

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# ACTS AND RESOLVES

PASSED BY THE

## TWENTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE,

A. D. 1848.

---

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

---

**Augusta:**

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1848.

---

PUBLIC LAWS

OF THE

STATE OF MAINE,

1848.

---

such officer, and no administration granted upon his estate, at the expiration of three months thereafter, the party for whose interest the said officer acted, shall have the right to prosecute and defend said suit to final judgment and execution in his own name, by entering his own appearance and giving such security for costs as the court or justice may direct.

CHAP. 60.

[*Approved August 8, 1848.*]

### Chapter 60.

An act relating to certain bankrupt defendants.

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

In any action where the defendant shall plead and rely upon his certificate of discharge in bankruptcy as a matter of defense, and where the said certificate was obtained after the commencement of the suit, such defendant shall recover no costs against the plaintiff till after the said certificate shall be obtained, pleaded and produced in court.

Costs against plaintiff, when recovered.

[*Approved August 8, 1848.*]

### Chapter 61.

An act giving further remedies to tenants in common.

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

SECT. 1. Whenever any joint tenant or tenant in common shall take and receive the whole of the rents, profits or income of the joint estate, or more than his share of the same, without the consent of his co-tenant, and shall refuse, within a reasonable time after demand, to deliver and pay to such co-tenant his share of such rents, profits or income, or of the just proceeds of the same, the said co-tenant, so deprived of his share as aforesaid, may have and maintain an action of special assumpsit to recover his said share against the tenant withholding the same.

Co-tenant may maintain an action of special assumpsit to recover his share.

SECT. 2. The like action may, in the same manner, be had and maintained against any two or more co-tenants, jointly,

Two or more co-tenants may join as plaintiffs.