

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.

1859.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1859.

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.

CHAP. 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.

CHAP. 60.

— effect.

law; but if a certificate of such oath has not been returned to and filed and recorded in the probate court, on the trial of any action respecting said estate, parol evidence may be received of such oath having been administered; and if it shall appear that such administrator, executor or guardian was duly sworn, it shall have the same effect as though a certificate thereof had been returned, filed and recorded.

SECT. 2. This act shall be in force from and after its approval by the governor.

[Approved February 24, 1859.]

Chapter 60.

An act in relation to powers of notaries public.

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

Notaries may
administer
oath.

When a notary public is authorized by the laws of this state or of the United States, or by the laws of any other state or country to do any official act, he may administer any oath necessary to the completion or validity of such official act.

[Approved March 5, 1859.]

Chapter 61.

An act to amend section thirty-four of chapter seventy-six of the revised statutes, relating to adjournment of sales by officers in certain cases.

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

Ch. 76, sec. 34,
R. S. amended.

SECT. 1. Section thirty-four of chapter seventy-six of the revised statutes of this state is amended by adding the following, viz: and when said officer is unable by reason of sickness or otherwise to attend at the time and place appointed for the sale, any other officer who can legally serve the precept on which the sale is to be made, shall have power to adjourn the sale for any time not exceeding ten days, and if at the end of the adjournment the inability is not removed, may proceed to sell in the same manner as the officer appointing the time and place of sale might do, and he shall have authority to make all necessary returns, and do all acts in relation thereto in the same manner as the officer appointing the time and place of sale