

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

1858.

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1858.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1858.

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**Chapter 39.**

CHAP. 39.

An act additional to chapter three of the revised statutes, respecting unincorporated townships.

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

SECT. 1. It shall be the duty of the county commissioners of the several counties in which unincorporated townships may be situated at their next session, or at a meeting called for that purpose, after this act shall take effect, to cause an enumeration of the inhabitants upon such unincorporated places to be made for the purposes specified in the act to which this is additional, *provided, however,* that where such enumeration has already been made, agreeably to the provisions of chapter fifty-six of the public laws of eighteen hundred fifty-seven, said commissioners shall adopt such enumeration instead of the one herein provided for, and shall in April thereafter issue a warrant to organize said unincorporated places as provided for in section thirty-four of the act to which this is additional.

County commissioners to cause enumeration of inhabitants.

Proviso.

—warrant to organize.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved March 27, 1858.]

**Chapter 40.**

An act relating to reviews.

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

SECT. 1. A petition for review of an action defaulted without any appearance on the part of the defendant, may be granted at the discretion of the court, if presented at any time within three years after an officer having the execution issued thereon, has demanded its payment of the defendant or his legal representative.

When petition may be granted.

SECT. 2. On the hearing of a petition for review, of an action when the parties were witnesses in the original trial, and their testimony was in conflict, newly discovered evidence even of a cumulative character tending to confirm or invalidate the testimony of either on a material point, may be introduced, and in that case and in all hearings on petitions for review, newly discovered evidence of a cumulative character shall have the same effect as other newly discovered evidence.

What evidence may be introduced on hearing.

—effect.

## CHAP. 41.

When a second review may be granted.

SECT. 3. A second review in a civil action may be granted if a petition therefor is filed within three years after the judgment on the first review, when in the opinion of the court, justice manifestly requires it, and on such terms as the court may impose.

SECT. 4. This act shall take effect on its approval by the governor.

[Approved March 27, 1858.]

### Chapter 41.

An act relating to fines and costs of criminal prosecutions.

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

Acts repealed.

SECT. 1. So much of all acts of this state as require fines, forfeitures and costs received in the administration of criminal justice in the several counties to be paid into the treasury of the state, and so much of all acts as provide for the reimbursement to county treasurers of the costs and expenses of criminal prosecutions, and the support of prisoners in jail, or any part thereof, from the treasury of the state, are hereby repealed, *provided* that this act shall not affect any rights which accrued prior to its passage.

Proviso.

Fines, &c. how to be paid.

SECT. 2. All fines, forfeitures, and costs, by law enuring to the state shall be paid into the treasury of the county in which the offence is prosecuted, for the use of such county, and all the costs and expenses, attending the administration of criminal justice shall be paid by the county in which the prosecution is made; *provided* that nothing in this act shall be construed to change the forms and mode of proceedings now established for the prosecution of offences.

Expenses to be paid by county. Proviso.

Costs and expenses, how to be audited.

SECT. 3. The costs and expenses of criminal prosecutions shall be examined and audited in the several counties in the same manner as other county expenses are, but it shall be the duty of the supreme judicial court to allow bills of costs as they are now authorized to do.

Clerk of courts to attest duplicate copies of bills.

SECT. 4. The clerk of the courts in the several counties shall attest duplicate copies of all bills of costs allowed by said courts, and certificates of all fines and forfeitures imposed and accruing to the county, before the rising thereof or as soon thereafter as may be, and deliver one of said copies and certificates to the county treasurer and retain one himself for the use of the county commissioners.