

NUMBER 11.

PARIS, MAINE, TUESDAY, APRIL 1, 1873.

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STATE OF MAINE.

By the Governor.
A PROCLAMATION.

In humble recognition of our dependence upon Almighty God, who has so graciously remembered us in the abundance of His loving kindness and tender mercies, I do, with the advice of the Executive Council, appoint

THURSDAY, the Seventeenth Day of April, Next, as a day of public Fasting, Humiliation and Prayer, and recommend its appropriate observance by all the people of the State. Consecrating the day to prayer and supplication, and we may be strengthened in all upright purposes and every noble endeavor, and mindful of those whom misfortune and sorrow have made deserving our kindly sympathies, let us not forget those acts of charity and good will which give life to the highest joy, and fill the thoughts in holy communion with the great Giver of all good.

"Is not this the Fast that I have chosen? To loose the bonds of wickedness, to undo the heavy burdens, and to let the oppressed go, and that ye break every yoke? Is it not to deal the bread to the hungry, and that ye bring the poor that are cast out, to thy house?"

Given at the Council Chamber, in Augusta, this twenty-third day of March, in the year of our Lord one thousand eight hundred and seventy-three, and of the Independence of the United States of America the ninety-seventh.

SIDNEY PERHAM,
By the Governor.
GEORGE E. STACY, Secretary of State.

Public Laws.

We issue this week, in an Extra, the public laws of the last Legislature. As several important bills are found in them, they will have more than ordinary interest. They should be preserved for reference.

Executive Appointments.

At the recent session of the Executive Council, the Governor made the following appointments: Wm. Penn Whitehouse of Augusta, N. G. Hinchborn of Stockton, Josiah G. Coburn of Lewiston, Commissioners on a new Insane Hospital under a resolve of the last Legislature; John F. Anderson of Portland, Railroad Commissioner; Ebenezer Knowlton of Rockland, A. H. Abbott of Farmington, J. W. Dresser of Castine, Stanley T. Pullen of Portland, Sumner A. Patten of Monson, Trustees of the Normal Schools. These Trustees are appointed for a term of three years.

The Governor has approved of the request to organize a regiment of Infantry. The ten companies organized under the law of 1869 are to form the 1st Regiment of Infantry, Maine Volunteer Militia. Major General Chamberlain is charged with the duty of completing the organization.

The Lewiston Journal speaks of the appointments, as follows:

The appointment of S. T. Pullen, Esq., of the Portland Press, as one of the Trustees of the State Normal School, is an excellent one, as indeed are all the other appointments to those important trusts created by the last Legislature. Mr. Pullen is not only one of the ablest editors in Maine, but is also deeply interested in education, and for several years a most successful teacher. The Governor and Superintendent of Schools are also members of the board. Messrs. Knowlton, Abbott, Patten and Dresser are all well known and prominent friends of education. Heretofore our Normal Schools have been left to run themselves. The plan of putting them under the charge of a board of Trustees, is an excellent one.

The appointments of Commissioners of a new proposed Insane Asylum, under a resolve of the last Legislature, are all excellent. Mr. Whitehouse is County Attorney of Kennebec, and a lawyer of eminence; Mr. Hinchborn has long been favorably known to the people of the State; and Mr. Coburn is Agent of one of the Lewiston manufacturing companies, and has had much experience in the matter of arranging plans for large structures. This board is charged with the important duty of making arrangements for the location and construction of a new State Insane Asylum.

Mr. Anderson, appointed Railroad Commissioner, is a well-known civil engineer of Portland.

A Judge is not to be appointed till May.

Those Virtuous Democrats.

The democratic party of New Hampshire tried to make capital, in the recent State Election, out of the salary of Congress, and its three members of Congress played the role of innocents, denouncing the transaction. They not only voted against the measure, but scorned the money—till after election—when the defeated one and the one re-elected immediately drew their extra pay! Mr. Bell, whose election is in doubt, is not in proper condition to apply for his quite yet.

Even the New York Tribune comes down upon these Democratic time servers, denouncing their action as "sneak-thieving." It says:

It now appears that Messrs. Hibbard and Parker, members of the last Congress from New Hampshire, after having made capital for themselves on the stump before the late election in that State by proclaiming their opposition to the salary grab, as soon as the election was over wrote to Washington and drew the five thousand dollars unearned money. It is with great regret—for we do want to believe in somebody that we withdraw the commendation heretofore pronounced on these gentlemen, and upon this state of facts, pronounce them humbugs and shams.

These New Hampshire fellows have shown neither honesty nor courage. Let us thank God one of them is defeated and take shame to ourselves that the other is returned.

By the side of this transaction the shamelessness and audacity of Mr. Butler and his followers, who openly voted for this seizure, become respectable.

—Rev. Dr. Estes, of the 1st Baptist church, preached an able discourse on Sunday last, from the text, "Thou hast made Summer and Winter." He alluded to the severity of our winter, and showed the benefits of the cold season, materially and naturally, drawing many spiritual lessons therefrom.

Our Lines Broken.

Every soldier of the Union army before Petersburg, on the 25th of March, 1865, will remember the terrific cannonading all along the line, when the rebel Gen. Gordon made the assault on Fort Steadman, gaining possession of the Fort and holding it for a few hours. This same individual, by courtesy of the Vice President of the United States, is presiding over the American Senate, of which he is a member. The Vice President of the Confederate States, Alex. H. Stevens, is a member of the United States House of Representatives, in which he finds several ex-Generals of the Confederate army also members. In what other government in the world could this leniency be witnessed?

Lecture.

Mr. A. F. Lewis, of Fryeburg, lectured before the students of Paris Hill Academy, and the citizens of this village Wednesday evening last, on "Trip Across the Continent." The evening was very unfavorable, and the audience consequently was much smaller than the lecturer deserved to see. The lecture was remarkable for the amount of interesting and instructive matter it contained.

The lecturer took his audience directly to Niagara, and there showed them the beauties and grandeur of that great natural curiosity, and related incidents of travel. He then went to California, stopping at Chicago, Council Bluffs and Omaha, as the places of most interest, and described the beauties of Sierra Nevada, plains, forests and scenery of our Western States. He also gave a very interesting account of the mode of traveling on the Pacific Railroad, and of the sights on the route, including Cape Horn, the snow sheds, a prairie dog village and other attractive items of traveling experience.

Arriving at California he spoke of the productions, climate, soil &c.; also gave a description of social life in that State. He spoke of the Chinese, their ways of living, and described the interior of one of their temples, and the appearance of the God within.

The speaker closed by saying a person could have no idea of the vastness of our domain without taking a trip west, but after viewing all the grand sights, and feeling the soft breezes from the Pacific, and exhilarating atmosphere of the Sierras he still thought there was no place for him like New England.

Mr. Lewis spoke in South Paris, Thursday evening.

The Stone Wall Problem.

The problem of our West Paris correspondent, in our issue of the 18th inst., has elicited some attention, and we have received five communications in relation to it. The problem was as follows:

A. and B. contract with C. to build 100 rods of wall for \$100. A. commences at one end, and has \$1.25 per rod; B. commences at the other, and has 75 cents. How many rods must each man build to get \$50?

"Uncle Bill," of Hartford, thinks the problem an absurdity, for, to get \$50 apiece, 106 2/3 rods of wall will be built.

Another North Newry correspondent says: "A. commences at the first corner, running south 40 rods to a stake; B. commences at the second corner, running south 66 rods and 11 feet to a stake—the two corners being a hundred rods apart. B. has gone to Washington, to see if he can get his salary increased to build the 60 rods."

"X. Y. Z.," from Bryant's Pond, says: "Perhaps it is a fair problem, as stated, but I fail to see it," and he presents it in this way, as he thinks it should be:

A. and B. contract to build 100 rods of stone wall for \$100. As it is worth more to build A's end of the wall than it is B's, A. receives 50 cents more per rod than B., and each receive \$50. How many rods do each build, and at what price per rod?

A West Paris correspondent says:

Some will say that this example will not prove, but I think it will. In the first place if they build the same number of rods there would be no trouble, but as Mr. B. builds 25 rods more than Mr. A., there is a gain for Mr. C. of 25 cents a rod less than \$1.00 a rod which he is to pay for building, therefore A and B lose \$6.25, leaving only \$93.75, which amount they both get; and if they are to have the \$50 apiece, we shall have to divide the \$93.75 equal.

One builds 75-200 of 100 rods—37 1/2 R.

" 125-200 " 62 1/2 R.

100 R.

37 1/2 x \$1.25 = 46.875

62 1/2 x 75 = 46.875

93.750

Which is \$6.25 less than the \$100, which I have tried to show you.

"Uncle Bill" gives it as he thinks it should be, to wit: A and B contract to build 100 rods of wall for \$100; then they agree to separate and begin at different ends, and that A shall have 25 cents more per rod than B; required the price per rod each receives, and the number of rods each must build.

Industrial Statistics.

The Gardiner Journal suggests that the following questions be added to the circular of the State Statistician:

How many places in town where rum is sold?

Are your officers truly loyal friends of the Maine law or "copperheads?"

How much are the taxes probably increased by the sale of liquors in your vicinity?

Could the law be enforced, if the proper officers faithfully tried to enforce it?

How many of your paupers were made so directly or indirectly by intemperance?

How much of the crime in your community is caused by intemperance?

Any other information of interest to the public, and bearing on the welfare of the community will be cheerfully received.

—The Maine State Sabbath School Association will hold its annual session at Biddeford about the middle of May.

S. J. Court—March Term, 1873.

DANFORTH, J. PRESIDING.

THE SLANDER SUIT.

Sarah Ann Heath vs. Leonard H. Maxwell.

Early Monday morning of the third week, the Court was packed to hear the famous slander case, many ladies being present.

A special Jury was empanelled, under the Statutes, (four talismen being returned) as follows:

James T. Clark, Paris, Foreman; Cyrus Andrews, Lovell; Lucius F. Bartlett, Norway; Joseph L. Chapman, Andover; Julius F. Fuller, Oxford; Samuel Frye, Fryeburg; Nathl B. Hodson, Waterford; Saml D. Marshall, Paris; Charles F. Durell, Oxford; Thomas E. Stearns, Paris; Charles F. Cummings, Paris.

This was an action for slander against the defendant who is a physician by profession. Plff. resides in Summer-Delft, in Hartford. The alleged slanderous words were spoken in town meeting in 1872, by the deft. as a member of the School Committee, in making a report of the plaintiff's school at said meeting.

The slanderous words were in charging the plaintiff, who is a teacher by profession, with using intoxicating liquors to excess, carrying the bottle to school with her, and teaching her scholars never to marry a man unless he would pledge himself to have wine furnished for the table every day. The allegations in the suit were proved to have been spoken by the defendant outside of his written school report. The plaintiff proved that she had just recovered from a fever at the time she commenced teaching in Hartford, and that her physician ordered her to use California wine till she got entirely well; that all the wine she used during the whole school was one bottle, and that of the mildest kind; that she had trouble in her school and the committee came in and refused to turn her out, but complimented her highly, and the defendant being one of the board, has visited her school three different times and eulogized her in her school each time; that when he came to learn of the report of her using intoxicating liquors from those with whom she had had trouble, he went into town meeting and there spoke the slanderous words alleged in the plaintiff's suit. The defendant is a radical temperance man, and set up in defence that the words spoken were privileged communications which he had a right to make as his duty, as one of the school committee authorized him to do; that she was accustomed to make use of wine at her boarding place, and on several occasions had carried it to her school and tasted it at recess or in the morning before school commenced; that he had good reason to believe what he heard, and was justified in making the report he did, and what he said further, was drawn out by enquiries, and was simply explanatory. The plaintiff in reply claimed that the words were spoken in malice, and that the defendant sought to gratify his ill will by speaking of her as he did in town meeting.

The following is the written Report, relative to Plff's school, made by the deft in town meeting:

DISTRICT NO. 4.

The winter term was taught by Miss Anna Heath, of Summer.

Some of the scholars in this school made good improvement, especially in Geography; but I am sorry to say that Mr. Caleb Thomas said to take his scholars out of school. There was a great deal said about it, but as I have been accused of being first on one side, and then the other, here is the proper place to express my opinion, and I shall do so because it is my duty. After hearing the stories on both sides, I became convinced that Mr. Thomas had just cause for removing his scholars from school. I thought the school was not profitable to the District, and advised Mr. Thomas to call in the S. S. Committee. He did so, but failed to convince my colleagues that Miss Heath should be dismissed from the school. He did not prove what I expected he would—indeed his strongest points were not mentioned. If he had proved what he might have done, I think she would have left the school. I do not think that Miss Heath is fit to teach any school while her habits are what I have good reason to believe that they are now. I shall never permit any person to teach school when it is in my power to prevent it, who is in the habit of using intoxicating drinks to excess, or who can take more whiskey at once than any temperance man can walk straight with. I do not believe that the greatest opponent of the Maine Law in this town would want his daughters taught that all the best societies liquors for their tables, and that they should never marry any man who would not furnish his table with liquor every day.

CHARGE OF THE JUDGE.

