

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

TENTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1830.

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Published agreeably to the Resolve of the 28th June, 1820.
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Portland :

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1830.

CHAPTER CCCCLXII.

AN ACT additional to an Act giving remedies in Equity.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That in all cases of fraud, trust, accident, or mistake, where there is not a plain, adequate and sufficient remedy by the rules of the common law, the Justices of the Supreme Judicial Court may administer relief according to the course of Courts of Equity; and may direct the forms of such process, and establish such rules and orders, not contrary to law, as they may deem necessary to carry these powers into effect in a summary manner.

Additional equity powers given to S. J. Court in cases of fraud, trust, &c.

SECT. 2. *Be it further enacted,* That the said courts shall have power to grant writs of injunction, whenever the same shall be necessary to prevent injustice, and any Justice of said Court may in such cases, issue writs of injunction in vacation to stay proceedings, or waste, until the end of the then next term of said Court, unless sooner dissolved. And the fees for all process and services arising under this act, shall, under the orders of said Court, be made to conform as near as may be, to the fees, from time to time, established by law in other cases of judicial process and proceedings.

S. J. Court may grant writs of injunction in vacation and establish fees.

[Approved by the Governor, March 10, 1830.]



CHAPTER CCCCLXIII.

An additional ACT regulating Judicial Process and Proceedings.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That in all actions upon any bond or penal sum for the performance of any covenants or agreements, and in all actions of covenant, the plaintiff may assign as many breaches as he may think

Actions upon Bonds and Covenants regulated.

fit, to which the defendant may answer generally, that he hath in all things kept and performed his said covenants and agreements; and in all actions upon any bond or penal sum as aforesaid, if the verdict be for the plaintiff, the judgment shall be as heretofore, for the amount of such bond or penal sum, and the jury shall ascertain by their verdict, the damages for such of said breaches as the plaintiff upon trial of the issue shall prove. And whenever upon oyer had of any bond for the performance of covenants, or of any deed with covenants, it shall appear that some of such covenants are in the affirmative, and some in the negative, the defendant may plead generally, as aforesaid, any law, usage or custom to the contrary notwithstanding.

SECT. 2. *Be it further enacted,* That in all writs of scire facias, the persons or property of those against whom they issue, shall be liable to be taken and held to respond to the judgment which may be rendered for the plaintiff, as in other actions; and said writs of scire facias may contain a direction to the officer who shall serve the same, for that purpose, as is prescribed by law to be inserted in writs of attachment.

Persons and property may be attached on writs of scire facias.

SECT. 3. *Be it further enacted,* That when a general verdict is or may be rendered for the plaintiff in a suit in which some of the counts are bad, and any one is good; or in any suit in which there is a wrong joinder of counts, no objection being made thereto by plea or motion in writing before the cause is given to the jury; the judgment shall not, for such reason, be arrested or stayed, or be subject to reversal on writ of error.

Judgment not to be stayed, &c. when part of the counts are bad, unless, &c.

[Approved by the Governor, March 11, 1830.]