

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1874.

PUBLIC LAWS

OF THE

STATE OF MAINE.

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in the county where he was arrested, claiming the benefit of the oath authorized in section thirty; or if he is committed or has delivered himself into the custody of the jailor, he may apply to a justice of the same county, or, at his request, the jailor shall apply in his behalf, and in either case the justice shall appoint a time and place for his examination and issue a citation to the creditor, under his hand and seal, which citation may be in substance as follows:

STATE OF MAINE.

— ss. To ——. You are hereby notified of the desire of the debtor as expressed in the foregoing application, and that I have appointed —, the — day of —, in the year of our Lord —, at — of the clock in the — noon, and the — of — in —, in said county, as the time and place for said examination. And you are hereby notified to be present and select one of the justices, and be heard in said examination.

Form of citation to creditor.

Give under my hand and seal at —, in said county, the — day of — A. D. —.

— Justice of the Peace.

SECT. 2. Chapter one hundred and twenty-two of the public laws of eighteen hundred and seventy-three is hereby repealed.

Ch. 122, laws 1873, repealed.

SECT. 3. In no case of disclosure by virtue of any of the provisions of chapter one hundred and thirteen of the revised statutes or acts amendatory thereof, shall a creditor be cited or notified to attend for the purpose of hearing a disclosure upon any island in this state, unless at the time of said disclosure the debtor so disclosing resides upon such island, and was arrested in the county where the same is situated. And all disclosures made in violation of this section shall be void.

Certain disclosures void.

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved February 28, 1874.

Chapter 199.

An act relating to the unfinished records of deeds, made by the late register of deeds for Cumberland county.

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

SECT. 1. The record of any instrument in Cumberland county incomplete by reason of failure of the late register of deeds for said county to certify on the book where such record is entered, that such record is a true copy of the original instrument, shall

Unfinished records in Cumberland county made valid.

CHAP. 200. nevertheless be prima facie evidence that the same is duly recorded, and such record shall be prima facie evidence of the contents of the original instrument; and copies of such record may be used for all purposes for which office copies of deeds may now be legally used.

Certain powers may be exercised by persons holding said office five years after vacancy.

SECT. 2. The power conferred by revised statutes, chapter seven, section thirteen, or any act amendatory thereof, shall be exercised by any person or persons holding the office at any time during five years after the said vacancy may have occurred.

Certificates, how made.

SECT. 3. No certificate shall be made as authorized in said section thirteen, or any act amendatory thereof, except upon comparison by the register making the certificate of the original instrument with the record thereof, and such certificate shall in all instances state the date when it was made, the fact of comparison, and the date when the original instrument was left for record; but shall be only prima facie evidence of the last fact.

Approved February 28, 1874.

Chapter 200.

An act to amend section fourteen of chapter one hundred and sixteen of the revised statutes, relating to costs of parties.

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

Sec. 14, ch. 116, R. S., amended.

All of section fourteen of chapter one hundred and sixteen of the revised statutes, between the thirteenth and twenty-fifth lines of said section, is stricken out, and the following substituted:

Costs for travel in civil suits, how taxed.

'Costs for travel shall be taxed for the prevailing party in civil suits, according to the distance of said party or his attorney who resides nearest to the place of trial, unless said prevailing party or his attorney who resides farthest from said place of trial, actually travels the greater distance for the special purpose of attending court in such cause, in which case costs for travel shall be taxed for said last named distance, and when the action is in the name of an endorsee, and the plaintiff is the prevailing party, such costs for travel shall be taxed according to the distance of the attorney, payee or endorsee, who is nearest to the place of trial, unless the attorney, payee or endorsee, residing the greater distance from said place of trial, actually travels such greater distance for the special purpose of attending court in said cause. But no costs for travel shall be allowed for more than ten miles distance from any justice, municipal or police court, nor more than forty miles distance from any other court, unless the plaintiff prevailing actually travels a greater distance, or the adverse

No cost allowed for travel beyond a certain distance.