

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1852.

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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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1852.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1852.

Chapter 233.

CHAP. 233.

An act to amend an act entitled "an act to provide for the education of youth," passed August twenty-seventh, eighteen hundred and fifty.

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

SECT. 1. Section ten, article three of the law relating to the education of youth, passed August twenty-seventh, eighteen hundred and fifty, is hereby amended by striking out the word "five," and inserting the word "ten," so that, as amended, it will read, every such loan shall be made for a term of time not exceeding ten years, and shall be payable in equal annual instalments.

Amendment.

Term of loan extended.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 27, 1852.]

Chapter 234.

An act to amend chapter twenty-nine of the revised statutes.

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

SECT. 1. That section three in the ninth line of chapter twenty-nine of the revised statutes, be amended by striking out the word "six," and inserting "thirty." The section as amended will read as follows: In case any party shall neglect or refuse to repair or rebuild any such fence, which of right he ought to maintain, the aggrieved party may complain to two or more fence-viewers of the town where the land is situated, who, after due notice to such party, shall proceed to survey the same, and if they shall determine, that the fence is insufficient, they shall signify the same in writing, to the delinquent occupant of the land, and direct him to repair or rebuild the same within such time as they shall judge reasonable, not exceeding thirty days. If the fence shall not be repaired or rebuilt accordingly, it shall be lawful for the complainant to make or repair such fence.

Amendment.

Neglect to repair or build fences, duty of fence viewers.

SECT. 2. That section fifth be amended in the eighth line by striking out "six" and inserting "thirty;" also, in the twelfth line, after the word parties, by striking out "and all who may afterwards occupy the lands;" also, in the thirteenth line, by striking out the word "always." The section as amended will read as follows: When the occupants or owners of ad-

Amendments.

CHAP. 234.

Partition fences, proceedings in division of.

Assignment of fences to be recorded in clerk's office,

Fence viewers may divide the cost on fences unequally apportioned.

Action may lie for excess.

Amendment,

Division of fences, when binding,

Proviso,

Owners of unimproved lands not required to maintain fences on the same.

Fence viewers may allow more than 24 hours.

adjacent lands disagree respecting their rights in partition fences, and their obligation to maintain the same, on application of either party to two or more fence-viewers of the town where the lands lie, said fence-viewers, after reasonable notice to each party, may, in writing under their hands, assign to each party his share thereof, and limit the time in which each party shall build or repair his part of the fence, not exceeding thirty days, as provided in the third section of this chapter. Such assignment, and all other assignments of proprietors of partition fences, provided for in this chapter, being recorded in the town clerk's office, shall be binding upon the parties, and they shall be obliged thereafter to maintain their part of said fence. If such fence shall have been already built and maintained by the parties in unequal proportions, and the fence-viewers shall adjudge the same to be good and sufficient, they may, after notice as aforesaid in writing under their hands, award to the party who may have built and maintained the larger portion, the value of such excess, to be recovered in an action on the case against the other party, if not paid within six months after demand.

SECT. 3. That the thirteenth section of said chapter be amended in the fifth and sixth lines, by striking out the words "and their heirs and assigns forever," so that said section as amended will read as follows: In all cases where a division of fence between the owners of improved lands, has been or shall be made, either by fence-viewers, or by the written agreement of the parties, recorded in the office of the clerk of the town where such lands are situate, the several owners of such lands, shall erect and support such fences agreeably to such division; *provided*, that if any person shall lay his lands common, and determine not to improve any part of the same adjoining the fence, divided as aforesaid, and shall give six months notice to all occupants of adjoining lands, he shall not be required to maintain such fence, during the time his lands so lie common and unimproved.

SECT. 4. The twenty-seventh section shall be amended by adding thereto the following words, to wit: Said fence-viewers may allow a longer time than twenty-four hours if they think proper.

SECT. 5. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 27, 1852.]