Judge Danforth said the case was one calculated to excite feelings on both sides. It is an action of Slander—not of Libel. Between the two a wide difference exists. Language written will support an action, sometimes, when spoken, it would not. Language written subjects a person to an indictment—language spoken never does. So far as the written report is concerned, if untrue, it might sustain an action for libel, not for slander. It is necessary that you should make a discrimination. The Report is put in by deft. not plff. The action is brought for words spoken, not written. Two causes of action are set out in the writ. Plff. must prove the words as set out—did deft. speak them—did he write them, or read them from his Report. If he did not speak them, and speak them as alleged, then deft. is not guilty. The proof must satisfy you that every material word set out in the writ has been proved as alleged, such as, if it is alleged that he said, "I supposed she was crazy, but afterwards thought she was drunk." If proved to have been said, is the allegation true? If not true, the law will imply malice. Then, as to language spoken of plff. in her avocation or profession. It need not be her entire business, but her principal one. Was the language spoken of her, as a teacher, slanderous. It would be undoubtedly, so far as the temperance aspect is concerned. But it is said, what he did say, was justifiable because a privileged communication. When a person places him-

self before the public for office, his character must be discussed, if honestly, without liability. As a S. S. Committee man, he could properly discuss plff's character. If he steps outside of his duty, he is not protected. We are not authorized to set up our own judgments, but must allow him to exercise his judgment. He was elected by his townsmen, and took the oath to do his duty. If his course was not satisfactory, he could be censured by their ballots at another election. It is said he went outside of his Report and should be liable. If he simply replied to inquiries made at the time, it would be a part of the Report and privileged. If made outside, it would be otherwise. It is for you to say. Suppose it to be a privileged communication, what then? The right must be granted to discuss the character and fitness of teachers, by the S. S. Committee, properly and honestly—but the shield thrown over the Committee should not be used to the injury of those who are in their power. When words are spoken, in a privileged communication, malice is not to be presumed, tho' slander or malice is sometimes implied in law, when a thing is deliberately done, as in crime. The truth or falsity of the charges made, are properly before you; not that all said must be proved to be true. If the communication is not privileged, the truth might be shown by deft. If he knew the charges were false, his privilege would not justify him in making them. If he had reason to believe, from her own conduct, that what he said was true, it would relieve him of the charge of malice. Has plff., by the preponderance of testimony, satisfied you that malice existed on the part of plff. As to damages, it is alleged that she lost employment as a teacher—this is not enough. It must have been alleged what particular damage she has suffered, that deft. might meet it. She does not allege any loss of property—simply to her reputation—and the injury to her feelings, mortification, and loss of reputation as a school teacher are proper elements for you to consider, if you come to the question of damages.

The plff. is a young lady of prepossessing appearance, florid complexion, with jaunty red curls, and generally stylish aspect. She sat with her counsel, pencil in hand, arranging her case and suggesting questions. She appeared well on the stand, told her story without affectation, but in a decidedly interested, if not interesting manner. She appeared to relish a jocular remark, though it might be disparaging, and frequently treated with levity some of the testimony which bore against her. Her appearance, otherwise, was favorable—more so than some of the testimony as to her conduct.

The deft. bore himself well, his composure showing that he is a man of decided convictions, and not afraid to utter his sentiments. His positive views might lead him to impetuous declarations, without intending harm.

The case was well tried, plff. being assisted by the County Attorney, Mr. Foster, and Alvah Black, Esq., who made the closing argument of an hour and a half. It was a strong and logical effort, quite sarcastic and bitter, in some portions. Mr. Harlow spoke about two hours, urging his points, which were principally legal ones, and reiterating them, lest the jury might not fully apprehend them. He conducted the defence shrewdly and ably, as his verdict indicates. But it was the Judge's charge that was looked to, for the true character of the case, and it was listened to with so much interest and gives so much valuable verbatim. It was evident that no great damages would be awarded, after hearing it.

The jury after being out one hour, returned a verdict of "guilty" against the defendant and assessed damages at \$1, twenty, which carries court costs, to wit, twenty-five cents. The verdict implies that the jury did not consider all that was said by deft. as privileged under his official report, but that there was no malice, and no great damage done to plff's character. The imprudence of the plff., to call it by no harsher term, in offering wine to a drinking man, in the school room, in presence of her scholars, was no doubt intended to be rebuked by the jury, though it did not justify such remarks, by deft., as that "she drank whiskey enough to make most men drunk, and apparently carried it off all right"—nor did any testimony that was introduced by deft. come up to a proof of this and similar remarks alleged to have been made by deft.

Black, Foster. Harlow.

Gilman S. Blake v. Lewiston Steam Mill Company.

This is an action on a contract alleged to have been made between the parties about the first of April, 1871, for the sale of one hundred and thirteen thousand pine timber, more or less, then lying on the banks of Sandy river in Riley Plantation, to be paid for when delivered in the Androscoggin river. The defendants deny that the contract was in writing, and claim that such was not the contract, but that if the timber was not delivered in said Androscoggin river the first season, then the depreciation of the timber from lying over and the injury it should receive should fall on the plff. and not on the defts.; that the contract so specified, and that that contract was not in writing, but the trade was a verbal contract, and that the Company had suffered great loss because the timber was not delivered the first season. The jury returned a verdict for the plff. for the sum of \$1906.75.

Foster. Harlow.

DIVORCE DECREE.

Sarah J. Potter, libellant, vs. Samuel W. Potter. Divorce decreed and custody of minor children given to mother.

Foster.

George W. Cole, libellant, vs. Alfareta Cole. Divorce decreed.

Black.

Abby M. Emerson, libellant, vs. Emory Emerson. Divorce decreed, and custody of children given to mother.

N. S. & F. J. Littlefield.

Harrison Buck, libellant vs. Dolly M. Buck. Divorce decreed.

Eleanor Dow, libellant, vs. Beniah Dow. Divorce decreed.

Wm. K. Kimball.

Mariah L. Goff, libellant, vs. William C. Goff. Divorce decreed.

Harlow.

Sarah V. W. Stockbridge, libellant, vs. John A. Stockbridge. Divorce decreed, and custody of child given to mother.

Falstaff & Bolster.

Henrietta C. Robinson, libellant, vs. John M. Robinson. Divorce decreed, and \$200 in lieu of alimony.

Bisbee.

Joseph Cummings, libellant, vs. Rachel E. Cummings. Divorce decreed.

Falstaff & Bolster.

Robinson Manufacturing Co. v. Oxford. This is a suit to test the constitutionality of a vote of a town to exempt manufacturing property from taxation. The decision of the S. J. Court relative to towns aiding Manufacturing Companies by taxation, does not settle the other question.

Swasy.

Executive Session of the Senate.

Monday, the Vice President announced that Senator Caldwell of Kansas, had resigned his seat. Morton said the Senate could proceed no further on the resolution to expel him, as Caldwell is no longer a member of the Senate. The Senate voted to take up the case of Clayton of Arkansas, charged with bribery, by a vote of 38 to 14. The matter was laid over to Tuesday. Morton offered a resolution congratulating Spain on the abolition of slavery in Porto Rico.

—Toby Candor writes to the Boston Journal, that the total cut of logs during the present winter will reach nearly 450,000,000 feet in the State, of which the Penobscot River takes the lead, the cut on those waters being 115,000,000. The cut on the Kennebec waters is 65,000,000 feet, while the Androscoggin loggers make an exhibit of 41,000,000 feet. The cut of this winter, with the old logs on hand, amounts to over 500,000,000 feet, showing a falling-off as compared with the logs on hand last year at this time, of some 180,000,000 feet.

The new pension law contains several provisions which are of general interest. All persons who have lost a leg above the knee, and are so disabled thereby that they cannot use an artificial limb, shall be rated in the second class and receive \$24 per month. All persons having lost the hearing of both ears to receive \$13 per month. Section 4 provides that the rate of \$18 per month may be proportionately divided for any degree of disability established for which the second section makes no provision. The old law provided for no rates between \$8 and \$18. The new law adds two years to the limitation under which pension claims may be established. Fees for medical examinations have been increased to \$2, excepting in the case of the Board of Examiners, each member being entitled to receive only \$1.

Post Office Awards.

The following contracts for carrying the mails for four years, have been awarded to Messrs. Henry Pennell, of Gray, and George R. Kimball of Portland; Norway to Greenwood; Oxford to Naples; South Paris to Fryeburg; Portland to East Wakefield railroad station.

—The National Temperance Society have invited all temperance organizations in the country to send delegates to a grand National Convention to be held at Saratoga Springs, N. Y., on the 26th of August next. This is at the height of the fashionable season at this great watering of liquor place, and we suppose holding a temperance Convention there will be considered "carrying the war into Africa!" We fear that in these fashionable watering places, the water hardly has a fair chance.

Fire at Gilead.

The Steam Mill belonging to Messrs. Bennett & Jewett at the Station, was burned on Wednesday night, the 26th inst. Loss \$3000; loss estimated at \$1,500. Their engine they think is but little damaged. They lost but little spoil stock, as they loaded two cars the night before, and had but about one car-load on hand.

Gorham, N. H.

Our correspondent "R." writes: Rev. George A. Tewksbury of Plymouth, Mass., occupied the Pulpit at the Congregational house yesterday. Mr. T. delivered one of the most interesting, and instructive and eloquent discourses that I ever listened to. Text, Hebrews 24 Chap. 11th verse. Mr. Tewksbury is quite young, yet one of the ablest as one of the most pleasing speakers it has been our fortune to hear. In listening to him I am reminded of these words, "Thou almost persuaded me to be a Christian."

There has been and is being cut a large amount of ship timber here; it goes to Maine over the G. T. R. of course. We have four men (brothers) here who purchased the farm known as the Barbank farm in Gilead.

The snow in this vicinity is fully four feet deep.—Register

Oxford Items.

Tuesday morning, as General Perry and Seth H. Faunce, Esq., were on their way to Paris Court, their sleigh struck into a "pitch" in the road, just as they were entering the covered bridge near the village, and both were thrown out with great violence upon the frozen ground in the bridge, and the horse cleared itself from the sleigh. Gen. Perry, who was driving, fell upon his side, making an ugly skin wound upon his head, and badly bruising his shoulder, side and hip. Mr. Faunce fell upon his hands, severely injuring his wrist. The wonder is that they were not both completely "smashed up" or killed. They are both disabled from labor, but are doing well, says the Lewiston Journal.

West Bethel—Smash-up on the Railroad.

Our little village was the scene of great excitement on the 25th inst. Its monotony was entirely broken up for a time. As the ten o'clock train on the Grand Trunk, Joseph Chandler, Engineer, was passing this place on a full rate of speed, it came in contact with another train, Hazelton, Engineer, moving at a rate estimated at thirty miles per hour. It was a terrible shock, and the wonder is how it could occur without any loss of human life. Three engines were nearly destroyed. That one drawing the down train was completely telescoped; the one drawing the up train was raised from the track and placed in a vertical position, the boiler standing on one end; one platform car was driven upon another, upon which was a crew that was being carried to Montreal. This engine was forced back against a box car loaded with tea—both engine and car were greatly damaged. Neither train was seen by the other but a moment before the collision.

Nothing but the greatest presence of mind on the part of the engineers and firemen saved them from a horrible death. As it were by one impulse of their will they jumped from the trains and suffered but very little injury. Some of them turned several somersaults before they gained their perpendiculars. One went with such force that his feet and arms were driven into the snow so firmly that he could not extricate himself, and had to remain stationary till he received assistance from those who were more fortunate. Mr. Nathan Walker, who was in the saloon-car, was more unfortunate than the others, and received very severe injuries. He was thrown the whole length of the car. He received a flesh wound in the back of his head, one shoulder was badly hurt and several ribs were broken. Dr. C. P. Wiley was in attendance as soon as possible after the accident, and dressed Mr. Walker's wounds. He was removed to Mr. Moses Mason's house in Gilead, where he received every attention from the inmates that could contribute to his comfort or relief, and great hopes are entertained of his recovery. A few others on board the train were injured, but not seriously. One man had his shoulder bruised, and another one his hip.

When we take into consideration the rate of speed of these trains, the shortness of time between the discovery of the impending and real collision, and the number on board the trains, and the fact that no loss of human life resulted therefrom, it stands almost without a parallel in the history of railroad accidents. While there is a feeling of thankfulness in every heart that this disaster was no worse, it is not unloyal with indignation at the carelessness of somebody officially responsible for the safe movement of all trains upon public highways, and a demand, both long and loud for full and rigid investigation into its cause, so that the blame may rest with its full weight upon its author, and the proper measures be adopted to prevent the recurrence of the like during this generation. The Conductor of the down train had received orders to make a crossing at West Bethel, but the Conductor of the up train had received no orders and claimed the right of way, hence the result. G. H. B.

Byron Items.

Byron, a small town situated in a remote part of Oxford County, is, in the winter, noted for its numerous snow squalls, and in the summer season, it is almost universally known as being a favorite resort for black flies and mosquitoes.

But little transpires here, worthy of note, yet, occasionally we tend you—kind readers of the Democrat—a word or two, so you may know that we have not gone under the big snow drifts, or up to the north pole, but expect that every snow storm and blow will send us either to one place or the other.

A short but lucrative term of school, taught by Mr. Walter A. Abbott, of Rumford, closed last week. Most of our school houses are miserable things, and if the several districts are not able, the town should, and we hope will soon take some measure to render them at least, comfortable.

Our roads are in a bad condition; almost impassable. Q. Y.

Brownfield Items.

Dr. J. P. Sweat, in returning from a professional visit last Sunday evening, was upset on a railroad crossing, upon which his horse became frightened, and the reins breaking, he ran up the P. & O. Road some two miles or more, leaping several bridges, culverts, cattle pens, &c., and passing the Brownfield station, attempted to leap the bridge across a herd river, but found it too much, and went through with sleigh attached some eight or ten feet into the snow on the bank of the river. Both shafts of the sleigh were broken, and the horse sorely bruised and cut up. By luck of friends on the road, the horse was shovelled out and led back to the station on the track.

Kezar Falls Items.

The snow in this vicinity still clings to mother earth. We have now at least 4-1/2 feet on a level, and a fresh supply after every thaw day. Our roads are very bad indeed, slow, and full of pickholes, which make it quite unpleasant for teamsters or those who visit to enjoy themselves at sleigh riding.

Col. Jordan Stacy is fast recovering from the paralytic shock which he experienced a few weeks ago. But the life of Mr. Wm. Chapman of this place, who was attacked with paralysis a few days previous to Mr. Stacy's being stricken down, is despaired of.

Hay is plenty and stock is looking well. Apples are rotting badly, with but little sale. Many supposed last fall that if they kept their apples until March they would bring a high price, but such is not the case.—Register.

—Capt. Chas. E. Nash of the Kennebec Journal has been elected President of the Augusta Common Council.

Bethel Items.

Verily, "winter lingers in the lap of spring." Since winter first set in, there has been no let up to it, and there is now no promise of any. Two years ago, March 18th, robins made their appearance, and frogs croaked on the 20th; ice left the river the 11th. Last year, April the 1st, snow 3 feet deep. Seven years ago March 28th, sowed peas; April 15th, we planted 7000 lbs of potatoes, which came up and did well. Last not farmers be discouraged? The winter and spring have been favorable for coming crops, fruit and grass. We have had no extreme cold weather to kill cions and fruit buds, and no thawing and freezing to injure them or grass roots.

