

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,
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1864.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1864.

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.

CHAP. 233.

Fence viewers fees, how paid.

—in case of neglect.

—how recovered.

Assignment of fees, how to be paid.

—in case of neglect.

—how recovered.

section of the twenty-second chapter of the revised statutes, the complainant may demand of said owner or occupant, the amount of the fence viewers fees certified under their hands and which he shall have paid, and in case of neglect or refusal by said owner or occupant to pay the same to the complainant within one month after demand, he may recover in an action on the case, of said owner or occupant, double the amount of said fees.

SECT. 2. When an assignment of the shares of partition fences between the occupants or owners of adjacent lands has been made under the fifth section of said chapter of the revised statutes, it shall be the duty of the parties to the assignment, to pay the fees of the fence viewers certified under their hands, in equal proportions, and in case of the neglect or refusal of either party to pay his proportion of said fees within one month after demand, the party applying to the fence viewers to make said assignment, having first paid said delinquent parties proportion of said fees, may recover in an action on the case, of said delinquent party, double the amount of his said proportion of said fees.

Approved March 8, 1864.

Chapter 233.

An act additional to chapter four of the revised statutes concerning elections.

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

Check lists to be preserved by clerks of towns, and to furnish certified copies.

SECT. 1. The clerks of towns shall preserve the check lists used at the September elections, for one year thereafter without alteration, and shall furnish to any person an exact and certified copy thereof within twenty days after demand and the payment or tender of the legal charges therefor, under the penalty provided in section forty-eight of chapter four of the revised statutes.

Ballot boxes, how constructed and used.

SECT. 2. The ballot boxes used at elections, shall be covered at the top with only a slide opening, and such slide shall not be opened till the name of the person offering his vote, is found and checked on the list, and then shall be shut till another voter presents himself, and his name is found and checked ; and if the presiding officer or officers do not comply with these requirements, they shall be subject to the penalties provided in section forty-eight of chapter four of the revised statutes.

Votes, how received. Officers, duties of.

SECT. 3. Any penalty provided for in the two preceding sections hereof or in said chapter four of the revised statutes, in case the treasurer refuses or neglects for ten days after written request of any voter to commence a suit therefor, may be recovered by said

Penalties in certain cases.

—how recovered.