

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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1856.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1856.

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and seventy of the revised statutes," passed March sixteenth, one thousand eight hundred and fifty-five, is hereby repealed.

Chap. 160, laws of 1855, repealed.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.

CHAP. 214. his agent or attorney. If the creditor shall neglect or refuse to make selection of a justice at the time appointed for the disclosure, the second justice may be selected by the officer having the debtor in charge, or if the debtor is at large, by any officer who might legally serve the precept on which he was arrested. In case the justices so selected do not agree, they may select a third, and a majority shall decide. If said justices cannot agree on a third justice, he may be selected by the officer as above provided, in case of neglect or refusal of the creditor to make a selection.

—of third justice, in case of disagreement.

Sec. 46, ch. 148, R. S. repealed.

Chap. 88 of public laws of 1845, repealed.

SECT. 2. Section forty-six of chapter one hundred and forty-eight of the revised statutes, and chapter eighty-eight of the public laws of the year eighteen hundred and forty-five, are hereby repealed; but this act shall not affect disclosures already commenced.

[Approved March 13, 1856.]

Chapter 214.

An act providing for the appointment and duties of a recorder of the police court of Bangor.

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

Recorder, his appointment and duties.

SECT. 1. There shall be a recorder of said court, who shall always be a justice of the peace, and duly qualified as such, and shall be appointed by the governor, by and with the advice and consent of the council. He shall be duly sworn as recorder, and shall keep a fair record of the proceedings of the court, and deliver copies when required, for the same fees which are allowed to justices of the peace.

Fees.

Recorder's powers in absence of the judge.

SECT. 2. When the judge is absent, it shall be the duty of the recorder, and he shall have authority, to exercise all the powers of the judge, excepting the trial of issues in civil actions.

Justice of the peace, substituted in absence of the judge and recorder.

SECT. 3. If the judge and recorder are both necessarily absent, the judge may designate some justice of the peace duly qualified, to perform the duties of his office; or, if the judge should not so designate a justice of the peace, the recorder may do it.

Provisions, when office of judge is vacant.

SECT. 4. When the office of judge shall be vacant, the recorder shall finish the business before the court; and during the continuance of such vacancy, the justices of the peace, re-