

# 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:**  
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1859.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1859.

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

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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

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reference entered.  
Fees of register of deeds.

reference thereto on the margin of the record of said attachment. The register of deeds shall receive twelve cents for entering a discharge of an attachment on the margin of the record, and twenty-five cents for recording said certificate, including the reference thereto as aforesaid.

SECT. 3. This act shall take effect when approved by the governor.

[Approved March 5, 1859.]

### Chapter 63.

An act to punish for intoxication.

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

Persons found intoxicated, how punished.

SECT. 1. Any person hereafter found intoxicated in any street, highway or public place, or found intoxicated in any private building or place disturbing the peace of the public, or of his own or any other family, shall be punished by a fine not exceeding five dollars, but if after conviction he is again guilty he shall be punished by a fine not exceeding ten dollars, or by imprisonment not exceeding sixty days; and such offence may be prosecuted before a justice of the peace or judge of a police or municipal court within thirty days after they are committed, but said judge or justice of the peace may remit said punishment in whole or in part whenever he shall become satisfied that the public welfare and the good of the prisoner may require.

— offence, how prosecuted.

— punishment may be remitted in certain cases.

— may be taken into custody until complaint can be made.

SECT. 2. Any such person found intoxicated as aforesaid may be taken into custody by any sheriff, deputy sheriff, marshal or deputy marshal, police officer or watchman and committed to the watch-house or restrained in some suitable place until complaint can be made and warrant issued against him.

Acts inconsistent repealed.

SECT. 3. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect when approved by the governor.

[Approved March 11 1859.]