

MAINE STATE LEGISLATURE

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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.

CHAP. 62. who shall take and withhold more than their share as aforesaid, against any other of their co-tenants; and any two or more co-tenants may join as plaintiffs for the recovery of their joint share and proportion as aforesaid, after demand, as aforesaid, by any one of their number.

[Approved August 8, 1848.]

Chapter 62.

An act to amend chapter fourteen of the revised statutes.

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

R. S. ch. 14, sec.
12.

SECT. 1. The twelfth and thirteenth sections of the fourteenth chapter of the revised statutes shall be amended by striking out the word "January" in the twelfth section and inserting "May"; and striking out the words "said day," in the sixth line, and inserting "the first day of the next January"; so that said twelfth section shall as amended be as follows:—

Estimates of
county taxes,
when made.

"SECT. 12. For the purpose of the assessment of any county tax, the county commissioners in the several counties, at their last regular meeting or session next before the first day of May, annually, shall make up and prepare estimates of the sums necessary to defray the expenses which have accrued, or may probably accrue for one year from the first day of the next January, including the building and repairing of jails and court houses and appurtenances, with the debts owed by the counties respectively."

SECT. 2. The thirteenth section shall be amended by striking out the word "January" in the sixth line and inserting "May"; so that the said thirteenth section shall as amended be as follows:—

To be recorded
and a copy trans-
mitted to the sec.
of state.

"SECT. 13. Said estimates shall be recorded by the clerk of said commissioners in a book provided and kept for that purpose; and a copy of said estimates shall be signed by the chairman of the county commissioners and attested by their respective clerk, who shall transmit the same to the office of the secretary of state, on or before the first day of May, annually, to be by him laid before the legislature."

[Approved August 8, 1848.]