

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-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1864.

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.
1864.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1864.

Chapter 267.**CHAP. 267.**

An act in relation to the jurisdiction of trial justices, and the place in which justice actions shall be commenced.

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

SECT. 1. All actions between parties residing in the same county, returnable before any trial justice, shall be commenced before some such justice residing in the town where one of the parties has his residence, and if no such justice is in either town, then, before some such justice, if any, in an adjoining town, otherwise before any such justice in the county; and when the parties reside in different counties such action shall be commenced in the county in which the defendant resides, and before the nearest disinterested justice.

Trial justices, actions before when commenced.

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 All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

SECT. 3. This act shall take effect on and after its approval by the governor.

Approved March 25, 1864.

Chapter 268.

An act relating to reviews, writs of error, and judgments and executions therein.

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

SECT. 1. Property may be attached on petitions for review in the same manner as on original writs.

SECT. 2. In all actions of review now pending, or that may hereafter be commenced, if the original judgment shall be wholly reversed, judgment shall be entered in review for the full amount of such original judgment and costs, with interest thereon, and also for such further sum as the party prevailing in review, would have been entitled to recover as costs in the original cause, if in the opinion of the court, justice requires it; and in all actions of review, the party prevailing shall recover the costs to which he would have been entitled in the original action, unless the court shall otherwise order.

Actions of review judgment shall be entered for full amount of original judgment, &c.

SECT. 3. If the original judgment remains unpaid, it shall be cancelled by a set off entered of record in the judgment upon the writ of review; and execution shall issue for the balance only. If the original judgment has been paid, execution shall issue for the amount authorized by the provisions of this act.

—if remains unpaid shall be canceled by set-off and execution to issue for balance.

CHAP. 269.

Petition for review to reverse judgment, being made on original judgment void if reversed.

When there are several defendants, either may petition, &c.

Court upon motion, shall protect company-defendant from liability.

Inconsistent acts repealed.

SECT. 4. Where the petition for a review or a writ of error to reverse a judgment has been or shall be commenced within a year after a levy upon real estate has been made by virtue of any execution issued on the original judgment, such levy shall be void if such original judgment shall be finally reversed in either proceeding; but no implication shall arise from the language of this act that such is not already the law.

SECT. 5. When there are several defendants in the judgment sought to be reviewed or reversed, either may petition for a review or bring a writ of error, in the name of all such defendants, upon furnishing to each of his co-defendants, who may require it, such security against all liabilities that may arise therefrom as the court shall deem reasonable and just under all the circumstances of the case. And in any stage of the proceedings to review or reverse such judgment, the court shall upon motion of any co-defendant in the original judgment, make such order, and require such security as shall be sufficient to protect him from all liability that may arise therefrom.

SECT. 6. Any act or part thereof inconsistent herewith is repealed.

SECT. 7. This act shall take effect when approved by the governor.

Approved March 25, 1864.

Chapter 269.

An act amending an act providing bounties for soldiers.

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

Sec. 1, act of March 23, 1864, amended.

SECT. 1. No person enlisting in the naval service, shall be entitled to receive the whole bounty provided by the first section of said act, unless he shall enlist in said service during the war, not to exceed three years, being the same period for which soldiers entitled to said bounty are required to enlist, but shall receive a pro rata part thereof according to the term of his enlistment.

SECT. 2. This act shall take effect on approval.

Approved March 25, 1864.