Stock is wintering well; the clear cold weather being just what suits sheep and cattle which have enough to eat. The farmers say the great body of snow upon the ground, promises a good hay crop, and are generally disposed to empty their barns and trust in Providence for next time.

There seems to be quite a western

restore the vitiated blood and imparting vigor to all
 the vital forces; for building up and restoring the
 weakened constitution. **USE**
DR. J. C. BEBBA
 which is pronounced by the best medical authorities
 of London and Paris, to be the most powerful, simple
 and attractive known to the medical world." This
 is the new and untried discovery, but has been long
 known to the leading physicians of other countries
 by *acathartica* remedial results.
Don't weaken by medicine. The digestive sys-
 tem by anatomy and physics. They give only
 temporary relief—indigestion, flatulency and
 general weakness and kindred diseases are sure to
 follow their use.
 Keep the blood pure and health is assured.
JOHN Q. KELLOGG, is Platt St., New York.
SOLE Agent for the United States
Price One Dollar per Bottle, and for Circular.

INSURANCE!

The Subscriber, recently associated with the
 late **F. H. HOWARD**, of South Paris, in the
Insurance Business,
 will continue the same at the office lately occupied by
 the late HOWARD, and will be happy to see
 patrons of Mr. H., and transact business
 on them.
 He has all the Policies and papers of Mr. H.,
 and is authorized to continue the business.
WM. J. WHEELER.
 South Paris, Me., Dec. 19, 1871.

Oxford Democrat. - - Extra.

Public Laws of the State of Maine, passed by the Fifty-second Legislature, A. D., 1873.

Chapter 88.

AN ACT to promote immigration, and facilitate the settlement of the public lands.

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

SECTION 1. There shall be a board of immigration in this State, composed of the Governor, Secretary of State, and land agent.

SECT. 2. It shall be the duty of said board to appoint a commissioner of immigration, an agent resident in New Sweden, and to exercise a general supervision over the expenditure of all moneys appropriated by this act.

SECT. 3. It shall be the duty of said commissioner to exercise a general care and oversight over all immigrants coming to Maine; to give them all needful information, to assist them in settling upon the public lands of the State, or obtaining employment within its borders, and to have special charge of the colony at New Sweden, to the end that its development and prosperity may be promoted in every way consistent with law; and the compensation and other expenses of said commissioner shall not exceed the sum of one thousand dollars. And it shall be the duty of said agent, resident in New Sweden, to have special charge of the State store-house, stores, tools, and all other State property there, to receive and disburse all State supplies, and keep proper accounts and vouchers therefor; and the compensation of said agent shall not exceed the sum of three hundred dollars.

SECT. 4. The board aforesaid may, if in its opinion the circumstances require it, expend for provisions, tools, seed, and other necessary aid to be furnished the colonists, and for which payment may be taken in labor on the roads, public buildings, and other public works, an amount not exceeding four thousand dollars, and for schools two hundred dollars.

SECT. 5. The board aforesaid may cause all immigrants arriving under the provisions of this act to be settled on any of the public lands of the State not otherwise appropriated, and assign to each man over twenty-one years of age, by certificate from the land agent, a lot of one hundred acres of land; and the land agent shall at the expiration of five years from the date of said assignment, grant each of the persons aforesaid, or his heirs at law, a deed of warranty or other valid title of the lot assigned him; provided, each of said persons has established his residence on the lot assigned him, has built a comfortable house thereon, and has cleared not less than fifteen acres of land within the time aforesaid, ten of which shall be laid down to grass; and all said persons shall be exempt from State taxation until January first, in the year of our Lord one thousand eight hundred and seventy-six.

SECT. 6. The governor is hereby authorized to draw his warrant upon the treasury for any of the sums specified in this act.

SECT. 7. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect when approved.

[Approved January 25, 1873.]

Chapter 89.

AN ACT authorizing justices of the peace to administer oaths and affirmations.

Be it enacted, &c., as follows:

SECT. 1. Justices of the peace may administer oaths or affirmations in all cases in which an oath is required, unless a different provision is expressly made by law.

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

[Approved January 25, 1873.]

Chapter 90.

AN ACT to amend section sixteen of chapter thirty of the revised statutes, relating to birds.

Be it enacted, &c., as follows:

Section sixteen of chapter thirty of the revised statutes is hereby amended by inserting after the word 'sparrows,' in the fifth line, the word 'orioles,' so that said section as amended, shall read as follows:

SECT. 16. Whoever takes, kills, destroys, or pursues with intent of killing, destroying, or taking with dogs, guns, traps, nets, snares, pit-falls, or any other device or contrivance whatever, any of the birds commonly known as larks, robins, partridges, grouse, swallows, quills, wood-cocks, sparrows, orioles or snipes, except between the first day of September and the first day of February, shall forfeit for every such bird not less than five nor more

than ten dollars, to be recovered by complaint before any municipal or police-court or trial justice, one-half to the use of the complainant, and the other half to the use of the town where the offence is committed.

[Approved January 27, 1873.]

Chapter 91.

AN ACT to amend section thirty-seven of chapter eighteen of the revised statutes relating to appeals from decision of county commissioners.

Be it enacted, &c., as follows:

SECT. 1. Section thirty-seven of chapter eighteen of the revised statutes is hereby amended by striking out the words 'it has been entered of record' in the fourth and fifth lines, and inserting instead thereof the words 'their return has been placed on file,' so that the section as amended shall read as follows:

'Parties interested, may appear jointly or severally at the time of hearing before the commissioners, on a petition for laying out, altering or discontinuing any highway; and any such party may appeal from their decision thereon, at any time after their return has been placed on file, and before the next term of the supreme judicial court in said county, at which term such appeal may be entered and prosecuted by him, or by any other party who so appeared. And all further proceedings before the commissioners are to be stayed until a decision is made in the appellate court.'

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

[Approved January 29, 1873.]

Chapter 92.

AN ACT to authorize cities and towns to hold money in trust for certain useful purposes.

Be it enacted, &c., as follows:

SECT. 1. Any city or town is authorized to receive money, by donation or legacy, in trust, for benevolent, religious, or educational purposes; provided that the city or town, in its appropriate mode of legal procedure, shall give its consent.

SECT. 2. Interest shall be allowed if the fund shall be used by the city or town; otherwise it shall be placed at interest or income, the city or town being hereby made responsible for its security.

SECT. 3. The city or town, by its officers or agents, shall apply the fund or its income in accordance with the written directions of the donor or testator, made known at the time the fund was accepted.

SECT. 4. If the city or town shall fail to apply the fund or its income at the times and for the purposes prescribed in said directions, it shall revert to the donor, if living; if deceased, to his heirs.

[Approved February 1, 1873.]

Chapter 93.

AN ACT to increase the salaries of the judge and register of probate in the county of Androscoggin.

Be it enacted, &c., as follows:

SECT. 1. The salary of the judge of probate in the county of Androscoggin be and the same is hereby increased to three hundred and fifty dollars, instead of three hundred, being the sum now established by law; also the salary of the register of probate in said county be, and the same is hereby increased to five hundred dollars, instead of four hundred, being the sum now established by law.

SECT. 2. All acts, and parts of acts, inconsistent with the provisions of this act be, and the same are hereby repealed.

SECT. 3. This act shall take effect when approved.

[Approved February 1, 1873.]

Chapter 94.

AN ACT additional to chapter twenty-nine of the laws of eighteen hundred and sixty-nine, concerning the militia.

Be it enacted, &c., as follows:

SECT. 1. The volunteer company known as the Androscoggin light artillery, is hereby made subject to all the duties and granted all the privileges provided for volunteer companies of militia, by chapter twenty-nine of the laws of eighteen hundred and sixty-nine.

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

[Approved February 3, 1873.]

Chapter 95.

AN ACT relating to damages for land taken for railroad purposes.

Be it enacted, &c., as follows:

'Any person aggrieved by the decision or judgment of the county commissioners in relation to damages for land taken for railroad purposes, may appeal therefrom to the next term of the supreme judicial court, which shall first be held in the county where the land is situated, more than thirty days from and after the day when the report of the commissioners estimating said damages is made, excluding the day of the commencement of the session of said court, which court shall determine the same by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment and issue execution for the damages recovered with costs to the party prevailing in the appeal. The appellants shall serve written notice of such appeal upon the railroad company fourteen days at least before the session of said court, and shall at the first term file a complaint, setting forth substantially the facts of the case. On the trial, exceptions may be taken to the ruling of the court as in other cases.'

[Approved February 11, 1873.]

Chapter 96.

AN ACT to amend section one, of chapter eighty-four of the laws of eighteen hundred and seventy, relating to letters of administration.

Be it enacted, &c., as follows:

SECT. 1. Section one of chapter eighty-four of the public laws of eighteen hundred and seventy, is hereby amended by striking out the words, 'and that letters testamentary have not been taken out thereon, nor letters of administration granted with the will annexed, to any person or persons,' so that said section as amended shall read as follows:

'SECT. 1. Whenever it shall clearly appear to the judge of probate within and for the County of Cumberland, that a will was made and probated, and destroyed by the fire in Portland on the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-six, and that said will cannot be proved by attested copy thereof, and that the person so deceased has left estate which should be administered upon for the payment of debts and other charges, said judge of probate may grant special administration upon said estate to some suitable person, who shall be clothed with all the powers and subject to all the duties now granted by law to special administrators.'

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

[Approved February 11, 1873.]

Chapter 97.

AN ACT relating to the change of names of persons.

Be it enacted, &c., as follows:

SECT. 1. Whenever any person in this State desires to change his or her name, such person may petition therefor to the judge of probate of the county in which he or she resides; and such judge of probate is hereby authorized and empowered to change the name of such person, and shall make and preserve a record thereof.

SECT. 2. Whenever the judge of probate, before granting any such petition, deems it expedient that notice thereof be given, such notice shall be given as the judge may order.

SECT. 3. This act shall take effect when approved.

[Approved February 11, 1873.]

Chapter 98.

AN ACT to continue in force chapter five, public laws of eighteen hundred and seventy-two, 'An Act authorizing pensions for disabled soldiers and seamen.'

Be it enacted, &c., as follows:

SECT. 1. The provisions of chapter five, public laws of eighteen hundred and seventy-two, are hereby continued in force for one year from the thirty-first day of December, one thousand eight hundred and seventy-two.

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

[Approved February 14, 1873.]

Chapter 99.

AN ACT to regulate the close-time for the taking of trout in the tributaries of the Androscoggin river.

Be it enacted, &c., as follows:

SECT. 1. The yearly close-time for the taking of trout in the tributaries of the Androscoggin river, above the outlet of Umbagog Lake, shall be four and one-half months, commencing on the fifteenth day of October, and ending on the first day of March, during which time no trout shall be taken or killed in

any manner, under penalty and fine as prescribed in section thirty-eight, chapter forty, of the revised statutes.

SECT. 2. This act is not to apply to blue black trout, nor to any person taking fish on his own premises for the purpose of cultivation.

[Approved February 14, 1873.]

Chapter 100.

AN ACT to amend chapter three of the laws of eighteen hundred and seventy-two, entitled "An Act to amend section thirty-three of chapter eleven of the revised statutes, relating to the location of school-houses."

Be it enacted, &c., as follows:

SECT. 1. Section thirty-three of chapter eleven of the revised statutes, in the fifth line, is amended by striking out the word "incorporated," and inserting the words "town or," before the word "city," in said line, so that the section as amended shall read as follows:

"SECT. 13. When a location for the erection or removal of a school-house and necessary buildings has been legally designated, and the owner thereof refuses to sell, or asks an unreasonable price for it, in the opinion of the municipal officers, or resides within the limits of this State, and has no authorized agent or attorney within the same, they may lay out a school-house lot, not exceeding one hundred square rods, and appraise the damages, as is provided for laying out town ways and appraising the damages therefor; and on payment or tender of such damages, or if such owner shall not reside within this State, upon depositing such damages in the treasury of such town or district for his use, the town or district designating it may take such lot to be held and used for the purposes aforesaid; and when such school-house as is required of the town or district has ceased to be thereon for two years, it shall revert to the owner, his heirs or assigns. And any town or city may take real estate for the enlargement or extension of any location designated for the erection or removal of a school-house and necessary buildings, and for necessary play-grounds, as herein provided; but no real estate shall be so taken within fifty feet of a dwelling-house."

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

[Approved February 14, 1873.]

Chapter 101.

AN ACT additional to chapter nine of the revised statutes relating to the Penobscot Indians.

Be it enacted, &c., as follows:

SECT. 1. An accurate census of the Penobscot tribe of Indians shall be taken as it existed on the first day of January of each year, in which shall be stated the names, sex and age, as near as may be, of each Indian, each family by itself. It shall be taken by one or more of the superintending school committee of the town of Oldtown, upon the best information they can obtain, as hereinafter provided, and certified under oath, and delivered to the agent, and a copy thereof to the governor of said tribe for their use, on or before the tenth day of January, annually. Said committee shall hold a meeting with said tribe on the first Wednesday of January, annually, on Oldtown Island, for the purpose of receiving information from such of the tribe as may attend, as to who belong to the tribe, the identity of the person and the correctness of the names; due notice in writing of the time and place of which meeting shall be given by said committee. Corrections of the list, by reason of births, deaths or omissions, may, as they come to the knowledge of the committee, be certified to the agent, and he shall correct his list accordingly. A reasonable compensation shall be paid to the committee by the agent and charged in his account, and allowed to him and paid out of the State treasury. This list, as corrected, shall, with his account, be returned to the governor and council. Section one, chapter twenty-seven, special laws of eighteen hundred and fifty-seven, and section three, chapter two hundred and fifty-four public laws of eighteen hundred and sixty-four, are hereby repealed.

[Approved February 14, 1873.]

Chapter 102.

AN ACT amendatory to section fifteen of chapter fifty-nine of the revised statutes, relating to marriage and its solemnization.

