

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1867.

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## CHAP. 117.

## Chapter 117.

An act defining a mutual and open account current.

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

R. S., chap.  
81, sect. 99,  
amended.

Accounts when  
deemed mutual  
and open.

SECT. 1. Section ninety-nine of chapter eighty-one of the revised statutes is hereby amended by adding thereto at its close the following words:—*And it shall be deemed a mutual and open account current when there have been mutual dealings between the parties, the items of which are unsettled, whether kept or proved by one party or both.*

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

Approved February 28, 1867.

## Chapter 118.

An act relating to testimony of persons, taken in the trial of civil causes, who have since deceased.

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

Testimony of  
subscribing  
witness or  
magistrate  
taking  
acknowledg-  
ment of deed,  
when received  
in evidence.

SECT. 1. When the testimony of a subscribing witness to any deed, or of the magistrate who took the acknowledgment thereof, has once been taken in the trial of any civil cause in relation to the execution, delivery or record of such deed, and such witness shall have since deceased, proof of such former testimony shall be admissible in evidence in the trial of any other civil cause, involving the question of execution, delivery or record of such deed, wherein the parties are the same, or where one of the parties is the same, and the adverse party acted as agent or attorney for the adverse party in the former suit, but such testimony shall be liable to impeachment like the testimony of a living witness.

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

Approved February 28, 1867.

## Chapter 119.

An act authorizing any city or town in this state to raise money to aid in the construction of any railroad in this state.

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

Any city or  
town may raise

SECT. 1. Any town or city in this state may, at any legal meeting duly notified and holden for that purpose, raise by tax or loan,

such sums of money as they shall deem expedient, not exceeding five per cent. of the valuation of such town or city as made by the assessors thereof for the year in which said meeting shall be held, and may appropriate the same to aid in the construction of any railroad in this state, in such manner as they shall deem proper; *provided* that two-thirds of the legal voters present and voting at such meeting shall vote therefor.

CHAP. 120.

by loan of a sum not exceeding five per cent. of the valuation for constructing railroads.

SECT. 2. Any town or city may make such contracts with any person or railroad corporation, now or hereafter existing under the laws of this state, for the purposes mentioned in the preceding section as they may think necessary, and may raise money by tax or loan to carry the same into effect, not exceeding the amount of said five per cent.

Authority to make contracts.

SECT. 3. Any town or city raising money by loan under the provisions of this act, shall raise in each year, commencing the third year after such loan shall be effected, a sum not less than three per cent. of the amount of such loan, to be applied to the liquidation of the principal of such loan, in addition to the interest, unless the same shall be satisfactorily provided for in some other way.

Sums to be raised in liquidation of such loans.

SECT. 4. Whenever any town or city shall hold any stock in any railroad, the selectmen are authorized to vote thereon at all meetings of such corporation, or may appoint an agent for that purpose, by writing, under their hands.

Selectmen or other agent, when authorized to vote at meeting of railroad corporations.

SECT. 5. This act shall take effect when approved by the governor.

Approved February 28, 1867.

### Chapter 120.

An act to amend chapter fifty of the public laws of eighteen hundred and sixty-six, so as to allow county clerks a compensation for services rendered under said statute.

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

SECT. 1. That chapter fifty of the public laws of eighteen hundred and sixty-six, entitled "an act relating to hawkers and peddlers," is hereby amended, by adding the following:

Public laws of 1866, chap. 50, amended.

*Sect. 2. It shall be the duty of the county commissioners of the several counties of this state to furnish the clerks of the several courts with a sufficient number of blank licenses signed by the board, or a majority of them, to meet all calls for licenses to peddle under the provisions of this act, which licenses, so signed, shall be charged to the clerks, who shall be held to account for licenses issued once in three months.*

County commissioners to furnish blank licenses signed by them to clerk of courts.