

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, 1839, February 26, 1840,  
and March 16, 1842.  
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1856.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1856.

city as are cognizable by justices of the peace, and under similar restrictions and limitations. CHAP. 275.

SECT. 2. All warrants issued upon complaints for offenses committed within the limits of said city, shall be issued by the judge of said court, and shall be made returnable before said court, and no justice of the peace in said county of Waldo, shall, in any manner take cognizance of, or exercise jurisdiction over any crime or offense committed within the limits of said city, except as hereinafter provided; but nothing in this act shall be construed as prohibiting justices of the peace from exercising at all times all the power and jurisdiction given them by any laws of the United States.

Warrants for offenses committed in said city, shall be issued by the judge.
—shall be returnable before him.

SECT. 3. In case of death, absence or other disability of said judge, justices of the peace within said county may exercise the duties usually devolving upon them, during the continuance of such disability, and until such proceedings as are instituted during its continuance shall have the final adjudication of such justices; and any proceedings commenced by any of such justices before the passage of this act, may be completed by them.

Provision in case of disability of judge.

SECT. 4. This act shall take effect from its approval by the governor.

[Approved April 10, 1856.]

Chapter 275.

An act making further provision respecting the bonds of cashiers of banks.

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

SECT. 1. When the directors of any bank shall have determined the amount to be required as the penal sum in the bond of the cashier of such bank, they may authorize the same to be executed in the following manner. The principal shall be holden and bound in the whole of such penal sum, and the several sureties shall be holden and bound, respectively, for such several sums as they shall subscribe. Each surety, at the time of subscribing and sealing such bond, may express, in writing thereon, the amount for which he is so to be holden and bound, and the aggregate amount of all such several subscriptions by sureties, shall be not less than once and a half the amount so established as the penal sum for such bond, and a

Bonds of cashiers of banks.

Amount of the liability of principal and sureties.

CHAP. 276. bond so executed may be delivered and accepted by the directors, if deemed by them sufficient.

Proceedings in
suits upon such
bonds.

Judgment.

Executions.

Surety's right of
action for
indemnity.

—for contribu-
tion.

SECT. 2. Any suit upon such bond may be brought against all the parties thereto jointly, or against any one or more of the sureties, jointly or severally. In such suit against all the parties jointly, if the plaintiffs shall prevail, judgment shall be rendered against the principal for the whole amount of damages sustained by the plaintiffs, and against each surety, for the same amount, if it shall not exceed the sum for which he became holden and bound by his subscription; otherwise for such part of said damages as shall be equal to the sum so subscribed by him; and several executions may be issued under such judgment, against each of said parties, for the several amounts aforesaid, with costs. But only one bill of costs, except the fee for the execution, and officers' fees thereon, shall be collected under such judgment, and the sum first collected under such judgment, shall be applied, if sufficient, and, so far as necessary, in payment and satisfaction of costs of suit.

SECT. 3. Every surety shall have a right of action against his principal for indemnity, as in case of other liabilities on bonds, and any surety in such bond as is authorized by this act to be executed and given, shall have a right of action for contribution against any other surety, according to the principles of the common law.

[Approved April 10, 1856.]

Chapter 276.

An act to change the time of holding the May term of the supreme judicial court in the county of Lincoln.

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

Time of holding
May term,
changed.

SECT. 1. The supreme judicial court shall be holden on the third Tuesday of May, annually, at Wiscasset, within and for the county of Lincoln, instead of the first Tuesday of May, as is now prescribed by section fifteen of "An act concerning the supreme judicial court and its jurisdiction," approved April ninth, in the year of our Lord one thousand eight hundred and fifty-two.

Actions
commenced and
pending.

SECT. 2. All matters and things returnable to, and which would, but for the provisions of this act, have day at the term of said court provided to be held on the first Tuesday of May,