

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1826.

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PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28th OF JUNE, 1826.

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Portland.

PRINTED BY THOMAS TODD.....PRINTER TO THE STATE.

1826.

CHAPTER CCCXLIV.

AN ACT additional to "An Act for the settlement of certain equitable claims arising in real actions."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That in all actions, which may be brought for the recovery of any lands and tenements, the premises demanded shall be so defined and described in the declaration, that the defendant may know, with reasonable certainty, what lands and tenements are demanded; otherwise the Court, before whom any such action shall be pending, shall, on motion of the defendant, direct a nonsuit against the demandant, with costs of suit; unless they shall, for sufficient reasons, see fit, on equitable terms, to order an amendment.

In real actions demandant must describe with reasonable certainty what he claims.

SECT. 2. *Be it further enacted,* That in the actions aforesaid, a plea of the general issue shall not be taken, as an admission by the defendant, that he has possession of the premises demanded, or that he withholds the same from the demandant: And the Jury shall, on the evidence, consider, not only the question of title, but whether the defendant holds possession of the same, or any part thereof, and return their verdict accordingly.

General issue by defendant—effect of, and duty of jury in such cases.

SECT. 3. *Be it further enacted,* That if, in any such action, an issue in law shall be determined by the Court in favor of the demandant, the parties respectively shall be entitled to all the privileges respecting the increased value of the premises, by virtue of improvements, and the value of the premises without the improvements, which are, in the Act to which this is additional, provided in cases where the Jury try the cause, and find a verdict for the demandant.

Rights of parties in regard to betterments on issues at law.

SECT. 4. *Be it further enacted,* That, in any such action, the defendant may consent to the demandant's recovery of any certain part of the demanded premises, and offer and give notice of the same in open Court; which notice shall

Rights of parties in case of defendant's giving up part of premises demanded.

Proceedings
thereon.

be entered on the record: And if the demandant consent thereto, judgment shall be rendered on such consent, in the same manner, as on a verdict in favor of the demandant for such part recovered, and in favor of the defendant for the residue. But, if the demandant shall not consent to the said offer, and shall not recover judgment for any other part of the premises demanded, than shall have been offered, in manner aforesaid, he shall not recover costs after the entering of such notice on the record; but the defendant shall from that time recover his costs and have a separate judgment for the same.

[*Approved by the Governor, March 8, 1826.*]

CHAPTER CCCXLV.

AN ACT additional to "An Act to establish a Registry of Deeds for the Western District of Lincoln county."

Registry of Deeds
for Western Dis-
trict of Lincoln
county.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That all deeds, extents, instruments and conveyances affecting the passing of real estate situate in the Western District of Lincoln county, and required by law to be recorded; shall and may be recorded in the Registry of Deeds for said county of Lincoln till the second Tuesday of September next.

[*Approved by the Governor, March 8, 1826.*]

CHAPTER CCCLXVI.

AN Additional ACT to promote the sale and settlement of Public Lands.

Land Agent with
advice of Com-
missioners under
Separation Act to
explore and exam-
ine timber land
belonging to the
State;

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled, That the Land Agent of this State be authorized and directed, under the advice and consent of the Commissioners on the part of this State under the Constitution, in pursuance of*