

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-FIRST LEGISLATURE

OF THE

## STATE OF MAINE,

A. D. 1852.

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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.

1852.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1852.

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same; for which services he shall receive one hundred dollars per annum, out of any unappropriated moneys in the treasury of the state.

CHAP. 275.

Secretary, pay for services.

[Approved April 23, 1852.]

### Chapter 275.

An act additional to chapter one hundred and twenty of the revised statutes.

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

SECT. 1. When an unmarried woman who is executrix or administratrix alone, shall marry, pending an action brought by or against her in said capacity the same may be prosecuted by or against any administrator de bonis non, on the same estate, after due notice given; and if after such notice, he shall not appear and become a party to the suit, judgment may be rendered against him in the same manner, as if he had voluntarily appeared; or, as if the suit had been originally commenced by or against him, and he had afterwards been non-suited or defaulted.

Administrators de bonis non, liability of, in certain cases.

[Approved April 23, 1852.]

### Chapter 276.

An act in relation to judgments of justices of the peace, who have deceased or removed from the state.

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

SECT. 1. In all actions now pending, or hereafter commenced in any court in this state competent to try the same, on a judgment declared in the plaintiff's writ to have been rendered before a justice of the peace within and for any county in this state, who, at the time of bringing such action, shall have deceased or removed from the state and whose records have not been deposited in the office of the clerk of the courts as required by law, the plaintiff may use a writ of execution issued by such justice in the judgment aforesaid, with a certificate of the plaintiff or his attorney on such execution, duly sworn to, that the same has not been satisfied, and such writ

Actions on judgment rendered by justices of the peace deceased or removed from the state, proceedings in.

**CHAP. 277.** of execution shall have the same effect in evidence on the trial of such action as a copy of the record of the original judgment or the record thereof itself could have, duly and legally authenticated.

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

[Approved April 23, 1852.]

### Chapter 277.

An act in relation to appeals for land damages in cities.

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

Land damages  
in cities, ap-  
peals from, &c.

**SECT. 1.** When any person entitled to claim an appeal from the decision of the city council respecting land damages sustained by the laying out of any street, shall die, either before or after entering such appeal in court, such appeal may be prosecuted to final judgment by the heirs or legal representatives of such appellant, and such heirs or legal representatives may become parties to such appeal in any stage of the proceedings.

Decease of  
parties.

**SECT. 2.** This act shall apply to any cases now pending, where any of the parties thereto have died during the pendency of the appeal.

[Approved April 23, 1852.]

### Chapter 278.

An act to amend chapter one hundred and five of the revised statutes.

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

Amendment,

**SECT. 1.** The eighteenth section of chapter one hundred and five of the revised statutes is hereby amended by striking out the words "the most ancient," and inserting the word "any" in both places where they occur before the words "adjoining county," so that the said eighteenth section will read as follows :

Estates how  
settled when  
the judge of

**SECT. 18.** Whenever any judge of probate, shall be interested either in his own right, or in trust, or in any other man-