

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTEENTH LEGISLATURE,

JANUARY SESSION, 1836.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 23, 1820.

AUGUSTA:

SMITH & ROBINSON.....PRINTERS TO THE STATE.

1836.

Chapter 214.

AN ACT to prohibit Constables from acting as Attornies to parties in suits at law.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the provisions and prohibitions in the fifth section of an Act entitled "An Act regulating the admission of Attornies and authorizing particular persons in certain cases to prosecute and defend suits at law" passed the tenth day of February in the year of our Lord one thousand eight hundred and twenty-one, be and they hereby are extended to Constables in the same manner and to the same extent as is therein provided in cases of Sheriffs and Deputy Sheriffs.

Constables not allowed to act as attornies.

[Approved by the Governor, March 19, 1836.]

Chapter 215.

AN ACT prohibiting the emission and circulation of Bank Bills of a small denomination and certain others.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled, That from and after the passage of this Act, no Bank in this State shall issue, or put into circulation, or pass directly or indirectly, by any business transaction or otherwise, any Bank Bill or note of a less denomination than three dollars, nor of any denomination between five and ten, or ten and twenty dollars; nor from and after the first day of June next, shall any Bank in this State issue or put into circulation, or pass, as aforesaid, any Bank Bill or note of a less denomination than five dollars, issued by any Bank, banker or person whatever: Provided however, any Bank may so far pass any*

Banks from passage of Act not to pass bills under three dollars —nor between 5 and 10 or 10 and 20.

—nor after first of June to pass bills under five dollars.

—excepting to send home bills of other Banks.

of the aforesaid bills or notes excepting its own as to send or transmit the same directly to any Bank whatever.

After 1st June no person or body corporate to pass bills under \$2—nor after 1st of Oct. bills under \$2—nor after 1st of June, 1837, bills under \$5, issued by any Bank in this State.

SECT. 2. *Be it further enacted,* That from and after the first day of June next, no person, or body corporate in this State, shall pass, or put into circulation, directly or indirectly, any Bank Bill or note of a less denomination than two dollars issued by any Bank in this State and from and after the first day of October next no person or body corporate in this State shall pass or put into circulation as aforesaid any Bank Bill or note of a less denomination than three dollars issued by any Bank or person in this State and from and after the first day of June eighteen hundred and thirty seven no person or body corporate in this State shall pass or put into circulation as aforesaid any Bank Bill or note of a less denomination than five dollars issued by any Bank or person in this State.

Penalty for bringing into this State bills of banks out of State under \$5, or between 5 and 10 or 10 and 20, with intent to pass, or passing them, not less than \$200 nor more than \$500.

SECT. 3. *Be it further enacted,* That if any person, after the passage of this Act, shall bring into this State any bill or bills, note or notes, issued by any Bank not established in this State, or by any Banker or person whatever, of a denomination or value less than five dollars, or of any intermediate denomination between five and ten, or ten and twenty dollars, with the intent to put the same into circulation in this State, or shall pass or attempt to pass the same directly or indirectly, or leave the same in this State so that they may be put in circulation, such person shall forfeit and pay for each and every such offence a sum not less than one hundred nor more than five hundred dollars; *Provided,* That the penalty in no case shall exceed ten times the amount of the bills or notes brought in as aforesaid. And if any person from and after the first day of June next shall receive, in this State, any bill or bills, note or notes of the kind and denomination aforesaid in this section, and shall pass or

attempt to pass or put into circulation, directly or indirectly, any such bill or bills, note or notes as aforesaid in this section, such person shall forfeit and pay for each and every such offence ten dollars; and if said offence be repeated by any person, such person shall forfeit and pay twenty dollars; *Provided, however*, that any person may so far pass any bill or note prohibited by this Act, as to pass or pay the same, directly, into any Bank whatever.

Penalty for receiving out of State bills after 1st of June, or passing same, except to pay them into some bank.

SECT. 4. *Be it further enacted*, That if any person in this State shall violate the second section of this Act, the person so offending shall forfeit and pay for each and every such offence a sum not less than five nor more than fifteen dollars. And if any Bank in this State shall violate any of the provisions of this Act, such Bank shall forfeit and pay for each and every such offence five hundred dollars; and if any body corporate in this State, other than a Bank, or the Agent of any such body corporate acting in said capacity, or any person acting in said Agent's stead, shall violate any of the provisions of this Act, such body corporate shall forfeit and pay for each and every such offence, a sum not less than twenty-five, nor more than one hundred dollars. And each and every body corporate in this State, Banks not excepted, offending as aforesaid, shall be liable to forfeiture of charter.

Penalty for any person who may violate 2d sect. of this Act.

—for any bank.

—for any corporation.

Corporations liable to forfeiture of charter.

SECT. 5. *Be it further enacted*, That it shall be the duty of the Attorney General and the County Attornies, to prosecute for all offences against this Act, which may come to their knowledge.

Attorney Gen'l and County Attorneys to prosecute for offences against this Act.

SECT. 6. *Be it further enacted*, That any and every fine or forfeiture, in a penal sum, for any violation of the provisions of this Act, may be recovered by an action of debt to the use of any person who shall first sue therefor, *Provided, however*, That when such fine or forfeiture, so recovered, is fifty dollars or upwards, one half shall be to the use of the State; also, any fine or forfeiture as afore-

Action of debt may be brought for fines, &c.

—and suits under \$20 may be brought before Justice of the Peace.

—also liable to indictment.

Former Act repealed.

said, may be recovered by complaint before any Justice of the Peace, to the use of the State, when such fine or forfeiture is not more than twenty dollars, or by indictment, to the use of the State, in any Court of competent jurisdiction.

SECT. 7. *Be it further enacted,* That the Act entitled "An Act to regulate Banks by prohibiting the emission and circulation of Bank Bills or notes of a small denomination," passed March 21st, 1835, be, and the same is hereby repealed, *Provided,* that the repeal of the Act aforesaid shall not affect the rights of any party in any suit now pending.

[Approved by the Governor, March 19, 1836.]

Chapter 216.

AN ACT in relation to indictments against Towns for neglect to repair their Highways.

Only one indictment for bad roads to be found at one term, against a town.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That in no case shall there be more than one indictment found at any one term of any Court in this State against any one City, Town or incorporated Plantation for neglect to make and keep its roads and highways in repair in which indictment shall be inserted as many counts as may be necessary or convenient to describe the portions of roads and highways found to be out of repair.

Taxation of costs by prosecuting officer restricted.

SECT. 2. *Be it further enacted,* That in taxing costs on indictments against Cities, Towns and incorporated Plantations for defect in their highways, the prosecuting officer shall not be permitted to tax a greater number of days attendance at the term of the Court at which an indictment shall be found than the number of days the Grand Jury are in session at that term.

[Approved by the Governor, March 19, 1836.]