

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.

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1839.

covered, shall at all seasons of the year, when toll shall be demanded for the passage of such Bridge, be suitably lighted, with not less than one sufficient light to seventy-five feet of said Bridge covered, commencing within twenty minutes after sunset and continued until ten o'clock of each evening.

At what time.

SEC. 2. *Be it further enacted*, That any corporation which has been, or may hereafter be empowered to erect a Bridge within this State, with the right to demand and receive toll for the passage of such Bridge; and does demand and receive toll, such Bridge being in whole, or in part covered, and which shall neglect or refuse to comply with the requirements in the first section of this act, shall forfeit and pay, two dollars, for each evening they shall neglect or refuse, to be recovered in an action on the case, in the name of any person who shall first sue for the same before any Court of competent jurisdiction, within the County where such Bridge shall be in whole or in part located. And shall also be liable to pay all damages which any person may sustain in consequence of such neglect.

Forfeiture for neglect.

How recovered.

Also liable for damages sustained.

[*Approved by the Governor, March 12, 1839.*]

Chapter 385.

AN ACT constituting Calais the Shire Town of the County of Washington.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That from and after the first Tuesday of December, in the year of our Lord one thousand eight hundred and forty, Calais, in the County of Washington, shall be, and hereby is, made the shire town of said County; and the terms of the Supreme Judicial Court, the Court of Common Pleas, and

Calais when to become shire town.

Judicial Courts to be holden at.

the Court of County Commissioners now or hereafter established to be held for said County, shall be held at Calais.

SEC. 2. *Be it further enacted,* That it is hereby made the duty of the County Commissioners, previously to said first Tuesday of December to provide at said Calais, and at the expense of said County, suitable buildings, offices and accommodations for the holdings of said Courts, for the deposit and safe keeping of the records, documents and papers pertaining to the public offices, and also for the transaction by the County officers of the business of the respective departments; and also a suitable jail for the safe keeping of such persons as may be committed or removed thereto.

Duty of County Commissioners to provide suitable public buildings.

SEC. 3. *Be it further enacted,* That on said first Tuesday of December, all the records, documents, books, papers and other property, pertaining to the office of the Clerk of the Courts, and of the Register of Deeds for the Southern District of the County of Washington shall be removed to and kept, and the business of said offices done at Calais; the records, documents, books, papers and other property, pertaining to the Probate Office, shall be removed and kept at the County buildings in Calais.

Time when public records, &c. shall be removed.

SEC. 4. *Be it further enacted,* That the County Commissioners are hereby authorized to sell and convey or otherwise dispose of the lands and buildings, located at Machias, belonging to the County; also such furniture and other articles of County property as they may think inexpedient to remove to Calais.

County Commissioners authorized to sell lands, buildings, &c. of County, situate at Machias.

SEC. 5. *Be it further enacted,* That on said first Tuesday of December, the Sheriff of the County by himself or his Deputy or Deputies, shall remove thereto the prisoners who may then be in close confinement in the jail at Machias, after which the jail last mentioned shall no more be used as a public jail, but all commitments on legal process shall be to the jail at Calais.

Time when prisoners shall be removed.

Time when all processes shall be returnable, &c.

SEC. 6. *Be it further enacted,* That all writs, executions, warrants, citations, venires, or other process whatever, in suits, civil or criminal, which may have been issued and made returnable after said first Tuesday of December, to any term of any of the Courts aforesaid, shall be, and hereby are made returnable to and shall have day and hearing at the term of said Court holden at Calais, at the time appointed in such process.

Recognizances and bonds when to be returnable, &c.

SEC. 7. *Be it further enacted,* That in all recognizances and bonds conditioned for the appearance of any person or persons, or corporations at any term of a Court to be holden after said first Tuesday of December, at Machias, to answer, to shew cause or to testify, such person or persons, or corporation are hereby required to appear and answer, shew cause and testify at the term holden at Calais, on the day appointed in the recognizance or bond therefor; and a failure so to appear shall be held a forfeiture of the recognizance or bond.

