

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

THIRTEENTH LEGISLATURE,

At its Session, held in January, 1833.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA :

I. BERRY & CO. PRINTERS TO THE STATE.

1833.

Chapter 51.

AN ACT giving further remedy in cases of wilful trespass.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That, in all actions for trespass upon property, when judgment shall be rendered for the plaintiff, it shall, at his request, be the duty of the Magistrate or Court, or Court and Jury, before whom said action is tried, to inquire and determine whether said trespass was committed wilfully. And if it be found to have been wilfully committed, a record of that fact shall be made. And the magistrate or clerk, who shall issue any execution upon said judgment, shall note in the margin, that said judgment was rendered for a trespass committed wilfully. And if the defendant shall be committed to jail, and remain in close confinement, on such execution he shall not be entitled to the benefit of the Poor Debtor's oath, until after having notified the creditor in the manner by law provided, which notice shall not be issued until thirty days after his said commitment. And if he shall have the liberty of the jail yard, on having given bond to the creditor, as provided by law, the notice of his intention to take the poor debtor's oath shall not be issued until ten months after said commitment, and until one month after the expiration of the time limited in his bond, for him to surrender to go into close confinement.

Inquiry shall be made whether trespass was committed wilfully.—If so, record of the fact shall be made.

Defendant shall not be entitled to Poor Debtor's oath until, &c.

Notice of intention, when to be issued.

[Approved by the Governor, February 14, 1833.]

Chapter 52.

AN ACT for the protection of the Mattanawcook and Military Roads.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That from and after the first day of May next no cart or wagon drawn by horses shall pass upon

Felloes to wheels to be four, and six inches in width.

the Mattanawcook State Road or upon the United States Military road in this State, unless the felloes of the wheels thereof are at least four inches in width; and no cart or wagon drawn by oxen shall pass upon said roads or either of them, unless the felloes thereof are at least six inches in width.

Penalty for violating the provisions of this Act.

SECT. 2. *Be it further enacted,* That if any cart or wagon shall pass upon either of said roads, contrary to the provisions of this Act, the owner or driver thereof shall forfeit and pay the sum of Ten Dollars, for every such offence, to the use of the State, together with an additional penalty of One Dollar for each mile of said road, passed as aforesaid, to be recovered by complaint before any Justice of the Peace for the County in which said offence may have been committed. And any such Justice, on such complaint being made, may issue his warrant against the person or persons charged with such offence, and cause said person or persons to be brought before him to answer said complaint; and may also, upon libel therefor, seize and detain the carts or wagons, with the teams thereof, found upon either of said roads in violation of this act, which shall be held to respond the fine and costs which may be awarded against said owner or driver.

How to be recovered.

Duty of Justice to whom complaint shall be made.

SECT. 3. *Be it further enacted,* That this Act shall not be construed to prohibit the passing upon said roads of any pleasure carriage, or any carriage, cart or wagon drawn by one horse, or any cart, wagon or other carriage of the United States.

Pleasure carriages not included.

SECT. 4. *Be it further enacted,* That the first and second sections of "An Act for preserving the Mattanawcook State Road," passed the fifth day of March, one thousand eight hundred and thirty two, be and hereby are repealed from and after the first day of May next; *Provided,* that said first and second sections of said act shall remain and be in full force, so far as may be necessary, in order to prosecute for and recover any forfeiture, which may have been incurred under the same at that time.

Sections of former Act repealed.

Proviso.

[Approved by the Governor, February 20, 1833.]