

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1861.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1861.

tinued and there is no other trial justice of the same town, then such action at the time and place fixed upon in the continuance may be entered before and tried by some trial justice residing in the same county where the writ was returnable who may render judgment and issue execution accordingly.

SECT. 2. Trial justices are hereby allowed a fee of five cents for continuance in all actions other than criminal.

SECT. 3. The eighth section of chapter one hundred and sixty-four of the public laws of one thousand eight hundred and sixty, is hereby amended by adding to the end thereof these words, "or acts additional thereto or amendatory thereof."

[Approved March 13, 1861.]

CHAP. 27.

If inability is not removed at time of continuance, &c.

Fee for continuance.

Ch. 164, sec. 3, law of 1860, amended.

Chapter 27.

An act concerning bail.

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

SECT. 1. When a person is confined in jail for a bailable offence, or for not finding sureties on a recognizance, the amount of such bail or recognizance shall not be reduced by two justices of the peace and quorum, if the supreme court is in session in the county, or if a justice of such court is resident in the place where the person is confined.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[Approved March 13, 1861.]

Bail or recognizance not to be reduced by justice peace and quorum, if S. J. C. is in session in county, &c.

Inconsistent acts repealed.

Chapter 28.

An act for the detention and destruction of counterfeiting and gambling implements.

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

All tools, machines, dies, plates or materials provided for making counterfeit or spurious coin or for forging bank notes or other instruments, all burglar's tools or implements prepared or designed for committing the crime of burglary, all lottery tickets or materials for a lottery, or procured for the purpose of a lottery, all gaming apparatus or implements used, procured or kept to be used in gambling, when the same are found and taken by virtue of a search warrant, or found in the possession or under the control of any

Gambling tools, &c., how to be disposed of.

CHAP. 29.

person arrested for forgery, counterfeiting, burglary, selling lottery tickets or gambling, shall be safely kept by the direction of the court or magistrate having cognizance of the case so long as may be necessary for their being used as evidence on any trial, and as soon as may be afterward, they shall be burnt or otherwise destroyed by order of such court or magistrate, or of a justice of the supreme court.

[Approved March 13, 1861.]

Chapter 29.

An act additional to chapter one hundred and thirteen of the revised statutes for the relief of poor debtors.

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

Ch. 113, sec. 23,
R. S., amended.

SECT. 1. Chapter one hundred and thirteen of the revised statutes is amended in the twenty-third section, by inserting in the fifth line of said section after the words, "civil suit," the words "or by delivering himself into the custody of the jailer," so that the sentence will read, or if he is in jail on an execution in a civil suit or by delivering himself into the custody of the jailer he may apply.

Application of
poor debtor.

SECT. 2. This act shall take effect on its approval by the governor.

[Approved March 13, 1861.]

Chapter 30.

An act punishing the unlawful taking of horses, cattle and other property.

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

Unlawful
taking of
horses, &c.

Whoever wilfully, mischievously, and without right, takes or uses any boat or vehicle, or takes, drives, rides or uses any horse, ox, or any draft animal, the property of another, without the consent of the owner or other person having the legal custody, care or control of the same, shall be punished by fine, not exceeding three hundred dollars, or by imprisonment for a term not exceeding one year; *provided*, that nothing in this section shall be so construed as to apply to any case where the taking of the property of another is with the intent to steal the same, or, when it is taken under

Penalty.

Proviso.