

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

FORTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1862.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1862.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1862.

CHAP. 124.

lieu thereof the following words: When their decision is returned and recorded, parties interested have the same right to appeal to the supreme judicial court in said county, and also the same right to have their damages estimated by a committee or jury as is provided in this chapter respecting highways; so that said section as amended shall read as follows:

Town way, neglect or refusal of municipal officers to lay out or alter.

Proceedings in case of.

County commissioners to hear and decide.

—appeal from decision of.

SECT. 22. When the municipal officers unreasonably neglect or refuse to lay out or alter a town way, or private way on petition of an inhabitant, or of an owner of land therein, for a way leading from such land under improvement to a town or highway, the petitioner thereof may within one year thereafter present a petition stating the facts to the commissioners of the county at a regular session, who are to give notice thereof to all interested and proceed to act thereon as provided respecting highways. When their decision is returned and recorded, parties interested have the same right to appeal to the supreme judicial court in said county, and also the same right to have their damages estimated by a committee or jury as is provided in this chapter respecting highways.

[Approved March 18, 1862.]

Chapter 124.

An act to limit costs recoverable by virtue of section eighteen of chapter eighty-two of the revised statutes.

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

Chap. 82, Sec. 18, R. S., amended.

SECT. 1. So much of section eighteen, chapter eighty-two of the revised statutes, which allows the plaintiff in an action more than single costs is hereby repealed.

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

[Approved March 18, 1862.]

Chapter 125.

An act to amend chapter eighty of the revised statutes, relating to sheriffs.

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

Chap. 80, Sec. 1, R. S., amended.

Section one of chapter eighty of the revised statutes is hereby amended by striking out of said section the word "Lincoln," and also by striking out of said section the words "within sixty days

after receiving his commission or being notified of his election," CHAP. 126.
and inserting in lieu thereof the following words: before receiving
his commission: so that said section as amended shall read as fol-
lows:

SECT. 1. Sheriffs shall be elected or appointed and hold their offices according to the provisions of the constitution, and their election shall be effected and determined as is provided respecting county commissioners by chapter seventy-eight, and shall enter upon the discharge of official duty on the first day of January following. Every person elected or appointed sheriff shall be duly sworn; and if for either of the counties of York, Cumberland, Kennebec or Penobscot before receiving his commission, shall give bond to the treasurer of the state, with at least three sufficient sureties, in the sum of forty thousand dollars; and if for either of the other counties, in the sum of twenty-five thousand dollars, conditioned for the faithful performance of the duties of his office, and to answer for all neglects and misdoings of his deputies.

Sheriff, election of.

—how determined.

—oath of.

Bond.

Conditions.

[Approved March 18, 1862.]

Chapter 126.

An act additional to an act relating to the disclosure of poor debtors, approved March nineteenth, eighteen hundred and sixty.

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

SECT. 1. Any debtor committed to jail by force of a writ of execution, shall be entitled to disclose upon such execution, in the manner and upon the notice provided by the act to which this act is additional.

Disclosure of debtor committed to jail on execution.

SECT. 2. The notice required may be served by the jailer or any competent officer.

—notice of, by whom served.

SECT. 3. The disclosure of a debtor committed as aforesaid shall be at the jail, and the debtor shall pay in addition to the charges required to be paid by section three of said act, the charges of the jailer before he shall be entitled to a discharge.

—where to be made.
—debtor to pay jailer's fees.

SECT. 4. In any disclosure whatever, upon mesne process or writ of execution, after the examination of the debtor, any other legal and pertinent evidence may be adduced by the debtor or creditor, and the debtor may be examined further afterwards, if either party interested may see fit.

Evidence adduced after disclosure.

SECT. 5. This act shall take effect when approved.

[Approved March 18, 1862.]