

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

Judgment to conclude all parties.

seized of all such estate, to all intents and purposes whatever; and all judgments rendered on any inquest of office, taken by virtue of this Act, shall conclude all parties and privies thereto, their heirs and assigns so long as such judgment shall remain in full force.

If after State become seized for want of heirs, owner appear and recover the estate by legal process,

SEC. 6. *Be it further enacted,* That if after the State shall become so seized of such estate, as having accrued thereto for want of legal heirs, any person shall appear, and make out his right to the same, and shall in due process of law recover the same against the State, its grantee, assignee, or tenant, that the same estate shall nevertheless be liable to all expenses of improvement thereon made, over and above the rents and profits thereof; and the Attorney General, or the tenant, grantee or assignee of the State, shall be empowered to file a bill in equity in the Supreme Judicial Court of the county where the land is, for the recovery of the same; and a summons shall be issued, with a copy of such bill thereunto annexed, and served on the owner of such land or on his tenant, fourteen days before the sitting of the Court to which it may be returnable; and that the Supreme Judicial Court shall proceed to try the same, by a Jury or otherwise, according to the principles of the laws and Constitution of the State and shall issue an execution against such estate for the payment of such sum as shall be adjudged on such process; and the Sheriff or other officer to whom the same shall be directed, shall at public auction sell so much of the same lands as shall be sufficient to pay the same, with all charges, unless the same shall be otherwise discharged.

It shall still be liable for improvements above rents & profits,

the amount of which shall be ascertained on bill in equity in S. J. Court, to be filed by Attorney General or tenant, &c.

[Approved February 24, 1821.]

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CHAPTER XLIX.

An Act directing the manner of giving notice in certain cases.

Notice to be given in a Portland newspaper in certain cases.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That in every case, where any notice respecting real estate is now required by law to be given by advertisement, in one of the Boston

newspapers, or in the newspaper of the printer of the General Court, for the time being, such notice instead of being given in said Boston newspaper, or in the newspaper of the printer to the General Court, for the time being, shall hereafter, be given by advertising in one of the newspapers printed in Portland, and in one of the newspapers printed in the county where such real estate lies, or the the next adjoining county, if any such newspaper there be.

[Approved June 17, 1820.]

CHAPTER L.

An Act for giving Remedies in Equity.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That the Justices of the Supreme Judicial Court shall have power and authority to hear and determine in equity all cases of trust arising under deeds, wills or in the settlement of estates; and all cases of contract in writing, where a party claims the specific performance of the same, and in which there may not be a plain, adequate, and complete remedy at law. And the bill or complaint in such cases may be inserted in a writ of attachment or original summons, returnable to the same Court; and such writ be served on the adverse party as other writs of attachment, or original summons are by law to be served. And the said Justices of the Supreme Judicial Court shall have authority to issue all such writs and processes as may be necessary or proper to carry into effect the powers hereby granted: and to make from time to time all necessary rules and orders for the convenient and orderly conducting of the said business: *Provided*, the same be not repugnant to the constitution and laws of this State; and provided also that the cases of contract, to which this Act shall apply, shall be such only as shall be hereafter made in writing, or which have so been made since the tenth day of February in the year eighteen hundred and eighteen.

Equity powers given to Sup. Jud. Court as to trusts under deeds, wills, &c.

What kind of process to be used.

S. J. Court may use all necessary process to carry the powers granted into effect,

and make rules, not repugnant to Constitution and laws.

Limitation as to contracts within this Act.

SEC. 2. *Be it further enacted*, That in all causes brought before the Supreme Judicial Court of this State or before

Courts may exercise chan-