

# 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. 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

might have done and with like effect, so that said section shall read as follows:

CHAP. 62.

SECT. 2. When the officer deems it for the interest of all concerned to postpone the sale, he may adjourn it for any time not exceeding seven days, and so on from time to time until a sale is made, giving notice at the time of each adjournment by public proclamation; 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 it 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 might have done and with like effect.

Officer may adjourn sale.

Other officer may further adjourn in certain cases and may sell and act with like authority.

[Approved March 5, 1859.]

### Chapter 62.

An act to provide for recording discharges of attachment on real estate.

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

SECT. 1. Whenever an attachment on real estate shall be dissolved in the manner specified in section thirty-three of chapter eighty-one of the revised statutes, the register of deeds for the county in which such attachment has been recorded, shall note the fact upon the margin of the record of the same, whenever there shall be produced to him a certificate of the clerk of the court in which the judgment for the defendant shall have been rendered, stating the fact that final judgment has been rendered for said defendant; and the clerk of the court shall give such certificate to any person applying for the same upon the payment of a fee of twenty-five cents.

Attachment dissolved, register of deeds to note fact on margin of record, upon certificate of clerk of courts.

Fees of clerk.

SECT. 2. An attachment of real estate may also be discharged by the plaintiff in the suit in which the same is made, by causing a discharge thereof, under his hand, to be entered on the margin of the record of said attachment, or by a certificate under the hand and seal of such plaintiff, and to be acknowledged before a justice of the peace, to the effect that said attachment, in whole or in part, had been and was thereby discharged; which certificate shall be received and recorded by the register of deeds, who shall enter a

Attachment, how to be discharged by plaintiff in suit.

Certificate of discharge to be recorded and