

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

331

OF THE

FIFTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1873.

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1873.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1873.

CHAP. 145.

Sum, how assessed and collected.

—tendered and in hands of owners of land, to be allowed in payment.

Owners of land may appeal.

Improvements to inure to town or district.

Legality of school house tax not affected by error in location of lot.

SECT. 3. The sum fixed as the value of said lot shall be assessed, collected and paid over as provided in chapter eleven, section twenty-four of the revised statutes.

SECT. 4. Any sum which has been tendered and is in the hands or under the control of the persons owning or having charge of such land, shall be allowed in payment of said appraisal under this act.

SECT. 5. In case the district or persons owning or having charge of the land on which such location is made, are dissatisfied with such appraisal, may within ten days take an appeal to the county commissioners of the county in which the land lies, by filing a copy of the proceedings with the claim of an appeal with the commissioners of the county, and the determination of a majority of said commissioners not residents of the district in which said location is made, shall be final.

SECT. 6. When any school district or town shall have erected or moved upon such lot or shall have in any way improved the same, such improvement shall inure solely to the benefit of such town or district, and the same may be as completely occupied and controlled by such town or district as they would have if such location had been in strict conformity to the statutes.

SECT. 7. The legality of a tax assessed to build, repair or remove a school-house and to pay for a lot, shall not be affected by any mistake or error in designation or location of a lot.

Approved January 26, 1873.

Chapter 145.

An act to amend section eighty-seven of chapter eighty-two of the revised statutes, relating to evidence.

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

Amendment.

Section eighty-seven of chapter eighty-two of the revised statutes, is hereby amended, by striking out the words "or after" in the fourth line of the second paragraph of said section, and adding to said section the following words, 'and any such representative party or heir of a deceased party may testify to any fact, legally admissible upon general rules of evidence, happening after the decease of the testator, intestate or ancestor; and in reference to such matters the adverse party may testify,' so that the same shall read when amended as follows:

Administrators may testify to facts happening

'*Second.* In all cases in which an executor, administrator or other legal representative of a deceased person is a party, such

party may testify to any facts legally admissible upon the general rules of evidence, happening before the death of such person; and when such person so testifies, the adverse party shall neither be excluded nor excused from testifying in reference to such facts, and any such representative party or heir of a deceased party may testify to any fact legally admissible upon general rules of evidence, happening after the decease of the testator, intestate or ancestor; and in reference to such matters the adverse party may testify. This act shall not effect pending cases.'

CHAP. 146.

before the death of certain persons.

Adverse party not excluded from testifying.

Approved February 26, 1873.

Chapter 146.

An act to prevent prize fights, and fights of game animals.

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

SECT. 1. Any person who shall instigate, or in any way be instrumental in getting up, or acts as umpire or judge, or is in any way connected with or participant in any prize fight or any premeditated fight between two persons, or any fight between game birds or game cocks, or dogs or bulls, or between dogs and rats or any other animals that shall have been premeditated by any person having custody of such animals, shall upon conviction thereof be punished by imprisonment in the county jail for a term not less than ten days nor exceeding six months, or by fine not exceeding two hundred dollars.

Participating in prize fights, penalty for.

SECT. 2. If any person competent to be a witness in civil suits shall make complaint upon oath or affirmation before any judge of any municipal or police court or trial justice that an offence within any of the specifications of the foregoing section, is about to be committed and setting forth in such complaint the grounds thereof, such magistrate may issue his warrant directed to any officer having power to serve criminal processes, reciting therein the name of the complainant and his residence and the substance of his complaint, and therein directing such officer to prevent the violation of any of the provisions of section one of this act, by arresting any person or persons whom he may find wilfully violating said provisions of section one, and in case of any such arrest the respondents shall be returned before the judge or trial justice issuing said warrant, for trial.

Complaint, warrant and proceedings.

Approved February 26, 1873.