

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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WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1852.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1852.

Chapter 235.CHAP. 235.

An act to amend the one hundred and twenty-first chapter of the revised statutes.

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

The twenty-seventh section of the one hundred and twenty-first chapter of the revised statutes is hereby amended by inserting therein the words "his heirs or assigns," immediately after the words "prevent it," and immediately preceding the word "may," so that the section as amended will read: If any part owner shall have a larger share set off to him, than his true and real interest, or more than equal in value to the proportion it was set off for, then any aggrieved partner, who, at the time the partition was made, was out of the state, and not notified in season to prevent it, his heirs or assigns, may at any time within three years after the same was made, apply to the court which made the partition, and the court shall cause partition thereof to be made anew.

Chap. 121, sec. 27, R. S., amended.

New partition in certain cases ordered.

[Approved March 27, 1852.]

Chapter 236.

An act for the preservation of ice bridges.

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

SECT. 1. Any person or persons are hereby authorized during the winter season, to construct and maintain for the use of themselves and the public, ice bridges whenever it is practicable, across any river, stream or other body of water at any place suitable for the accommodation of persons having occasion to pass such river or other body of water during the part of the year when the ordinary navigation of such waters is usually obstructed by the formation of ice therein.

Ice bridges may be constructed for private or public use.

SECT. 2. Any person or persons who shall wilfully cut away or in any manner destroy any such ice bridge, so constructed, with the design and intent to interrupt or prevent the passing such river or body of water, at the place where such bridge may have been so constructed, shall forfeit and pay a sum not less than five dollars nor exceeding twenty dollars, to be recovered by an action of debt or upon complaint on oath before any justice of the peace within and for the county wherein such offense may have been committed, one half

Penalty for destroying same.

Manner of recovering same.

CHAP. 237. thereof to the use of the complainant and the residue to the use of the state.

[Approved March 27, 1852.]

Chapter 237.

An act imposing further obligations and penalties on owners of telegraph lines and their agents.

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

Telegraph owners made liable for errors, in transmitting despatches.

SECT. 1. Every person or company owning or using any line of telegraph in this state, or any part of which may be therein, in case of any error made in the transmission or writing out of any dispatch upon their lines, by their operators or agents, affecting its value to the party interested therein, shall be liable for the whole amount paid for its transmission to its place of destination, both in and out of this state.

Also liable for unnecessary delays.

SECT. 2. Whenever any dispatch is improperly or unnecessarily delayed either in its transmission or delivery, within the usual delivery limits of the several offices within this state, so that said dispatch is rendered less valuable to the party interested therein, the person or company whose operator or agent is in fault, shall refund the whole amount paid on such dispatch.

Agents liable for misfeasance.

SECT. 3. The operator or agent of any person or company owning any line of telegraph in this state, who shall designedly falsify any dispatch for any purpose whatever, shall be liable in damages in a sum of not less than twenty nor more than one hundred dollars, for each and every such offense, to be recovered in an action of debt, in any court of competent jurisdiction; and in case of the avoidance or inability of such operator or agent to pay any judgment recovered against him for such cause, said person or company shall be liable in damage, as aforesaid, as if no judgment had been recovered against the operator or agent; *provided*, that in all other cases the liability of the person or company owning any telegraph line shall be limited as provided in the foregoing sections of this act.

Company liable in case of inability of agent.

Proviso.

SECT. 4. Nothing in this act shall be construed to exonerate any operator, agent, clerk or other officer employed on any telegraph line in this state, from liability for any act of fraud committed or attempted to be committed by means of telegraphic communication.

This act not to exonerate cases of fraud.

[Approved March 30, 1852.]