

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1869.

Chapter 57.**CHAP. 57.**

An act to amend chapter two hundred and seven of the public laws of eighteen hundred and sixty eight, relating to liens of mechanics.

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

SECT. 1. Section one of chapter two hundred and seven of the public laws of eighteen hundred sixty-eight, is amended by striking out in the seventh and eighth lines the words, "shall continue ninety days after payment becomes due and," and inserting the word 'lien,' so that the section, as amended, shall read as follows :

Public laws 1868, chap. 207, sect 1, relating to mechanics' liens, amended.

'Sect. 1. A person who performs or furnishes labor or materials for erecting; altering or repairing a house, building or appurtenances, by virtue of a contract with or by consent of the owner, shall have a lien thereon, and on the lot of land on which it stands, or on any interest such owner has in the land or in the equity of redemption, if under mortgage, to secure payment of such lien, and of the costs of its enforcement, which lien may be enforced by attachment; and if a levy is made thereon, the appraisers may set out to the creditor a suitable lot for such building, if they think the whole not needed therefor.'

Liens on buildings and lots for labor and material, how enforced.

SECT. 2. Sections four and five of the same chapter shall not apply to contracts wherein the owner of houses, buildings and appurtenances is purchaser or employer.

Provisions of sects. 4 and 5, same act, limited.

Approved March 11, 1869.

Chapter 58.

An act providing for the establishment of true meridian lines, and for regulating the practice of surveying in this state.

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

SECT. 1. It shall be the duty of the county commissioners of each county of the state, within two years from and after the passage of this act, or in case any new county shall be formed at any time hereafter, then within six months of the time when the act creating such new county shall have become a law, to erect on some land belonging to the county, or on such land as the commissioners may hereafter acquire for that purpose, at such place or places in the several counties as the public convenience and necessities may require, a true meridian line, or lines, to be perpetuated by substantial stone posts, or pillars, upon whose summits there shall be firmly and immovably fixed, brass or copper points to indicate the true range of such meridian, and to enclose and pro-

County commissioners to erect in one or more places in each county a true meridian line or lines to be designated by proper monuments and fixtures.

CHAP. 58.

Clerk of courts
to have custody.

tect the same; the said posts or pillars to be and to remain the property of the county wherein the same shall be located, under the custody and care of the clerk of the courts of said county, to be free to the access of any surveyor or civil engineer residing in said county, or engaged in surveying therein, for the purpose of testing the variation of the compass for the time being; and the expense attending the same shall be assessed by the commissioners and paid from the treasury of the several counties.

Land surveyors
to adjust and
verify annually
their compasses
by the established
meridian line.

SECT. 2. It shall be the duty of every land surveyor in the state, at least once in every year, to adjust and verify his compass by the meridian line so established in the county wherein his surveys are to be made, and to insert in his field notes the true, as well as the magnetic bearings of the lines of his surveys, and the day on which the lines were run.

A record of the
variations of the
compasses
adjusted and
verified to be
kept.

SECT. 3. It shall be the duty of the commissioners of the several counties aforesaid, to procure a book of records to be kept by the clerk of the courts, or any person appointed by the county commissioners to keep said book of records more conveniently situated to the place where said meridian line is established, and to be accessible to all persons wishing to refer thereto, and every surveyor, on having adjusted his compass, as aforesaid, shall enter therein the variation of his compass from the true meridian, whether east or west, and shall subscribe his name thereto, for future reference.

Penalty for
violation of
sects. 2 and 3.

SECT. 4. Any surveyor who shall neglect or refuse to comply with the provisions of sections second and third of this act shall, for every such neglect or refusal, pay the sum of ten dollars on complaint made by any person interested in such survey before any trial justice in the county where such survey is made, one-half to the person making the complaint, and the other half to the county; *provided however*, that no surveyor, while having his residence upon an island unconnected by a passable bridge with the main land and within the jurisdiction of the state, shall be required to go beyond the limits of such island to verify his compass for the purpose of making surveys of land thereon, at any time prior to the legal establishment of a true meridian line upon such island, whereby the variation of his compass may be compared and adjusted.

Proviso.

A commissioner
to be appointed to
inspect and verify
the meridian lines
established, and
file report of
same with clerks
of courts.

SECT. 5. On the erection of the posts, or monuments, by the county commissioners for their respective counties, as aforesaid, it shall be the duty of the governor and council to appoint some competent person as commissioner, to inspect and verify, by astronomical observations, the meridian lines so established, who shall make a report of his doings therein, with a full and accurate description of the monuments, the latitude and longitude of the same, also the declination of the needle, for the time being, upon

each of the said meridian lines, and deposit a record thereof with the clerk of the courts in each of the counties aforesaid; and the said commissioner shall be paid for his services such compensation as by the governor and council may be deemed equitable and just.

SECT. 6. Any person or persons who shall wilfully displace, alter, deface, destroy, or otherwise injure any of the monuments or points by which such meridian lines shall be marked, or shall destroy, break down, or carry away the enclosure aforesaid, or any lock, bar, bolt, or any part thereof, the said person or persons so offending shall be punished, upon complaint and conviction before any court of competent jurisdiction, by fine not exceeding one hundred dollars, one-half to be paid to the complainant, and the other half to the county wherein such offence may have been committed.

Penalty for injuring monuments or fixtures.

Approved March 11, 1869.

Chapter 59.

An act relating to evidence.

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

SECT. 1. Neither party to the record shall be excused or excluded from testifying in the trial of any action against any executor or administrator, if the party in whose name the suit is prosecuted is nominal only, having no interest in the subject-matter of the suit, or had assigned, or disposed of his interest during the lifetime of the executor's testator or the administrator's intestate.

Neither party in actions against executors or administrators shall be excused from testifying if the party prosecuting is nominal.

SECT. 2. Any act inconsistent herewith is so far repealed, and this act shall be in force from its approval.

Inconsistent acts repealed.

Approved March 12, 1869.

Chapter 60.

An act in relation to savings banks and savings institutions.

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

SECT. 1. Savings banks and savings institutions shall exercise the powers and be subject to the duties, liabilities and provisions of this act and of their respective charters, and of the general law of the state, respecting corporations, except as otherwise provided.

Savings banks and savings institutions to be subject to provisions of this act and their charter.