

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1876.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1876.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1876.

CHAP. 112.

Chapter 112.

An act to amend chapter sixty-one of the Revised Statutes, in relation to the Rights of Married Women.

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

Sec. 5, ch. 61, R. S., amended.

SECT. 1. Section five of chapter sixty-one of the revised statutes, is amended by adding at the end of the first line, after the word "equity," the following: 'either of tort or contract, in her own name, without the joinder of her husband;' and in the second line, after the word "property," the following: 'and personal rights, or for the redress of her injuries;' and in the third line by adding the following: 'and the husband shall not settle or discharge any such action or cause of action without the written consent of the wife,' so that said section as amended shall read as follows :

A married woman may defend suits at law alone.

'SECT. 5. She may prosecute and defend suits at law or in equity, either of tort or contract, in her own name, without the joinder of her husband, for the preservation and protection of her property and personal rights, or for the redress of her injuries, as if unmarried, or may do it jointly with her husband, and the husband shall not settle or discharge any such action or cause of action without the written consent of the wife. Neither of them can be arrested on such writ or execution, nor can he alone maintain an action respecting his wife's property.'

—may join with her husband.

SECT. 2. This act shall not apply to any case now pending.

Approved February 21, 1876.

Chapter 113.

An act to amend chapter thirty-seven of the Public Laws of eighteen hundred seventy-two, relating to foreclosure of mortgages on real estate.

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

Ch. 37, public laws of 1872, amended.

Chapter thirty-seven of the public laws of eighteen hundred seventy-two is hereby amended by adding thereto the following words: 'and shall apply to each and all the modes prescribed by statute for the foreclosure of mortgages on real estate,' so that section six mentioned in said chapter shall read as follows :

Right of redemption of mortgage three years.

'SECT. 6. The mortgagor or person claiming under him may redeem the mortgaged premises within three years next after the first publication, or the service of the notice mentioned in the preceding section, and if not so redeemed his right of redemption shall be forever foreclosed; *provided*, the mortgagor and

mortgagee may agree upon a less time, not less than one year, in which the mortgage shall be forever foreclosed, which agreement shall be inserted in the mortgage and be binding on the parties, their heirs and assigns, and shall apply to each and all the modes prescribed by statute for the foreclosure of mortgages on real estate.'

CHAP. 114.

Parties may agree upon a less time.

Approved February 21, 1876.

Chapter 114.

An act to abolish the Death Penalty and to regulate the manner of Applying for Pardons in certain cases.

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

SECT. 1. The penalty of death, as a punishment for crime, is hereby abolished.

Penalty of death abolished.

SECT. 2. All crimes now punishable with death shall hereafter be punished by imprisonment at hard labor for life.

—crimes, how punished.

SECT. 3. Whenever any person who has been sentenced under the second section of this act shall desire to obtain a pardon, or a commutation of such sentence, he may present a written request to the justices of the supreme judicial court, in term time or vacation, asking that application therefor be made to the governor in his behalf, and shall therein set forth, specifically, the grounds on which such application for pardon or commutation of sentence is requested, and the facts which he expects to prove in support of the same, together with the names and residences of the witnesses by whom he expects to prove such facts; and with such request he shall present the affidavits of such witnesses, and a copy of all the evidence taken at the trial in which he was convicted, which evidence shall be taken and preserved, as provided in section seven, chapter one hundred and thirty-five, of the revised statutes.

Pardons, how obtained.

—application for, how made.

Request and statement of facts

SECT. 4. If upon examination of said request and the affidavits therewith presented, said justices shall be of the opinion that new and material evidence has been discovered which was not known, and could not, by the use of due diligence, have been obtained at the time of the trial, and which would tend conclusively to show his innocence, notwithstanding the evidence taken at the trial, they shall appoint a time and place for a hearing thereon, and order notice to be given to the attorney general and to the county attorney of the county in which such person was convicted, that they may appear in behalf of the state.

Court may appoint a hearing.

Order of notice to be given.