

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

4628

PASSED BY THE

TWENTY-SECOND LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A . D . 1 8 4 2 .

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and
March 16, 1842.

AUGUSTA:

Wm. R. SMITH & Co., PRINTERS TO THE STATE.

1842.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1842.

Chapter 7.

AN ACT concerning the Passamaquoddy Indians.

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

The agent of the Passamaquoddy Indians is hereby authorized and directed to pay to the females and children of said tribe five hundred dollars, in provisions or clothing, at such times as their necessities may require, in lieu of blankets, flannels, and woolen cloth, as heretofore provided.

Agent of Passamaquoddy Indians to pay females and children \$500 in provisions or clothing.

[Approved March 7, 1842.]

Chapter 8.

AN ACT to regulate the taking of salmon, shad, and alewives, in Machias river.

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

If any person shall take any salmon, shad, or alewives, as prohibited in the fourteenth section of the sixty first chapter of the revised statutes, in Machias river, between the first day of May and the first day of October in any year, he shall be subject to the penalty provided in said section.

In relation to taking fish in Machias river.

R. S. ch. 61.

Penalty.

[Approved March 7, 1842.]

Chapter 9.

AN ACT relating to rail roads.

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

SECT. 1. Every rail road corporation, owning any rail road upon which cars shall run, is hereby required, at reasonable times, and for a toll not exceeding the ordinary rate, to draw over their road the passenger, baggage and merchandize cars of any other rail road corporation, which has been or may be authorized by the legislature, to connect their rail road with the road of such corporation.

Rail road corporations required to draw cars of other corporations over their road. Toll.

SECT. 2. Whenever the directors or other managers of such intersected road, shall refuse or neglect to draw over their road the passenger, baggage and merchandize cars of any other rail road connecting therewith, as aforesaid, the directors of such connecting

Provisions in case of refusal or neglect.

CHAP. 9.General regula-
tions.

Liabilities.

Damages.

road shall have the right to draw their said cars, with their own locomotive, over such intersected road, so long as the directors of such intersected road shall refuse or neglect as aforesaid, and no longer: the same being subject, while upon said road, to the same general regulations prescribed by the directors of the intersected road, for the regulation and management of their own trains; and the directors of such intersecting road being required to provide their own depots, at the termini of said road. And be it further provided, that the road intersected with shall not be liable for any injuries that shall arise to the passengers, baggage, or merchandize, which are transported in the cars of the intersecting road; when said injuries shall arise from any defect in said cars, or negligence, or improper or unskilful conduct, on the part of the managers of the said intersecting road, but in all such cases, shall the damage for said injuries be sustained and paid by the company of said intersecting road.

SECT. 3. No rail road corporation shall run or permit to be run, upon their road, any train of cars, moved by steam power, for the transportation of passengers, unless there shall be placed upon the train one trusty and skilful brakeman to every two cars in said train.

Penalty in case
of negligence or
misconduct of
agents.

SECT. 4. Whenever any engineer, fireman, or other agent of any rail road corporation, or any person employed in conducting the trains upon any rail road, shall be guilty of negligence or carelessness, whereby an injury is done to any person or corporation, he shall, upon conviction, be punished by imprisonment in the county jail for a term not exceeding twelve months, or by fine not exceeding one thousand dollars; but nothing in this section shall exempt said corporation from an action in damages to any person or corporation sustaining such injury.

Corporation not
exempted from
damages.Corporation re-
sponsible for in-
jury in case of
fire.

SECT. 5. When any injury is done to a building or other property of any person, or corporation, by fire communicated by a locomotive engine of any rail road corporation, the said corporation shall be held responsible in damages to the person or corporation so injured; and any rail road corporation shall have an insurable interest in the property for which it may be so held responsible in damages along its route, and may procure insurance thereon in its own behalf.

Insurable inter-
est in the prop-
erty for which re-
sponsible.Corporations to
erect fences.

SECT. 6. Every rail road corporation shall erect and maintain substantial, legal, and sufficient fences on each side of the land taken by them for their rail road, where the same passes through enclosed or improved lands; and for neglect or failure to erect and maintain such fences, such corporation shall be liable to be indicted in the district court for the county where such fence shall be insuf-

Penalty for neg-
lect.

cient, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence, under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiencies of highways.

CHAP. 10.

Fine, how expended.

[Approved March 7, 1842.]

Chapter 10.

AN ACT relating to proceedings in civil actions, and the powers of justices of the peace.

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

SECT. 1. On all writs returnable before a justice of the peace, or municipal or police court, and on executions issued by such justices or courts, personal property may be attached in any county in this State; *provided*, that such writs or executions shall be directed to any proper officer of such county; and such justices and courts are hereby authorized to direct such writs and executions to the officers of any county, where personal property of any debtor or defendant may be found.

Of the attachment of personal property on justice writs and executions.

Proviso.

SECT. 2. Whenever any debtor, against whom judgment has been, or may be rendered, before any justice of the peace, or municipal or police court, shall remove or be out of the county in which such judgment may have been rendered, such justice or court may issue execution against such debtor, directed to the proper officers in any county, where such debtor may be supposed to be; and such execution shall have the same force, as if issued by a justice or court of the county, where such officers are empowered to act.

Provisions in case of removal of debtor against whom judgment has been rendered.

SECT. 3. Any action, commenced against two or more defendants, residing in different counties, and to be tried before a justice of the peace, or municipal or police court, may be brought in the county, where either of the defendants resides; and the writ and execution, in such case, shall be directed to, and executed by the proper officers in each of such counties accordingly; but, if there be but one defendant, such action shall be commenced in the county where he resides.

Actions within the jurisdiction of justices, where to be commenced.

SECT. 4. The fifteenth section of the one hundred and fourteenth chapter of the revised statutes, and the eighteenth section of the act of amendment, passed April sixteenth, one thousand eight hundred and forty one, are hereby repealed.

R. S. ch. 114, § 15, and § 18 of act of amendment 1841, repealed.

[Approved March 9, 1842.]