Be it enacted, &c., as follows:

SECT. 1. Section fifteen of chapter fifty-nine of the revised statutes, is hereby amended by inserting after the word "solemnized," the words "and to the clerks of the towns where the parties receive their certificates," so that said section, as amended, shall read:

"SECT. 15. Every person commissioned as aforesaid, shall keep a record of all marriages solemnized by him, and annually, by the fifteenth day of April, make return thereof for the year ending the last day of March, to the clerk of the town where the marriage is solemnized, and to the clerks of the towns where the parties receive their certificates,

certifying the names of the parties, the places of their residence and the date of the marriage; and for any neglect to do so, he shall forfeit the sum of fifty dollars, one-half to the use of the county, and the other to the use of the person suing therefor.

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

[Approved February 17, 1873.]

Chapter 103.

AN ACT to amend section nine of chapter thirty of the revised statutes, relating to Moose, Deer and Caribou.

Be it enacted, &c., as follows:

SECT. 1. Section nine of chapter thirty of the revised statutes is hereby amended by striking out in the fourth line of said section the word "February" and inserting therein the word "January," also by striking out the word "so" in the seventh line, and all after the word "caribou" in the same line of said section, so that said section shall read as follows:

"SECT. 9. No person shall hunt or kill with dogs any moose, deer or caribou on any lands in this State, under a penalty of forty dollars for every such moose, deer or caribou so killed; and no person shall, between the first day of January and the first day of October, in any manner hunt or kill any moose, deer or caribou, under the same penalties as above provided. Any person may lawfully shoot or otherwise kill any dog found hunting moose, deer or caribou."

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

[Approved February 17, 1873.]

Chapter 104.

AN ACT to amend section five of chapter one hundred and twenty-four of the revised statutes, relating to indecent exposures.

Be it enacted, &c., as follows:

SECT. 1. Section five of chapter one hundred and twenty-four of the revised statutes is hereby amended by adding thereto the following words: "And whoever wantonly and indecently exposes his person shall be punished by imprisonment not more than thirty days, and by fine not exceeding ten dollars," so that said section as amended shall read as follows:

"SECT. 5. If any man and woman, one or both being at the time married to another person, lewdly and lasciviously co-habit, or married or unmarried are guilty of open, gross lewdness and lascivious behavior, they shall each be punished by imprisonment not more than five years, or by fine not exceeding three hundred dollars; and whoever wantonly and indecently exposes his person shall be punished by imprisonment not more than thirty days, and by fine not exceeding ten dollars."

[Approved February 19, 1873.]

Chapter 105.

AN ACT to amend section one, chapter two hundred and twenty-three, of the public laws of eighteen hundred and seventy-one, relating to fares on railroads.

Be it enacted, &c., as follows:

SECT. 1. The provisions of section one, chapter two hundred and twenty-three of the public laws of eighteen hundred and seventy-one, shall not apply to excursion or return tickets sold for a less price than the regular fare.

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

[Approved February 19, 1873.]

Chapter 106.

AN ACT to amend section two of chapter ninety-seven of the revised statutes relating to authority of deputy sheriffs.

Be it enacted, &c., as follows:

SECT. 1. Section two of chapter ninety-seven of the revised statutes is hereby amended by inserting after the word "county" in the second line, the words "or either of his deputies," so that said section, as amended, shall read as follows:

"SECT. 2. He may issue his warrant for the apprehension of such person directed to the sheriff of any county or either of his deputies, in which the accused is supposed to reside, accompanied by such accusation and examination."

[Approved February 19, 1873.]

Chapter 107.

AN ACT to increase the salary of judge and register of probate for Aroostook county.

Be it enacted, &c., as follows:

SECT. 1. The salary of the judge of probate for Aroostook county shall be four hundred dollars instead of the sum now fixed by law.

SECT. 2. The salary of the register of probate for Aroostook county shall be five hundred dollars instead of the sum now fixed by law.

SECT. 3. This act shall take effect when approved.

[Approved February 19, 1873.]

Chapter 108.

AN ACT to amend chapter one hundred and eight-

een, section six of the revised statutes, relative to the penalty for placing obstructions on railroads.

Be it enacted, &c., as follows:

That chapter one hundred and eighteen, section six of the revised statutes be amended in the second line by inserting after the words "any part of," the words "an engine, car, signal," and in the sixth line by changing the word "second" to "first," and in the eighth line by changing the word "thirty" to "sixty," and in the ninth line after the words "hard labor," so change as to read "during life or for a term of years," so that said section when amended shall read as follows:

"SECT. 6. Whoever willfully and maliciously displaces a switch or rail, disturbs, injures or destroys any part of an engine, car, signal, track or bridge of any railroad, or places any obstruction thereon with intent that any person of property passing on the same should be thereby injured, and human life is thereby endangered, shall be deemed guilty of murder of the first degree, and punished accordingly. If human life is thereby endangered and not destroyed, or property is injured, he shall be punished by solitary confinement not more than sixty days, and afterwards by imprisonment and hard labor during life, or for a period of not less than ten years."

[Approved February 21, 1873.]

Chapter 109.

AN ACT to amend section three of chapter twenty-nine of the revised statutes relating to bowling alleys and billiard rooms.

Be it enacted, &c., as follows:

Section three of chapter twenty-nine of the revised statutes is hereby amended by striking out all after the word "recovered" in the third line, and inserting the following: "on complaint or indictment to the use of the person prosecuting," so that said section, as amended, shall read as follows:

"SECT. 3. No person shall keep a bowling alley or billiard room without a license, under a penalty of ten dollars for each day such alley or room shall be so kept, to be recovered upon complaint before a judge of a municipal or police court or trial justice, or by indictment to the use of the person prosecuting."

[Approved February 21, 1873.]

Chapter 110.

AN ACT relating to free text-books in public schools.

Be it enacted, &c., as follows:

SECT. 1. When a pupil in a public school of any town shall lose, destroy, or unnecessarily injure any school book or school appliance, furnished such pupil at the expense of said town, the parent or guardian of such pupil shall be notified of the fact, and if the loss or damage is not made good to the satisfaction of the school committee within a reasonable time, it shall be the duty of said committee to report the case to the assessors of such town, who shall include in the next town tax of the delinquent parent or guardian the value of the book or appliance so lost, destroyed or injured, to be assessed and collected in the same manner as other town taxes.

SECT. 2. School committees are hereby authorized to make such rules and regulations for the distribution and preservation of school-books and school appliances furnished at the expense of the town as they may deem proper, provided the same shall not be repugnant to the laws of the State.

SECT. 3. This act shall take effect when approved.

[Approved February 21, 1873.]

Chapter 111.

AN ACT to provide for the proper expenditure by towns of school money received from the State.

Be it enacted, &c., as follows:

When the governor and council have reason to believe that any town has neglected to raise and expend the school money required by law, or to faithfully expend the school money received from the State, it shall be their duty to direct the State treasurer to withhold further payment to such town from the State treasury on account of the State school fund and until such town shall satisfy them that it has expended the full amount required by law for common school purposes.

[Approved February 21, 1873.]

Chapter 112.

AN ACT to provide for the enrolment of the militia.

Be it enacted, &c., as follows:

SECT. 1. It shall be the duty of the assessors of cities, towns and plantations of the State, to prepare lists of all persons who may be living within their respective limits and liable to enrolment; giving the name, age, and occupation of each of such persons, and all facts which may determine his exemption from military duty, and place a certified copy of each list in the hands of the clerk of their respective cities, towns or plantations, on or before the first day of June next, and the said clerks shall return copies of such lists to the adjutant general at Augusta, on or before the fifteenth day of June next.

SECT. 2. This act shall take effect when approved.
[Approved February 21, 1873.]

Chapter 113.

AN ACT relating to disturbing public meetings.
Be it enacted, &c., as follows:

Whoever wilfully and unlawfully disturbs or interrupts any assembly of persons lawfully assembled in any hall or other place of meeting shall be punished by imprisonment not more than thirty days or by fine not exceeding ten dollars, or both, in the discretion of the court.

[Approved February 21, 1873.]

Chapter 114.

AN ACT to amend section eighty-seven of chapter eleven of the revised statutes relating to normal schools.

Be it enacted, &c., as follows:

SECT. 1. Section eighty-seven of chapter eleven of the revised statutes is hereby amended so as to read as follows:

SECT. 47. The normal schools established by the State shall be under the direction of a board of seven trustees, five of whom shall be appointed by the governor, by and with the advice and consent of the council, for a term of not more than three years under one appointment; and the governor and superintendent of common schools shall, by virtue of their office, be members of the board. The five trustees appointed by the governor shall each be allowed ten cents a mile for actual travel each way, and two dollars a day for their services when employed. Said board of trustees shall have charge of the general interests of the State normal schools; shall see that the affairs of the same are conducted as required by law and by such by-laws as the board may adopt; employ teachers and lecturers for the same; and annually on the first day of December lay before the governor and council, for the information of the legislature a financial statement, furnishing an accurate detailed account of the receipts and expenditures for the school-year preceding. The governor and council may draw warrants on the treasurer of State in favor of the trustees, from time to time, as they may think proper, for the money appropriated by the legislature for the State normal schools.

SECT. 2. This act shall take effect when approved.
[Approved February 24, 1873.]

Chapter 115.

AN ACT to enable academies to surrender their property to cities, towns, or plantations for the benefit of free high schools.

Be it enacted, &c., as follows:

SECT. 1. The trustees of any Academy or other corporation formed for educational purposes in this State are hereby authorized to surrender the property belonging to said academy or corporation, of every kind, real, personal and mixed, by a majority vote of such of said trustees as reside in this State, to the alderman of any city, the selectmen of any town, or the assessors of any plantation, in which said academy or corporation is situated, for the purpose of turning the same into a free high school as hereinafter provided, and said alderman, selectmen or assessors, as the case may be, for the time being, shall be a board of trustees to take and hold said property for the purpose of maintaining a free high school forever, and it shall be the duty of said officers upon receiving said property, to use proper diligence to make the same produce income for the support of said free high school.

SECT. 2. It shall be the duty of the treasurer of said trustees when such vote is passed as provided in section one to convey, assign and deliver to the municipal officers of said city, town, or plantation, all property, real, personal and mixed, belonging to said academy or corporation for the purposes indicated by this act.

SECT. 3. It shall be the duty of the municipality accepting the property in trust, as named in section one, to apply the income of said property towards the support of a free high school, to be kept within said municipality, at least twenty-two weeks in each year, and to provide suitable accommodations for the same, and the superintending school committee or supervisor of schools in said municipality shall determine the qualifications necessary to entitle any one wishing to enter or attend said free high school, and no one shall be entitled to attend said school without the certificate of said officers to that effect.

SECT. 4. All scholars residing within the municipality aforesaid, having the certificate named in section three, may attend said school without tuition fee, and all scholars not residents of said municipality, wishing to attend said school, may do so upon such terms and conditions as said school officers may impose.

SECT. 5. This act shall take effect when approved.
[Approved February 24, 1873.]

Chapter 116.

AN ACT additional to chapter sixty-six of the revised statute relating to insolvent estates.

Be it enacted, &c., as follows:

SECT. 1. When commissioners appointed under the provisions of section fifty-one of chapter sixty-four of the revised statutes, have reported on any claims submitted to them, and their report has been accepted and no appeal taken, it shall be final, notwithstanding the estate afterward proves to be insolvent, and commissioners of insolvency are appointed. The amount awarded by the first commissioners shall be entered by the judge of probate on the list of debts entitled to dividends.

SECT. 2. Commissioners of insolvency who neglect to render their report to the judge of probate for three months after the expiration of the time allowed them by the judge for receiving claims, shall forfeit all right to compensation for their services, and may be cited by the judge to show cause for their negligence.

SECT. 3. Chapter forty-seven of the public laws of eighteen hundred and seventy-two is hereby repealed.
[Approved February 24, 1873.]

Chapter 117.

AN ACT to provide for the appointment of an assistant county attorney for the county of Cumberland.

Be it enacted, &c., as follows:

SECT. 1. The county attorney of the county of Cumberland is hereby authorized to appoint an assistant, to be approved by the judge of the supreme court for said county. Said assistant shall take the same oath as that prescribed for county attorneys; shall assist the county attorney in the ordinary duties of his office, in the drawing of indictments, and in the hearing of complaints before the grand jury, and the preparation and trial of criminal causes. He shall, when directed by the county attorney, act as counsel for the State in the trial of complaints, before judges of municipal courts and trial justices. The salary of said assistant shall be five hundred dollars, payable in the same manner as that of county attorney, and shall hold his office during the term of the county attorney by whom he is appointed, but may be removed at any time by the court.

SECT. 2. This act shall take effect when approved.
[Approved February 24, 1873.]

Chapter 118.

AN ACT to amend chapter thirty-eight of the public laws of eighteen hundred and seventy-two, relating to insolvent estates.

Be it enacted, &c., as follows:

Chapter thirty-eight of the public laws of eighteen hundred and seventy-two is hereby amended by striking out the second section of said chapter.
[Approved February 24, 1873.]

Chapter 119.

AN ACT to define what shall constitute pauper supplies.

Be it enacted, &c., as follows:

SECT. 1. That to constitute pauper supplies, under the laws of this State, such supplies shall be applied for in case of all adult persons of sound mind, by such persons themselves or by some person by them duly authorized; or such supplies shall be received by such persons, or by some person duly authorized by them, with a full knowledge that they are such supplies; and all care, whether medical or otherwise, furnished said persons shall be subject to the same rule. The provisions of this act shall not affect pending suits.

SECT. 2. This act shall take effect when approved.
[Approved February 24, 1873.]

Chapter 120.

AN ACT to amend the second specification of section fifty-four of chapter eleven of the revised statutes, in regard to studies taught in common schools.

Be it enacted, &c., as follows:

The second specification of section fifty-four of chapter eleven of the revised statutes is hereby amended so as to read as follows:
"Second. On satisfactory evidence that a candidate possesses a good moral character, and a temper and disposition suitable to be an instructor of youth, they shall examine him in reading, spelling, English grammar, geography, history, arithmetic, book-keeping and physiology, and such other branches as they may desire to introduce into public schools, and particularly in the school for which he is examined; and also as to capacity for the government thereof."
[Approved February 24, 1873.]

Chapter 121.

