

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

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

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1846.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1846.

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

against such assignee, for his cost aforesaid, at any time within six years from the rendition of said judgment. **CHAP. 224.**

SECT. 3. Such judgment shall be subject to all the equities in set off in any suit between such assignee and defendant in the same manner and to the same extent as if said assignee were the plaintiff of record in the suit in which such judgment is rendered.

Judgment subject to all the equities in set off, &c.

[Approved August 10, 1846.]

Chapter 224.

An Act additional to "an act changing the times of holding the district court in the county of Somerset."

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

The district court for the county of Somerset shall be holden annually, on the first Tuesday of May, instead of the second Tuesday of May, as established by the Legislature at its present session, and so much of said act fixing the time on the second Tuesday of May, is hereby repealed.

Altering the time of holding the district court in Somerset county.

[Approved August 10, 1846.]

Chapter 225.

An Act in addition to an act modifying the government of the insane hospital and for other purposes, passed March twenty-second, eighteen hundred and forty-three.

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

SECTION 1. When any insane person shall be supported in whole or in part by any city or town in this state, or by himself or his friends, in the insane hospital, who may be unable longer to do so, the same application may be made and proceedings had, as is provided in the seventh section of the act to which this is additional; by and for the persons therein named.

Duty of mayor and aldermen and selectmen on application for the continuance of insane persons at the hospital.

SECT. 2. When any person, not an inhabitant of this state, and having no means of his own, nor friends liable for his support, shall be sent to the insane hospital, in conformity with any law of this state, the person conveying him or the town causing him to be conveyed, shall be entitled to a reasonable compensation for said services, to be charged with the bill for his support.

Compensation for services in conveying insane persons to the hospital.