

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FOURTEENTH LEGISLATURE,

At its Session, held in January, 1834.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA :

I. BERRY & CO., PRINTERS TO THE STATE.

1834.

persons” therein mentioned passed March twentieth one thousand eight hundred and twenty one, which provides that the Justices of the Circuit Court of Common Pleas shall be allowed “in every action where an issue in law or fact is joined” one dollar in addition to the fee for entry; and that for “entering a petition and making an order thereon for the sale or partition of real estate or for the location of public lots seventy cents” be allowed; that the fees of the clerk of the Circuit Court of Common Pleas for “accepting a report of referees, where the acceptance thereof is contested, sixty cents; otherwise thirty cents.”—“For entering a petition and order thereon for the partition or sale of real estate or location of public lots, twenty cents;” for entering a petition, and making order thereon for the sale or partition of real estate, one dollar, (be allowed to said clerk as aforesaid,) be and the same is hereby repealed—and it shall be the duty of the clerks of the several courts hereafter to do and perform the services heretofore required, for which they were entitled to receive the aforesaid fees, free of charge, and without compensation.

Clerk required to perform certain services free of charge.

[Approved by the Governor, March 12, 1834.]

Chapter 133.

AN ACT additional giving remedies on judgments rendered by Courts of County Commissioners, and prescribing the mode of levying executions against towns and plantations. Laws of 1833, ch. 64, page 64.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That in all cases when any order or judgment named in the second section of the Act to which this is additional, has been or may be rendered or given against any town or plantation; or whenever any warrant of distress named in the first or second section of said Act, has been or may be or-

When judgment has been rendered on warrant of distress issued against any town or plantation, proprietor of lands may pay

his proportion of such sum before execution, &c. issues.

How ascertained.

Person so paying, exempt in his person and property from such warrants, &c.

Where warrant or execution is thus levied on any person's property, he may be discharged on paying his proportion.

dered to be issued against any town or plantation ; or whenever any execution has been or may be issued upon any such order or judgment, it shall be lawful for any inhabitant of such town or plantation, or for any proprietor of any lands therein either before or after the issuing of any such warrant or execution to pay his or her just part or proportion of the sum for which such order or judgment shall have been made or rendered, or for which such warrant or execution may have been, or is directed to be issued—and such person's part or proportion shall be ascertained by an assessment or apportionment thereof, made by the assessors of the said town or plantation, and which service they shall be required to perform upon the request of any such inhabitant or proprietor of lands, or upon notice which may be given them by the County Commissioners as is hereinafter provided.

SECT. 2. *Be it further enacted,* That every such inhabitant or proprietor of lands who has or shall pay his or her said part or proportion, to the Treasurer of said town or plantation, for the use of the party or person interested in such order, judgment, warrant or execution, or who shall have paid or may pay to the party or person so interested or to the officer holding such warrant or execution, such person shall be discharged and exempt both in his person and property, from all such warrants of distress and executions.

SECT. 3. *Be it further enacted,* That if any warrant of distress or execution as aforesaid has heretofore been or shall be hereafter levied on the property or estate of any person who, at the time of said levy, had not so paid his or her said part or proportion of the same, every person, who having so paid or shall so pay as aforesaid his or her part or proportion of such sum named in the first section of this Act, shall be discharged and exempt from all executions which may be issued on any judgment

that may be obtained against the inhabitants of any such town or plantation on account of said levy, and his person and estate shall forever thereafter be discharged and exempt therefrom.

SECT. 4. *Be it further enacted,* That the certificate of the major part of the assessors of said town or plantation of any person's part or proportion, shall be conclusive evidence thereof, and if delivered to said officer, he shall on payment in any manner as aforesaid of said part or proportion, in his return on said execution or warrant of distress, return the same satisfied for that sum, with the name of the person by whom paid.

Certificate of major part of Assessors evidence of any person's proportion.

SECT. 5. *Be it further enacted,* That no warrant of distress shall issue on any judgment of any Court of County Commissioners until twenty days after the rendering up of said judgment, and a certificate thereof be transmitted to the assessors of the town or plantation interested therein.

No warrant to issue till twenty days after rendering judgment --and certificate to be transmitted to assessors.

SECT. 6. *Be it further enacted,* That the committee named in the twelfth 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, shall, forthwith, on making the contract therein named, file a certified copy thereof in the office of the clerk of the Court of County Commissioners, from which they received their appointment; and said Court shall, forthwith, certify to the assessors of the town or plantation interested, the amount which said Committee have contracted to give, and the time within which said contract is to be completed.

Certified copy of certain contracts to be filed in the office of Clerk of County Commissioners, and proceedings thereon.

SECT. 7. *Be it further enacted,* That all Acts and parts of Acts inconsistent with the provisions hereof shall be and hereby are repealed, and, that this Act shall go into operation and take effect from and after its approval by the Governor.

Former acts repealed.

When to take effect.

[Approved by the Governor, March 12, 1834.]