

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FIFTEENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1835.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

Chapter 178.

AN ACT additional to an "Act regulating Judicial process and proceedings."

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That in all actions of trespass and of trespass on the case, the declaration shall be deemed equally good and valid to all intents and purposes, whether the same shall be, in form, a declaration in trespass or trespass on the case.

In action of trespass, &c. declaration may be either trespass or trespass on the case.

SECT. 2. *Be it further enacted,* That no costs shall be allowed to the plaintiff in any action commenced before any Justice of the Peace or Judge of any city Court upon any judgment, on which an execution might, at the time of commencing such action, have been taken out, excepting the action on such judgment shall be a trustee action and excepting all cases, in which the original judgment debtor shall be a resident in any other county than the one in which such judgment was rendered.

No costs to be allowed in any case where execution might be taken out except in certain cases.

SECT. 3. *Be it further enacted,* That either party aggrieved by any opinion, direction, or judgment of the Court of Common Pleas, in a matter of law, in any action originally commenced before a Justice of the Peace and brought by appeal into said Court, may allege exceptions to the same, and the same proceedings shall be had as are prescribed by law in actions originally commenced in said Court.

Party aggrieved by opinion, &c. of court of Common Pleas may allege exceptions.

SECT. 4. *Be it further enacted,* That in all actions where there are two or more defendants, the plaintiff shall have a right to amend the writ by striking out the names of one or more of such defendants, on paying him or them their costs to that time. And such action shall be heard and tried, as if the same had been originally commenced against the remaining defendant or defendants.

Where there are two or more defendants plaintiff may amend by striking out.

SECT. 5. *Be it further enacted,* That, in any action on debt or contract, the plaintiff may, on mo-

tion, on such terms as the Court shall prescribe, amend his writ and declaration by inserting therein the name of any other person or persons as defendant and the Court may thereupon order such service of such amended writ to be made on such defendant, as was required by law to be made on the original writ. And on the return of such amended writ, the additional defendant, on whom service has been made, shall be deemed and taken to be a party, and may plead in the action. And such action shall be heard and tried, as if the same had been originally commenced against such additional defendant: *Provided*, that the defendant whose name may be so inserted shall not be liable for any cost which may have arisen previous to the service on said defendant.

Pllf. may amend by inserting the names of defendants and Court may order service.

Such defendants to be parties.

Proviso.

SECT. 6. *Be it further enacted*, That in civil actions no motion in arrest of judgment shall be sustained in the Supreme Judicial Court or Court of Common Pleas.

No motion in arrest of judgment to be sustained in civil actions.

SECT. 7. *Be it further enacted*, That, in all actions before a Justice of the Peace, the fee for the entry of an action, or filing a complaint in any civil action, including filing of papers, swearing witnesses, examining and allowing and taxing the bill of cost, and entering up judgment and recording the same, shall be thirty cents, and the fees for a writ of execution shall be fifteen cents, instead of the several sums now allowed by law—but in all actions before a Justice of the Peace in which there shall be a trial, the said Justice shall be allowed to tax and receive eighty cents for issue, instead of the sum now by law taxable.

Fees of Justices of the Peace regulated.

SECT. 8. *Be it further enacted*, That witnesses summoned to appear before Justices of the Peace or Referees shall be entitled to receive fifty cents for each day's attendance, instead of the sum now provided by law.

Fees of witnesses.

SECT. 9. *Be it further enacted,* That the provisions of this act shall be applied only to actions to be commenced after this act shall take effect and be in force.

To apply only to actions commenced after this act shall take effect.

[Approved by the Governor, March 21, 1835.]

Chapter 179.

AN ACT to regulate Banks, by prohibiting the emission and circulation of Bank bills or notes, of a small denomination.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,*

No bank to emit bills of one dollar or less after first day of June next.

That from and after the first day of June next, no Banking Corporation in this State, shall emit, issue, pass or receive in payment of any debt, or in any business transaction, any bank bill or note, of the denomination or value of One Dollar, or less, either on any Bank in this State, or in any other State, or in any of the adjoining Provinces; That from and

Nor any of two dollars or less after first day of January next.

after the first day of January next, no Banking corporation shall emit, issue, pass or receive in payment of any debt or in any business transaction, any bank bill or note of the denomination or value of Two Dollars, or less, on any of the Banks aforesaid;—and that

Nor any of three dollars or less after first day of June, 1836.

from and after the first day of June, eighteen hundred and thirty-six, no Banking corporation in this State shall emit, issue, pass or receive in payment of any debt, or in any business transaction any bank bill or note of the denomination or value of Three Dollars, or less, on any of the Banks aforesaid;—

Provido.

Provided however, That no provision of this Act shall be construed to impair any of the liabilities of the Banks in this State, to redeem any Bank bill or note of their own emission.

Such bills not to be received in payment of debts

SECT. 2. *Be it further enacted,* That from and after the first day of June next, no person or corporate body, shall receive in payment of any debt