

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE.

1859.

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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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AUGUSTA:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.

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1859.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1859.

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CHAP. 56.

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

[Approved February 15, 1859.]

**Chapter 56.**

An act to enable cities and towns to procure the writing and publication of the histories of the same.

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

Towns authorized to procure histories and raise money therefor.

The inhabitants of cities and towns are hereby authorized and empowered to procure the writing and publication of the histories of their own cities and towns, and for this purpose, may raise such sums of money as may be necessary for the same, in the same manner as cities and towns are now authorized to raise money for necessary city and town charges.

[Approved February 15, 1859.]

**Chapter 57.**

An act to amend the act entitled "an act to establish a municipal court in the city of Portland," approved February twentieth, eighteen hundred and fifty-six.

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

Ninth section of act amended.

SECT. 1. That the act entitled "an act to establish a municipal court in the city of Portland," approved February twentieth, eighteen hundred and fifty-six, is hereby amended by striking out in the ninth section of said act the words "*and Thursday*;" so that said section may read as follows :

Court to be held on Monday.

SECT. 9. The municipal court shall be held on Monday of each week, at nine of the clock in the forenoon, and no civil process shall be returnable at any other time.

Tenth section amended.

SECT. 2. Said act is hereby further amended by adding to the tenth section thereof, the following words : "All writs issued by said court shall be under its seal and bear test of the judge, and shall be signed by the recorder;" so that the whole of the said tenth section may read as follows :

Recorder, how appointed and qualified.

SECT. 10. There shall be a recorder of said court, who shall always be a justice of the peace, and duly qualified as such, and he shall be appointed by the governor, by and with the advice 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. All writs issued by said court shall be under its seal and bear test of the judge, and shall be signed by the recorder.

СПАР. 58.

— his duties and fees.

Writs to be under seal of court.

— how signed.

SECT. 3. Said act is hereby further amended, by adding thereto the following section :

The costs recoverable by parties in said court shall be as follows : The plaintiff, if he prevail, shall be entitled to recover one dollar for his writ, and the defendant, if he prevail, shall be entitled to recover an attorney fee of one dollar; and all other costs recoverable by either party, shall be taxed as before justices of the peace.

Costs how to be taxed.

[Approved February 15, 1859.]

## Chapter 58.

An act for the protection of buoys and beacons.

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

Any person who shall moor any vessel, scow or raft, to any buoy or beacon placed by the United States in any of the navigable waters of this state, or who shall in any manner make fast thereto any vessel, boat, scow or raft, shall forfeit and pay fifty dollars; and any person who shall wilfully remove or destroy any such buoy or beacon, shall forfeit one hundred dollars, and be imprisoned in the common jail three months: said forfeitures may be recovered by complaint or action of debt, before any court competent to try the same, one half to the plaintiff or informer, and the other half to the county in which the trial shall be had.

Penalty for mooring vessels or rafts to buoys or beacons.

— for removing buoys or beacons.

— how recoverable.

[Approved February 19, 1859.]

## Chapter 59.

An act additional to chapter seventy-one of the revised statutes relating to sales of real estate by executors, administrators and guardians.

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

SECT. 1. Whenever any administrator, executor or guardian, duly licensed to sell and convey real estate, shall, before fixing on the time and place of sale, have taken the oath required of him by

Parol evidence of oath may be received in certain cases.