

# MAINE STATE LEGISLATURE

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# Sixty-Second Legislature.

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HOUSE.

162.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-FIVE.

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### AN ACT to amend the Revised Statutes.

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

SECTION 1. Section thirty-eight of chapter three of the  
2 Revised Statutes is hereby amended in line five, by in-  
3 serting after the word "preceding" the words 'with a full  
4 account of the receipts and disbursements during that  
5 period, and to whom and for what purpose each item of  
6 the same was paid,' so that the first sentence of said section,  
7 as amended, shall read as follows:

'SECT. 38. Persons charged with the expenditure of the  
9 money of a town, shall, on or before the morning of each  
10 annual meeting, make a full, detailed written or printed  
11 report of all their financial transactions in behalf of the  
12 town, during the municipal year immediately preceding,  
13 with a full account of the receipts and disbursements  
14 during that period, and to whom and for what purpose

15 each item of the same was paid, with a statement in detail  
16 of the indebtedness and resources of the town.'

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

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

SECT. 3. Section eight of chapter eighteen of the Revised  
2 Statutes is amended in lines ten and eleven, by substituting  
3 for the words, "and issue execution for the damages recov-  
4 ered, with costs to the party prevailing in the appeal" the  
5 words 'for the damages recovered, and judgment for costs in  
6 favor of the party entitled thereto, and shall issue execu-  
7 tion for the costs only.' The same section is also further  
8 amended in line sixteen by inserting after the word  
9 "record" the words 'and order the damages therein  
10 recovered to be paid as provided in section seven,' so that  
11 said section, as amended, shall read as follows :

'SECT. 8. Any person aggrieved by the estimate of  
13 damages by the county commissioners, on account of the

14 laying out or discontinuing of a way, may appeal there-  
15 from, at any time before the third day of the regular term  
16 succeeding that at which the commissioner's return is made,  
17 to the term of the supreme judicial court, first held in the  
18 county where the land is situated, more than thirty days  
19 after the expiration of the time within which such appeal  
20 may be taken, excluding the first day of its session, which  
21 court shall determine the same by a committee of reference  
22 if the parties so agree, or by a verdict of its jury, and  
23 shall render judgment for the damages recovered, and  
24 judgment for costs in favor of the party entitled thereto,  
25 and shall issue execution for the costs only. The appel-  
26 lant shall file notice of his appeal with the county commis-  
27 sioners within the time above limited, and at the first term  
28 of the court shall file a complaint setting forth substantially  
29 the facts, upon which the case shall be tried like other  
30 cases. The clerk shall certify the final judgment of the  
31 court to the county commissioners, who shall enter the  
32 same of record, and order the damages therein recovered  
33 to be paid as provided in section seven. The party pre-  
34 vailing recovers costs to be taxed and allowed by the court,  
35 except that they shall not be recovered by the party claim-  
36 ing damages, but by the other party, if on such appeal  
37 by either party, said claimant fails to recover a greater  
38 sum as damages than was allowed to him by the commis-  
39 sioners.'

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

‘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 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.’

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

‘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.’

SECT. 6. Section twenty-two of chapter eighteen of the Revised Statutes is repealed.

SECT. 7. Section nineteen of chapter eighteen of the  
2 Revised Statutes is amended in the last line but one, by  
3 substituting for the word "and" the words 'as is provided  
4 in sections forty-nine to fifty-one, inclusive; and also,' so  
5 that the last sentence of said section, as amended, shall  
6 read as follows: 'When the decision of the commis-  
7 sioners is returned and recorded, such owner or tenant, or  
8 other party interested, has the same right to appeal to the  
9 supreme judicial court as is provided in sections forty-  
10 nine to fifty-one, inclusive; and also to have his damages  
11 estimated as provided in section eight.'

