

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1864.

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

AUGUSTA:
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1864.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1864.

CHAP. 229.

Chapter 229.

An act authorizing the introduction in evidence, of office copies of custom house records and documents.

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

Custom house records, &c., copies of may be used in evidence.

SECT. 1. The attestation of the collector of customs or his deputy, under seal of office, copies of registers or enrolments of vessels or of any other custom house records or documents deposited in the office of said collector, shall be used in evidence and have the same force as the records would have if the same were produced in court and were verified by the recording officer in person.

SECT. 2. This act shall take effect when approved by the governor.

Approved March 4, 1864.

Chapter 230.

An act relating to rules of evidence.

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

Defendant shall be a competent witness in certain cases.

In any action by an executor, administrator or other legal representative of a deceased person, when the account books or other memoranda of such deceased party are used as evidence to prove any account or claim embraced in such action, the defendant party in such action shall be a competent witness to testify in regard to such account or claim.

Approved March 8, 1864.

Chapter 231.

An act additional to chapter fifty-one of the revised statutes, relating to railroads.

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

Damages, how determined.

SECT. 1. Whenever county commissioners shall hereafter be required to assess damages to the owners of land as provided in the fifth and following sections of the fifty-first chapter of the revised statutes, instead of requiring the payment of such damages in money, they shall direct such railroad corporation, in addition to the pecuniary damages which shall be assessed upon them, to construct and maintain such cattle guards, cattle passes and farm crossings, as said commissioners shall judge reasonable for

—to construct and maintain cattle guards, &c.

the convenience and security of such land owners. And in their order therefor the commissioners shall prescribe the time within which, and the manner how, such structures shall be made or repaired, which order it shall not be competent for any jury to alter or reverse.

SECT. 2. The land owner or his assigns, who may be interested in the execution of such order, may apply to the supreme judicial court, in case such corporation shall neglect to comply with the requisitions thereof; and the said court are fully empowered hereby to grant all necessary processes to enforce the specific performance of such order by said corporation. Or the person so interested in the execution of such order, may maintain an action on the case against such corporation, wherein he shall be entitled to recover double damages by him sustained by reason of such neglect; *provided*, it shall appear that such corporation neglected for more than forty-eight hours after notice of said neglect, given in writing to the president or superintendent thereof, to commence the work required to be done or thereafter unreasonably delayed to complete the same.

SECT. 3. Nothing in this act shall prevent commissioners or juries if applied to, from awarding damages to land owners as provided in said chapter beyond the performance of the work specifically ordered as aforesaid, to such extent as they shall judge reasonable and proper.

SECT. 4. All cattle passes, cattle guards and farm crossings now existing, and which have been constructed by any railroad corporation under the order or direction of county commissioners, shall be maintained by said corporation the same as if constructed under the authority of this act, and the same proceedings may be had for enforcing such maintenance as are provided for in this act, in relation to cattle guards, cattle passes and farm crossings hereafter constructed.

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

Approved March 8, 1864.

CHAP. 232.

—construction of, &c.

Land owner may apply to S. J. C., if corporation neglect, &c.

—may maintain action.

Damages.

Proviso.

Not to prevent commissioners or juries from acting.

Cattle guards, &c., how maintained.

—how enforced.

Chapter 232.

An act additional to chapter twenty-two of the revised statutes, relating to division fences.

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

SECT. 1. When any fence is repaired or rebuilt by the delinquent owner or occupant as directed by the fence viewers under the third

Fences, repairing or re-building of.