

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

1858.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.

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1858.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1858.

CHAP. 16.

Process to be served by sheriff or deputy.

Duty of constable in possession.

Attachment in ordinary method, by what officer to be made.

When lien and other attachments, surplus over lien, how applied.

Admiralty powers of court.

Sects. 6 to 14, R. S. repealed, saving pending actions.

the writ shall be served by the officer who made such attachment, if he be qualified; otherwise, as in section eighth hereof:

SECT. 21. If when process issues under this act the vessel is under attachment by a sheriff or deputy sheriff, the process under this act shall be served by such officer; if under attachment by a constable, he shall yield possession of her to the officer having process under this act, together with the precept on which such constable had made his attachment, with a return thereon, setting forth the facts; and in all such cases the attachment shall hold good, subject to the legal priority of the lien claim.

SECT. 22. A vessel attached under this act may also be attached in the ordinary method, in suits against the owner of such vessel, and the attachment shall be made by the officer holding the vessel upon attachments made under this act, which attachments shall be good, subject to the legal priority of the lien attachments.

SECT. 23. When a vessel under attachment for liens, and also in the ordinary method, is sold by order of the court, and the proceeds are more than sufficient to satisfy the lien judgments, the surplus shall be paid to the officer to hold on the writs not founded on lien claims.

SECT. 24. The court, in the manner of a court sitting in admiralty, may make such orders and decrees as may be necessary for carrying out the provisions of this act according to their true intent and meaning.

SECT. 25. Sections six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of chapter ninety-one of the revised statutes are hereby repealed. This repeal shall not affect any actions brought to enforce lien claims, which are now pending.

[Approved March 15, 1858.]

Chapter 16.

An act relating to the discipline of the state prison.

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

Warden to keep record of conduct of convicts.

SECT. 1. The warden of the state prison shall keep a record of the conduct of each convict, and for every month that such convict shall appear by such record to have faithfully observed all the rules and requirements of the prison, and shall not have been subjected

to punishment, the warden shall recommend to the executive a deduction from the term of such convict's sentence, according to the following rule and proportion; for a convict under sentence for a term of less than three years, one day for each month of good conduct during said term; for a convict whose sentence is for a term of three years, or more, and less than ten years, two days for each month of good conduct during said term; and for all other convicts except those sentenced to perpetual imprisonment five days for each month of good conduct during said term.

CHAP. 17.

Warden shall recommend reduction of term of sentence in certain cases, rule of reduction.

SECT. 2. The record aforesaid, with the scale of deduction provided in the foregoing section, shall be submitted once in three months, by the warden to the governor and council.

Record to be submitted to the governor and council, quarterly.

SECT. 3. This act shall take effect from and after the first day of April, one thousand eight hundred and fifty-eight.

When to take effect.

[Approved March 18, 1858.]

Chapter 17.

An act to amend section twenty-four of chapter three of the revised statutes, relating to the election of assessors and subordinate officers of cities.

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

SECT. 1. Section twenty-four, chapter three of the revised statutes is amended by inserting after the word "cities" in the first line, the words "when their charters or acts additional thereto do not otherwise provide," so that the whole section, as amended, shall read as follows:

Ch. 3, sect. 24, R. S. amended.

SECT. 24. The assessors and subordinate officers of cities, when their charters or acts additional thereto, do not otherwise provide, shall be chosen on the second Monday of March annually, or as soon after as practicable and hold their offices one year therefrom, and until others are chosen and qualified in their stead.

When assessors and subordinate officers are to be elected.

SECT. 2. This act shall take effect when approved by the governor.

[Approved March 18, 1858.]