

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

**1913**

Including Acts and Resolves of the Special Session held  
in 1912.

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Published by the Secretary of State, agreeably to Resolves of  
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth  
Legislature

*1913*

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An Act to Amend Section Forty-six of Chapter One Hundred and Six of the Revised Statutes as Amended by Chapter Nine of the Public Laws of Nineteen Hundred and Nine, Relating to the Appointment of Surveyors in Real Actions.

*Be it enacted by the People of the State of Maine, as follows :*

Section 46, chapter 106, R. S., as amended by chapter 9, P. L. of 1909, further amended.

Section I. Section forty-six of chapter one hundred and six of the Revised Statutes as amended by chapter nine of the Public Laws of nineteen hundred and nine, is hereby amended by striking out all the words of the last sentence in said section forty-six as amended by said chapter nine of said Public Laws, and substituting the following words therefor: 'The amount of the fees and necessary expenses of such surveyor shall be fixed and determined by the court upon the acceptance of the report, and shall be paid as follows: If the court is of the opinion that such fees and expenses, or some portion of the same, ought to be paid by the county, then the amount thereof to be paid by the county, whether the whole or a part, shall be fixed and determined by the court and the amount so fixed and determined shall be paid by the county on presentation of the proper certificate of the clerk of courts for that county. If the court is of the opinion that the whole or any part or portion of such fees and expenses should be paid by the parties to the suit or action, or by either of such parties, then the court may fix and determine the amount to be paid by such parties, or by either of such parties, and the parties shall be liable to the surveyor in an action of money had and received for the amount to be paid by them jointly, and each of the parties shall likewise be liable to the surveyor in the same kind of an action for the amount to be severally paid,' so that said section forty-six as amended by said chapter nine shall, as hereby amended, read as follows:

Court may appoint a surveyor.

—if surveyor is prevented by force, court may issue warrant.

—sheriff may use all power pertaining to his office.

—fees, how determined.

'Section 46. The court may appoint a surveyor to run lines and make plans of lands demanded in a real or mixed action, or in action of trespass in which the title to land is involved, as shown by the pleadings filed on motion of either party; and if he is prevented by force, menaces, or fear, from performing the duties assigned him, the court may issue a warrant to the sheriff, commanding him with suitable aid, to prevent such opposition; and in the execution of such warrant, he may exercise all the power pertaining to his office; and all persons refusing their aid when called for by him are liable to the same penalties as in other like cases. The amount of the fees and necessary expenses of such surveyor shall be fixed and deter-

mined by the court upon the acceptance of the report, and shall be paid as follows: If the court is of the opinion that such fees and expenses, or some portion of the same, ought to be paid by the county then the amount thereof to be paid by the county, whether the whole or a part, shall be fixed and determined by the court and the amount so fixed and determined shall be paid by the county on presentation of the proper certificate of the clerk of courts for that county. If the court is of the opinion that the whole or any part or portion of such fees and expenses should be paid by the parties to the suit or action, or by either of such parties, then the court may fix and determine the amount to be paid by such parties, or by either of such parties, and the parties shall be liable to the surveyor in an action of money had and received for the amount to be paid by them jointly, and each of the parties shall likewise be liable to the surveyor in the same kind of an action for the amount to be severally paid.'

CHAP. 8

—fees, how paid.

—court may determine amount to be paid by parties.

Approved February 14, 1913.

### Chapter 8.

An Act to Amend Section Two of Chapter Sixty-two of the Revised Statutes as Amended by Chapter One Hundred and Forty-eight of the Public Laws of Nineteen Hundred and Seven, Relating to Divorce Proceedings.

*Be it enacted by the People of the State of Maine, as follows:*

Section 1. Section two of chapter sixty-two of the Revised Statutes as amended by chapter one hundred and forty-eight of the Public Laws of nineteen hundred and seven is hereby amended by striking out after the word "treatment" in the eighth line of said section two as amended by said chapter one hundred and forty-eight, the words "insanity, when in consequence thereof the libellee has been committed to and confined in a state asylum for the insane for fifteen consecutive years next prior to the filing of the libel and is found to be incurable" and also by striking out all of the words in the last paragraph of said section two as amended by said chapter one hundred and forty-eight, except the words "Either party may be a witness," so that said section two as hereby amended, shall read as follows:

Section 2, chapter 62, R. S., as amended by chapter 148, P. L. of 1907, further amended.

'Section 2. A divorce from the bonds of matrimony may be decreed by the supreme judicial court in the county where either party resides at the commencement of proceedings, for causes of adultery, impotence, extreme cruelty, utter desertion continued for three consecutive years next prior to the filing of

Causes for which divorce may be decreed.