

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1848.

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

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1848.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1848.

Chapter 55.

CHAP. 55.

An act to repeal chapter nineteenth of the statutes passed in eighteen hundred forty-seven.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

The act entitled "an act additional respecting corporations," approved July twenty-eighth, eighteen hundred forty-seven, is hereby repealed.

[Approved August 7, 1848.]

Chapter 56.

An act to authorize partition of time between tenants in common of saw mills.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

When two or more persons are tenants in common of a saw mill, and cannot agree upon a division of the time during which each may occupy such mill, the time during which each tenant may occupy as aforesaid, may be set out to each tenant according to his interest therein, in the same manner that partition is now made between tenants in common of real estate, and the court making partition of such mill, shall have the power to make all necessary decrees and orders in relation to the rights between such parties as law and justice may require.

[Approved August 7, 1848.]

Chapter 57.

An act relating to judicial proceedings.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. Whenever in any action pending in any court in this state, it shall be proved to the satisfaction of said court by affidavit of the plaintiff in such action, or otherwise, that the writ after proper service, has been lost or destroyed by accident, it shall be the duty of said court to allow the plaintiff to file a new writ corresponding as near as may be with the one so lost

New writ may be filed in certain cases.

CHAP. 58.

or destroyed, and to proceed in said action in the same manner as if the original writ had been preserved.

When new execution may be issued.

SECT. 2. When it shall be made to appear to the satisfaction of either of the justices of any court in this state, by the affidavit of a creditor, his attorney or otherwise, that any execution issued from the office of the clerk of such court, has been accidentally lost or destroyed, which execution was unsatisfied in whole or in part, it shall be the duty of said justice of said court to direct the clerk thereof, to issue a new execution, for the amount ascertained to be due, in the same manner as if the execution so lost or destroyed had been duly returned, unsatisfied in whole or in part.

[Approved August 8, 1848.]

Chapter 58.

An act for the regulation of bowling alleys.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Power of mayor and aldermen, selectmen and assessors.

That the mayor and aldermen of the several cities, selectmen of towns, and the assessors of plantations, in this state, are hereby authorized and empowered to impose upon all bowling alleys within their corporate limits, such conditions and restrictions, not inconsistent with the constitution of this state, as in their opinion the public interest may require.

[Approved August 8, 1848.]

Chapter 59.

An act to authorize certain persons to prosecute and defend suits.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

In case of the death of a sheriff, deputy sheriff, coroner or constable, pending an action in favor of or against such officer, the party for whom he acted may prosecute and defend said suit in his own name.

In any action which is now or hereafter may be pending in the supreme judicial court, district court, or before any judge of a municipal court, or any justice of the peace, in favor of or against any sheriff, deputy sheriff, coroner or constable, to enforce any right, or for any act done in virtue of any precept directed to either of said officers, in case of the death of any