

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1867.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1867.

SECT. 3. Chapter two hundred and ninety-five of the laws of the year eighteen hundred and sixty-five, is hereby repealed.

CHAP. 88.

Laws of 1865,
chap. 295,
repealed.

SECT. 4. This act shall take effect when approved by the governor.

Approved February 18, 1867.

Chapter 88.

An act defining the ownership of down timber.

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

All down timber or trees lying upon any land shall be held as pertaining to the soil ; but if any such down timber or trees, as aforesaid, shall have been cut into wood, logs or other lumber, or bark shall have been peeled, the same shall be deemed personal property, and the owner or owners thereof shall have the right to remove the same within a reasonable time.

Down timber held pertaining to the soil, &c.

Owner may remove the same.

Approved February 19, 1867.

Chapter 89.

An act to provide for uniformity in the taxation of legal costs by the clerks of the courts of this state.

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

SECT. 1. That it shall be the duty of the justices of the supreme judicial courts of this state, to prepare a schedule or tariff of legal taxable cost, as provided by statute, which can lawfully be included in an execution issued by the clerks of said courts, and can be defined, naming each item in the chapters, and several sections, on fees ; which shall be signed by said justices, or a majority of them, and passed to the secretary of state, who shall have a sufficient number of copies printed at the expense of the state in plain legible characters, to furnish the several clerks of the courts of this state with at least five copies each, to which shall be appended the provisions of this act.

Justices of S. J. C. to prepare schedule of taxable costs.

Copies of same with the provisions of this act to be furnished to clerk of courts.

SECT. 2. The schedule or tariff of fees thus prepared by the courts, and forwarded by the secretary of state to the clerks of the several courts of this state, shall be by them posted in at least three conspicuous places in the court building, one in the clerk's

Such schedule or tariff to be posted in three conspicuous places in court house.

CHAP. 90.

office, one in the entrance or hall of the building, and one in the court room.

Copy of items of cost in execution to be passed to officer, creditor or his attorney, to be presented to debtor.

SECT. 3. Whenever any clerk shall issue an execution on a judgment or decree of the court, he shall, if requested by the judgment debtor or his attorney, and the sum of fifteen cents paid therefor, copy the several items of cost taxed in the execution on a separate slip of paper, to be passed into the hands of the officer, creditor or his attorney, as the case may be, with the execution when issued; which bill of cost shall be presented to the debtor with the execution, or kept with the execution to be furnished the debtor when called for.

Penalty if clerk tax illegal fees.

SECT. 4. And if any clerk shall tax other or higher fee on any item of cost than that prescribed by the court, in the said schedule furnished, or not authorized by statute, he shall forfeit the sum of fifty dollars for each and every such offence, which penalty may be recovered by indictment, one-half to be given to the complainant and the other half kept for the use of the state.

Penalty if clerk neglect to post up tariff of fees.

SECT. 5. And if any clerk shall wilfully neglect to post the tariff of fees as is provided in this act, he shall be liable to a fine of one hundred dollars, to be collected in the same manner as is provided in section three of this chapter.

Schedule of fees to be revised once a year and prepared anew and distributed once in five years.

SECT. 6. It shall be the duty of the court to revise or correct the schedule of fees once a year, so as to make it compare with the law, and once in five years said justices shall prepare anew said schedule to be printed and distributed as provided in section one of this act.

SECT. 7. This act shall take effect the first day of August, eighteen hundred and sixty-seven.

Approved February 21, 1867.

Chapter 90.

An act to establish the salary of the county attorney for Androscoggin county.

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

Salary of co. attorney of Androscoggin co. \$450.

SECT. 1. The annual salary of the county attorney for the county of Androscoggin shall be four hundred and fifty dollars, payable quarterly, from the first day of January, eighteen hundred and sixty-seven, which shall be in full for all official services.

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

Approved February 21, 1867.