

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-NINTH LEGISLATURE

SENATE

NO. 99

In Senate, Feb. 21, 1919.

Reported by Senator Deering from Committee on Judiciary
and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

RESOLVE, Authorizing DeForest Keyes to Bring a Suit at
Law or in Equity Against the State of Maine.

Resolved, That DeForest Keyes of Oneonta in the county
2 of Otsego and state of New York, the grantee named in
3 certain deeds given by the state of Maine in the years
4 nineteen hundred and two and nineteen hundred and three
5 of lands the title to which was alleged to have been for-
6 feited to the state of Maine for non-payment of state and
7 county taxes for which deeds the said DeForest Keyes
8 paid into the treasury of the state of Maine in the year
9 nineteen hundred and two, seventeen thousand eight hun-
10 dred and ninety dollars and twenty-four cents (\$17,890.24),
11 and in the year nineteen hundred and three, four hundred

12 and fifty-five dollars and ninety-nine cents (\$455.99) and
13 the further sum of three hundred and sixteen dollars
14 (\$316.00) for which the said DeForest Keyes paid to the
15 then treasurer of state for the said deeds and for which
16 sums the said DeForest Keyes received no consideration,
17 be and he is hereby authorized to bring a suit at law or
18 a bill in equity or both in the supreme judicial court within
19 one year from the first day of October, 1919, at any term
20 or rule day thereof for the county of Kennebec or the
21 county of Cumberland or the county of Androscoggin or
22 the county of Penobscot against the state of Maine, and
23 the writ or subpoena issuing out of said supreme judicial
24 court under the authority of this resolve shall be served
25 on the secretary of state by attested copy thirty days be-
26 fore the return day thereof by the sheriff or either of his
27 deputies of any counties aforesaid and the conduct of said
28 suit or proceeding in equity shall be according to the prac-
29 tice of suits and proceedings between parties and suitors
30 in said supreme judicial court, and the attorney general
31 is hereby authorized and designated to appear in answer
32 to said suit or proceeding in equity to recover the moneys
33 due, if any, said DeForest Keyes by reason of said DeFor-
34 est Keyes having paid his certain moneys into the treasury
35 of the state of Maine as aforesaid; and any judgment that
36 may be recovered in such a suit at law or any sum decreed
37 to be due him in equity and good conscience in any equi-
38 table proceeding shall be payable from the treasury of the

39 state of Maine on final process issued by said supreme
40 judicial court in said suit at law or proceeding in equity
41 as aforesaid out of any money not otherwise appropriated,
42 and if the proceeding be in equity the justice of said court
43 hearing the same may determine what if anything may be
44 allowed for expense and counsel fees according to the usual
45 practice of proceedings in equity and if the proceeding be
46 at law costs may be taxed for the said DeForest Keyes
47 if he recovers in said suit. It shall be the duty of the
48 supreme judicial court or any justice thereof sitting in
49 equity in a proceeding brought by authority of this resolve
50 to determine on its merits without regard to defenses by
51 statute what amount, if any, is due on said claim under
52 the principles of the common law or the principles of
53 equity, and to such amount the said supreme judicial court
54 or any justice thereof is authorized to add such sum as
55 interest as is just and fair between said DeForest Keyes
56 and the state of Maine, and if the said DeForest Keyes
57 brings his suit at law as herein authorized by this resolve,
58 the cause shall be heard and tried without regard to statu-
59 tory defenses, and to the amount recovered, if any, the
60 presiding justice of said court or the jury hearing the cause
61 shall add interest as aforesaid.