

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-THIRD LEGISLATURE

OF THE

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

A. D. 1843.

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

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

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1843.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1843.

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**CHAP. 7.**

erected and made by the defendant or by his grantor or assignor, and that they were proper and judicious under the circumstances of the case; and allow damages only for such.

Said provisions to extend to grantee or assignee of the tenant in dower.

Lien given.

No bar to such action, that the tenant yields possession to superior title.

SECT. 2. The provisions and benefit of the forty-seventh section of said chapter, are hereby made to apply and extend to the grantee or assignee of the tenant in dower, and of any other life estate as described in the first section of this act; and a lien is hereby given on the real estate therein described, to be enforced by commencement of action within one year after entry therein mentioned. And hereafter it shall be no bar to such action of assumpsit that the tenant, to avoid cost, yields possession to the superior title.

[Approved March 4, 1843.]

**Chapter 7.**

AN ACT concerning suits where either of the District Judges is a party.

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

Where judges of D. court are parties.

SECT. 1. All actions in which either of the judges of the district court is a party, and wherein the damages are laid at more than twenty dollars, shall be commenced and heard in the supreme judicial court, and single costs taxed for the prevailing party.

When an appeal is taken, single costs taxed.

SECT. 2. When an appeal is taken in any action, where either of the said judges is a party, from the decision of any justice of the peace, municipal or police court, it shall be taken to the supreme judicial court, and shall be heard and tried therein, and single costs taxed for the prevailing party.

SECT. 3. All acts inconsistent with the provisions of this act, are hereby repealed.

[Approved March 11, 1843.]

**Chapter 8.**

AN ADDITIONAL ACT regulating the inspection of fish.

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

Mackerel, to be numbered 1, 2, 3.

SECT. 1. There shall be three numbers of mackerel: those of the best quality not mutilated, of suitable size, free from rust, taint or damage, shall be branded *number one*; the next best quality of

suitable size, free from rust, taint or damage, shall be branded *number two*; those that remain after the above selections, of suitable size, free from rust, taint or damage, shall be branded *number three*; those of this number that are of the description called Block island mackerel, shall also be branded with the word *south*; all mackerel of less than ten inches in length, being free from rust, taint or damage, shall be branded *number three small*.

Additional brands in certain cases.

SECT. 2. That all acts and parts of acts, inconsistent with the provisions of this act, be, and the same hereby are, repealed.

[Approved March 11, 1843.]

### Chapter 9.

AN ACT providing for the taxing of rail roads and rail road property in this state.

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

SECT. 1. All the real estate and personal property of any rail road company, heretofore incorporated, or which may be hereafter incorporated in this state, shall be held and deemed real estate for the purpose of taxation, and shall be taxed in the several cities, towns and plantations where such rail road and rail road property may be situated.

All rail road property taxed in the town where situated.

SECT. 2. Each and every such rail road corporation shall keep one agent in this state, whose duty it shall be, on or before the first day of May, in the year of our Lord one thousand eight hundred and forty-three, to furnish the assessors of each city, town and plantation through which any such rail road may pass, with a certificate attested by his oath, stating the length of such rail road in such city, town or plantation. Also the expense of making such rail road, together with the costs of depots and lands taken for, and damages awarded in consequence of such rail road through such city, town or plantation. Also the then relative value that the whole of such rail road and rail road property bears to the cost thereof. And it shall further be the duty of each such agent annually, on or before the first day of May, to furnish the assessors aforesaid with a like attested certificate stating the then relative value of such rail road and rail road property to the cost thereof.

To keep one agent in this state.

His duties.

SECT. 3. The assessors of each city, town and plantation, through which any such rail may pass, shall assess all taxes, highway taxes excepted, thereon, as on other real estate, and a lien shall be had on all such rail road property, or any part thereof, for

Duties of assessors.