

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115-

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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

OF THE

STATE OF MAINE.

1870.

CHAP. 99.

Election of road commissioners and appointment of highway surveyors.

Vacancies, how filled.

'Sect. 12. Unless towns at their annual meeting choose road commissioners or appoint the municipal officers surveyors of highways, said officers shall appoint surveyors of highways, whose term of office shall commence on the first day of May and end with the last day of April in each year; and if from any cause the town fails or neglects to choose, at the annual meeting, any of such officers as are not required to be chosen by ballot, or if after such officers are chosen there is from any cause a vacancy in any such office, the municipal officers may fill such offices and vacancies by the written appointment of proper persons, who shall be summoned by the constable and required to appear and take the oath of office as is provided in section fifteen, subject to the penalties provided in section sixteen; such appointment and oath shall be recorded as in case of a choice by the town.'

R. S., chap. 18, sect. 40, amended.

SECT. 3. Section forty of chapter eighteen of the revised statutes, is hereby amended by striking out the word "April" in the fourth line of said section, and inserting instead thereof the word 'May,' so that said section as amended shall read as follows:

Municipal officers when surveyors of highways, may delegate their powers.

'Sect. 40. When the municipal officers are appointed surveyors of highways by a town, they may in writing delegate their power or part of it to others; they shall annually before the tenth day of May, make a written assignment of his division and limits to each surveyor of highways, to be observed by him.'

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

Approved February 28, 1870.

Chapter 99.

An act to amend chapter fifty-one, section forty-eight of the revised statutes, relating to railroads.

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

R. S., chap. 51, sect. 48, relating to railroad crossings, amended.

Section forty-eight of chapter fifty-one of the revised statutes is hereby amended by striking out the words "five hundred" and inserting the words, 'one hundred and fifty;' and it is further amended by adding after the words, "eight miles an hour," the following: 'except when from the condition of the track, or train, it shall be necessary to run at a greater rate of speed, in which case it shall be the duty of the conductor, or person in charge of the train, to cause some man to stand at said crossing, with a flag by day and a lantern by night, to warn any approaching train upon the other road,' so that the section as amended shall read as follows:

‘SECT. 48. When a railroad crosses another railroad on the same grade, every engineman on both, when approaching the point of intersection with an engine, with or without a train, shall stop his engine within one hundred and fifty feet of such point, and before reaching it, and shall not pass it at a rate exceeding eight miles an hour, except when from the condition of the track or train it shall be necessary to run at a greater rate of speed, in which case it shall be the duty of the conductor or persons in charge of the train to cause some man to stand at said crossing with a flag by day and a lantern by night, to warn any approaching train upon the other road; and when two or more crossings on the same road are within four hundred feet of each other, one stop will be sufficient; and if he violates this provision, he shall forfeit for each offence one hundred dollars; and the corporation on whose road the offence is committed shall forfeit two hundred dollars.’

CHAP. 100.

Engineer to stop engine and proceed slow when crossing the track of another railroad.

Exception.

Approved February 28, 1870.

Chapter 100.

An act in relation to the supreme judicial court and to pay certain expenses of the justices thereof.

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

SECT. 1. The fourteenth section of the seventy-seventh chapter of the revised statutes, is hereby amended, by adding to the end thereof the following provisions: ‘But when any of the justices do not sit in a case on account of interest, relationship or other disqualifying cause, the concurrence of a majority of the remaining members of the court shall be sufficient to determine such case; and in any civil action in which there is a subsisting verdict of a jury, if a majority of the justices qualified to sit in the case, after mature consideration and consultation, do not concur in granting a new trial, it shall be the duty of the court to order judgment on the verdict.’

R. S., chap. 77, sect. 14, relating to number of justices necessary to determine cases in the law court, amended.

SECT. 2. The amount actually paid by the justices of the supreme judicial court for their board and necessary travelling expenses, not exceeding three hundred dollars each per year, when absent from home in the discharge of their official duties, shall be repaid to them by the state; and any justice may file his account of expenses thus incurred with the secretary of state, and the governor and council shall audit the same, and draw their warrant for the amount thereof incurred within one year prior to the time when the account is thus filed.

Necessary expenses of justices when absent from home in the discharge of official duties, to be refunded by the state.

SECT. 3. This act shall take effect when approved.

Approved February 28, 1870.