

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.

Chapter 260.

CHAP. 260.

An act to increase the salary of the county attorney of the county of Oxford.

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

The salary of the county attorney of the county of Oxford, shall be three hundred and fifty dollars, instead of the sum now established by law. Salary \$350.

[Approved April 9, 1856.]

Chapter 261.

An act further defining the powers of justices of the peace in certain cases.

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

SECT. 1. Any justice of the peace residing in any city or town within which a municipal or police court now is or may be established, shall have the same jurisdiction and powers in all cases, as justices of the peace in the same county have or may have, except in such cases, matters and things as are within the exclusive jurisdiction of the municipal or police court in the city or town where such justice of the peace resides.

Jurisdiction of justices of the peace, residing in cities or towns in which municipal or police courts are established.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved April 9, 1856.]

Chapter 262.

An act granting to subsequent attaching creditors, the review of actions against their debtors.

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

SECT. 1. Any subsequent attaching creditor, may hereafter review actions against his debtor, if judgment in said action was rendered at the term when said action was entered, in like manner, and upon the same terms and conditions reviews are now granted to parties to civil suits, in chapter one hundred and twenty-three of the revised statutes; and whenever such review is granted the same shall be regulated and prosecuted according to the provisions of chapter one hundred and twenty-

Review of actions, by subsequent attaching creditors, against their debtors. Conditions of

CHAP. 263. four of the revised statutes, provided no proceedings for a review under this act shall be commenced after one year from the rendition of judgment in the action to be reviewed.

Limitation.

Petitioner required to file bond.

SECT. 2. Before the filing or entry of any petition for such review, the petitioner therein, shall deposit bonds duly executed with the court or clerk by whom the same is to be entered, payable to the original parties in such action, in such sums as said court or clerk shall respectively determine, with such surety or sureties as shall be approved by said court or clerk, conditioned to pay all such costs and damages as may arise, or be sustained by either party to such original judgment in case no review shall be granted, or the sum recovered in damages in the same shall not be reduced upon final judgment on review.

Conditions of bond.

Judgment and execution, when the sum originally recovered, shall be reduced.

SECT. 3. If upon such final judgment the sum originally recovered shall be reduced, judgment shall be rendered and execution issued for the difference with costs, the damages in such judgment not to exceed the amount of the petitioner's claim against his debtor; and said judgment shall be for the sole use and benefit of said petitioner, and shall operate a discharge and satisfaction of his claim against his said debtor to the amount of the sum recovered in damages as aforesaid, and the said petitioner shall have the right to enforce levy and collect the same for his own sole use and benefit; *provided*, that no action shall be reviewed under the provisions of this act, in which judgment has already been obtained.

Proviso.

SECT. 4. This act shall take effect and be in force from and after its approval by the governor.

[Approved April 9, 1856.]

Chapter 263.

An act to amend an act entitled "An act additional for the relief of poor debtors," approved August eleventh, one thousand eight hundred and forty-eight.

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

2d sect. chap. 85, of laws of 1848, repealed.

SECT. 1. The second section of the act aforesaid is hereby stricken out and repealed.

In actions on poor debtor's bond, damages may be assessed by jury or court, in certain cases.

SECT. 2. In all actions commenced, or which shall hereafter be commenced in any court upon any bond given by a debtor to obtain his release from arrest on mesne process or on execution or warrant of distress for taxes, if it shall appear that