

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. 135.

City or town by two thirds vote may raise not exceeding five per cent of the valuation to aid in construction of railroads.

May make contracts.

How the vote shall be taken.

Vote declared.

Clerk to make return to municipal officers.

Duty of municipal officers.

‘SECT. 80. Any city or town, by a two-thirds vote, at any legal meeting called for the purpose, may raise by tax or loan, from time to time, or all at once, a sum of money not exceeding in all five per cent. on its regular valuation for the time being, and appropriate it to aid in the construction of railroads, in such manner as they deem proper, and for such purpose may make contracts with any person or railroad corporation. At such meetings the legal voters shall vote by ballot, those in favor of the proposition, voting Yes, and those opposed, voting No. The ballots cast shall be sorted, counted and declared in open town meeting, and recorded, and the clerk shall make return thereof to the municipal officers, who shall examine such return, and if two-thirds of the ballots cast, are in favor of the proposition, said officers shall forthwith proceed to carry the same into effect.’

Approved February 28, 1879.

Chapter 135.

An Act to amend chapter one hundred and thirty-three of the Public Laws of eighteen hundred and seventy-six, relating to Criminal Prosecutions.

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

Ch. 133, public laws 1876, amended.

Chapter one hundred and thirty-three of the public laws of eighteen hundred and seventy-six, is amended by inserting after the word “discharged,” in the third line, the following words: ‘and on motion of the respondent, the magistrate shall render judgment whether or not the complaint is frivolous or malicious.’ And by striking out the word “accordingly,” in the sixth line, and inserting the following words: ‘in favor of the county and against the complainant for such sum, and said magistrate may receive and pay over said costs to the county treasurer for the use of the county, and in case the same are not paid, the magistrate shall return said execution to the county commissioners, for the use of the county. And the complainant shall have the same right of appeal as in civil cases,’ so that said chapter shall read as follows:

No offence committed or not probable cause to charge the accused, he shall be discharged. On motion of respondent justice to decide whether complaint is frivolous,—if so he shall

‘SECT. 13. If it appears on the whole examination that no offense has been committed or that there is not probable cause to charge the accused, he shall be discharged, and on motion of the respondent the magistrate shall render judgment whether or not the complaint is frivolous or malicious, and if the magistrate judges the complaint frivolous or malicious, he shall order the complainant to pay the costs of prosecution and issue execution in favor of the county and against the complainant for such sum,

and said magistrate may receive and pay over said costs to the county treasurer for the use of the county, and in case the same are not paid the magistrates shall return said execution to the county commissioners, for the use of the county. And the complainant shall have the same right of appeal as in civil cases. But if it appears that an offense has been committed and there is probable cause to charge the accused, and the offense is bailable and sufficient bail is offered, it shall be taken and the accused discharged; but if it is not bailable or no sufficient bail is offered, the accused shall be committed to prison to await trial. If the offense is within the jurisdiction of the magistrate he shall try it and award sentence thereon.

CHAP. 136.

order complainant to pay costs.

Magistrates to receive costs and pay to county treasurer.

Complainant have right of appeal.

Proceedings if offense has been committed or if there is probable cause to charge the accused.

Approved February 28, 1879.

Chapter 136.

An Act relating to Lien Claims.

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

SECT. 1. In all actions now pending or that may be hereafter brought to enforce a lien when the labor or materials were not furnished by a contract with the owner of the property to be effected, such owner may voluntarily appear and become a party to the suit. If he does not so appear, notice of the suit, such as the court orders, shall be given him, and he shall then become a party to the suit.

In lien actions when labor or material not furnished by contract with owner, he may appear voluntarily.

If he does not appear notice to be given.

SECT. 2. In any such action, judgment may be rendered for the plaintiff against the defendant and the property attached, covered by the lien, or against either, for so much as shall be found due by virtue of the lien, and in case the amount due exceeds the amount covered by the lien, then a separate execution shall be issued to the plaintiff against the defendant for said excess, and the plaintiff may discontinue as to any defendant. The court may apportion costs as justice requires.

Judgment—how rendered.

Plaintiff may discontinue as to any defendant.

Court to apportion costs.

Approved February 28, 1879.