

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1862.

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

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1862.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1862.

CHAP. 131.

—to whom accrues.

Municipal and police judges and trial justices have concurrent jurisdiction with S. J. C.

Acts inconsistent, repealed.

taken, and for each sale so made, to be collected on complaint or indictment before any court competent to try the same, one-half of such fine shall be for the benefit of the complainant and the other half for the benefit of the county in which the offence may be committed.

SECT. 8. Municipal and police judges and trial justices within their respective counties, shall have concurrent jurisdiction with the supreme judicial court in all offences arising under this act, and may punish by fine when the penalty does not exceed the sum of twenty dollars.

SECT. 9. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 10. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 19, 1862.]

Chapter 131.

An act additional to chapter ninety-one of the revised statutes relating to mortgages and liens.

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

Chap. 91, sec. 16, R. S., amended.

Lien to attach to building if debtor has no title to land. —how enforced.

SECT. 1. The sixteenth section of chapter ninety-one of the revised statutes is amended by adding the following words: And if the debtor has no title or legal interest in the lot of land on which said house or other building has been erected, said lien shall attach to said house or other building, and may be enforced by attachment in the manner prescribed by this chapter; and such lien shall exist, and may be enforced, although the owner of such land, or house, or other building may be a minor, or a married woman, if the contract for erecting or repairing such house or building was made with such minor or married woman, and such minority or coverture, shall be no bar to a recovery in any suit brought to enforce such lien.

Suits to enforce liens to have precedence.

SECT. 2. Section twenty-one is amended so that the same shall read as follows: Suits to enforce any of the liens before named in this chapter, shall have precedence of all attachments, and incumbrances made after the lien attached, and not made to enforce a lien, and may be maintained, although the employer or debtor is deceased and his estate represented insolvent; and his executor or administrator may be summoned and held to answer to an action brought to enforce said lien. And in all cases where the house or

—and be maintained if debtor is deceased.

Executors and administrators held to answer.

building, or the logs or lumber, on which the labor was performed, have been or shall be attached, the proceedings shall be deemed sufficient to effectuate the lien, if the writ, officer's return of attachment, and the judgment recovered in the suit are, or shall be in the usual and common forms of the common law, as heretofore understood and practiced in all other actions of assumpsit, the declaration disclosing that the suit is brought to enforce the lien.

[Approved March 19, 1862.]

CHAP. 132.

Writ, &c., to be sufficient if in common form.

Chapter 132.

An act concerning contagious diseases among cattle.

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

SECT. 1. The selectmen of towns and the mayor and aldermen of cities in case of the existence in this state of the disease called lung murrain or pleuro pneumonia, or any other contagious disease among cattle, shall cause the cattle in their respective towns and cities which are infected, or which have been exposed to infection, to be secured or collected in some suitable place or places, within such city or town, and kept isolated; and when taken from the possession of their owners, to be maintained, one-fifth of the expense thereof to be paid by the town or city wherein the animal is kept, and four-fifths at the expense of the state, such isolation to continue so long as the existence of such disease or other circumstances renders the same necessary; or they may, at their discretion direct the owners thereof to isolate such cattle upon their own premises, and any damage or loss sustained thereby shall be paid as aforesaid.

Cattle infected by contagious disease to be isolated by city and town officers.

—maintenance, when paid.

Owners may be directed to isolate their cattle.

—damage or loss, how paid.

SECT. 2. The selectmen of towns and mayor and aldermen of cities, shall within twenty-four hours after they have notice of the existence of such disease, or have reason to believe that it exists, cause the suspected animals to be examined by a veterinary surgeon or physician, by them selected, and if the same be adjudged to be diseased, they may at their discretion order such diseased animals to be forthwith killed and buried at the expense of such town or city.

Animals to be examined.

—to be killed if necessary.

SECT. 3. Such selectmen, mayor and aldermen shall cause all cattle which they shall so order to be killed, to be appraised by three competent and disinterested men, under oath, at the value thereof at the time of the appraisal, and the amount of the appraisal shall be paid as provided in the first section.

Cattle killed to be appraised.