

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FIFTH LEGISLATURE

AT ITS SESSION, HELD IN JANUARY, 1825.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28TH OF JUNE, 1820.

Portland :

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1825.

Penalty for bringing into the State casks which have been filled with lime.

water, into any town within this State, any cask or casks, purporting to be lime casks, not being filled with lime, having thereon, uneffaced, the mark or brand of any inspector of stone lime or lime casks, on penalty of forfeiting for every such cask, one dollar, to be recovered in the manner and for the use provided in the ninth section of the act to which this is additional.

[*This Act passed February 25, 1825.*]

CHAPTER CCCVI.

AN ACT to repeal "an Act to establish Courts of Sessions," and for establishing Courts of Sessions.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That there shall be a Court of Sessions in each of the counties within this State, to consist of one Chief Justice, and two associate Justices, a majority of whom, appointed for any county, may constitute a quorum for doing business; to be appointed and commissioned by the Governor, with advice and consent of Council, as soon as conveniently may be, who are hereby vested with all powers relative to the erection and repairs of Gaols and other county buildings, the allowance and settlement of county accounts, the estimates, apportionments, and issuing of warrants, for assessing county taxes, granting licenses, laying out, altering and discontinuing highways, as well as all other duties appertaining to a Court of Sessions.

Court of Sessions in each county to consist of one Chief Justice, and two associates.

Powers, &c.

SECT. 2. *Be it further enacted,* That the Courts of Sessions shall be holden within and for the several counties in this State, at the times and places following, to wit: within and for the county of York, at York, on the Tuesday preceding the last Monday of May; and at Alfred, on the second Tuesday of October: within and for the county of Oxford, at Paris, on the third Tuesday of June, and the second Tuesday of October: within and for the county of Cumberland; at Portland, on the third Tuesday of April and the fourth Tuesday of

Times of holding Courts.

September ; within and for the county of Kennebec, at Augusta, on the last Tuesday in April, the first Tuesday in August and the last Tuesday in December ; within and for the county of Somerset, at Norridgewock, on the third Tuesday of March, and on the first Tuesday of October ; within and for the county of Lincoln, at Warren, on the second Tuesday of January, at Wiscasset, on the second Tuesday of May, and at Topsham, on the second Tuesday in September ; within and for the county of Hancock, at Castine, on the last Tuesday of April, and on the Thursday previous to the third Tuesday of November ; within and for the county of Washington, at Machias, on the first Wednesday next after the first Tuesday of March, and the first Wednesday next after the third Tuesday of September ; within and for the county of Penobscot, at Bangor, on the first Tuesdays of April and September, and on the second Thursday of December annually.

SECT. 3. *Be it further enacted*, That all matters, taken for, returnable to, or that are now pending in the several Courts of Sessions, shall be returnable to, have day, be proceeded in, and determined, by the respective Courts of Sessions, within and for the same counties, at the term thereof, next to be holden, as provided by this act : and the Clerks of the Court of Common Pleas, within the several counties, shall be the Clerks of the Courts of Sessions.

Matters now pending, &c. how to be proceeded with.

SECT. 4. *Be it further enacted*, That whenever the Court of Common Pleas and Court of Sessions, shall be in session in the same town, and at the same time, the Clerk of the Court is hereby authorized to appoint some suitable person to act as Clerk pro tem. to said Court of Sessions, who shall make up at the close of each day, a record of the doings of the Court, which they shall examine and certify, and the records so made, shall be copied into, and become the records of the Court, and the Clerk of the Court of Common Pleas, shall be accountable for the doings of the Clerk pro tem.

Clerk pro tem. to C. S. His duties, &c.

SECT. 5. *Be it further enacted,* That each of the Justices of Sessions, shall receive for their services, three dollars for each day, during their attendance in Court, and one dollar for every ten miles travel, to be paid out of the county treasury ; and said Justices are hereby authorized to employ a constable and doorkeeper, to wait upon said Court, when in session ; the expense of which to be paid by the county treasury, and not to exceed two dollars and fifty cents per day, any law or custom to the contrary notwithstanding.

Justices to receive 3 dollars per day.

Justices may employ a constable, &c.

Justices may adjourn when a quorum is not present.

SECT. 6. *Be it further enacted,* That whenever it shall happen, that there is not a majority of said Justices assembled, at the time for holding the said Court, any one of said Justices, shall have power to adjourn said Court, until a quorum shall be assembled.