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

'SECT. 44. All liquors and vessels declared forfeited by  
4 any court under this chapter, shall, by order of the court  
5 rendering final judgment thereon, be delivered to the  
6 mayor and aldermen of any city, selectmen of any town,  
7 and assessors of any plantation to which they were for-  
8 feited. Said officers shall examine such liquors, and if  
9 they determine that any portions are fit to be sold for  
10 medicinal, mechanical or manufacturing purposes, they  
11 shall deliver such portions to the agent of their city, town  
12 or plantation, to be by said agent sold in accordance with  
13 this chapter. If they find any portions of the same unfit  
14 for such uses, they shall destroy the same by pouring them  
15 upon the ground. If there is no agency in the city, town  
16 or plantation where such forfeited liquors were seized, the  
17 same shall, by order of the court rendering final judgment  
18 thereon, be delivered to the State Agent, who shall exam-  
19 ine such liquors, and if he determines that any portions  
20 are fit to be sold for medicinal, mechanical or manufact-

21 uring purposes, he shall add the same to his stock and pay  
 22 the value thereof to the municipal officers of the city,  
 23 town or plantation where they were seized, and if he finds  
 24 any portions thereof unfit for such uses, he shall destroy  
 25 the same by pouring them upon the ground. All vessels  
 26 forfeited under this chapter may be sold by said officers  
 27 at public or private sale, and the proceeds thereof paid  
 28 into the treasury of such city, town or plantation.'

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

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

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

'SECT. 44. No stock-holder in any corporation, except  
 7 in banks, has, after February twenty-four, eighteen hund-  
 8 red and seventy-one, been liable for the debts of or claims  
 9 against such corporation, beyond any amounts withdrawn  
 10 or not paid in as provided in the two following sections ;  
 11 but neither this section nor the four following affect past  
 12 or future liabilities of any officer of any corporation ; nor  
 13 any liability of any person or corporation, or remedy

14 therefor, existing on said twenty-fourth day of February.'

SECT. 11. Sections three and five of chapter fifty-two  
2 of the Revised Statutes are repealed.

SECT. 12. Section two of chapter fifty-five of the  
2 Revised Statutes is amended in the first line by substi-  
3 tuting for the words "The justice" the words 'Such  
4 applicant,' so that said section, as amended, shall read as  
5 follows :

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

SECT. 13. Section forty-nine of chapter seventy of the  
2 Revised Statutes is amended in line twenty-six by insert-  
3 ing after the word "or" the words 'if the fraudulent acts  
4 proved,' so that the fifth sentence of said section, as  
5 amended, shall read as follows : 'If upon hearing the  
6 parties, any of the fraudulent acts set forth by the creditor  
7 against the insolvent are proved, and the creditor had no  
8 knowledge of the same until after the granting of the  
9 discharge, judgment shall be given in favor of the creditor,  
10 and the discharge of the insolvent annulled ; but if none  
11 of the fraudulent acts, so set forth, are proved, or if the  
12 fraudulent acts proved were known to the creditor before  
13 the granting of the discharge, judgment shall be rendered  
14 in favor of the insolvent, and the validity of his discharge  
15 shall not be affected by the proceedings.'



SECT. 14. Section four of chapter one hundred and  
2 twenty-four of the Revised Statutes is amended in line  
3 one by substituting for the words "legally divorced" the  
4 words 'who has been for two years legally and finally  
5 divorced on his or her own petition, or one to whom per-  
6 mission to marry again after divorce has been granted by  
7 the court,' so that said section, as amended, shall read as  
8 follows :

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

SECT. 15. Section thirty-six of chapter one hundred  
2 and twenty-four of the Revised Statutes is amended in  
3 lines two and three, by substituting for the words "after  
4 having been loaded for ten hours or more" the words  
5 'within twenty hours after they were loaded.' The same  
6 section is also further amended in lines five and six by  
7 striking therefrom the words "*provided*, that they remain

8 so long in the State," so that the first sentence of said  
9 section, as amended, shall read as follows :

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



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 21, 1885. }

Reported from Committee on Revision of Statutes by Mr. DYER;  
ordered printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*