AN ACT to amend section three of chapter two hundred and five of the public laws of eighteen hundred and seventy-one in regard to the rights and liabilities of stockholders.

Be it enacted, &c., as follows:

SECT. 1. Section three of chapter two hundred and five of the public laws of eighteen hundred and seventy-one is hereby amended by adding thereto "but no stockholder shall be liable for the debts of the corporation not contracted during his ownership of such unpaid stock nor for any mortgage debt of said corporation, and no action for the recovery of the amounts mentioned in this section and act shall be maintained against a stockholder unless proceedings to obtain judgment against the corporation shall be commenced during the ownership of such stock or within one year after its transfer by such stockholder is recorded on the corporation books."

SECT. 2. This act shall not affect any suits now pending against such stockholders.

[Approved February 24, 1873.]

Chapter 122.

AN ACT to amend section twenty-six of chapter one hundred and thirteen of the revised statutes, relating to poor debtors' disclosures.

Be it enacted, &c., as follows:

SECT. 1. Section twenty-six of chapter one hundred and thirteen of the revised statutes shall be so amended as to read as follows:

SECT. 25. A debtor who has given such bond may within the time limited therein, give notice to the creditor or creditors of his intention to submit himself to examination and take the oath prescribed in section thirty; or if he is committed or has delivered himself into the custody of the jailor, he, or the jailor in his behalf, may give such notice, and in either case such notice shall be in form substantially as follows:

STATE OF MAINE.

—, ss.—To—Whereas, I,—of—, in the county of—, have been arrested in said county on an execution in your favor, issued on a judgment obtained against me before the—court held at—, in the county of—, on the—day of—, in the year of our Lord—, for—dollars and—cents, debt or damage, and—dollars and—cents, costs of court, and have given the bond prescribed in section twenty-four of chapter one hundred and thirteen of the revised statutes, (or have been committed, or have delivered myself into the custody of the jailor,) you are hereby notified that I shall submit myself to examination in the manner and for the purposes indicated in section twenty-four, at—, in—, on the—day of—, in the year of our Lord—, at o'clock in the—noon, being within the time limited in said bond; and you are hereby notified that you may select one of the justices, and object if you see fit. Dated at—, in the year of our Lord—, debtor.

SECT. 2. This act shall take effect when approved.
[Approved February 24, 1873.]

Chapter 123.

AN ACT to repeal section twelve of chapter one hundred and sixteen of the revised statutes, relating to fees of jurists.

Be it enacted, &c., as follows:

SECT. 1. Section twelve of chapter one hundred and sixteen of the revised statutes, is hereby repealed.

SECT. 2. This act shall take effect when approved.
[Approved February 24, 1873.]

Chapter 124.

AN ACT in aid of free high schools.

Be it enacted, &c., as follows:

SECT. 1. When any town shall have established and maintained a free high school as provided by this act, for at least ten weeks in any one year, such town on complying with the conditions herein set forth, shall be entitled to receive from the State one half the amount actually expended for instruction in said school, not however exceeding five hundred dollars from the state to any one town; provided, that no town shall be entitled to such state aid unless the appropriation and expenditure for such school on the part of said town, has been exclusive of the amounts required by law to be expended for common school purposes. Such state aid shall be paid from the state treasury on and after the first day of December of each year, upon certification by the governor and council as provided by section eight.

SECT. 2. Any town may establish and maintain not exceeding two free high schools; and when two such schools are maintained, shall be entitled to receive the same State aid as if the expenditures for both schools had been made for one school. Two or more adjoining towns may unite in establishing and maintaining a free high school, and both receive the same State aid as if such school had been maintained by one town. So long as any town shall decline to avail itself of the provisions of this act, any school district, or union of districts in such town, may establish and maintain a free high school, and receive state aid the same as the town might have done; provided that no more than two such free high schools shall be established in any town, and that

the amount of state aid extended to the districts in any town shall not exceed the sum that the town might have received. Two adjoining school districts in different towns may establish and maintain a union free high school, and, with the consent of both towns, may receive a proportional part of such State aid, to be determined as provided by section eight, but in no case to exceed the amount that either town might have received. Towns shall receive in trust and faithfully expend donations and bequests made to aid in the maintenance of free high schools, and shall receive State aid in such cases to the same extent and on the same conditions as if such schools had been established and maintained by taxation; provided, that no town shall be entitled to receive such State aid on any expenditure for a free high school or schools made from the funds or proceeds of the real estate of an academy or incorporated institution of learning, surrendered or transferred to such town for educational purposes.

Section 3. Any town, or union of towns or districts, voting to establish a free high school as herein provided, may locate the same permanently, or vote that the terms of said school be held alternately in such school districts within the town or towns as may be selected, and as may accept said school. It shall be the duty of the district in which said free high school is thus held, to supply appropriate equipments for the same, and also to furnish and warm a suitable building; provided, that such district may use its district school house for such free high school, when not required for ordinary school purposes.

Section 4. The course of study in the free high school contemplated by this act, shall embrace the ordinary academic studies, especially the natural sciences in their application to mechanics, manufactures and agriculture. Such school or schools, when established by any town or union of towns, shall be free to all the youth in such town or towns, on such attainments of scholarship as shall be fixed by the superintending school committee or committees having the supervision of said school or schools. When such school is established by any school district or union of school districts, it shall be free in the same manner to the scholars within such district or districts; and also open to scholars passing the required examination from without such district or districts, but within the town or towns in which said district or districts are situated, on the payment to the agent of the district in which such school is located, of such tuition, to be fixed by the superintending school committee or committees having the supervision of the same, as shall be equivalent to the cost per scholar of maintaining such school, after deducting the aid extended by the State. Whenever in the judgment of the superintending school committee or committees having the supervision of any free high school or schools, the number of pupils in the same may be increased without detriment, scholars from without the town or towns directly interested in such school or schools, may be admitted to the same on passing the required examination, and paying such tuition as may be fixed by said committee, to the treasurer of the town in which the school is kept, when such school is maintained by a town or union of towns, or to the agent of the district in which the school is kept, when such school is maintained by a district or union of districts.

Section 5. Free high schools established and maintained under the provisions of this act, shall be subject to the laws of the State relating to common schools so far as applicable, except as herein otherwise provided. When established and maintained by a town, such free high school or schools shall be under the supervision and entire management of the superintending school committee of such town. When established and maintained by a union of towns, such school shall be under the supervision and entire management of the superintending school committee of such towns, who shall constitute a joint board for that purpose. When established and maintained by any district or union of districts in the same town, such school shall be under the supervision of the superintending school committee of such town and under the financial management of the agent of the school district in which such school is kept, who, in connection with said committee, shall employ the teacher or teachers for such school.

Section 6. Towns and school districts are hereby authorized to raise money for the purpose of establishing and maintaining free high schools, and erecting buildings and providing equipments for the same, in the same manner as is provided by law for supporting common schools and erecting school-houses.

Section 7. Any town may from year to year au-

thorize its superintending school committee to contract with and pay the trustees of any academy in said town, for the tuition of scholars within such town, in the studies contemplated by this act, under a standard of scholarship to be established by such committee; and the expenditure of any town for tuition in such academy shall be subject to the same conditions, and shall entitle such town to the same aid from the State as if said town had made such expenditure for a free high school.

Section 8. The superintending school committee or committees having the supervision of any free high school, or schools, shall annually before the first day of December, make return under oath to the superintendent of common schools, on blanks prepared and sent out by him, of the amount appropriated and also the amount expended by each town or school district for instruction in such free high school or schools during the current year; also of the amount appropriated and the amount expended for common school purposes by each town or school district maintaining such free high school or schools; the number of weeks which such school or schools have been taught; the wages paid each teacher; the number of pupils registered; the average attendance; the number of pupils in each branch of study pursued; and the amount received for tuition. If the superintendent of common schools shall be satisfied that the provisions of this act have been complied with, he shall certify to the governor and council the sum which each town or district is entitled to receive from the State under this act. If any town or district is dissatisfied with the decision of the superintendent of common schools, such town or district may appeal to the governor and council. The governor and council shall issue a certificate to the treasurer of the town or agent of the district for such amount as they may adjudge such town or district is entitled to receive from the State treasury.

Section 9. This act shall take effect when approved. [Approved February 24, 1873.]

Chapter 125.

AN ACT to amend chapter twenty-seven of the public laws of eighteen hundred and seventy-two, relating to liens on animals.

Be it enacted, &c., as follows:

Chapter twenty-seven, section one of the public laws of eighteen hundred and seventy-two, is hereby amended by striking out, in the fifth line, 'by attachment in courts of competent jurisdiction,' so that said section as amended shall read as follows:

Section 1. Any person who pastures, feeds or shelters animals by virtue of a contract with, or by consent of the owner, shall have a lien thereon for the amount due for such pasturing, feeding or sheltering, to secure payment thereof with costs, to be enforced in the same manner as liens on goods and personal baggage by innholders or keepers of boarding-houses.

[Approved February 24, 1873.]

Chapter 126.

AN ACT to prevent injury to railroad fences or property.

Be it enacted, &c., as follows:

Section 1. Any person who shall take down or intentionally injure any railroad fence, which has been erected to protect the line of any railroad in this State, or shall turn any horse, cattle, or other animals, upon or within the inclosures of said railroads, shall, upon complaint and conviction thereof, before any court of competent jurisdiction, be fined not less than ten nor more than one hundred dollars, to be paid into the treasury of the county wherein the offense was committed, or imprisoned not less than ten days or more than six months, in the jail of said county at the discretion of said court.

Section 2. This act shall take effect when approved. [Approved February 24, 1873.]

Chapter 127.

AN ACT to amend section thirteen of chapter seventy-seven of the revised statutes, relating to decisions in the supreme judicial court.

Be it enacted, &c., as follows:

Section thirteen of chapter seventy-seven of the revised statutes is hereby amended by inserting the following after the word 'county' in the last line of said section: 'And the court shall immediately after the decision of the question submitted to it, make such order, direction, judgment or decree as is fit and proper for the disposition of the case, and cause a rescript, briefly stating the points therein decided to be filed therein, which rescript shall be certified by the clerk of the district to the clerk of the county where the action is pending, and if no further opinion is written out the reporter shall publish in the next volume of the report thereafter issued, if he deem the opinion important, a statement of the case, together with such rescript,' so that said section, as amended, shall read as follows:

The following cases only come before the court as a court of law; cases in which there are motions for

new trials upon evidence reported by the judge; questions of law arising on reports of cases; bills of exceptions; agreed statements of facts; cases civil or criminal, presenting a question of law; cases in equity presented on demurrer to the bill, or when prepared for a final hearing; motions to dissolve injunctions issued after notice and hearing or continued after a hearing; questions arising on writs of habeas corpus, mandamus, and certiorari, when the facts are agreed or ascertained and reported by a judge. They are to be marked law on the docket of the county where pending, and there continued until their determination is certified by the clerk of the district to the clerk of the county, and the court shall immediately after the decision of the question submitted to it, make such order, direction, judgment or decree, as is fit and proper for the disposition of the case, and cause a rescript briefly stating the points therein decided to be filed therein, which rescript shall be certified by the clerk of the district to the clerk of the county where the action is pending; and if no further opinion is written out, the reporter shall publish in the next volume of the reports thereafter issued, the case, together with such rescript.

[Approved February 24, 1873.]

Chapter 128.

AN ACT relating to attachments of real estate.

Be it enacted, &c., as follows:

Section 1. All recorded deeds shall take precedence over unrecorded attachments and so much of section fifty-six, chapter eighty-one of the revised statutes as is repugnant to this act is hereby repealed.

Section 2. This act shall take effect when approved. [Approved February 24, 1873.]

Chapter 129.

AN ACT to amend chapter twenty-two, section thirty-nine of the revised statutes relating to fees of fence viewers.

Be it enacted, &c., as follows:

Chapter twenty-two, section thirty-nine of the revised statutes be amended as follows: After the words 'employing him at the rate of one dollar a day,' insert 'at the rate of two dollars per day,' so that said section, as amended, shall read as follows:

'Each fence viewer shall be paid by the person employing him at the rate of two dollars per day for the time he is so employed. If the party liable neglects to pay the same for thirty days after demand, each of said fence viewers may recover double the amount in an action on the case, and be mutually witnesses for or against each other.'

[Approved February 24, 1873.]

Chapter 130.

AN ACT providing for the trial of issues of fact by a jury in equity cases.

Be it enacted, &c., as follows:

The supreme judicial court shall frame issues of fact to be tried by a jury in equity cases when requested by a party, and direct the same to be tried in the county where such cause is pending, at the bar of said court.

[Approved February 24, 1873.]

Chapter 131.

AN ACT to amend chapter eighty-six of the revised statutes relating to trustee process.

Be it enacted, &c., as follows:

Section 1. Section eight of chapter eighty-six of the revised statutes is hereby amended by striking out of said section the words 'except counties, towns, school districts and parishes,' and by adding, after the word 'agent' in the fifth line, the words, 'or such other person as upon whom legal service of the writ may be made,' so that said section, as amended, shall read as follows:

Section 8. All corporations may be summoned as trustees, and the writs served on them, as other writs on such corporations; and they may answer by attorney or agent, and make disclosures, which shall be signed and sworn to by such attorney or agent, or such other person as upon whom legal service of the writ may be made, and the same proceedings shall thereupon be had throughout, except necessary changes in form as in other cases of foreign attachment.'

[Approved February 24, 1873.]

Chapter 132.

AN ACT to amend section three of chapter twenty-nine of the public laws of eighteen hundred and sixty-nine, relating to the militia.

Be it enacted, &c., as follows:

Section 1. Section three of chapter twenty-nine of the public laws of eighteen hundred and sixty-nine, shall be amended, by inserting after the word 'years,' in the thirteenth line, the words 'and the clothing furnished or paid for by the State, shall be the property of the State,' so that the section, as amended, shall read as follows:

Section 3. These companies shall be armed, uni-

formed, and equipped at the expense of the State, according to the existing regulations of the United States army, under which clothing is issued to the enlisted men of the United States army, with the following modifications: The State shall supply a coat, cap, overcoat, and pantaloons, to each soldier, but each company shall have liberty to choose and provide its own uniform, with the consent and approval of the governor, and in such case, the price of the United States army uniform, not issued, shall be commuted to the soldier in money, such commutation to be paid by the paymaster general and receipted for upon the company rolls. The above enumerated articles of clothing, or commutation in lieu thereof, shall be supplied once in three years, and the clothing furnished or paid for by the State shall be the property of the State.

