

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1868.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1868.

CHAP. 162.

Chapter 162.

An act to prohibit members of city governments and boards of selectmen from voting or being parties to contracts in certain cases.

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

Members of city government and selectmen forbid voting on question of pecuniary interest to them.

SECT. 1. No member of any city government or board of selectmen of any town in this state shall in either branch of such city government, or in any board of selectmen, vote upon any question in which he is pecuniarily interested, directly or indirectly, and in which his vote may be decisive ; and no action of any city government or board of selectmen hereafter taken by means of a vote forbidden by the provisions of this act shall be legal.

Pecuniary interest in contracts by cities or towns prohibited.

SECT. 2. No member of any city government in this state shall be interested, directly or indirectly, in any contract entered into by such city government while he is a member thereof ; and any contract hereafter made in violation of this section shall be void.

Proceedings to enforce, &c.

SECT. 3. The proceedings to restrain or prevent any action in violation of the preceding sections shall be the same as provided in chapter two hundred and thirty-nine of the public laws of eighteen hundred sixty-four.

SECT. 4. This act shall take effect when approved.

Approved February 19, 1868.

Chapter 163.

An act to amend section two of chapter one hundred sixteen of the revised statutes, in relation to the fees of trial justices and justices of the peace.

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

R. S., chap. 116, sect. 2, amended.

Section two of chapter one hundred sixteen of the revised statutes is hereby amended so as to read as follows :

Fees of Trial Justices and Justices of the Peace.

Fees of trial justices and justices of the peace.

SECT. 2. For every blank writ of attachment and summons thereon, or original summons, ten cents.

For every subpoena for one or more witnesses, ten cents.

For the entry of an action, or filing a complaint in civil causes, including filing of papers, swearing of witnesses, examining, allowing and taxing the bill of costs, and entering judgment and recording the same, thirty cents.

For the trial of an issue, eighty cents, and in case more than one day is consumed in such trial, two dollars for each and every day, after the first, actually employed in such trial.

For a copy of a record or other paper, at the rate of twelve cents a page.

For a writ of execution, fifteen cents.

For a recognizance to prosecute an appeal, including principal and surety, twenty cents.

For taking a deposition, affidavit, or disclosure of a trustee in any cause not pending before himself, twenty cents; for writing the same with the caption, and for the notification to the parties and witnesses, at the rate of twelve cents a page; the justice who takes such affidavit, deposition or disclosure, shall certify the fees of himself, of the witnesses or the party disclosing, and of the officer serving the notifications.

For taking a deposition in perpetual memory of the thing, the same fees as in taking other depositions.

For administering an oath in all cases, except on a trial or examination before himself, and to qualify town or parish officers, and a certificate thereof, twenty cents, whether administered to one or more persons at the same time.

For taking the acknowledgment of a deed, with one or more seals, if it is done at the same time, and certifying the same, seven-teen cents.

For granting a warrant of appraisal in any case, and swearing appraisers, thirty-two cents.

For receiving a complaint and issuing a warrant in criminal cases, fifty cents.

For entering a complaint in a criminal prosecution, swearing witnesses, rendering judgment, and recording the same, examining, allowing and taxing the costs, and filing the papers, seventy-five cents.

For recognizing persons charged with crimes for their appearance at the supreme judicial court, and for certifying and returning the same with or without sureties, twenty-five cents, to be paid by the person so recognizing.

For a mittimus for the commitment of any person on a criminal accusation, twenty-five cents.

In case of a bastardy process, the fee may be charged as for like services in a criminal prosecution.

For recognizance of debt and recording, forty-two cents.

For drawing a rule of submission to referees, and acknowledging the same, thirty-three cents.

For calling a meeting of any corporation, fifty cents.

For an examination of a debtor under the laws for the relief of poor debtors, two dollars for each and every day actually employed in such examination, and this shall be in full payment for all official services and expenses attendant upon such examination, exclusive of travel.

CHAP. 164. For travel on any official duty, at the rate of twelve cents a mile one way.

And in all cases where the attendance of two or more justices is required, each of them shall be entitled to the fees prescribed for all services rendered by him personally.

Approved February 19, 1868.

Chapter 164.

An act relating to reviews in certain cases.

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

Review to be granted where justice has not been done.

SECT. 1. A review may be granted in any case wherein judgment has been, or hereafter shall be rendered, where it appears that justice has not been done, through fraud, accident, mistake or misfortune, and that a further hearing would be just and equitable ; *provided* a petition therefor is presented to the Court within six years after the rendition of judgment.

Proviso.

SECT. 2. This act shall take effect when approved.

Approved February 19, 1868.

Chapter 165.

An act to amend section one of chapter one hundred and five of the public laws of the year one thousand eight hundred and sixty-seven.

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

Public laws of 1867, chap. 105, sect. 1, amended.

SECT. 1. Section one of chapter one hundred and five of the public laws of the year one thousand eight hundred and sixty-seven is hereby amended by adding at the close of said section the following words, 'if in this state, but if the owner or owners reside out of this state, they shall be taxable as hereinbefore provided,' so that said section as amended shall read:—'The first division of section eleven of chapter six of the revised statutes is hereby amended so as to read as follows: All goods, wares and merchandise, all logs, timber, boards and other lumber, and all stock in trade, including stock employed in the business of any of the mechanic arts in any town within this state, other than where the owners reside, shall be taxed in such town, if the owners, their tenants, or any person contracting under them for the building of any house, shop, store or vessel, occupy any store, shop, mill,

Goods, wares, merchandise and lumber, where to be taxed.