

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, 1830, February 26, 1840,  
and March 16, 1842.  
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Augusta:
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1856.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1856.

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

leave to plead anew, upon payment of the plaintiff's costs from the time of filing the demurrer to the decision thereon, unless the court shall adjudge the demurrer frivolous, and intended merely for delay, in which case judgment shall be rendered on the demurrer. And such actions shall be continued on the docket of the county where they are pending until the next term after the determination of the issue arising upon the demurrer shall be certified by the clerk of the district to the clerk of the county. At such term judgment shall be rendered upon the demurrer unless the terms of amending the declaration, or of pleading anew, are complied with, and the amendments or new pleadings filed on or before the second day of said term. But in any action hereafter to be entered in court, the defendant shall have no benefit of this act, unless his demurrer shall be filed at the first term.

CHAP. 212.

Demurrer over-ruled, defendant may plead anew.—adjudged frivolous, judgment shall be rendered.

Actions, on plea of demurrer, to be continued.

Judgment rendered unless terms are complied with.

Demurrer shall be filed first term.

SECT. 2. The provisions of this act shall not apply to any action now pending.

Not applicable to actions pending.

SECT. 3. This act shall take effect from and after its approval by the governor.

[Approved March 12, 1856.]

Chapter 212.

An act to repeal an act additional to chapter one hundred and seventy of the revised statutes.

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

SECT. 1. The act entitled "An act additional to chapter one hundred and seventy of the revised statutes," passed March sixteenth, one thousand eight hundred and fifty-five, is hereby repealed.

Chap. 160, laws of 1855, repealed.

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

[Approved March 13, 1856.]

Chapter 213.

An act relating to the disclosures of poor debtors.

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

SECT. 1. One of the justices to hear the disclosure of a debtor may be selected by the debtor, the other by the creditor,

Selection of justices.