

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

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Published by the Secretary of State, agreeably to Resolves of June 23, 1820,  
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1861.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1861.

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a claim of right, or with the presumed consent of the owner or other person having the legal control, care or custody thereof.\*

CHAP. 31.

[Approved March 13, 1861.]

### Chapter 31.

An act in relation to county officers.

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

No person shall be eligible to, or hold any county office unless he is a resident in said county.

Not to hold county office, unless resident of county.

[Approved March 13, 1861.]

### Chapter 32.

An act to restrict the jurisdiction of justices of the peace to trial justices.

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

SECT. 1. The criminal jurisdiction of justices of the peace and justices of the peace and quorum is hereby taken from such magistrates, and shall apply to trial justices and be restricted to their jurisdiction, reserving to any person aggrieved at a sentence of such magistrate the right of appeal therefrom, as provided in section fifteen and sixteen of chapter one hundred thirty-two of revised statutes, and such provisions of the laws of this state as give jurisdiction in and cognizance of crimes, offences, and misdemeanors to justices of the peace and justices of the peace and quorum are hereby repealed.

Justices of the peace, &c., criminal jurisdiction taken from.  
—and restricted to trial justices.  
—right of appeal.

SECT. 2. Trial justices shall be subject to all the provisions of section seven of chapter one hundred thirty-six of the revised statutes, and for any neglect thereof, shall suffer the penalties therein set forth, and it shall be the duty of trial justices to keep a true and correct docket of all examinations and trials had before them of persons accused of crime, offences or misdemeanors, setting forth therein a true account of all fines and forfeitures by them imposed, or received, upon convictions and sentences; and once in a year shall exhibit said docket to the county commissioners for the county in which such trial justice resides, at one of the regular sessions of said commissioners for their inspection, whose duty it shall be to examine such trial justice together with such docket

Trial justices subject to the provision of ch. 136, sec. 7, R. S.

—shall keep docket.

—and exhibit docket to county commissioners.

Duty of commissioners.

CHAP. 33.

relative to his having complied with all the requirements of the seventh section of said chapter one hundred thirty-six.

Neglect, &c., of trial justice to pay over fines, &c. Penalty. —how recovered and appropriated.

SECT. 3. If any trial justice who has received any such fine or forfeiture named in said seventh section, shall refuse or neglect to comply with the second section of this act, he shall forfeit and pay the sum of fifty-dollars to the use of the county where he resides, to be recovered in an action of debt in the name of the county treasurer of such county.

[Approved March 15, 1861.]

Chapter 33.

An act relating to the width of sleds used on certain roads.

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

Width of sleds on certain roads, regulated.

No person shall use a sled drawn by two or more horses or oxen on any public road in the county of Aroostook or on the road from Houlton to Princeton in the county of Washington, or on the road from Bangor to Mattawankeag in the county of Penobscot, less than four feet and four inches from outside to outside of runners in width, and any person violating the provisions of this act shall forfeit the sum of five dollars for each offence, for the use of the town or plantation in which the offence is committed.

Violation of this act. —forfeiture, how appropriated.

[Approved March 15, 1861.]

Chapter 34.

An act in relation to fire and marine insurance companies and actions on contracts of insurance.

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

Foreign insurance companies shall not by any condition, &c., in its charter, by-laws or contract, deprive the courts of this state of jurisdiction of actions against the company.

SECT. 1. No foreign insurance company making insurance on property within this state, or belonging to a citizen of this state, shall by any condition, stipulation or restriction in its charter, by-laws or contract of insurance, deprive the courts of this state of jurisdiction of actions against the company or limit the time of commencing such actions to a period less than two years from the time the right of action shall accrue.

Agent authorized by co. to receive applications, &c.,

SECT. 2. An agent authorized by an insurance company to receive applications for insurance or payments of premium, or whose name shall be borne on the policy, shall be deemed the agent