

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

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RESOLVES

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth
Legislature

1919

Chapter 79.

Resolve, in Favor of Charles E. Darling, Superintendent of the State Fish Hatchery, Enfield, Maine.

Charles E. Darling, lighting system at state fish hatchery. Resolved: That the sum of fifty dollars and forty-three cents be, and hereby is, appropriated to be paid Charles E. Darling, superintendent of the state fish hatchery, Enfield, Maine, to reimburse him for installing a lighting system in said hatchery.

Approved March 27, 1919.

Chapter 80.

Resolve, Authorizing DeForest Keyes to Bring a Suit at Law or in Equity against the State of Maine.

DeForest Keyes of Oneonta, N. Y., given right to sue state. Resolved: That DeForest Keyes of Oneonta in the county of Otsego and state of New York, the grantee named in certain deeds given by the State of Maine in the years nineteen hundred and two and nineteen hundred and three of lands the title to which was alleged to have been forfeited to the State of Maine for non-payment of state and county taxes for which deeds the said DeForest Keyes paid into the treasury of the State of Maine in the year nineteen hundred and two, seventeen thousand eight hundred and ninety dollars and twenty-four cents (\$17,890.24), and in the year nineteen hundred and three, four hundred and fifty-five dollars and ninety-nine cents (\$455.99) and the further sum of three hundred and sixteen dollars (\$316.00) which the said DeForest Keyes paid to the then treasurer of state for the said deeds and for which sums the said DeForest Keyes received no consideration, be, and he is hereby authorized to bring a suit at law or a bill in equity, or both, in the supreme judicial court within one year from the first day of October nineteen hundred and nineteen, at any term or rule day thereof for the county of Kennebec or the county of Cumberland or the county of Androscoggin or the county of Penobscot against the State of Maine, and the writ or subpoena issuing out of said supreme judicial court under the authority of this resolve shall be served on the secretary of state, by attested copy thirty days before the return day thereof, by the sheriff or either of his deputies of any counties aforesaid and the conduct of said suit or proceeding in equity shall be according to the practice of suits and proceedings between parties and suitors in said supreme judicial court, and the attorney general is hereby authorized and designated to appear in answer to said suit or proceeding in equity to recover the moneys due, if any, said DeForest Keyes by reason of said DeForest Keyes having paid his certain moneys into the treasury of the State of Maine as aforesaid; and any judgment that may be recovered in

such a suit at law or any sum decreed to be due him in equity and good conscience in any equitable proceeding shall be payable from the treasury of the State of Maine on final process issued by said supreme judicial court in said suit at law or proceeding in equity as aforesaid out of any money not otherwise appropriated, and if the proceeding be in equity the justice of said court hearing the same may determine what, if anything, may be allowed for expense and counsel fees according to the usual practice of proceedings in equity and if the proceeding be at law, costs may be taxed for the said DeForest Keyes if he recovers in said suit. It shall be the duty of the supreme judicial court or any justice thereof, sitting in equity in a proceeding brought by authority of this resolve, to determine on its merits without regard to defenses by statute what amount, if any, is due on said claim under the principles of the common law or the principles of equity, and to such amount the said supreme judicial court or any justice thereof is authorized to add such sum as interest as is just and fair between said DeForest Keyes and the State of Maine, and if the said DeForest Keyes brings his suit at law, as herein authorized by this resolve, the cause shall be heard and tried without regard to statutory defenses, and to the amount recovered, if any, the presiding justice of said court or the jury hearing the cause shall add interest as aforesaid.

Approved March 27, 1919.

Chapter 81.

Resolve, Appropriating Money to Aid in Screening Lakes and Ponds.

Screening lakes, etc.; appropriation to be taken from non-resident fishing licenses. Resolved: That the sum of three thousand four hundred dollars be, and is hereby, appropriated, to be paid out of license fees collected of non-resident fishermen and to be expended by the commissioner of inland fisheries and game, to aid in screening the following named lakes and ponds; provided, however, that no appropriation hereafter specified for the erection of a screen at the outlet of a lake or pond shall be available until the town in which the outlet of the lake or pond to be screened is situated, or some other town in the county in which said waters are situated, shall have, in legal town meeting, and having an article in said town meeting for that purpose, by vote of record, voted to assume all liability for the keeping of said screen at all times free from sticks, leaves and all debris, so that the same will not become clogged and prevent the free running of the water through the same, and provided, further, that said appropriation shall not be available until citizens of the county in which said lake or pond to be screened is situated shall have paid into the state treasury the balance necessary, as found by the commissioner of inland fisheries and game, to erect said screen. Any appropriation herein named,