

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.

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Augusta:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

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1846.

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RESOLVES

OF THE

STATE OF MAINE,

1846.

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CHAP. 427. Kittery, two hundred and sixteen thousand, six hundred and sixty-five dollars.

Eliot, two hundred and two thousand, seven hundred and ninety-eight dollars.

South Berwick, three hundred eighty-four thousand, eight hundred and thirty dollars.

Berwick, one hundred sixty-nine thousand, two hundred fifty-eight dollars.

North Berwick, two hundred and forty-two thousand five hundred and five dollars.

Wells, three hundred and fifteen thousand, and sixty-two dollars.

Biddeford, three hundred and seventy-one thousand, one hundred and seventeen dollars.

Kennebunk port, three hundred sixty-five thousand, nine hundred and twenty-four dollars.

Kennebunk, five hundred and forty thousand, five hundred and seventy dollars.

Saco, ten hundred and thirty-two thousand, seven hundred and twenty-three dollars.

City of Portland, four million, sixty-one thousand, three hundred and three dollars.

Cape Elizabeth, one hundred and twenty-seven thousand, three hundred and forty-two dollars.

Scarborough, two hundred sixty-three thousand, seven hundred and twenty-five dollars.

Aggregate valuation of York co.

And that the aggregate valuation of the county of York shall be established and fixed at seven million, two hundred and five thousand, six hundred and ninety-five dollars, instead of the aggregate value as now fixed by law; and that the aggregate valuation of the county of Cumberland shall be established and fixed at eleven million, five hundred and forty-two thousand, seven hundred and seventy dollars, instead of the aggregate value as now fixed by law.

—of Cumberland county.

[Approved June 15, 1846.]

### Chapter 427.

Resolves in relation to certain judicial proceedings.

Preamble and resolve in relation to certain papers destroyed in the office of Jacob Hill.

*Whereas*, the office of Jacob Hill, esquire, of Webster, was consumed by fire on or about the eighth day of April, in the year of our Lord one thousand eight hundred and forty-five, and many precepts, records and securities were also consumed by said fire, therefore

*Resolved,* That when in any action now entered in any of the courts of this state or before any justice of the peace, it shall be proved to the satisfaction of the court or justice, by affidavit of the plaintiff or otherwise, that the writ after proper service, was destroyed by said fire, it shall be the duty of such court or justice to allow the plaintiff to file a new writ, corresponding as near as may be with the one so destroyed, and proceed in such action in the same manner as if the original writ had been preserved and duly filed; and it shall be the duty of any officer, who may have made an attachment on such original writ, to return the same or make a certificate thereof on such new writ, and such attachment shall be preserved and deemed as valid as if the original writ with such return thereon had been preserved and filed; and when in any action pending as aforesaid, it shall be proved to the satisfaction of the court or justice, that any bond connected with or a part of said action was lost as aforesaid, the party who gave such bond may file a new bond of the same tenor and date with the bond so lost, which new bond shall have the same force and effect as the bond lost as aforesaid.

Plaintiff may file new writ, &c.

Duty of the officer on such writ.

*Resolved,* That whenever it shall be made to appear to the clerk of any court or any justice of the peace, that any execution issued from the office of such court or justice was destroyed by said fire unsatisfied, in whole or in part, it shall be his duty to issue a new execution in the same manner as if the execution so lost had been duly returned unsatisfied, in whole or in part.

Clerk may issue new execution, &c.

*Resolved,* That in any suit or controversy where any account books, notes, precepts, contracts, bonds, deeds, records, or other writings, would be legal evidence and it shall appear that such writings were destroyed by said fire, evidence of the contents of said writings may be used instead of the writings themselves; and in any case where such writings were properly in the possession of either of the parties to the suit or controversy in which evidence of their contents is to be used, such party shall be a competent witness to the loss and to the contents of such writings, and such party may be examined by the court or justice in relation thereto.

Suits and controversies on account of said papers, &c.

[Approved June 16, 1846.]