

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,
February 28, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1873.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1873.

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and so much of section fifty-six, chapter eighty-one of the revised statutes as is repugnant to this act, is hereby repealed.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,

CHAP. 130. If the party liable neglects to pay the same for thirty days after demand, each of said fence viewers may recover double the amount in an action on the case, and be mutually witnesses for or against each other.'

and how recovered.

Approved February 24, 1873.

Chapter 130.

An act providing for the trial of issues of fact by a jury in equity cases.

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

The supreme judicial court shall frame issues of fact to be tried by a jury in equity cases when requested by a party, and direct the same to be tried in the county where such cause is pending, at the bar of said court.

Approved February 24, 1873

Chapter 131.

An act to amend chapter eighty-six of the revised statutes, relating to trustee process.

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

Amendment.

SECT. 1. Section eight of chapter eighty-six of the revised statutes, is hereby amended, by striking out of said section the words "except counties, towns, school districts, and parishes," and by adding after the word "agent," in the fifth line, the words 'or such other person as upon whom legal service of the writ may be made,' so that said section as amended shall read as follows :

Corporations may be summoned as trustees.

'SECT. 8. All corporations may be summoned as trustees, and the writs served on them, as other writs on such corporations; and they may answer by attorney or agent, and make disclosures, which shall be signed and sworn to by such attorney or agent, or such other person as upon whom legal service of the writ may be made; and the same proceedings shall thereupon be had throughout, except necessary changes in form as in other cases of foreign attachment.'

Approved February 24, 1873.