

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 88

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND NINE.

AN ACT to amend section forty-six of chapter one hundred
and six of the Revised Statutes relating to the Appointment
of Surveyors in Real Actions.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section forty-six of chapter one hundred and
2 six of the Revised Statutes is hereby amended by inserting
3 after the word "action" in the second line thereof the fol-
4 lowing: 'Or in an action of trespass in which the title to
5 land is involved as shown by the pleadings filed,' and also
6 by adding to said section the following: 'The fees and
7 necessary expenses of such surveyor shall be paid by the
8 county on presentation of the proper certificate of the clerk
9 of courts for that county, and the amount thereof shall be

10 fixed by the court upon the acceptance of the report,' so
11 that said section as amended shall read as follows:

'Sect. 46. The court may appoint a surveyor to run lines
13 and make plans of lands demanded in a real or mixed
14 action, or in an action of trespass in which the title to land
15 is involved, as shown by the pleadings filed, on motion of
16 either party; and if he is prevented by force, menaces, or
17 fear, from performing the duties assigned him, the court
18 may issue a warrant to the sheriff, commanding him, with
19 suitable aid, to prevent such opposition; and in the execu-
20 tion of such warrant, he may exercise all the power pertain-
21 ing to his office; and all persons refusing their aid when
22 called for by him are liable to the same penalties as in other
23 like cases. The fees and necessary expenses of such sur-
24 veyor shall be paid by the county on presentation of the
25 proper certificate of the clerk of courts for that county,
26 and the amount thereof shall be fixed by the court upon
27 the acceptance of the report.'

STATE OF MAINE.

IN SENATE,

January 29, 1909.

Reported by Mr. LOONEY from Committee on Judiciary
and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.