Forfeiture upon failure to appear.

Debtors giving bonds to surrender themselves at jail in Calais.

SEC. 8. *Be it further enacted,* That in any jail bond, by which any person may be bound to appear, or surrender himself at the jail in Machias, at a day subsequent to said first Tuesday of December, it shall be his duty to appear and surrender himself at the jail in Calais, instead of Machias; and a neglect so to do shall be held a breach of the condition of the bond; and if any debtor, committed on execution, shall have cited his creditor to appear at the jail house in Machias, to shew cause why he should not be discharged on taking the poor debtor's oath, and the jailor's office shall in the mean time have been removed to Calais, the said parties shall be held to appear at said office in Calais at the time appointed, instead of the jail house in Machias.

Creditors cited by their debtors when to appear.

All civil or criminal processes continued at Machias, to stand adjourned, &c. to same time at Calais.

SEC. 9. *Be it further enacted,* That all actions, suits, prosecutions, complaints, recognizances, indictments, bonds, informations and other matters or processes, civil or criminal, which shall on said first Tuesday of December stand continued, or

adjourned to any term of any Court to be holden at Machias, shall be considered and deemed to stand continued, or adjourned to the same term to be holden at Calais.

SEC. 10. *Be it further enacted,* That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby so far repealed as they may thus be so inconsistent. Acts repealed.

SEC. 11. *Be it further enacted,* That said County Commissioners shall be authorized and required in behalf of, and on the credit of said County, to make a loan of money upon the best terms they may be able, sufficient to defray the expense which shall be incurred by them in providing the buildings, offices, jail and other accommodations, required to be provided by them, by the provisions of the second section of this act; and that no County tax, including the amount of said loan or any part thereof, shall be assessed upon said County, until after the next State valuation, to be made in the year of our Lord one thousand eight hundred and forty. County Commissioners authorized to make a loan to defray expenses for providing public buildings, &c.

No County tax to be assessed therefor until,

SEC. 12. *Be it further enacted,* That this act shall not go into operation and become a law, unless a majority of the legal voters, who shall vote on said question in the several towns and plantations within the limits of said County, as said limits may be constituted on the second Monday of September next, shall vote in favor of the same, which votes shall be received, sorted, counted, declared and sealed up in the same manner as votes for Senators to the Legislature of this State, and said votes shall be returned into the Secretary of State's Office, on or before the twentieth day of October next, and it shall be the duty of the Governor and Council, as soon as may be, to open and examine said votes; and if a majority of the votes, legally returned, shall be in favor of a removal of the shire town of said County from Machias to Calais, the Governor shall Conditions upon which this act is to take effect.

Form of the article to be acted upon at the annual town meetings in September.

proclaim the fact by proclamation forthwith, and this act shall take effect from and after the date of said proclamation—and said town and plantation meetings for the purposes aforesaid, shall be called and notified in the usual manner, and shall be holden on the second Monday of September next, and an article shall be inserted in the warrants, calling said meetings, in the following words viz: “Shall all the Judicial Courts and County Offices in the County of Washington be located at Calais, instead of Machias, as they now are?” And the voters shall give in their ballots with the words “Yea” or “Nay” on that question: And it shall be the duty of the Secretary of State seasonably to furnish the Selectmen of each town and the Assessors of each plantation in said County, with one printed copy of this act, and a suitable number of blank returns.

Time when 12th section of this act shall take effect.

SEC. 13. *Be it further enacted*, That the twelfth section of this Act shall take effect and be in force from the passage hereof.

[*Approved by the Governor, March 12, 1839.*]

Chapter 386.

AN ACT relating to Days of Grace on commercial paper in certain cases.

Time when bills, &c. discounted or left at any Bank, shall be payable, &c.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That in all cases where bills of exchange, drafts or promissory notes, discounted at any bank, or left at any bank for collection, shall fall due on the fourth day of July (that being the last day of grace,) the same shall be payable on the day preceding; and in case of non payment, may be protested on such preceding day;