SECT. 9. Section sixty-six of chapter forty of the revised statutes is amended in the last line by substituting for the word "seize" the words 'appropriate to their own use or gift,' so that the last sentence of said section, as amended, shall read as follows:

Sec. 66 ch. 40, R. S., amended.

'They may seize any implement used in illegal fishing, and may render any weir unlawfully built or maintained, incapable of taking fish, and may, on view, appropriate to their own use or gift, any fish taken or possessed in violation of law.'

—unlawful implements and fish forfeited.

SECT. 10. Section forty-four of chapter forty-six of the revised statutes is amended in line four by substituting for the word "aforesaid" the words 'provided in the two following sections,' so that said section, as amended, shall read as follows:

Sec. 44, ch. 46, R. S., amended.

CHAP. 359

Except in banks, stockholders not liable beyond amount of stock.

—existing liabilities not affected.

Secs. 3 and 5, ch. 52, R. S., repealed.

Sec. 2, ch. 55, R. S., amended.

Notice of meeting, how given.

Sec. 49, ch. 70, R. S., amended.

—hearing and decision.

—on what grounds discharge may be annulled.

—when judgment shall be rendered for insolvent.

Sec. 4, ch. 124, R. S., unended.

‘SECT. 44. No stockholder in any corporation, except in banks, has, after February twenty-four, eighteen hundred and seventy-one, been liable for the debts of or claims against such corporation beyond any amounts withdrawn or not paid in, as provided in the two following sections; but neither this section nor the four following, affect past or future liabilities of any officer of any corporation; nor any liability of any person or corporation or remedy therefor, existing on said twenty-fourth day of February.’

SECT. 11. Sections three and five of chapter fifty-two of the revised statutes are repealed.

SECT. 12. Section two of chapter fifty-five of the revised statutes is amended in the first line by substituting for the words “the justice” the words ‘such applicant,’ so that section, as amended, shall read as follows :

‘SECT. 2. Such applicant may call it, by reading the warrant in the presence and hearing of each, or by leaving an attested copy thereof at his last and usual place of abode, at least fourteen days before the day of meeting, or by publishing an attested copy thereof in some newspaper printed in said county, for two weeks successively, the first publication to be at least fourteen days before the day of meeting.’

SECT. 13. Section forty-nine of chapter seventy of the revised statutes is amended in line twenty-six by inserting after the word “or” the words ‘if the fraudulent acts proved,’ so that the fifth sentence of said section, as amended, shall read as follows :

‘If upon hearing the parties, any of the fraudulent acts set forth by the creditor against the insolvent are proved, and the creditor had no knowledge of the same until after the granting of the discharge, judgment shall be given in favor of the creditor, and the discharge of the insolvent annulled; but if none of the fraudulent acts, so set forth, are proved, or if the fraudulent acts proved, were known to the creditor before the granting of the discharge, judgment shall be rendered in favor of the insolvent, and the validity of his discharge shall not be affected by the proceedings.’

SECT. 14. Section four of chapter one hundred and twenty-four of the revised statutes, is amended, in line one, by substituting for the words “legally divorced,” the words ‘who has been for two years legally and finally divorced on his or

her own petition, or one to whom permission to marry again after divorce has been granted by the court,' so that said section, as amended, shall read as follows :

'SECT. 4. If any person, except one who has been for two years legally and finally divorced, on his or her own petition, or one to whom permission to marry again after divorce has been granted by the court, or one whose husband or wife has been continually absent for seven years and not known to her or to him to be living within that time, having a husband or wife living, marries another married or single person ; or if any unmarried person knowingly marries the husband or wife of another, when such husband or wife is thereby guilty of polygamy, he or she shall be deemed guilty of polygamy and punished by imprisonment for not more than five years, or by fine not exceeding five hundred dollars ; and the indictment for such offence may be found and tried in the county where the offender resides, or where he or she is apprehended.'

Polygamy, its punishment and where tried.

SECT. 15. Section thirty-six of chapter one hundred and twenty-four of the revised statutes, is amended in lines two and three, by substituting for the words "after having been loaded for ten hours or more" the words 'within twenty hours after they were loaded.' The same section is also further amended in lines five and six, by striking therefrom the words "provided, that they remain so long in the state," so that the first sentence of said section, as amended, shall read as follows :

Sec 36, ch. 124, R. S., amended.

'SECT. 36. Animals coming into the state on the same or connecting roads, or other transportation lines, shall, within twenty hours after they were loaded, be unloaded, comfortably yarded, and in cold or inclement weather, comfortably sheltered and shall be furnished with a sufficient quantity of proper food and good water ; and they shall continue so yarded or sheltered, fed and watered for a reasonable time.'

Animals brought into the state, shall be allowed rest, shelter, food and water.