

# 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.

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Published agreeably to the Resolve of June 28, 1820.

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**AUGUSTA:**

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

1835.

**Chapter 183.**

AN ACT additional to "An Act regulating judicial process and proceedings."

Assignee of grantee may recover against first grantor on breach of covenants of warranty.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, That* in all cases, where real estate has been or may be absolutely conveyed by deed to any person, his heirs, and assigns, with the usual covenants, that the grantor is seized in fee of the same, and that the same is free of incumbrances, and with a covenant of general warranty, the same estate being under mortgage or other incumbrance, or the grantor not being seized of the same at the time of such conveyance, the assignee of such grantee or the executors or administrators of such assignee, after having been evicted by said mortgagee or other person having permanent title, his executors, administrators, or assigns, may maintain an action against the first grantor, his executors, or administrators on any of the covenants in such absolute deed in his or their names, and recover such damages as the said grantee might, if the action had been prosecuted in his name or that of his executors or administrators; upon filing in Court, at the first term after such action is brought for the use of the grantee, a release of the covenants of seizen and freedom from incumbrances in said grantee's deed to such assignee, and all causes of action on such covenants.

[Approved by the Governor, March 23, 1835.]

**Chapter 184.**

AN ADDITIONAL ACT relating to Enginemen.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives, in Legislature assembled, That* no person shall be exempt from the performance of any military duty, by virtue of his be-

ing a member of any engine company, unless he shall, on or before the second Tuesday of April annually, produce to the commanding officer of the military company to which he belongs, the certificate of the Selectmen of the town in which he lives, that he has been duly appointed an engineman and that he faithfully performs the duty thereof. But it shall be lawful, and it shall be the duty of the clerk of each engine company to return to the commanding officers of military companies a list of all the members of said engine companies, and such list so returned, shall avail each member in the same manner as though he had personally returned his certificate of membership.

Enginemen to produce certificates of appointment on second Tuesday of April.

Clerk's return of members to serve instead of presenting certificate.

SECT. 2. *Be it further enacted*, That no person liable to the performance of military duty who may be discharged from any engine company by the Selectmen of any town for being negligent or remiss in any of the duties required of him as an engineman, shall again be appointed an engineman by any Selectmen of the same town, for one year from the time he may be so discharged.

Persons discharged for negligence not to be re-appointed for one year.

SECT. 3. *Be it further enacted*, That those persons, who are conditionally exempted from the performance of military duty by the provisions of the second section of "an Act to organize govern and discipline the Militia of this State," shall not be allowed to vote for captain and subaltern officers in any company of Militia in which they may be enrolled so long as they claim the exemption specified in said section.

Conditional exempts not to vote for certain officers.

SECT. 4. *Be it further enacted*, That all Acts and parts of Acts inconsistent with the provisions of this Act, be, and the same hereby are repealed.

Former Acts repealed.

[Approved by the Governor, March 23, 1835.]