

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

1857.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26, 1840,
and March 16, 1842.

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1857.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1857.

CHAP. 15.

—penalty for violation of.

SECT. 2. For every violation of this act, the engine-man offending shall forfeit and pay the sum of one hundred dollars, and the corporation, on whose railroad such offense shall be committed, shall forfeit and pay the sum of two hundred dollars, to be recovered by indictment in the county where the offense was committed.

SECT. 3. This act shall take effect and be in force from and after the first day of May, in the year of our Lord one thousand eight hundred and fifty-seven.

[Approved March 21, 1857.]

Chapter 15.

An act to amend chapter one hundred and twenty-five of the revised statutes, and for the further protection of mechanics' liens.

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

Ch. 125, sec. 32,
R. S., amended,
in relation to
mechanics' liens.

SECT. 1. Chapter one hundred and twenty-five of the revised statutes shall be amended by inserting after the word "mortgage," in the eighth line of section thirty-seven, the following words: "And when the house or building is erected on the land of another, he shall have a lien on the house or building itself, and upon such right as the owner of the same has in the land;" said section shall be further amended by adding, at the close of the same, the following words: "In the case of a levy on execution by the lien creditor, if in the opinion of the appraisers the whole lot is not needed for the purpose of the house or building, they shall set out by metes and bounds a lot suitable therefor;" so that the section, when amended, shall read as follows: "Any person who shall perform labor, or furnish materials, for erecting, altering, or repairing any house or other building, or appurtenances, or furnish labor or materials for the above purposes, by virtue of any contract with the owner thereof, shall have a lien to secure the payment of the same, upon such house or other building, and the lot of land on which the same stands, and upon the right of redeeming the same when under mortgage; and when the house or building is erected on the land of another, he shall have a lien on the house or building itself, and upon such right as the owner of the same has in the land; and such lien shall continue in force for the space of ninety days from the time when such payment becomes due; notwithstanding the decease of any such debtor, and the representation of his estate as insolvent; and the administrator or executor of any insolvent estate shall, upon

Lien on building,
&c., erected or
repaired by
contract.

—when erected
on land of
another.

—in case of
insolvent estate.

citation, be holden to answer to any action brought upon a claim secured by such lien. In the case of a levy on execution by the lien creditor, if in the opinion of the appraisers the whole lot is not needed for the purposes of the house or building, they shall set out by metes and bounds a lot suitable therefor.

[Approved March 21, 1857.]

Chapter 16.

An act additional to an act entitled "an act respecting the election of electors of president and vice-president."

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

SECT. 1. The returns of the ballots and the votes cast for electors of president and vice president shall be made to the secretary of state, on or before the second Thursday after the day of the election.

Ballots and votes, return of.

SECT. 2. On Thursday next after the second Tuesday after such day of election, the governor and council shall be in session to perform the duties required by the fifth section of the twenty-sixth chapter of the public laws of eighteen hundred forty-seven, to which this act is additional.

Governor and council, duties of.

SECT. 3. If the returns from any town or towns shall fail to reach the secretary of state at the time required by this act, he shall forthwith send a messenger for each of the returns so failing to reach him; and the returns of ballots and votes so procured shall be counted in like manner as those returned within the time required by law.

Returns of votes from delinquent towns, how obtained and counted.

SECT. 4. The expense of the messenger sent to each delinquent town shall be audited and allowed by the governor and council, and paid out of the treasury of the state, and the amount added to the state tax next levied upon such delinquent town; and if the same messenger is sent to two or more different towns by the same journey, the amount to be paid by each of such towns shall be apportioned by the governor and council according to the relative distances and expense of travelling; *provided, however,* that no town shall be liable for any such expense, if the governor and council shall be of opinion that the officers of such towns have fully performed their duties in making the required returns.

Expense of messenger, how paid.

Proviso.

SECT. 5. All acts and parts of acts, inconsistent with this act, are hereby repealed.

[Approved March 24, 1857.]