

# 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.*

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PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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1833.

## Chapter 63.

AN ACT to repeal the second Section of an Act entitled, "An Act additional to an Act for the settlement of certain equitable claims arising in real actions,"—passed March eighth, one thousand eight hundred and twenty six.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the second Section of the Act entitled "An Act additional to an Act for the settlement of certain equitable claims arising in real actions," passed March eighth, one thousand eight hundred and twenty-six, be and the same is hereby repealed.

Act of 1826 repealed.

[Approved by the Governor, February 27, 1833.]

## Chapter 64.

AN ACT giving remedies on Judgments, rendered by Courts of County Commissioners; and prescribing the mode of levying executions against towns and plantations.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That all warrants of distress, issued or hereafter to be issued from any Court of County Commissioners, which shall be returned, unsatisfied in whole or in part, may be renewed by the issuing of an *alias* or *pluries*, at any time within two years from the return day of the last preceding unsatisfied warrant of distress. And all warrants of distress, issued by the authority of any such Court, shall be made returnable in ninety days from the date thereof.

Warrants of distress issued from the Court of County Commissioners, returned unsatisfied, may be renewed at any time within two years.

All warrants of distress shall be made returnable in 90 days from the date.

SECT. 2. *Be it further enacted,* That the party interested in, or for whose benefit such warrant has been or may be issued or ordered to be issued by said County Commissioners, when the same remains unsatisfied, may have and maintain an action of debt founded upon said order or judgment of said Commissioners before any Court of Common Pleas or Supreme Judicial Court in the County where the records of said Court of Commissioners

Parties interested in warrants returned unsatisfied may maintain an action in the Court of Common Pleas or S. J. Court.

remain, in the same manner and under the same regulations, that actions of debt may be brought and maintained upon judgments of other Courts in this State. And if any action as aforesaid shall be maintained, legal interest shall be allowed on the amount remaining due and judgment shall be rendered therefor as well as for said amount.

Interest shall be allowed on claims.

SECT. 3. *Be it further enacted,* That all executions or warrants of distress against any town or plantation shall run, or be issued, against the goods and chattels of the inhabitants thereof, and against the real estate situated therein, whether said real estate be owned by inhabitants or other persons. And it shall be the duty of the officer, executing any such precept, to satisfy the same by distress and sale of the goods and chattels of said inhabitants, in the manner, by law provided; and in want of sufficient goods or chattels, after diligent search therefor, to satisfy the same, which fact the officer shall certify in his return, it shall be his duty, for the purpose of satisfying said precept, to levy upon and sell the real estate in said town or plantation, by lots, as the same are owned or occupied, or as the same may have been lotted upon the plan thereof, so much as may be necessary to satisfy said precept, with costs and expenses of sale; conforming in the advertising and sale, to the law regulating the sale, by collectors of taxes, of the unimproved lands of non-resident proprietors. And the purchaser and the former owner of said land shall have all the rights, and be subject to all the liabilities, as if said land had been sold for taxes, as aforesaid.

Executions and Warrants of distress shall be issued against Towns &c.— shall run against the goods and chattels of the inhabitants thereof.

In want of sufficient goods & chattels it shall be the duty of the officer to levy upon and sell Real Estate, &c.

SECT. 4. *Be it further enacted,* That the owner or owners of any estate, real or personal, which shall have been taken and sold, for the purpose of satisfying any warrant of distress or execution against any town or plantation as aforesaid, shall be entitled to recover against said town or plantation, in an action of assumpsit, the full value of the estate so taken and sold, with interest thereon at

Persons whose property has been taken for the purposes of satisfying warrants of distress or Execution against a Town or Plantation, shall be entitled to recover against such Town or Plan-

tation the full value of the property so taken.

twelve per cent per annum, with costs of suit, and may be admitted to prove the real and true value of the said estate, whatever may have been the price at which the same may have been sold as aforesaid.

[Approved by the Governor, February 27, 1833.]

### Chapter 65.

AN ACT additional to an Act to establish a Court of Common Pleas.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That from and after the passing of this Act, the times for holding the Court of Common Pleas, within and for the County of York shall be as follows, to wit. at Alfred on the second Monday of February, on the last Monday of May, and on the third Monday of October annually.

Times fixed for holding the Court of Common Pleas in the County of York.

SECT. 2. *Be it further enacted,* That all writs, recognizances, warrants, complaints, appeals and every other process, matter or thing, which before the passing of this act might or ought to be returned to or entered at the Court aforesaid at any time heretofore appointed for holding the same, and which is altered by this Act; and all parties and persons who have been or may be required to appear and attend at the aforesaid times, and all actions, suits, matters and things which may be pending in the said Court at the times aforesaid shall be returned to, entered at, appear, attend, and have day, and be tried and determined in the said Court at the times and places appointed by this act, and all laws heretofore passed in any manner repugnant to, or inconsistent with the provisions of this Act, are hereby repealed.

Laws repealed.

[Approved by the Governor, February 27, 1833.]