

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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1870.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1870.

CHAP. 137. intended for delay may be transmitted at once by such judge to the chief justice, and shall, when so certified, be argued in writing on both sides within thirty days thereafter, unless the judge shall for good cause enlarge the time, and exceptions so certified shall be considered and determined by the justices of the supreme judicial court as soon as may be, and their determination shall be forthwith certified to the clerk of the county where the same are pending,' so that said section shall read as follows :

R. S. chap. 77,
sect. 27, as
amended.

'Sect. 27. When the court is held by one justice, a party aggrieved by any of his opinions, directions or judgments in any civil or criminal proceeding, may, during the term, present written exceptions in a summary manner, signed by himself or counsel, and when found to be true they shall be allowed and signed by such judge. But such judge, if he deems such exceptions frivolous and intended for delay, may so certify upon motion of the party not excepting; and exceptions so certified to be frivolous and intended for delay may be transmitted at once by such judge to the chief justice, and shall, when so certified, be argued in writing on both sides within thirty days thereafter, unless the judge shall for good cause enlarge the time; and exceptions so certified shall be considered and determined by the justices of the supreme judicial court as soon as may be, and their determination shall be forthwith certified to the clerk of the county where the same are pending.'

R. S. chap. 77,
sect. 28, relating
to proceedings of
court when dilatory
plea is overruled
and exceptions
taken,
amended.

R. S. chap. 77,
sect. 28, as
amended.

SECT. 2. Section twenty-eight of said chapter is hereby amended by striking out all after the word "law," in the third line, and adding the words 'subject to the provisions of the preceding section,' so that the section, when amended, shall read as follows :

'Sect. 28. When a dilatory plea is overruled and exceptions taken, the court is to proceed and close the trial, and the action shall then be continued and marked law, subject to the provisions of the preceding section.'

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

Approved March 14, 1870.

Chapter 137.

An act to amend chapter twelve of the revised statutes, relating to parishes, meeting houses, ministerial and school lands and funds arising therefrom.

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

R. S., chap. 12,
sect. 32, relating
to rights of
minority in the
ownership of a
meeting house,
amended.

Section thirty-two of chapter twelve of the revised statutes, is hereby amended, by striking from the second and third lines from the top the words, "allowing no more for any pew than was actually paid for it by the owner," so that the said section thirty-

two, when amended, shall read as follows: 'The board shall appraise the value of the minority's proportion of the house, make a record of their proceedings, and within ten days cause it to be transcribed into the records of the town where the house is.'

CHAP. 138.

Approved March 14, 1870.

Chapter 138.

An act to amend section one of chapter eighty-seven of the public laws of eighteen hundred sixty-two, relating to appeals from decision of county commissioners.

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

SECT. 1. Section one of chapter eighty-seven of the public laws of eighteen hundred sixty-two, is hereby amended, so as to read as follows: 'If the judgment of the commissioners in favor of laying out or altering a way as prayed for is wholly reversed on an appeal, they shall proceed no further; and in all cases when the judgment of the commissioner shall be reversed on appeal, no petition praying for substantially the same thing shall be entertained by them for two years thereafter. If their judgment is affirmed in whole or in part they shall carry into effect the judgment of the appellate court; and in all cases they shall carry into full effect the judgment of the appellate court in the same manner as if made by themselves, and the party appealing or prosecuting shall pay the costs incurred since the appeal, if so adjudged by the appellate court, which may allow costs in such cases to the prevailing party, to be paid out of the county treasury. The compensation of the committee to be paid the same as commissioners would have for like services to be allowed by the court. The costs allowed the prevailing party and the fees of the committee are to be collected as provided in section three.'

Public laws 1862, chap. 87, sect. 1, relating to appeals from decisions of county commissioners in matters appertaining to highways, amended.

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

Approved March 14, 1870.

Chapter 139.

An act to amend section one of chapter thirty-four of the revised statutes, relating to licensing auctioneers.

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

SECT. 1. Section one of chapter thirty-four of the revised statutes, is hereby amended, by striking out the words "in such town and" in the third line thereof, and the words "other" "where

R. S., chap. 34, sect. 1, relating to licensing auctioneers, amended.