

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

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1893.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1893.

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## CHAP. 260

—all claims shall be satisfied in the order in which notice of claim is received by secretary of state.

—deposits shall not be paid to licensee, so long as there are claims against them.

Construction of words, "itinerant vendors."

Act shall not apply to commercial travelers.

Inconsistent acts repealed.

make payment as aforesaid, of so much as he has in his hands. All claims upon deposit shall be satisfied after judgment, fine or penalty in the order in which notice of the claim is received by the secretary of state, until all such claims are satisfied or the deposit exhausted, but no notice filed after the expiration of the sixty days' limit aforesaid shall be valid. No deposits shall be paid over by the secretary of state to the licensees so long as there are any outstanding claims or notices of claims against them, respectively, unless he is satisfied that such claims will not be prosecuted to final judgment or that no fine or penalty will be imposed.

SECT. 15. The words "itinerant vendors" for the purposes of this act shall be construed to mean and include all persons, both principals and agents, who engage in a temporary or transient business in this state, either in one locality or in traveling from place to place selling goods, wares and merchandise, and who for the purposes of carrying on such business hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and merchandise.

SECT. 16. The provisions of this act shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery, or to hawkers on the streets or peddlers from vehicles.

SECT. 17. All acts and part of acts inconsistent herewith, are hereby repealed.

Approved March 28, 1893.

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## Chapter 260.

An Act amendatory of Section fifty-three, Chapter four of the Revised Statutes, relating to Elections.

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

Sec. 53, ch. 4.  
R. S., amended.

SECT. 1. Section fifty-three of chapter four of the revised statutes is hereby amended by striking out the word "office" in the first line of said section, and by inserting in the place thereof the words 'or municipal office,' and by striking out in the third line the words "who holds" and inserting in the place thereof the word 'holding,' and by striking out the word "his" and the words "from the governor and council,

or who has been declared elected thereto by the governor and council" in the fourth and fifth lines, and by inserting in the fourth line after the word "office" the words 'or who has been declared as elected thereto by any returning board or officer,' and by striking out in the sixth line the words "by the secretary of state," so that said section shall read as follows :

SECT. 53. Any person claiming to be elected to any county or municipal office, or to the office of county attorney, may proceed as in equity against the person holding or claiming to hold such office, or holding a certificate of election to such office, or who has been declared elected thereto by any returning board or officer, or who has been notified of such election, by petition returnable before any justice of the supreme judicial court, in term time or vacation, in the county where either party resides, or where the duties of such office are to be performed, and said court shall have jurisdiction thereof.'

Claimant of county or municipal office. shall proceed as in equity.

SECT. 2. This act shall take effect when approved.

Approved March 28, 1893.

## Chapter 261.

An Act to amend Sections sixteen and seventeen of Chapter one hundred and two of the Revised Statutes, relating to Writs of Mandamus.

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

SECT. 1. Section sixteen of chapter one hundred and two of the revised statutes is hereby amended by striking out the words "at any time in any county as justice shall require" in the sixth line of said section, and inserting in lieu thereof the words 'as hereinafter provided ; but in all cases where exceptions are alleged to any rulings, findings or decrees made upon such petition, the case shall be proceeded with as if no exceptions had been taken, until a decision shall be had and the peremptory writ shall have been ordered, so that the overruling of such exceptions would finally dispose of the case, which shall then be certified to the chief justice of said court as provided in the following section.' So that said section as amended, shall read as follows :

Sec. 16, ch. 102, R. S., amended.