

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1822.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

PORTLAND :

THAYER, TAPPAN & STICKNEY, PRINTERS TO THE STATE.

1822.

CHAPTER CLXXXV.

AN ACT in addition to an act entitled "an Act to provide for the packing and inspection of pickled and smoked fish."

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That, from and after the passing of this act, the several inspectors of Fish in this State, shall be authorized to inspect smoked herrings, scaled and cured in a superior manner, and packed in boxes eighteen inches long, nine inches wide, and seven inches deep, in the clear, which boxes shall be made and branded on the cover, in the same manner as other boxes for herring are now made and branded, excepting, that instead of *first* or *second* sort, the word *scaled* shall be inserted. And the inspection and exportation of said herrings, shall be subject to the same laws and regulations, as are prescribed by law for other herrings.

Smoked herrings may be inspected; to be packed in boxes;

dimensions of the boxes.

Inspection & exportation the same as other herrings.

[This Act passed January 29, 1822.]

CHAPTER CLXXXVI.

AN additional Act regulating Judicial Process and Proceedings.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That whenever in the trial of any indictment (except for a capital offence) it shall appear to the court, that justice would be promoted thereby, they may at their discretion suspend or postpone such trial to some future time, during the same term, or discharge the jury from the trial of the cause, and continue such indictment to the next term, as to said court may seem just and reasonable.

Trial of any Indictment, except in capital cases, may be postponed; or the Jury may be discharged & the indictment continued.

SECT. 2. *Be it further enacted,* That, in all actions of replevin, whenever the jury shall find the property of a part of the goods and chattels replevied to be in the plaintiff, and of the residue to be in the defendant, they shall also, without respect to the estimated value in the replevin bond, find and certify in their verdict the value of the part belonging to the plaintiff, as it was at the time of the service of the

Estimation of the value of property in actions of replevin regulated in certain cases.

Costs.

writ of replevin; and if such value shall not exceed twenty dollars the plaintiff shall recover for his costs only a quarter part of such value.

During the pendency of a real action, the death or intermarriage of one or more of the demandants, shall not abate the writ;

the surviving or remaining empowered to proceed.

SECT. 3. *Be it further enacted,* That if during the pendency of any real action, either of the demandants shall die, or being feme sole, shall intermarry, such death or intermarriage shall not abate the writ; but the death or intermarriage may be suggested on the record, and the surviving or remaining demandant or demandants may amend the declaration so as to describe their interest in the premises demanded, and may proceed in the cause to final judgment, in the same manner as though the deceased or feme sole, thus intermarried, had never been joined in such action.

[This Act passed January 29, 1822.]

CHAPTER CLXXXVII.

AN ACT in addition to "an Act regulating Elections."

Selectmen & Clerks liable to penalty;

how recovered.

BE *it enacted by the Senate and House of Representatives, in Legislature assembled,* That the clerk of any town or plantation, selectmen of any town, or the assessors of any plantation in any Representative District within this State, who shall wilfully or negligently refuse or neglect to do and perform all or any of the duties prescribed to them by the Constitution of this State, shall forfeit and pay for each and every such offence a fine not exceeding two hundred dollars, nor less than thirty dollars; to be recovered by indictment in any court proper to try the same, one half to the use of the State, and the other half to the use of the complainant.

[This Act passed January 30, 1822.]