SECT. 2. Nothing in this act shall apply to pending cases.

[Approved February 24, 1873.]

Chapter 133.

AN ACT to improve the jail system of the State.
Be it enacted, &c., as follows:

SECT. 1. The county commissioners of each of the several counties, at the charge of said several counties, may, after this act takes effect, make or cause to be made such additions in workshops, fences and other suitable accommodations, in adjoining or appurtenant to the jails in the several counties as may be found necessary for the safe-keeping, governing and employing of offenders legally committed thereto by authority of the courts and magistrates of this State, or of the United States.

SECT. 2. The commissioners of said counties may cause to be provided at the expense of their several counties, suitable materials and implements sufficient to keep at work all the persons committed as aforesaid to either of the jails for their several counties, and may from time to time establish needful rules for employing, reforming and governing the persons so committed, for preserving such materials and implements, and for keeping and settling all accounts, of the cost of procuring the same, and of all labor performed by each of the persons so committed, and may make such contracts in behalf of their several counties as are necessary in carrying out the several provisions of this act.

SECT. 3. The sheriffs of the several counties, as heretofore, shall have the custody and charge of said jails, and of all prisoners therein, and shall keep the same by himself, his deputy, as jailer, master or keeper, for whom he shall be responsible. The jailer, master or keeper shall appoint all subordinate assistants and employees for whom he shall be responsible and the pay of whom, including the jailer, shall be fixed by the county commissioners, and paid by their several counties.

SECT. 4. The sheriff, by himself or his deputy, he being keeper of the jail, with the consent of the commissioners, may make contracts in behalf of the several counties necessary and proper to be made, for the carrying on manufacturing or other industry, with like effect as when made by the commissioners themselves. The business shall at all times be open to the inspection of said commissioners, whose duty it shall be to examine the workings of their several jails at least once in every three months, audit all receipts and expenses thereof, and order all payments necessary from their several county treasurers.

SECT. 5. The jailer, at the expense of the county, shall furnish to each prisoner in his custody who is able to read, a copy of the Bible, and such religious instruction on each successive Sabbath to all as he may be able to obtain without expense, and to such as may be benefited thereby, instruction in reading, writing and arithmetic one hour each evening, except Sundays. It shall be his further duty to receive, from whatever source, by loan or contribution, any books or literature of a moral or religious tone, for their use, but to exclude those of opposite tendencies.

SECT. 6. Said boards of commissioners in the several counties may, after the passage of this act, raise by loan to their several counties or otherwise, a sum of money not exceeding five thousand dollars, to make the alterations and improvements mentioned in the first section of this act, and to expend so much of said money as may be necessary for the purpose.

SECT. 7. The supreme judicial court, the superior court, any municipal or police court and any trial justice, may sentence any person convicted before such court or trial justice respectively, of an offense punishable by such with imprisonment, to either of the jails in the several counties, where such improvement and provision for labor has been made and mentioned in the first section of this act, nearest or most convenient to the county where the offense is committed, and all sentences of imprisonment by any of the courts or tribunals in this State shall after the adoption of the provisions of this act, by any of the several counties, include imprisonment and labor. And the keeper of the jail to which such person shall be sentenced shall receive and detain such person or prisoner in the same manner as if committed

by any court sitting in the county where such jail is situated.

SECT. 8. There shall be paid to the county to which a prisoner may be sentenced and committed, from any other county, by virtue of this act, by such other county, such sum as may be agreed upon by the county commissioners of said counties, for subsistence and detention, deducting the amount received for labor, and in case said commissioners do not agree upon the amount to be paid, representation may be made to the supreme court or any justice thereof of the facts, and the amount determined by such court or justice, either in term time or vacation.

SECT. 9. The present board of State prison inspectors, with one other to be appointed and qualified in like manner by the governor, shall constitute a board of prison and jail inspectors. Their powers and duties in regard to the State prison shall be as now provided by law for the present board. Their powers and duties in regard to the jails of the several counties shall be to visit them once at least every three months, and to inquire into the management and conduct of the same, to give such advice in relation to the same as may be regarded by them useful and proper, to classify all prisoners held under sentence in said jails, having regard to age, character and offenses, and for this purpose, may order the county commissioners of either of the several counties, to make such alteration in their several jails as said jail inspectors may deem necessary, in order to classify the prisoners therein, and persons charged with crime, and if said county commissioners neglect or refuse to make such alterations, or provide for the classification of prisoners and persons charged with crime, after having been so ordered or notified so to do, said inspectors may cause said prisoners and persons charged with crime to be removed to either of the several jails in the State, where such alteration or provision for classification as aforesaid, has been made, and the expense of removal and keeping of such prisoners, or persons charged with crime, shall be paid by the county from which such prisoner or person charged with crime is removed, and may require of the keeper of said jail to keep a calendar, with such statistics, in relation to their prison as may be deemed by them useful for future reference.

SECT. 10. Any officer of any county in this State, qualified to serve precepts in criminal cases in the county where he resides, may serve any precept required by this act, whether such service is performed in whole or in part in one or more counties, and the processes shall be issued and directed accordingly.

SECT. 11. Any person charged with crime, or awaiting sentence, while confined in any jail where provision for labor has been made as provided in this act, who may choose to labor, as provided for persons under sentence, shall receive therefor such sum of money as in the judgment of the county commissioners of said county he had earned.

SECT. 12. The keeper of the jail, in the several counties, shall keep a record of the conduct of each convict, and for every month it appears by such record that such convict has faithfully observed all the rules and requirements of the prison, such convict shall be entitled to a deduction from his sentence according to and not exceeding the following rate and proportion: for a convict under sentence for two years, two days for each month of good conduct; for three years or less, and more than two years, three days per month; and for every day any convict shall be punished for disobedience of the rules of said jail, a record thereof shall be made, and two days deducted therefrom from any commutation to which he may be entitled.

SECT. 13. In all criminal cases in this State where the punishment as now provided by law may be imprisonment in the State prison, not exceeding three years, such punishment may be inflicted by any court having jurisdiction of the offense or crime, in its discretion in either of the jails aforesaid.

SECT. 14. The county commissioners and sheriff of said several counties, shall jointly or separately, in the month of December annually, make a report of the prisons under their charge, embracing therein its moral, intellectual and financial condition, which report shall be published in some newspaper published in said county. And the inspectors shall make a report of the condition of all the prisons in the State to the governor and council by the thirtieth day of November annually.

SECT. 15. There shall annually be appropriated and paid out of the treasury of the State to each of said prison and jail inspectors, the sum of three dollars per day while employed in such service, together with all necessary traveling expenses.

SECT. 16. All acts and parts of acts inconsistent with this act are hereby repealed.

[Approved February 26, 1873.]

Chapter 134.

AN ACT to amend item five of section fifty-five of chapter eleven of the revised statutes relating to school registers.

Be it enacted, &c., as follows:

Amend section fifty-five, item fifth, school laws, by appending the following, "and also the total number of different scholars attending school two weeks or more of the preceding year as shall appear from the school registers returnable to said officers agreeably to section sixty-three, chapter eleven of the revised statutes," so that item fifth, section fifty-five shall be as follows:

"Fifth. The whole number and the average number of scholars attending the summer schools; the whole number and the average number of scholars attending the winter schools, and also the total number of different scholars attending school two weeks or more of the preceding year as shall appear from the teachers' registers returnable to said officers agreeably to section sixty-three, chapter eleven of the revised statutes."

[Approved February 26, 1873.]

Chapter 135.

AN ACT for the better preservation of horse records.
Be it enacted, &c., as follows:

SECT. 1. Any person or persons owning or keeping a stallion for breeding purposes, shall be required before advertising, by written or printed notices, the services of said stallion, to file a certificate with the register of deeds in the county where said stallion is owned or kept, stating name, color, age, size, together with the pedigree of said stallion as far as attainable, and the name of the person by whom said stallion was bred; and it shall be the duty of the register to record such certificate in a book kept for that purpose, properly indexed, upon receipt of a fee of fifty cents for each certificate of not more than one page, and a further sum of twenty-five cents for each additional page.

SECT. 2. Any person who shall neglect to make and file the certificate required by the provisions of this act shall not recover any compensation for the services named in section one, and if he shall knowingly and wilfully make and file a false certificate of the statements aforesaid, shall forfeit the sum of one hundred dollars, to be recovered by complaint, indictment or action of debt in any court of competent jurisdiction; and all penalties recovered shall be for the use of the county where the offence is committed.

SECT. 3. This act shall take effect when approved.

[Approved February 26, 1873.]

Chapter 136.

AN ACT to amend section eight of chapter four of the revised statutes relating to town meetings.

Be it enacted, &c., as follows:

Section eight of chapter four of the revised statutes is hereby amended by adding to said section the following words, "and on the day of election they shall be in session and proceed as is provided in section nine," so that said section, as amended, shall read as follows:

"SECT. 8. In every town containing more than five hundred and less than one thousand voters, the selectmen shall be in open session on one or more secular days next preceding such election for the purpose aforesaid, and on the day of election they shall be in session and proceed as is provided in section nine."

[Approved February 26, 1873.]

Chapter 137.

AN ACT relating to recognizances and testimony.

Be it enacted, &c., as follows:

SECT. 1. The supreme judicial court in session in each county shall appoint from the number of justices of the peace for that county, one or more commissioners whose duties and powers shall be as prescribed in the following section, and who shall hold office at the pleasure of the court.

SECT. 2. When a person is confined in a jail for a bailable offense or for not finding sureties on a recognizance, any commissioner appointed under this act on application may inquire into the case and admit any such person to bail, and exercise the same power as any justice of the supreme judicial court can, and may issue a writ of habeas corpus, and cause such person to be brought before them for this purpose, and may take such recognizance.

SECT. 3. Section thirty-four of chapter ninety-nine of the revised statutes is hereby repealed, but such repeal shall not take effect in any county until a commissioner or commissioners have been appointed under this act.

SECT. 4. Section eighty-two, chapter eighty-two of the revised statutes is hereby amended by striking out all after the word "witness" in the sixth line, so that the last clause of said section, as amended, shall read, "and the husband or wife of either party may be a witness."

SECT. 5. Section nineteen, chapter one hundred and thirty-four of the revised statutes is hereby amended by striking out all after the word "witness" in the twelfth line, so that the last sentence of said section shall read, "the husband or wife of the accused shall be a competent witness."

[Approved February 26, 1873.]

Chapter 138.

AN ACT to amend section twenty-three of chapter seventy-seven of the revised statutes relating to interest on reports of referees.

Be it enacted, &c., as follows:

Section twenty-three of chapter seventy-seven of the revised statutes is hereby amended by striking out the words "or acceptance," and inserting instead thereof the words, "such verdicts or making such reports," so that said section, as amended, shall read as follows:

SECT. 23. Interest is to be allowed on verdicts and amounts reported by referees to be due, from the time of finding such verdicts or making such reports, to the time of judgments.

[Approved February 26, 1873.]

Chapter 139.

AN ACT in relation to attachments in certain cases. *Be it enacted, &c., as follows:*

When the plaintiff in an action dies before the expiration of thirty days from the rendition of judgment in his favor, execution may issue as is now provided, and all attachments then in force shall continue ninety days after the next term of the court in that county; and if the defendant was arrested on mesne process, and gave bond to disclose after judgment, he may do so after said next term without breach of his bond.

[Approved February 25, 1873.]

Chapter 140.

AN ACT relative to the equity powers of the supreme judicial court.

Be it enacted, &c., as follows:

SECT. 1. The supreme judicial court shall have jurisdiction in equity between partners or part owners, to adjust all matters of the partnership between such part owners, compel contribution, make final decrees, and enforce their decrees by proper process in all cases where all persons interested within the jurisdiction of the court are made parties, notwithstanding there may be other persons interested, not within the jurisdiction of the court, who are not made parties; but in such cases, no decree shall affect the rights of any person not a party to the suit, unless such person shall voluntarily become a party before final decree, except as hereinafter provided.

SECT. 2. In all such cases, the court shall have jurisdiction, if the case requires it, over all property of the partnership or co-tenancy within the State, and the other partners or co-tenants, out of the jurisdiction, may protect their interest by coming in at any time as parties to the bill; but, if there is no such property within the State, the jurisdiction of the court shall be limited to the adjustment of accounts and compelling contribution between the parties over whom the court has jurisdiction.

SECT. 3. When any agent or officer of any county, city, town, school district, village corporation, or other public corporation, attempts to pay out the money of such county, city, town, school district, or other public corporation, without authority, the court may, upon the suit or petition of not less than ten taxable inhabitants thereof, briefly setting forth the cause of complaint, hear and determine the same in equity.

SECT. 4. This act shall not apply to pending cases. [Approved February 26, 1873.]

Chapter 141.

AN ACT relating to the Maine Industrial School for girls.

Be it enacted, &c., as follows:

SECT. 1. A parent or guardian of any girl between the ages of seven and fifteen years, or the municipal officers or any three respectable inhabitants of any city or town where she may be found, may complain in writing to the judge of probate or any trial justice in the county, or to the judge of the municipal or police court for the city or town, alleging that she is leading an idle, vagrant, or vicious life, or has been found in circumstances of manifest danger of falling into habits of vice or immorality, and request that she may be committed to the guardianship of the Maine Industrial School for girls. The judge or justice shall appoint a time and place of hearing, and order notice thereof to any person entitled to be heard, and at such time and place may examine into the truth of the allegations of said complaint, and if satisfactory evidence thereof is adduced, and it appears that the welfare of such requires it, he may order her to be committed to the custody and guardianship of the officers of said school during her minority, unless sooner discharged by process of law.

