

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

1857.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26, 1840,
and March 16, 1842.

AUGUSTA:
STEVENS & BLAINE, PRINTERS TO THE STATE.
1857.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1857.

CHAP. 52.

Chapter 52.

An act additional in relation to the promulgation of the public laws.

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

Act of Feb. 28,
1865, not author-
izing the publi-
cation of the R. S.

The act passed February twenty-eight, eighteen hundred and fifty-five, entitled "An act for the promulgation of the public laws," shall not be construed to authorize the publication in any public newspaper, of the revised statutes of this state.

[Approved April 15, 1857.]

Chapter 53.

An act declaring all slaves brought by their masters into this state free, and to punish any attempt to exercise authority over them.

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

Slaves brought
into this state to
be free.

—if restrained,
how discharged.

—penalty for re-
straining of, &c.

SECT. 1. Any slave voluntarily brought into this state by his master, or with his knowledge or consent, shall thereby become free ; and if restrained of his liberty, he may on the writ of habeas corpus, be discharged from such restraint ; and any attempt by any person to restrain such slave of his liberty, or to exercise the authority of master over him, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

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

[Approved April 15, 1857.]

Chapter 54.

An act additional to chapter twenty-five of the revised statutes, relating to ways.

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

Presiding officer
at views, appoint-
ment, duties and
compensation of.

—proceedings in
case of a vacancy
of.

SECT. 1. Whenever a jury is ordered as provided in the eighth section of the twenty-fifth chapter of the revised statutes, the commissioners may appoint a person to preside at the view and hearing, who shall be sworn and allowed a compensation to be determined as hereinafter provided. When no person is appointed, or when the person appointed is absent, the officer who summoned the jury is to preside. The person presiding is to administer an oath to the jurors, for the faithful discharge of their duties ; to swear the wit-

nesses; to keep order and direct the course of the proceedings; to decide all questions of law arising on the trial, which would be proper for the decision of a judge; to instruct the jury upon any question of law when requested by either party; and to certify to the court with the verdict, the substance of any decision or instruction by him given, when any party shall request it.

SECT. 2. The jury are to view the premises; hear the testimony and the arguments of the parties or their counsel; and render a verdict signed by all of them, which is to be enclosed in an envelop with an endorsement thereon stating the contents, and is to be delivered to the officer having charge of them, who is to return it to the supreme judicial court, at the next term thereof to be held in the same county, with his doings, stating his own travel and attendance and that of each juror.

SECT. 3. Said court shall receive said verdict and certificate of the person presiding, and adjudicate thereon, and may confirm the verdict, or set it aside for good cause, reserving the right to except as in other cases; and if the matter shall have been determined by a committee, as provided in said chapter, their report shall be made to the next term of said court held in that county, and like proceedings shall be had thereon, as on a verdict returned as aforesaid.

SECT. 4. The clerk of said court shall certify such verdict, or report, as the case may be, with the final adjudication of the court thereon, to the commissioners at their next meeting after such adjudication shall be had; and if the jury shall not have agreed on a verdict, or the verdict or report been set aside by the court to which it was returned, or upon exceptions, the commissioners, on application therefor, shall order a new jury, or the parties may agree upon a new committee; and thereupon like proceedings shall be had as are herein provided.

SECT. 5. The verdict of the jury, or report of the committee returned to the court as before provided, and accepted and certified to the commissioners and by them recorded, shall be conclusive upon the parties to the proceedings.

SECT. 6. The party prevailing shall recover costs, to be taxed and allowed by the court to which the verdict or report shall have been returned and certified with it to the commissioners; and said court shall determine the compensation of the committee and of the person presiding at the trial by jury.

SECT. 7. So much of the twenty-fifth chapter of the revised statutes, as is inconsistent with the provisions of this act, is hereby repealed.

Jury, duties of.
—verdict of, to be rendered and returned to supreme judicial court.

Court shall receive and adjudicate any verdict, &c.

If matter be determined by a committee, proceedings in case of.

Clerk of court to certify verdict, &c., to commissioners.

Proceedings in case jury disagree, &c.

Verdict, &c., if accepted, to be conclusive on parties.

Prevailing party to recover costs.

Compensation of committee, &c., how determined.

Inconsistent statutes repealed.