

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-NINTH LEGISLATURE

OF THE

## STATE OF MAINE.

1860.

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Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26,  
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1860.

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**CHAP. 147.** ness that would have been assessed on each to pay the whole if the county of Knox had not been established.

When to take effect.

SECT. 14. This act shall take effect on the first day of April, eighteen hundred and sixty.

[Approved March 9, 1860.]

### Chapter 147.

An act additional to chapter twenty of the revised statutes relating to ferries.

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

Property to be appraised on removal of ferryman.

Whenever the county commissioners remove a ferryman, they shall appraise the boat and other personal property used in running the ferry, at its fair value, and the person appointed shall purchase the same at said appraisal, if the person removed assents thereto.

[Approved March 9, 1860.]

### Chapter 148.

An act authorizing the assessors of towns to administer the oath of office to highway surveyors.

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

Assessor may administer oath to highway surveyor, effect.

SECT. 1. Either of the assessors of the town may administer the oath to highway surveyors, and the same duty is imposed upon the respective officers of making, delivering, returning and recording the certificate of such oath, and the same penalty is incurred for the neglect of such duty, and the same force and effect is given to the record, as is now provided by law in case the highway surveyor is sworn by the town clerk or any magistrate.

[Approved March 9, 1860.]

### Chapter 149.

An act to provide for inquests in cases of suspected incendiarism.

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

Inceudiarism suspected, complaint how made.

SECT. 1. Whenever any building or other property in the state, shall be destroyed by fire, and within ninety days thereafter a complaint shall be subscribed and sworn to by the mayor of the

city or the municipal officers of the town in which the fire occurred, before any justice of the peace for the county where such fire shall have occurred, or in any city or town where there is a municipal or police court, before such court, alleging that reasonable grounds exist for believing that such fire was not accidental in its origin, but was caused by design, it shall be the duty of such justice and of the judge of such court forthwith to issue his warrant to some constable of the town or city where such property was destroyed, requiring him to summon immediately, six good and lawful men of the county, to appear before such judge or justice, at the time and place expressed in the warrant, to inquire when, how and by what means said fire originated. And in case of the non-appearance of any person so summoned, the constable shall, by order of said judge or justice, return some person from the by-standers to complete said number.

Incendiarism,  
duty of justice  
or judge.  
Jury of inquest.

—how com-  
pleted.

SECT. 2. When the persons thus summoned, appear, or the number be made complete, the said judge or justice shall call over their names, and then in view of the land on which such property was destroyed, he shall administer the following oath: You solemnly swear that you will dilligently inquire and true presentment make, in behalf of this state, when, how, and by what means, the fire which has here occurred was caused; and that you will return a true inquest according to your best knowledge, and such evidence as shall be laid before you.

—organization  
of.  
—oath of what  
to present.

SECT. 3. The judge or justice shall issue subpoenas for witnesses, returnable forthwith, at such time and place as he shall therein direct. Such witnesses shall be allowed the same fees; and their attendance shall be enforced in the same manner as if they had been served with a subpoena in behalf of the state to attend any court before a justice of the peace or a judge of a municipal or police court.

Witnesses, how  
summoned.  
—fees.  
—attendance,  
how enforced.

SECT. 4. The witnesses appearing hereunder, shall be sworn to the effect, that the evidence which they shall give to this inquest of what they know concerning the origin of the fire of which inquiry is to be made, shall be the truth, the whole truth, and nothing but the truth.

—oath.

SECT. 5. The testimony of all witnesses examined before any inquest shall be reduced to writing by said presiding judge or justice or some person by his direction, and subscribed by the witness.

—testimony to  
be reduced to  
writing.

SECT. 6. The jury after hearing the testimony of the witnesses, and making all needful inquiries, shall draw up and deliver to such judge or justice, their inquisition under their hands, in which they shall find and certify, when, how, and by what means, such fire was caused. Said inquisition and testimony, thus subscribed, shall be filed by said judge or justice, with the clerk of the courts for said county, within one week thereafter.

Duty of jury  
after hearing.

Papers to be  
filed with clerk  
of courts.

**CHAP. 150.**

Fees of justice,  
and expenses,  
regulated.

—to be added  
to tax of town.

—how col-  
lected.

SECT. 7. The fees of said judge or justice, and the expenses of said inquisition shall in amount and manner of payment, be the same as now provided by law for coroner's inquests, and the county commissioners in apportioning the county tax shall add to the sum apportioned to the town where such fire occurred, the amount paid by the county for the inquest, and the same shall be paid by such city or town; and the same remedies for collecting the same as is by law provided for the collection of county taxes.

[Approved March 9, 1860.]

**Chapter 150.**

An act additional to the one hundred and twenty-sixth chapter of the revised statutes relating to the sale of personal property under mortgage, or to which the vendor has no title.

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

Fraudulent  
sale.

Whoever, knowingly, and with intent to defraud, sells to another any personal property on which there is an existing mortgage, or to which he has no title, without notice to the purchaser of the existence of such mortgage, or of such want of title, shall be deemed guilty of cheating by false pretences, and be punished as provided in the first section of said chapter one hundred and twenty-six.

Penalty.

[Approved March 14, 1860.]

**Chapter 151.**

An act in addition to chapter six of the revised statutes relating to the assessment and collection of taxes on corporations.

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

Clerks failing  
to make re-  
turns, property  
deemed corpo-  
rate.

SECT. 1. Whenever the clerk of a corporation holding property liable to be taxed, shall fail to comply with the requirements of the twenty-first section of the forty-sixth chapter of the revised statutes, whether the corporation was chartered before or since the separation of Maine from Massachusetts, the property for the purposes of taxation, shall be deemed corporate property, liable to be taxed directly against the corporation, although its stock may have been divided into shares, distributed among any number of stockholders. Such property, both real and personal, is hereby made taxable to state, county, city, town, school district, and parochial taxes, to be

Such property,  
how taxable.