

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

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1852.

~~~~~  
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.

1852.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1852.

CHAP. 268.

Chapter 268.

An act to amend the ninth section, article first, of the "act to provide for the education of youth," approved August twenty-seventh, eighteen hundred and fifty.

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

Sec. 9, art. 1,
act to provide
for the educa-
tion of youth,
amendment of.

SECT. 1. The ninth section, article first of the "act to provide for the education of youth" is hereby amended by inserting after the word "individual" in the third line of said section the word "annually."

SECT. 2. This act shall take effect and be in force from and after its approval by the governor.

[Approved April 22, 1852.]

Chapter 269.

An act to simplify proceedings in writs of error.

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

Reversal, recall
or correction of
error in judg-
ment, proceed-
ings in.

SECT. 1. In any process hereafter commenced to obtain the reversal, the recall or the correction of a judgment, for the cause of error contained in the judgment, process or proceedings, it shall not be necessary that any assignment of the error or errors be filed in the clerk's office, or that any writ or document be addressed to the court or any judge of the court, or to the justice of the peace, before whom the judgment was recovered ; or that the record, process or proceedings of the suit be authenticated by such court or any judge of such court or by such justice of the peace.

Writ of error.

SECT. 2. The writ of error may be a scire facias, issued substantially as follows, viz :

Form.

STATE OF MAINE.

[L. S.]

_____ ss. To the sheriff of our county of _____ or his
deputy, _____ Greeting.

We command you, that you make known unto _____ of _____ that he appear if he see cause, before our supreme judicial court to be holden at _____ within and for our county of _____ on the _____ to answer to _____ of _____ in a plea of error, whereas the said _____ alleges that in the process, proceedings and judgment had before _____ at _____ on _____ wherein the said _____ was plaintiff, and the said _____ was defendant, there occurred the

errors hereinafter specified, by which the present plaintiff was injured and for which he therefore seeks that said judgment may be reversed, recalled or corrected, as law and justice may require ; that is to say, the following errors, viz : —

Hereof fail not, and have you there this writ with your doings thereon.

Witness — esquire, at —, the — day of —.

Clerk.

SECT. 3. The scire facias shall allege and specify as many errors both of fact and of law, as the plaintiff in error may rely upon, and a transcript of the record, process and proceedings attested by the clerk of the court or the justice of the peace, before whom the judgment was recovered, shall, without further authentication, and without the introduction of the record, constitute competent evidence upon which the court may proceed in the trial ; and the court shall have power, on a suggestion of mistake in the transcript, to grant leave to amend.

Scire facias may specify errors, &c.

Transcript of record attested by clerk to be competent evidence.

Court may grant leave to amend.

SECT. 4. Nothing in this act contained shall be construed to prevent writs, processes and proceedings in error to be commenced and conducted in the mode heretofore used.

This act not to prevent proceedings in the mode heretofore used.

[Approved April 22, 1852.]

Chapter 270.

An act relative to the estates of persons under guardianship.

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

SECT. 1. When any person shall have contracted to convey land upon condition, and shall afterwards have become incapacitated by reason of insanity, from fulfilling the contract, his guardian is hereby empowered to convey such land according to the contract, whenever the condition of the same shall have been performed, and being accountable therefor upon his guardianship bond.

Guardians of insane persons authorized to convey land in certain cases.

SECT. 2. In granting to the guardian of an insane person a license to sell any land of his ward at private sale, it shall be left to the decision of the judge of probate whether any and what public notice shall be given by the guardian ; of the time and place of the private sale ; and such notice as he shall require if any, shall be inserted in the license, and shall be accordingly given by the guardian.

Sale of land by guardian of insane person, notice of, &c.