

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1860.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26,
1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1860.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1860.

dict shall annul such order in whole, costs shall be recovered by the applicant against such city or town, and in case such verdict shall alter such order in part, the court may render such judgment as to costs as to justice shall appertain.

SECT. 5. This act shall not be in force in any town or city, unless the inhabitants of the town, or the city council of the city shall adopt the same at a legal meeting of said inhabitants, or city council called for that purpose.

CHAP. 178.

Not applicable, unless by vote.

[Approved March 19, 1860.]

Chapter 178.

An act further regulating banks.

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

No bank in this state shall directly or indirectly loan any money to any public officer on the official check of such officer, nor take the check of any such officer with any agreement or understanding to hold such check, under penalty of forfeiting its charter. It shall be the duty of the bank commissioners, when it shall come to their knowledge that the provisions of this act have been violated, to take measures to enforce the penalty.

Not to loan to public officers on official checks, nor hold same.

Penalty.

—how enforced.

[Approved March 19, 1860.]

Chapter 179.

An act relating to grand juries.

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

SECT. 1. When a grand jury has been drawn to serve as now provided by law, and the number of jurors shall be reduced by death, disqualification or from any cause whatever, any justice of the supreme judicial court, in term time, or in vacation, may direct venuries to be issued for such additional number of jurors as he shall deem necessary, and such venuries shall be served at least four days before the time at which the juror drawn, shall be ordered to attend court; and the jurors thus drawn and notified, shall serve for the remainder of the year, for which the jury was drawn, with the same effect and powers as if they had been originally drawn, and shall be subject to the same liabilities.

Vacancies in grand jury, how to be filled.

Service of venuries.

Term of service, and powers of new jurymen.

CHAP. 180. **SECT. 2.** All acts and parts of acts inconsistent with this act are hereby repealed; and this act shall take effect and be in force when it shall be approved by the governor.

Acts repealed.

[Approved March 19, 1860.]

Chapter 180.

An act to amend section five of chapter eighty-eight of the revised statutes, relating to partition of real estate.

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

Ch. 88, sec. 5,
R. S. amended.

The fifth section of chapter eighty-eight of the revised statutes is hereby amended by inserting in the third line thereof, after the word "earlier," the following words: "may in the discretion of the court, be permitted to appear and defend at any time before final judgment, on such terms as may be imposed," so that said section as amended shall read as follows :

When persons
not notified,
may appear.

SECT. 5. A person interested and not named in the petition, or out of the state, and not so notified as to enable him to appear earlier, may, in the discretion of the court, be permitted to appear and defend, at any time before final judgment, on such terms as may be imposed. And any person, defendant in an action at law, or respondent in a petition for partition, may jointly with others, or separately, by brief statement, without a plea of the general issue, allege any matter tending to show that partition ought not to be made as prayed for.

Pleadings, how
made.

[Approved March 19, 1860.]

Chapter 181.

An act in addition to "an act to establish the county of Knox."

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

Actions des-
cribed, to be
transferred
from Lincoln
and Waldo
counties to
Knox.

SECT. 1. That in addition to the actions required by section five of "an act to establish the county of Knox," to be transferred to said county of Knox, all actions which may have been commenced, or may be pending in the supreme judicial court, in the counties of Lincoln or Waldo on the thirty-first day of March eighteen hundred and sixty, wherein the defendant or defendants are alleged in the writ as residing within the limits of said county of Knox, and the plaintiff or plaintiffs are alleged in the writ as residing without