STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
SIXTY-EIGHT.

AN ACT additional to chapter eighty-one of the revised
statutes, in relation to maintaining cross-actions against
persons not residents of this state.

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

SECTION 1.   When an action is brought by a person
2 who is not an inhabitant of this state, or who cannot
3 be found therein to be served with process, he shall be
4 held to answer to any action brought against him here
5 by the defendant in the first action, if the demands in
6 the two cases are of such a nature that the judgment
7 or execution in the one case can be set off against the
8 judgment or execution in the other.

SECT. 2.   If there are several defendants in the orig-
2 inal action, each of them may bring such cross-action

3 against the original plaintiff, and may be allowed to

4 set off his judgment against that which may be recov-

5 ered against himself and his co-defendants in like

6 manner as if the latter judgment was against himself

7 alone.

Sect. 3. The writ in such cross-action may be served

2 on the person who appears as the attorney of the plain-

3 tiff in the original suit, and such service shall be as

4 valid and effectual as if made on the party himself

5 within this state.

Sect. 4. The court in which the actions or either of

2 them are pending may order continuances as they think

3 proper or necessary to enable the absent party to de-

4 fend the action brought against him, and also to ena-

5 ble either party to set off his judgment or execution

6 against that which is recovered against him, but the

7 actions shall not be unreasonably delayed by the neg-

8 lect or default of either party.

STATE OF MAINE.

In House of Representatives, }
February 7, 1868. }

Reported from the Committee on Legal Reform, by Mr. SPAULD-
ING of Richmond.

S. J. CHADBOURNE, *Clerk.*