

# 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-FOURTH LEGISLATURE

OF THE

## STATE OF MAINE.

1865.

---

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.  
1865.

---

PUBLIC LAWS

OF THE

STATE OF MAINE.

1865.

---

**CHAP. 332.** any non-commissioned officer or private shall be promoted to the rank of a commissioned officer, as soon as he shall receive the knowledge of such promotion, such notice being in each case a simple statement of the fact.

Secretary of state to furnish copies of this act to cities, &c.

SECT. 13. The secretary of state shall furnish an attested copy of this act to the municipal officers of the several cities, towns and plantations of the state, within twenty days after its approval by the governor.

Inconsistent acts repealed.

SECT. 14. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect and be in force from and after the first day of April, in the year of our Lord one thousand eight hundred and sixty-five.

Approved February 25, 1865.

### Chapter 332.

An act to amend chapter one hundred forty-two of the revised statutes, relating to the reform school.

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

Chap. 142, R. S., amended.

Government of reform school vested in a board of five trustees appointed by governor.—how commissioned.

Compensation.

Duties of trustees.

Superintendent, how appointed.

Appointment of other officers.

Chapter one hundred forty-two of the revised statutes is hereby amended by striking out all of the first section and inserting the following as a new section thereof:—*The government of the state reform school established for the instruction, employment and reform of juvenile offenders, in the town of Cape Elizabeth, in the county of Cumberland, shall be vested in a board of five trustees, who shall be appointed by the governor with the advice of the council, and commissioned to hold their offices during the pleasure of the governor and council, but not more than four years under one appointment. They shall be allowed ten cents a mile for their actual travel each way, and two dollars a day for their services when actually employed; and shall take charge of the general interests of the institution, see that its affairs are conducted in accordance with the requirements of the legislature, and of such by-laws as the board from time to time adopt for the orderly and economical management of its concerns; see that proper discipline is maintained therein; provide employment for the inmates and bind them out, discharge or remand them as is hereinafter provided; appoint a superintendent subject to the approval of, and during the pleasure of the governor and council, and appoint such other officers as in their judgment the wants of the institution require; prescribe the duties of all the officers thereof, exercise a vigilant supervision over its concerns, remove its subordinate officers at pleasure and appoint others in their stead, determine the compensation to be allowed them subject to the approval of the governor and*

*council; and prepare and submit to the inspection of the governor and council, a code of by-laws which shall be valid when sanctioned by them.* CHAP. 333.  
By-laws.

Approved February 25, 1865.

### Chapter 333.

An act additional to chapter eighty-one of the revised statutes, relating to civil actions.

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

SECT. 1. Any defendant, or any one or more of several defendants whose real estate or interest therein, or whose personal property, is attached on mesne process may have the same released from such attachment by giving the security authorized by this act. Defendants may cause attachment of their property to be released.

SECT. 2. If real estate or any interest therein, is attached, he or they may apply to any justice of the supreme judicial court in term time or vacation by petition in writing briefly setting forth the names of the parties to the suit, the court and county in which the same is returnable or pending, the fact of the attachment, the particular real estate, or interest therein, which he or they desire to have released therefrom, the value of the same, and that the petitioners desire to have the benefit of this act by giving the security herein provided. Petition.

SECT. 3. Such justice shall issue a notice in writing which shall be served on all the persons living in the state who are parties to the suit, and also upon the attorney of the plaintiff, not less than ten days before the time therein appointed for hearing the parties. Notice to be issued.

SECT. 4. If it shall appear upon the hearing that the real estate, or interest therein, described in the petition, is of equal or greater value than the amount of property directed to be attached in the writ, the justice shall direct the party petitioning to give bond to the plaintiff in such sum, and with such sureties, as he may order, with condition that the judgment which the plaintiff may recover in the suit, and his costs on the petition, shall be paid within thirty days after such recovery. If it shall appear that such real estate, or interest therein, is of less value than the amount directed to be attached, the condition of the bond shall be varied so as to require that a sum equal in amount to the value thereof as found by the justice, shall be paid on such judgment, together with the costs on the petition as aforesaid, within thirty days after the recovery thereof. Bond required by justice.

SECT. 5. The petition and proceedings thereon shall be filed in the office of the clerk of the court in which the suit is returnable Petition, &c.