SECT. 2. The trustees of said school may bind to service or apprentice any girl committed to their charge, for a period not exceeding the term of her commitment, upon such conditions as they may deem reasonable and proper, to be set forth in the articles of service, and in said articles require the person to whom she is bound to report to them as often as

once in six months her conduct and behavior, and whether she remains under his or her care, and if not, where she is. The trustees shall, as guardians of any girl so bound, take care that the terms of the contract are fulfilled, and the girl well treated; and the trustees, master or mistress and apprentice, shall have all the rights and privileges, and be subject to all the duties and penalties provided by law in case of children apprenticed by overseers of the poor.

SECT. 3. A person receiving an apprentice under the provisions of this act, shall not assign or transfer the indenture of apprenticeship, nor let out the services of the apprentice, without the written consent of the trustees. The trustees, at the request of the master or mistress, may cancel the indenture and resume the charge of the girl, with the same powers as before the indenture was made. On the death of a person to whom a girl is bound, his executor or administrator, with the written assent of the trustees, and also of the girl, may assign the indenture to some other person, and the assignee shall have all the rights and be subject to all the liabilities and duties of the original master or mistress.

SECT. 4. A parent or guardian, upon complaint and hearing as aforesaid, and certificate of any judge or justice named in the first section, that a girl of the age herein limited, is a proper subject to be committed to said school, may commit her to the custody and guardianship thereof for a term to be agreed upon by the parent or guardian and the trustees, upon condition that the parent or guardian shall pay her expenses at a reasonable uniform rate to be fixed by said trustees; and the trustees shall have power to enforce such agreement.

SECT. 5. On complaint to any justice or court of competent jurisdiction, that any girl of the age herein limited has been guilty of an offense punishable by fine or imprisonment, other than imprisonment for life, such justice or court may so far examine into the case as to satisfy himself whether she is a suitable subject for commitment to said school, and if he so decides, he may thereupon suspend the case and certify accordingly, and order her to be committed to the guardianship of said school during her minority, unless sooner discharged by process of law. Any girl so committed, if she remains under the guardianship of said school during the term of her commitment, or is sooner discharged, with a certificate of good behavior, shall not thereafter be examined or tried on the suspended complaint or for the offense therein charged. But if discharged for misbehavior, or if she escapes from said school, she may be tried therefor, and if found guilty, punished according to law.

SECT. 6. If any girl of the age herein limited is found guilty of any offense punishable with fine or imprisonment, other than imprisonment for life, she may be sentenced in the alternative to the aforesaid school, or if not received therein, or discharged therefrom for misbehavior, to such punishment as the law provides for like offenses.

SECT. 7. The trustees of said school may refuse to receive therein any girl committed to said school under the provisions of the fifth and sixth sections, or may discharge from said school any girl whose continuance, by reason of her vicious example and influence, or other misconduct, is in their opinion prejudicial to the school, or who for any reason ought not to be retained therein. Their refusal to receive such girl may be certified on the warrant of commitment, and she shall remain in the custody of the officer having the warrant, to be disposed of as prescribed in said fifth and sixth sections. If they discharge her, they are to set forth their reasons therefor in a warrant of discharge, and any proper officer may return her to the court which committed her, or commit her as provided in the alternative sentence.

SECT. 8. All precepts issued in pursuance of the provisions of this act may be executed by any officer who may execute criminal process; and the fees of judges, justices, and officers shall be the same as are allowed by law for similar services in criminal cases, and shall be audited by the county commissioners and paid from the county treasury.

SECT. 9. The judge or justice before whom any girl is brought under the provisions of this act, shall make a brief record of his proceedings, and transmit it with all the papers in the case to the clerk of the courts for the county, who shall file and preserve them in his office. Any girl ordered to be committed to the school may appeal from such order in the manner provided in case of appeals from trial justices, and the case shall be entered, tried and determined in the supreme judicial court.

SECT. 10. When any such girl is convicted of any offense described in section six, and committed to said school, the court or justice before whom she is convicted shall certify on the mittimus her age, parentage, birth-place, and offense, and the city or town where she resided at her arrest, so far as he can ascertain such particulars; and this certificate shall be evidence of her true age until otherwise proved,

and shall be sufficient in the first instance to charge such city or town with her expenses at said school, not exceeding one dollar a week.

SECT. 11. The officers of said school, upon the commitment of such girl shall notify in writing the municipal officers or overseers of the poor of the city or town so liable, by mail or otherwise, of the name of such girl, the offense with which she is charged, and the duration of her sentence. Such notice addressed to such municipal officers or overseers and deposited postpaid in the post-office at Hallowell, shall be sufficient; and at any time after three months from the giving of such notice, the officers of said school may sue for and recover of such city or town one dollar a week for the expenses of clothing and subsistence of such girl up to the time of suing therefor; and such city or town may recover the same of the parent or guardian of such girl, or of the city or town where she has her legal settlement.

SECT. 12. The officers of said school shall cause the girls under their charge to be instructed in the branches of useful knowledge adapted to their age and capacity, and in household employments, needle-work, and such other modes of industry as may be suited to their sex, age, strength and disposition, and as may be best adapted to secure their improvement and future welfare; and in binding them out, the trustees shall have regard to the character of those to whom they are bound, that they may secure to the girls the benefit of good example, wholesome instruction, improvement in virtue and knowledge, and the opportunity to become intelligent, moral and useful members of society.

SECT. 13. Any person who shall aid or abet any girl committed to said school to escape therefrom, shall upon conviction thereof pay a fine not exceeding one hundred dollars, nor less than fifty dollars, or suffer imprisonment in the county jail for a period not exceeding sixty days, at the discretion of the court trying the same.

[Approved February 26, 1873.]

Chapter 142.

AN ACT to amend chapter twenty-six of the revised statutes relating to fires.

Be it enacted, &c., as follows:

SECT. 1. Section twenty-nine of chapter twenty-six of the revised statutes is amended so as to read as follows:

SECT. 29. Whenever any building, or vessel in port, or their contents are wholly or partially destroyed by fire, originating on the premises, unless the cause thereof shall be clearly accidental, it shall be the duty of the mayor of the city or the municipal authorities of the town or plantation where the fire occurs to give notice thereof at once to the sheriff of the county or his deputy, and said sheriff or deputy shall thereon immediately summon three good and lawful men to appear at the place of the fire at a time to be fixed as soon as possible to enquire when, how and by what means the fire originated, and in case of the non-appearance of the person so summoned, the officer shall appoint some other person to complete said number, and it shall be the duty of all persons so summoned to appear and act under such summons unless excused for reasonable cause.

SECT. 2. Sections thirty, thirty-one, thirty-two and thirty-three of said chapter are amended by substituting the words "sheriff or deputy" in the place of "judge or justice," wherever those words occur therein.

SECT. 3. The fees of the officer shall be the same as prescribed for the coroner in cases of inquest upon dead bodies, and the fees of the jurors shall be two dollars each for the inquest, with traveling fees the same as witnesses in court.

SECT. 4. This act shall take effect when approved. [Approved February 26, 1873.]

Chapter 143.

AN ACT to amend chapter twelve, section four of the revised statutes relating to parish and other religious meetings.

Be it enacted, &c., as follows:

Section four of chapter twelve of the revised statutes is hereby amended by adding after the word "assessors" in the second line, the words "or clerk," so that the first clause of said section shall read as follows:

"SECT. 4. The annual or other meetings of such parish may be called by its assessors or clerk, to be held at the time and place in the town where they are usually held."

[Approved February 26, 1873.]

Chapter 144.

AN ACT to extend the right of towns and school districts in certain cases.

Be it enacted, &c., as follows:

SECT. 1. That any town or school district which by its town or school officers or by a committee have designated, located and described a lot upon which

to erect, move or repair a school-house, and from any mistake or omission have so far failed to comply with the statutes as to render such location invalid, may upon application to the selectmen of said town, have the lot so designated or described re-appraised by the selectmen of said town upon petition of three legal voters and tax-payers of said district in which such location has been or attempted to be made as provided by statute.

SECT. 2. The selectmen of any town to whom application has been made in writing, to appraise a lot as provided in section one, shall forthwith give not less than seven nor more than twenty days' notice, to the clerk of said district and to the owner of such real estate, or the person or persons having the same in charge, of the time and place by them fixed for such hearing, and shall after examination and hearing of all interested, appraise the lot as set out and affix a fair value upon the same exclusive of all improvements made by said district or town, either by buildings or otherwise; and shall as soon as practicable, notify the district clerk, and the person or persons interested in said estate, who were notified as provided in this section, of the sum at which said lot has been appraised.

SECT. 3. The sum fixed as the value of said lot shall be assessed, collected and paid over as provided in chapter eleven, section twenty-four of the revised statute.

SECT. 4. Any sum which has been tendered and is in the hands of or under the control of the persons owning or having charge of such land, shall be allowed in payment of said appraisal under this act.

SECT. 5. In case the district or persons owning or having charge of the land on which such location is made, are dissatisfied with such appraisal, may within ten days take an appeal to the county commissioners of the county in which the land lies, by filing a copy of the proceedings with the claim of an appeal with the commissioners of the county, and the determination of a majority of said commissioners not residents of the district in which said location is made, shall be final.

SECT. 6. When any school district or town shall have erected or moved upon such lot or shall have in any way improved the same, such improvement shall inure solely to the benefit of such town or district, and the same may be as completely occupied and controlled by such town or district as they would have if such location had been in strict conformity to the statutes.

SECT. 7. The legality of a tax assessed to build, repair or remove a school-house and to pay for a lot, shall not be affected by any mistake or error in designation or location of a lot.

[Approved February 26, 1873.]

Chapter 145.

AN ACT to amend section eighty-seven of chapter eighty-two of the revised statutes relating to evidence.

Be it enacted, &c., as follows:

Section eighty-seven of chapter eighty-two of the revised statutes is hereby amended by striking out the words "or after" in the fourth line of the second paragraph of said section, and adding to said section the following words, "and any such representative party or heir of a deceased party may testify to any fact, legally admissible upon general rules of evidence, happening after the death of the testator, intestate or ancestor; and in reference to such matters the adverse party may testify," so that the same shall read, when amended, as follows:

"Second. In all cases in which an executor, administrator or other legal representative of a deceased person is a party, such party may testify to any facts legally admissible upon the general rules of evidence, happening before the death of such person; and when such person so testifies, the adverse party shall neither be excluded nor excused from testifying in reference to such facts, and any such representative party or heir of a deceased party may testify to any fact legally admissible upon general rules of evidence, happening after the death of the testator, intestate or ancestor; and in reference to such matters the adverse party may testify. This act shall not affect pending cases."

[Approved February 26, 1873.]

Chapter 146.

AN ACT to prevent prize fights, and fights of game animals.

Be it enacted, &c., as follows:

SECT. 1. Any person who shall instigate, or in any way be instrumental in getting up, or acts as umpire or judge or is in any way connected with or participated in prize fight or any premeditated fight between two persons, or any fight between game birds or game cocks, or dogs or bulls, or between dogs and rats or any other animals that shall have been prohibited by any person having custody of such animals, shall upon conviction thereof be punished by imprisonment in the county jail for a term not

less than ten days nor exceeding six months, or by fine not exceeding two hundred dollars.

SECT. 2. If any person competent to be a witness in civil suits shall make complaint upon oath or affirmation before any judge of any municipal or police court or trial justice that an offense within any of the specifications of the foregoing section, is about to be committed and setting forth in such complaint the grounds thereof, such magistrate may issue his warrant directed to any officer having power to serve criminal processes, reciting therein the name of the complainant and his residence and the substance of his complaint, and therein directing such officer to prevent the violation of any of the provisions of section one of this act, by arresting any person or persons whom he may find willfully violating said provisions of section one, and in case of any such arrest the respondents shall be returned before the judge or trial justice issuing said warrant, for trial.

[Approved February 26, 1873.]

Chapter 147.

AN ACT providing for the appointment of port wardens.

Be it enacted, &c., as follows:

SECT. 1. Port wardens shall be appointed in any city or town situated on navigable waters in this State, upon the petition of ten or more citizens engaged in commercial pursuits therein.

SECT. 2. In any city or town aforesaid, wherein there is a board of trade duly incorporated by the laws of this State, said board of trade shall annually appoint the port wardens. In any city or town aforesaid wherein there is no such board of trade, the municipal officers thereof shall annually appoint the port wardens.

SECT. 3. Said boards of trade, by their managers and said municipal officers by themselves, shall have the power and they are hereby respectively required to remove for cause, forthwith, upon complaint of any person aggrieved, of any port warden or port wardens by them appointed; and the vacancy thereby created shall be filled by the aforesaid appointing powers until the next annual meeting.

SECT. 4. Port wardens shall be men of nautical experience and shall hold office one year from each election and until others are qualified in their stead, except when removed for cause or when appointed to serve out an unexpired term and they shall be sworn to faithfully perform their duties; but no person engaged in marine insurance, in importing or exporting, or in trade, or business appertaining to shipping, shall be eligible to the office of port warden, nor shall the port warden's office be upon the premises of any such person.

SECT. 5. Port wardens shall make a record of their doings and shall keep the same in their office where it may be inspected at any time, free of charge, by any person interested therein.

SECT. 6. It shall be the duty of the port warden or port wardens, when requested by any person interested, to proceed on board of any vessel on her arrival in port and survey her hatches, and notice if they are properly caulked and secured; and if they have been opened by some person not a port warden, that fact shall also be noticed, and all the facts in relation to the hatches of said vessel shall be entered in the official record. It shall also be their duty to examine the condition and stowage of the cargo of any vessel, and if any portion of it be found to be damaged, they shall inquire into and ascertain the cause of such damage, and shall make a memorandum of the same, noting particularly the marks and numbers of each and every damaged package thereof, and shall enter the same in full in the records of their office; and for the purpose of ascertaining the extent of said damage they shall examine goods, wares or merchandise of any description, in any warehouse or store, or on any wharf or at any place where the same may be; provided, the said goods, wares or merchandise are part of the cargo of any vessel, and are claimed to be damaged; and they shall note particularly the marks and numbers of each and every package examined by them and the extent of the damage it has received, and all the facts in relation thereto shall be entered in the records of their office.

SECT. 7. It shall also be the duty of the port warden or port wardens, when requested in writing by any person interested, to survey the cargo of any vessel arriving in port in distress; and to make and record in the books of their office, a full and particular report of the condition of said cargo, and of their recommendations in relation to the disposal of such portions of the same as in their judgment may not be in condition for reshipment, reference being had to the best interests of all concerned.

