

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

331

OF THE

FIFTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1873.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1873.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1873.

CHAP. 126.

Chapter 126.

An act to prevent injury to railroad fences or property.

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

Penalty for injuring railroad fences, &c.

SECT. 1. Any person who shall take down or intentionally injure any railroad fence, which has been erected to protect the line of any railroad in this state, or shall turn any horse, cattle or other animals, upon or within the enclosures of said railroads, shall, upon complaint and conviction thereof, before any court of competent jurisdiction, be fined not less than ten nor more than one hundred dollars, to be paid into the treasury of the county where in the offence was committed, or imprisoned not less than ten days or more than six months, in the jail of said county at the discretion of said court.

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

Approved February 24, 1873.

Chapter 127.

An act to amend section thirteen of chapter seventy-seven of the revised statutes, relating to decisions in the supreme judicial court.

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

Amendment.

Section thirteen of chapter seventy-seven of the revised statutes, is hereby amended by inserting the following after the word "county" in the last line of said section: 'And the court shall immediately after the decision of the question submitted to it, make such order, direction, judgment or decree as is fit and proper for the disposition of the case, and cause a rescript, briefly stating the points therein decided to be filed therein, which rescript shall be certified by the clerk of the district to the clerk of the county where the action is pending, and if no further opinion is written out the reporter shall publish in the next volume of the reports thereafter issued, if he deem the opinion important, a statement of the case, together with such rescript,' so that said section as amended shall read as follows:

Cases for court of law.

'The following cases only come before the court as a court of law; cases in which there are motions for new trials upon evidence reported by the judge; questions of law arising on reports of cases; bills of exceptions; agreed statements of facts; cases civil or criminal, presenting a question of law; cases in equity presented on demurrer to the bill, or when prepared for a final hearing; motions to dissolve injunctions issued after notice and

hearing, or continued after a hearing; questions arising on writs of habeas corpus, mandamus, and certiorari, when the facts are agreed or ascertained and reported by a judge. They are to be marked law on the docket of the county where pending, and there continued until their determination is certified by the clerk of the district to the clerk of the county, and the court shall immediately after the decision of the question submitted to it, make such order, direction, judgment or decree, as is fit and proper for the disposition of the case, and cause a rescript briefly stating the points therein decided to be filed therein, which rescript shall be certified by the clerk of the district to the clerk of the county where the action is pending; and if no further opinion is written out, the reporter shall publish in the next volume of the reports thereafter issued, the case, together with such rescript.

How marked on county docket.

Rescript to be filed.

Approved February 24, 1873.

Chapter 128.

An act relating to attachments of real estate.

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

SECT. 1. All recorded deeds shall take precedence over unrecorded attachments, and so much of section fifty-six, chapter eighty-one of the revised statutes as is repugnant to this act, is hereby repealed.

Deeds to take precedence of attachment.

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

Approved February 24, 1873.

Chapter 129.

An act to amend chapter twenty-two, section thirty-nine of the revised statutes, relating to fees of fence viewers.

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

Chapter twenty-two, section thirty-nine of the revised statutes, be amended as follows: After the words "employing him at the rate of one dollar a day," insert 'at the rate of two dollars per day,' so that said section as amended shall read as follows:

Amendment.

'Each fence viewer shall be paid by the person employing him at the rate of two dollars per day for the time he is so employed.

Fence viewers, compensation of,