

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SIXTIETH LEGISLATURE

OF THE  
STATE OF MAINE.

1881.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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AUGUSTA :  
SPRAGUE & SON, PRINTERS TO THE STATE.  
1881.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1881.

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CHAP. 86. steam engine, tender, or car at any place outside of a railroad station, while such engine, tender or car is in motion, shall be punished by imprisonment not exceeding thirty days, or by a fine not exceeding ten dollars. The provisions of this act shall not affect the liability of any railroad corporation for injuries or damages caused by the fault or negligence of the corporation or its servants.

Liability of corporations not affected.

Approved March 17, 1881.

### Chapter 86.

An act to abolish the December term of the Supreme Judicial Court in the County of Oxford.

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

Term of court abolished.

The term of the supreme judicial court, now required by law to be held in the county of Oxford on the first Tuesday of December annually, is hereby abolished.

Approved March 17, 1881.

### Chapter 87.

An act relating to Congressional vacancies.

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

Governor to issue proclamation for election to fill congressional vacancy.

SECT. 1. Whenever a vacancy shall occur in the representation of this state in the national house of representatives, the governor, having knowledge in any manner of such vacancy, shall issue his proclamation for an election to fill such vacancy. In case congress is in session when such vacancy occurs, this proclamation shall be issued forthwith, and in case congress is not in session when such vacancy occurs, such proclamation shall issue in season to secure representation at the next called or regular session of congress.

Clerks of towns to deposit returns in post office directed to secretary of state.

SECT. 2. It shall be the duty of the clerk of each town, within twenty-four hours after the close of the polls, to deposit the returns of the votes cast at such special election,

post paid, directed to the secretary of state, to be transmitted by mail. The governor and council shall meet seven days after such election, and open and canvass such returns, and declare the result. The governor and council shall receive certified copies of the record of any town in case the return from such town is lost, or is not received by the secretary of state. The governor shall immediately issue a certificate of election to such person as is thus declared to have received a plurality of votes.

CHAP. 88.

Canvass of returns, declaration of result and issue of certificate of election.

Approved March 17, 1881.

### Chapter 88.

An act to amend section nine of chapter ninety-two of the Revised Statutes, relating to damage for flowage.

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

SECT. 1. Section nine of chapter ninety-two of the revised statutes, is hereby amended, by adding at the end thereof the following words: 'And said commissioners shall also ascertain, determine and report what sum in gross would be a just and reasonable compensation for all the damages, if any, occasioned by the use of such dam, and for the right of maintaining and using the same forever, estimated according to the height of the dam and flash-boards as then existing; and if within ten days after said report is presented to the court, the owners of said dam or mills shall elect to pay the damages in gross, the court, where the judgment is entered, shall fix the time in which said damages shall be paid, and if not paid within that time, the owners of the dam or mills shall lose all benefit of their election, and the annual damages shall stand as the judgment of the court, and except as herein provided, all proceedings shall be in conformity with the other provisions of said chapter.'

Sec. 9, ch. 92,  
R. S., amended.

Commissioners to determine damages in gross.

If owners do not elect to pay, annual damages shall stand as the judgment of the court.

SECT. 2. If the damages in gross are paid within the time fixed, the judgment shall be a bar to any further complaint so long as the dam and flash-boards remain at the same height, but if thereafter either is raised, a new complaint may be made by the owner of the lands flowed for any additional

If damages in gross are paid, judgment to be bar to further complaint, unless change in dam.