

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1879.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1879.

CHAP. 103.

Chapter 103.

An Act in relation to Liens on Vessels.

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

Provisions of Sec. 7, ch. 91, R. S., extended to contract not fully performed.

The lien given by section seven, chapter ninety-one of the revised statutes, to any person who furnishes labor and materials for building a vessel, shall apply to labor and materials so furnished by virtue of a contract that may not be fully performed and completed at the time of the launching of the vessel, and may be enforced in the manner provided by that section, within four days after such contract has been completed.

Enforce duration four days after completion of contract.

Approved February 18, 1879.

Chapter 104.

An Act relating to Togue or Trout, in Great Tunk Pond in Hancock County.

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

Penalties named in sections 13 and 15 ch. 76, laws 1878 not to apply to Great Tunk Pond.

The provisions and penalties contained in sections thirteen and fifteen of chapter seventy-five of the public laws of eighteen hundred and seventy-eight, shall not apply to the taking of togue or trout in Great Tunk pond, in townships number seven and ten in Hancock county.

Approved February 18, 1879.

Chapter 105.

An Act to amend chapter eighteen of the Revised Statutes, relating to Ways.

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

Sec. 13, ch. 18 R. S., amended.

Section thirteen of chapter eighteen of the revised statutes is hereby amended, by inserting after the word "commissioners," in the twenty-eighth line of said section, the following words, "except that costs shall not be recovered by the party claiming damages, but by the other party, if upon appeal taken as provided in this chapter by either party, said claimant shall fail to recover and have adjudged to him, a greater sum as damages than was allowed to

him by the commissioners,' so that said section as amended, shall read as follows :

'SECT. 13. The jury are to view the premises ; hear the testimony and the arguments of the parties or their counsel ; and render a verdict signed by all of them, which is to be enclosed in an envelope with an endorsement thereon stating the contents, and is to be delivered to the officer having charge of them, who is to return it to the supreme judicial court, at the next term thereof to be held in the same county, with his doings, stating his own travel and attendance and that of each juror. Said court shall receive said verdict and the certificate and report of the person presiding. Either party interested therein may file a written motion to set aside said verdict, for the same cause that a verdict rendered in court may be set aside. The court shall hear any competent evidence relating to the same, adjudicate thereon, and confirm the verdict, or set it aside for good cause, reserving the right to except as in other cases. If the matter is determined by a committee, as provided in this chapter, their report shall be made to the next term of said court held in that county, and like proceedings shall be had thereon, as on a verdict returned, as aforesaid. The clerk of said court shall certify such verdict, or report, as the case may be, with the final adjudication of the court thereon, to the commissioners at their next meeting after such adjudication, who shall record the same ; and if the jury shall not have agreed on a verdict, or the verdict or report been set aside by the court to which it was returned or upon exception, the commissioners, on application therefor, shall order a new jury, or the parties may agree upon a new committee ; and thereupon like proceedings shall be had as are herein provided. The party prevailing shall recover costs, to be taxed and allowed by the court to which the verdict or report is returned and certified with it to the commissioners ; except that costs shall not be recovered by the party claiming damages, but by the other party, if upon appeal taken as provided in this chapter, by either party, said claimant shall fail to recover and have adjudged to him, a greater sum as damages than was allowed to him by the commissioners ; and said court shall determine the compensation of the committee, and of the persons presiding at the trial by jury.

Jury to view premises and hear testimony and arguments and render verdict.

Court to receive verdict.

Motion to set aside.

Proceedings if matter is determined by committee.

Clerk to certify verdict with final adjudication to commissioners at next meeting.

Party prevailing to recover costs.

—exception.

Court to fix compensation of committee and person presiding.

Approved February 18, 1879.