

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1856.

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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:

FULLER & FULLER, PRINTERS TO THE STATE.

1856.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1856.

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**Chapter 208.**

CHAP. 208.

An act making further provisions for laying out the money raised by towns for ways and bridges.

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

SECT. 1. Whenever any town shall raise money for making or repairing highways, townways and bridges, in accordance with the provisions of the seventy-fifth section of the twenty-fifth chapter of the revised statutes, or any other general law regulating the same subject, the town may direct the same to be expended by the road commissioners chosen by such town.

Road commissioners authorized to expend money of town for repair of highways, &c.

SECT. 2. This act shall take effect upon its approval by the governor.

[Approved March 1, 1856.]

**Chapter 209.**

An act to give jurisdiction in equity, in cases between copartowners of ships.

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

SECT. 1. The supreme judicial court shall have power to hear and determine, as a court of equity, all cases arising between copartowners of ships, for the adjustment of their mutual and respective interests in such property, and the accounts thereof.

S. J. court, jurisdiction in equity in cases between copartowners of ships.

SECT. 2. This act shall not apply to or affect any action now pending.

Not to apply to actions pending.

SECT. 3. This act shall take effect upon its approval by the governor.

[Approved March 12, 1856.]

**Chapter 210.**

An act in relation to the election of judges of probate, registers of probate, sheriffs, and judges of municipal and police courts.

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

SECT. 1. Votes for judges of probate, registers of probate, and sheriffs, respectively, shall be received, sorted, counted, and

Votes for certain officers, received and counted.

CHAP. 211.

Return of to be made to the office of secretary of state.

declared in like manner as votes for representatives, at the annual election in September, when, by the constitution, any of such officers are to be chosen and returns thereof made, sealed up and attested in the same manner as returns of votes for senators, shall be transmitted to the office of the secretary of state, within thirty days from the said second Monday of September.

Governor and council to examine and count the votes.

SECT. 2. The governor and council, on or before the first day of December in each year, shall open and compare the votes returned as specified in the first section of this act, and the person having a plurality of the votes for either of the offices aforesaid shall be notified by the secretary of state of his election, and being duly sworn, shall enter upon the duties of his office upon the first day of January following.

Persons having a plurality of votes to be declared elected.

Office, when to enter upon duties of.

Votes for judges of municipal and police courts, how counted, declared, &c.

SECT. 3. Votes for judges of municipal and police courts in cities, shall be received, counted, sorted, declared and returned in the same manner as votes for mayor, and the person having a plurality of votes for said office shall be notified of his election by the city clerk, and being duly sworn, shall enter upon the duties of his office on the Monday following the day of his election.

Votes for municipal and police judges in towns, how counted, declared, &c.

SECT. 4. Votes for judges of municipal and police courts in towns, shall be received, sorted, counted, declared and recorded in the same way as votes for selectmen, and the person having a plurality of the votes shall be notified of his election by the town clerk, and being duly sworn, shall enter upon the duties of his office on the Monday following the day of his election.

Plurality of votes to elect.

SECT. 5. This act shall take effect from and after its approval by the governor.

[Approved March 12, 1856.]

## Chapter 211.

An act regulating proceedings on demurrer.

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

Declarations adjudged defective on demurrer, may be amended.

SECT. 1. In all actions of law, whenever a demurrer to the declaration is sustained, and the declaration is adjudged defective, the plaintiff shall have leave to amend his declaration, if legally amendable, upon payment of the defendant's costs from the time of filing the demurrer till the decision thereon. And if the demurrer is overruled, the defendant shall have