

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

NINETEENTH LEGISLATURE,

JANUARY SESSION, 1839.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

and smoked Fish, approved March twenty-second, eighteen hundred and twenty-one, as is inconsistent with this act, be and the same is hereby repealed.

[Approved by the Governor, February 6, 1839.]

Chapter 365.

AN ACT additional for the support and regulation of Mills.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That the toll for grinding, cleansing and bolting all sorts of grain, shall not exceed one sixteenth part thereof.

Toll not to exceed
one sixteenth
part.

SEC. 2. *Be it further enacted,* That every person who shall offend against the provisions of this act, shall forfeit the sum of five dollars, to be recovered with costs by an action of debt, to the use of any person who shall sue for the same.

Penalty for vio-
lation.

[Approved by the Governor, February 8, 1839.]

Chapter 366.

AN ACT for the relief of sureties on Poor Debtor's bonds, in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That in any action now pending, or which may be hereafter commenced, in the Supreme Judicial Court or Court of Common Pleas, on a bond given by any execution debtor or any person arrested on a warrant of distress, for discharge from arrest or imprisonment, if it shall appear that prior to the breach of any of the conditions of the same, the principal in such bond had been allowed by two Justices of the Peace quorum unus, or two Justices of the Peace and quorum, or a Justice of the

Remedy on Poor
Debtor's bond
where certain
Justices of the
Peace issued no-
tice to creditors,
or where notice
signed by debtor
was duly served
upon creditor or
his Attorney.

Peace and a Judge of any Municipal Court, to take and had taken before such Justices the Poor Debtor's oath, after notice of the intention of such debtor to disclose the state of his affairs and to take such oath issued by a Justice of the Peace upon the application of such debtor, or by written notice signed by the debtor himself, and served upon the creditor named in the bond or upon the Attorney of such creditor, the defendants shall have a right to have such action tried by a Jury, who shall find and assess the damages, if any, the plaintiff has sustained, or if in their opinion, he has not sustained any damages they may return a verdict for the defendants, notwithstanding there may have been in law a breach of the conditions of the bond. And the plaintiff in such action may introduce any proper evidence tending to show, that, the surety or sureties of such debtor had in his or their hands and possession at the time of the administration of said oath to said debtor, personal property, money, debts, credits or real estate of the property of such debtor, sufficient in whole or in part to pay the execution referred to in said bond. And if the Jury shall find a verdict for the plaintiff, judgment shall be rendered on the same without regard to the penalty in such bond.

Defendants entitled to a trial by Jury, in case no damages are found verdict to be for the defendant.

Plaintiff allowed to show property of debtor in hands of sureties at time of administration of the oath.

In case of verdict for plaintiff, judgment to be rendered without regard to penalty of bond.

SEC. 2. *Be it further enacted,* That in any such action now pending, or which may be hereafter commenced, before a Justice of the Peace or before the Judge of any Municipal Court either party shall have a right to introduce all such evidence as is authorized to be introduced by the first section of this act, and the Justice or Municipal Judge shall enter judgment for such damages as he shall find the plaintiff has sustained without any regard to the penalty in such bond. And all such actions, brought by appeal to the Court of Common Pleas, shall be tried in the same manner as if originally commenced in said Court; *Provided, how-*

Actions on bonds before Municipal Judge or Justice of the Peace, when the plaintiff prevails, the judgment for damages to be as in first section.

Appeals to be tried in the same manner as original actions in the Court of Common Pleas.

Proviso.

ever, that in no case shall the Jury or Justice of Municipal Judge give to the plaintiff a greater sum, in damages, than the amount of the debt and cost mentioned in the execution referred to in such bond, and interest on the same, together with the officers' fees thereon.

No greater damage to be recovered than original debt, cost and interest thereon and officers' fees.

When to take effect.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage, and all acts and parts of acts inconsistent with the provisions of this act be and hereby are repealed.

[*Approved by the Governor, February 8, 1839.*]

Chapter 367.

AN ACT limiting the powers of County Commissioners.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That from and after the passage of this act, no board of County Commissioners shall have power to lay out any road, or part of road, in any town or plantation in this State, unless said road or part of road shall connect said town or plantation with some other town or plantation, or unless said town or plantation shall refuse to lay out a road for any person or persons from some town or county road to the lot or lots of land on which such person or persons may live.

County Commissioners not authorized to lay out road in any town or plantation not connected with any other town or plantation.

Exception.

SEC. 2. *Be it further enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

Repeal of former acts.

[*Approved by the Governor, February 8, 1839.*]