SECT. 7. *Be it further enacted,* That there shall be in each of the counties in this State, a standing committee of three freeholders, resident therein, to be appointed by the Governor, with advice and consent of Council, as soon as may be, and to be removable at their pleasure, who being first duly sworn to the faithful performance of their duties, shall act in the same capacity, and be vested with all the powers that are given to committees, appointed by the Court of Sessions, agreeably to the first section of "An Act directing the method of laying out, and making provision for the repair and amendment of highways," passed the second day of March, in the year of our Lord one thousand eight hundred and twenty-one : *Provided,* That if at any time, a vacancy or vacancies shall happen in said committee, during the recess of the Council, or in case of the sickness, non-acceptance of the appointment, or absence from the county, of any one or more of the members thereof, the same may be filled, and a person or persons be appointed thereto, for the performance of a particular duty by the Court of Sessions : *Provided, also,* That in case one or more, or all of the standing committee shall be personally interested in the laying out, altering,

A standing committee of 3 freeholders to be appointed.

The duty.

or discontinuing of any highway as aforesaid, the Court of Sessions shall have power to appoint one or more persons, or an entire new committee to act upon the same in the place of the member or members thereof, or whole committee so interested ; all persons so appointed by the Court of Sessions, being first sworn to the faithful performance of their duties.

SECT. 8. *Be it further enacted,* That to each member of any standing committee, and to each person appointed to act in the stead thereof, agreeably to the seventh section of this act, there shall be allowed and paid, for each day of actual employment in discharge of the proper duties of their office, the sum of three dollars ; and for their services in laying out, or altering highways, as determined by the Court of Sessions, the committee shall be paid by the county, in which the highway to be laid out or altered, is ; and when employed in viewing the ground and ascertaining the practicability, expediency and expense of making any proposed highway, the committee shall be paid as aforesaid by the party or parties requesting the same, and in such proportions as the Court may determine.

Members of the standing committee to receive 3 dollars per day.

How paid:

SECT. 9. *Be it further enacted,* That whenever the committee appointed by virtue of the seventh section of this act, shall have examined and estimated the expense of making any contemplated road : and said Court of Sessions shall have ordered said road to be laid out and made ; The town through which said road may pass, is hereby authorized to appeal to the Court of Common Pleas, in the county in which said town may be : *Provided,* The estimated expense of making said road through, or in said town, shall amount to, or exceed five hundred dollars ; and said Court of Common Pleas, are hereby authorized to affirm, or reverse the judgment of said Court of Sessions laying out and making said contemplated road.

The town through which a road is laid out may appeal to the C. Pleas.

SECT. 10. *Be it further enacted,* That so much of " An Act to establish Courts of Sessions," passed the twenty-seventh day of June, in the year of our Lord one thousand eight hundred and twenty, to-

Former act repealed.

gether with all other acts and parts of acts, and resolves, so far as the same are repugnant to, or inconsistent with, this act, be, and the same are hereby repealed.

When in force &c. **SECT. 11.** *Be it further enacted,* That this act shall be in force from and after the first day of April next: *Provided,* That nothing in the same shall prevent the Governor and Council from making the appointments herein provided at any time after the passage hereof.

[*This Act passed February 25, 1825.*]

CHAPTER CCCVII.

AN ACT additional to "An Act for the limitation of actions real and personal, and of writs of error."

Limitations not to be applicable to any case, where demandant has been prevented from running lines, &c. **SECT. 1.** *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That the limitations of the several actions mentioned in the first, second and third sections of the act to which this is additional, shall not be applicable to any case, in which the demandant, his agent, or surveyor, has been since the passage of said act, or shall hereafter be obstructed and prevented from running the lines and ascertaining the boundaries of the tract demanded, or to any case in which the service of any writ demanding such tract has been or may be prevented by force or fraud, or by any neglect or misconduct of any officer having such writ: *Provided,* That actions for the recovery of such tracts, be commenced within two years from the passing of this act: *Provided, also,* That such running of lines shall have been lawful, and not a trespass on the lands or rights of others.

Not necessary for limiting the demandant, that the premises shall have been surrounded by fences. **SECT. 2.** *Be it further enacted,* That in any writ or action, which may, after the fifteenth day of March next, be brought for the recovery of any lands, tenements, or hereditaments, it shall not be necessary for limiting the demandant and barring his right of recovery, that the premises defended