SECT. 8. It shall also be the duty of the port warden or port wardens, when requested in writing by any person interested, to survey any vessel which may have suffered wreck or damage, or which may be deemed unseaworthy; and such port warden or port wardens shall call to their assistance one merchant and one shipwright, both of whom shall be competent and disinterested persons shall be sworn to faithfully

perform their duties in the examination and survey of the said surveyors and port wardens shall examine the hull, spars, sails, rigging and all the appurtenances of said vessel, and they shall make and record in the books of the port wardens' office a full and particular report of all the surveys by them held on said vessel, specifying what damage she has sustained and what repairs in their opinion are necessary to render her again seaworthy; and the aforesaid report shall be presumptive evidence of the necessity of such repairs and of the sufficiency of the same when made.

SECT. 9. It shall be the duty of the port wardens, and one of them shall personally attend the public sales of all condemned vessels, vessel materials and goods that have sustained sea damage and are sold in consequence thereof for the benefit of whom it may concern; and the auctioneer making such sales shall notify the port wardens of the time and place of the same, and shall make the same under the direction of the port warden and shall furnish him with a full and particular account thereof, which the port warden shall enter upon the record in their office; and the auctioneer shall pay the port warden for his services as specified in this section, one half of one per cent. upon the gross amount of sales; and for every certified copy of such sales the port warden shall receive from the person requiring it the sum of two dollars.

SECT. 10. Port wardens shall be allowed fees to be paid by the person requesting their services as follows: For survey of hatches, two dollars; for each survey of cargo on shipboard, one dollar; for certificate of a cargo of cargo, two dollars; for each subsequent certificate, one dollar; for each survey to ascertain extent of damage, two dollars; and for each certificate thereof, two dollars; for each survey required by section seven, four dollars; for each certificate thereof, two dollars; for each survey as required by section eight, for each person on the survey, two dollars; for each certificate thereof, two dollars.

SECT. 11. Port wardens shall have in the cities and towns for which they are appointed exclusive jurisdiction in all matters pertaining to their duties, as specified in the provisions of this act; and any person not a port warden who shall perform or attempt to perform any of the duties specified in this act as the duties of a port warden, in any city or town wherein there is a port warden, shall forfeit and pay for each offense the sum of one hundred dollars, to be recovered in an action of debt in any court having jurisdiction thereof by any person suing for the same.

SECT. 12. Port wardens elected or appointed for the current year previous to the passage of this act, may retain their offices under it subject to the provisions thereof the same as if elected or appointed under it.

SECT. 13. The word "appoint" where it occurs in this act shall be construed to mean "elect."

SECT. 14. This act shall take effect when approved.

[Approved February 26, 1873.]

Chapter 148.

AN ACT additional to chapter forty-nine of the revised statutes respecting Insurance and Insurance Companies.

Be it enacted, &c., as follows:

SECT. 1. Whenever, after setting aside a sum equal to the full amount of premiums on outstanding marine risks, together with one-half of all premiums on existing fire and inland risks, the net assets of any insurance company with a specific capital, do not amount to more than three-fourths, of its capital stock, the company shall by assessing the stock, restore its capital to the legal amount. Shares on which such assessment is not paid within sixty days after demand upon the owner thereof shall be forfeited, and ordered by a vote of the directors to be sold at public auction, seven days' notice of the sale thereof shall be given in some daily or weekly paper published in the place where such company is located; the proceeds of sale, after deducting expenses and the assessments due on such shares, shall be paid to the owner or his representative; provided, that whenever the capital stock of any insurance company shall be impaired as aforesaid, such company may by a majority vote of the stock, at a meeting of the stockholders legally called, reduce its capital, by cancelling its shares pro rata to the number thereof, or may reduce the par value of its shares, or such company may thus reduce its capital stock and also assess as hereinbefore provided; but no such company shall reduce its capital stock as aforesaid more than twenty per cent. thereof, nor to a sum less than one hundred thousand dollars.

SECT. 2. Any insurance company incorporated in this State, having a specific capital, which does not within three months after receiving notice from the insurance commissioner that its capital is thus impaired, satisfy him that it has fully complied with the provisions of this act relating thereto, shall be proceeded against according to the provisions of the forty eighth section of the act to which this is additional.

SECT. 3. Whenever, after setting aside a sum equal to that required by the previous sections, the cash assets of any foreign insurance company having a specific capital, doing business in this State, do not amount to more than three-fourths of its legal capital, the company shall, by assessing its stock for the difference, or in some other way, repair its capital to its legal amount, and unless it do so within three months after notice from the insurance commissioner, shall no longer be permitted to do business in this State, and the commissioner shall thereupon proceed as provided in sections fifty-two and fifty-three of said chapter of the revised statutes, if in his opinion such proceeding is necessary.

SECT. 4. Section sixty-two of said chapter is amended so as to read as follows:

"SECT. 62. No foreign insurance company shall be admitted to do business in this State, unless it have a bona fide, paid up, unimpaired capital, if a stock company, of at least one hundred thousand dollars, well invested in or secured by real estate, bonds, stock, or securities other than names alone, or if a mutual company, cash assets to the amount aforesaid. And no stipulations or conditions shall deprive the courts of this State of jurisdiction of actions against such companies, nor limit the time of commencing them to a period of less than two years from the time the cause of action accrues."

SECT. 5. Section seven is amended so as to read as follows:

"SECT. 7. The capital and other assets of insurance companies incorporated in this State, except such as may be needed for immediate use, shall be invested in the funded debt or bonds of the United States or any of the New England States, or in the bonds or securities of county, city, or municipal corporations of said New England States or purchase of real estate in fee, or loans on mortgage of real estate, or deposit in savings banks in said States, or in the bonds or stocks of incorporated companies of said States of an undoubted character for credit, insurance company stock or bonds excepted, and in no case shall any such fund be based on the security of names alone."

SECT. 6. The assignee of any policy, the assignment of which has been accepted to by the company or its agent, may sue the company on the policy in his own name, and all sums due on such policy may be recovered in such suit, subject to any defence existing against the original party, the assignee so suing to hold the judgment or its proceeds subject to the claims and equities of any other parties who may be interested therein.

SECT. 7. It shall be the duty of the insurance commissioner, whenever he deems it necessary for the protection of policy holders in this State, to visit and examine any insurance company not incorporated in this State and doing business by agencies therein. He may employ such assistants as are necessary in making the examination; all necessary expenses for such examination without the State, shall be borne by the company so examined; provided, that in relation to the affairs of any company incorporated by or organized under the laws of any State of the United States, it shall be optional with the said commissioner to accept the certificate of the insurance commissioner or superintendent of the State, under the laws of which the said company was organized, as to its standing and condition, or to proceed to investigate its affairs as heretofore provided.

SECT. 8. For the purposes aforesaid, the commissioner, or any person whom he may empower, shall have free access to all the books and papers of any insurance company doing business in this State, and may examine under oath its officers or agents relative to its business and condition. If any such company, its officers or agents, refuse to submit to such examination, or to comply with any provisions of this act in relation thereto, the authority of such company to do business in this State shall be revoked until such time as satisfactory proof is furnished to the commissioner that the company is in a sound and solvent condition.

SECT. 9. The governor and council may allow such reasonable compensation for services rendered and expenses incurred in enforcing the laws relating to insurance companies as they deem proper.

SECT. 10. Receivers appointed for any insurance company of this State, as provided in said chapter forty-nine, shall have the same power and right of action, and the course of proceeding so far as applicable shall be the same as prescribed for receivers of banks in the forty-seventh chapter of the revised statutes.

SECT. 11. This act shall take effect when approved. [Approved February 27, 1873.]

Chapter 149.

AN ACT to provide for free vaccination and re-vaccination in towns and cities.

Be it enacted, &c., as follows:

That section thirty-five, chapter fourteen of the revised statutes be amended so as to read as follows:

"SECT. 35. The mayor and aldermen of any city, and the selectmen of any town or plantation, shall annually, on the first of March in each year, or oftener as they may deem prudent, provide for the free vaccination with the cow-pox, of all the inhabitants over two years of age, within their respective localities, the sums to be done under the care of skilled practicing physicians, and under such circumstances and restrictions as the said authorities may adopt for the effectual vaccination of said inhabitants."

[Approved February 27, 1873.]

Chapter 150.

AN ACT amendatory of chapter sixty-three of the public laws of eighteen hundred and seventy-two, and of chapter twenty-seven of the revised statutes relating to intoxicating liquors.

Be it enacted, &c., as follows:

SECT. 1. Sections two and three of chapter sixty-three of the public laws of eighteen hundred and seventy-two, are hereby repealed. And section twenty-five of chapter twenty-seven of the revised statutes is hereby revised.

[Approved February 27, 1873.]

Chapter 151.

AN ACT amendatory of chapter one hundred and forty-three of the revised statutes, relating to the insane hospital.

Be it enacted, &c., as follows:

SECT. 1. Section seven of chapter one hundred and forty-three of the revised statutes is hereby amended by striking out the words "December report to the governor and council," in the seventh line, and inserting "last day of November report to the trustees," so that said section, as amended, shall read as follows:

"SECT. 7. The superintendent shall be a physician; reside constantly at the hospital; have the general superintendence of the hospital and grounds; receive all patients legally sent to the hospital, unless the number exceeds its accommodations, and have charge of them, and the direction of all persons therein, subject to the regulations of the board of trustees; and annually, on the last day of November, report to the trustees the condition and prospects of the institution, with such remarks and suggestions relative to its management as the general subject of insanity, as he thinks will promote the cause of science and humanity."

SECT. 2. Section thirteen of said chapter is hereby amended by striking out in the second and third lines, the word "superintendent," and inserting the word "trustees," and in the fourth line the words "superintendent is" and inserting the words "trustees are" so that said section, as amended, shall read as follows:

"SECT. 13. The officers ordering the commitment of a person unable to pay for his support, may certify in writing to the trustees that fact, and that he has not relations liable and of sufficient ability to pay for it; and if the trustees are satisfied that such certificate is true, the treasurer of the hospital may charge to the State one dollar and fifty cents per week for his board, and deduct it from the charge made to the patient or town for his support."

[Approved February 27, 1873.]

Chapter 152.

AN ACT additional to chapter seventeen of the revised statutes relating to nuisances.

Be it enacted, &c., as follows:

The provisions of chapter seventeen of the revised statutes entitled "nuisances" shall apply to any house, shop or place where intoxicating liquors are sold for tipping purposes.

[Approved February 27, 1873.]

Chapter 153.

AN ACT in addition to sections four, five, six, and seven of chapter three of the revised statutes, relating to the calling of town meetings.

Be it enacted, &c., as follows:

SECT. 1. The provisions of sections four, five, six,

and seven of chapter three of the revised statutes, shall be applicable to cities and the municipal officers of cities, the same as to towns and the selectmen of towns, and when any meeting thus provided for is held in a city, it shall be called by warrants posted in each ward.

SECT. 2. This act shall take effect when approved. [Approved February 27, 1873.]

Chapter 154.

AN ACT additional to and amendatory of chapter seventy-four of the public laws of eighteen hundred and seventy-two, relating to Savings Banks.

Be it enacted, &c., as follows:

SECT. 1. Section two of chapter seventy-four of the public laws of eighteen hundred and seventy-two is hereby amended by striking out the word "four" in the tenth line, and inserting the word "two," by striking out the words "three" and "four" in the eleventh and twelfth lines, and inserting the word "and" before the word "two" in the eleventh line, and by striking out the words "this act" in the thirteenth line, and inserting "the act to which this is additional and amendatory," so that said section, as amended, shall read as follows:

"SECT. 2. The trustees shall, once in six months, after setting apart from the earnings of the corporation the amount required by section ninety-three of chapter forty-seven of the revised statutes, for a reserved fund, declare dividends not to exceed three per cent, semi-annually, at such times as may be required by their by-laws, among depositors of three months standing at least, before dividend day, but the corporation may by their by-laws include deposits of less standing. Any balance of earnings over the said three per cent, semi-annually, and the sum required for a reserved fund, taxes and expenses, may once in two years be divided among depositors on their balances of one and two years standing ratably. Said two years to begin at the date of the next dividend after the approval of the act to which this is additional and amendatory, or the date of commencing business of new banks. No deposit shall be received under any agreement to pay any specified sum of interest for its use, other than regular semi-annual dividends, except when deposited by order of some court of competent jurisdiction."

SECT. 2. Section four of the same chapter is hereby amended so as to read as follows:

"SECT. 4. It shall be the duty of treasurers of savings banks, on the first day of April in each year, to return to the assessors of cities, towns and plantations in this State, where persons reside who own bank stock which is pledged or transferred to said bank as collateral security for loans, the names of persons pledging or transferring such stock and the amount of the same, and stock so pledged or transferred by persons residing out of the State shall be returned by the treasurers in the same manner to the assessors of the cities or towns in which the bank whose stock is so pledged or transferred is located. For the purposes of taxation, bank stock so pledged or transferred as collateral security for loans, shall be deemed the property of the persons so pledging or transferring it."

SECT. 3. In case any savings bank or banks have neglected or may hereafter neglect to make their returns, as provided in the act to which this is additional, the treasurer of State shall take the last return of deposits as made to the bank examiner by said bank or banks, with twenty per cent, additional as the basis on which to estimate the amount of tax due from such delinquent bank, and issue his warrant of distress accordingly.

SECT. 4. When the person to whom a book of deposit was issued shall die in writing the treasurer of the bank issuing the same, that such book is lost, and that such person desires to have a duplicate book of deposit issued to him, said treasurer shall give public notice of such application by publishing at the expense of such applicant an advertisement for three weeks successive, in some newspaper published in the town in which said bank is located, or if none is published in said town then in one published in the county, or if none is published in the county, then in the State paper. If such missing deposit book shall not have been presented to the treasurer of said bank within six months after the last advertisement, then said treasurer shall issue a duplicate book of deposit to the person thus requesting the same, and such delivery of a duplicate shall relieve said bank from all liability on account of the original book of deposit so advertised.

[Approved February 27, 1873.]