

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1877.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 28, 1840, and March 16, 1842.

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1877.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1877.

CHAP. 189 jail,' after the word "prison," in the first line, and the words 'or jailor,' in the second line, after the word "warden," so that said section, as amended, shall read as follows :

Proceedings when an inmate of state prison or county jail becomes insane.

'SECT. 5. When an inmate of the state prison or county jail becomes insane, the warden or jailor shall notify the governor of the fact, and he, with advice of council, shall appoint a commission of two or more skilful physicians to investigate the case, and if such inmate is found insane by their examination, he shall be sent to the insane hospital until he becomes of sound mind ; and if this takes place before the expiration of his sentence, he shall be returned to prison ; but if after, he shall be discharged free. The expenses of the commission, removal, and support, shall be paid by the state.'

Approved February 7, 1877.

Chapter 189.

An act to amend section ten, chapter one hundred and thirty-one of the Revised Statutes, relating to Indictments.

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

Sec. 10, ch. 131, R. S., amended.

Section ten, chapter one hundred and thirty-one of the revised statutes is amended by adding, at the end thereof, the following words : ' No variance between any matter in writing or in print, produced in evidence on the trial of any criminal cause, and the recital or setting forth thereof in the complaint, indictment or other criminal process whereon trial is had, shall be deemed material, provided, that the identity of the instrument is evident, and the purport thereof is sufficiently described to prevent all prejudice to the defendant ; and any criminal process may be amended, in matters of form, at any time before final judgment,' so that said section, as amended, shall read as follows :

Definition of "owner" of property as used in indictments.

'SECT. 10. In an offense in any way relating to real or personal estate, it shall be deemed sufficient and not a variance, if proved at the trial that, when the offense was committed, the actual or constructive possession, or the general or special property in whole or in part of such estate, was in the person or community alleged in the indictment to be the owner thereof. No variance between any

matter in writing or in print, produced in evidence on the trial of any criminal cause, and the recital or setting forth thereof in the complaint, indictment or other criminal process whereon trial is had, shall be deemed material, *provided*, that the identity of the instrument is evident, and the purport thereof is sufficiently described to prevent all prejudice to the defendant; and any criminal process may be amended, in matters of form, at any time before final judgment.'

CHAP. 190

Variance between written or printed matter in evidence, in any criminal cause, not material.
Proviso.

Process may be amended in form.

Approved February 7, 1877.

Chapter 190.

An act to amend section six of chapter one hundred and twenty, of the Public Laws of eighteen hundred and seventy-six, to authorize the formation of Railroad Corporations.

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

The last proviso in section six of chapter one hundred and twenty of the public laws of eighteen hundred and seventy-six, to authorize the formation of railroad corporations, is hereby amended, by inserting after the word "navigate," in said proviso, the words 'nor shall any railroad be located and built, under this act, running in the same general direction of any other railroad already built, or in process of construction, within ten miles of such other railroad,' so that said proviso, as amended, shall read as follows :

Sec. 6, ch. 120, public laws 1876, amended.

'*Provided further*, that no railroad shall be made across tide waters where vessels can navigate, nor shall any railroad be located and built, under this act, running in the same general direction of any other railroad already built, or in process of construction, within ten miles of such other railroad, without special permission of the legislature therefor first obtained.'

Railroads not to be made across navigable waters, or parallel with other railroads, without special permission of the legislature.

Approved February 8, 1877.