

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.

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Augusta:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

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1846.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1846.

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of such delinquent institution, to recover the penalty established by CHAP. 221.  
the fifth section of this act.

SECT. 7. The thirty-second section of the seventy-seventh chapter of the revised statutes is hereby repealed. § 32, ch. 77, R. S. repealed.

SECT. 8. This law shall take effect from and after the first Monday of October, eighteen hundred and forty-seven. When to take effect.

[Approved August 10, 1846.]

### Chapter 221.

An Act to regulate the times of pleading certain pleas in real actions.

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

In all writs of entry, the defendant may plead that he is not tenant of the freehold, in abatement, but not in bar. And if any defendant would avail himself of the provisions of the ninth section of the one hundred and forty-fifth chapter of the revised statutes, his pleadings and brief statement shall be filed within the time required for filing pleas of abatement, and not after, except by special leave of the court and on such terms as the court shall direct. Writ of entry, time of pleading.

[Approved August 10, 1846.]

### Chapter 222.

An Act in addition to "an act establishing town courts," approved March twenty-second, eighteen hundred and forty-four.

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

SECTION 1. The first section of the act to which this is additional is hereby so amended as to give the justices appointed in pursuance of said act original jurisdiction of all suits of a civil nature, where the debt or other matter in demand does not exceed fifty dollars; and concurrent jurisdiction with the district courts, in suits from fifty to one hundred dollars, excepting actions where the title of real estate is put in issue by either party, or where a town is a party in the action. Jurisdiction of justices in civil suits.

SECT. 2. The second section of said act is hereby so amended that the governor with advice of council, may appoint one addi- When additional justices may be appointed.

**CHAP. 223.**

tional justice for any town having over one thousand and less than two thousand inhabitants, if requested by a legal vote of said town, passed at their annual meeting in March or April.

Time of holding courts.

SECT. 3. The sixth section of said act is hereby so amended that justices appointed in pursuance of said act, may hold their courts on the second, third or fourth Wednesday of each month, instead of the first, as now provided. If any of said justices shall determine to change the time of holding said court, they shall give public notice of such alteration in some public newspaper, published in the county where such justice resides.

Number of jury.

SECT. 4. The eleventh section of said act is hereby so amended that the jury mentioned in said act shall not consist of more than six persons, unless at the special request of one of the parties in the action, to be made to said justice before he issues a venire for the draft of jurors to serve on said trial.

When appeal shall not be allowed.

SECT. 5. The seventeenth section of said act is hereby so amended that no appeal shall be taken from the judgment of such justice where the judgment rendered does not exceed five dollars exclusive of costs.

[Approved August 10, 1846.]

### Chapter 223.

An Act respecting assignees.

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

Costs in actions brought by assignor for the benefit of any assignee.

SECTION 1. In any action hereafter brought in the name of the assignor of the cause of action, but prosecuted for the use and benefit of any assignee, his name and place of residence, if known, shall, at any time during the pending of such suit, if thereto required by the defendant, be endorsed upon the back of the writ or process, or further proceedings shall thereon be stayed in case of neglect or refusal so to do, when required as aforesaid ; and if such suit is not sustained, judgment for the defendant's cost shall be rendered against the plaintiff of record and assignee, in the same manner as if both had originally joined in said action.

Same subject.

SECT. 2. In any such suit, prosecuted as aforesaid, when the name of the assignee, for whose benefit the same is prosecuted, is not known to the defendant until after he shall have recovered judgment for his cost aforesaid against the plaintiff of record, such defendant may have and maintain a special action on the case