

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1879.

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Published by the Secretary of State, agreeably to Resolves of June 28,  
1820, February 18, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1879.

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and said magistrate may receive and pay over said costs to the county treasurer for the use of the county, and in case the same are not paid the magistrates shall return said execution to the county commissioners, for the use of the county. And the complainant shall have the same right of appeal as in civil cases. But if it appears that an offense has been committed and there is probable cause to charge the accused, and the offense is bailable and sufficient bail is offered, it shall be taken and the accused discharged; but if it is not bailable or no sufficient bail is offered, the accused shall be committed to prison to await trial. If the offense is within the jurisdiction of the magistrate he shall try it and award sentence thereon.

CHAP. 136.

order complainant to pay costs.  
Magistrates to receive costs and pay to county treasurer.  
Complainant have right of appeal.  
Proceedings if offense has been committed or if there is probable cause to charge the accused.

Approved February 28, 1879.

### Chapter 136.

An Act relating to Lien Claims.

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

SECT. 1. In all actions now pending or that may be hereafter brought to enforce a lien when the labor or materials were not furnished by a contract with the owner of the property to be effected, such owner may voluntarily appear and become a party to the suit. If he does not so appear, notice of the suit, such as the court orders, shall be given him, and he shall then become a party to the suit.

In lien actions when labor or material not furnished by contract with owner, he may appear voluntarily.  
If he does not appear notice to be given.

SECT. 2. In any such action, judgment may be rendered for the plaintiff against the defendant and the property attached, covered by the lien, or against either, for so much as shall be found due by virtue of the lien, and in case the amount due exceeds the amount covered by the lien, then a separate execution shall be issued to the plaintiff against the defendant for said excess, and the plaintiff may discontinue as to any defendant. The court may apportion costs as justice requires.

Judgment—how rendered.

Plaintiff may discontinue as to any defendant.  
Court to apportion costs.

Approved February 28, 1879.