

# 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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## CHAP. 279.

## Chapter 279.

An act in addition to an act entitled an "act concerning the supreme judicial court and its jurisdiction," approved April ninth, one thousand eight hundred and fifty-two.

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

Law questions raised in the district court, when heard.

SECT. 1. All questions of law however raised in the district court and which would have been entered and had day in the next term of the supreme judicial court for the county wherein the same were raised, as established by law prior to the passage of the act to which this is additional except upon demurrer filed with the agreement to waive the same, shall be entered and have day in the next law term of said court held within and for the judicial district in which said court is situated and also in the next term of said court held within and for the county wherein the same were raised for jury trials and having jurisdiction over business of that description.

Writs of exceptions, bills in equity, &c., when heard.

SECT. 2. All writs, exceptions, bills in equity, libels, recognizances, appeals and all processes whatsoever returnable to, or to be entered in the supreme judicial court as established by law, prior to the passage of the act to which this is additional, shall be returnable to and have day in said court, at any term thereof, held at the same time and place when and where it would have been held, and the same would have been returnable, if the act to which this is additional had not been passed, any thing in said act to the contrary notwithstanding.

SECT. 3. This act shall take effect and be in force from and after April thirtieth, eighteen hundred and fifty-two.

[Approved April 23, 1852.]

## Chapter 280.

An act to amend section seven of the one hundred and twentieth chapter of the revised statutes.

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

Sec. 7, ch. 120, R.S., amended.

The seventh section of the one hundred and twentieth chapter of the revised statutes, shall be amended by inserting between the words "die and or," in the first line of said section, the following word, "resign," so that said section as amended shall read as follows :

SECT. 7. When an executor or administrator shall die, resign, or be removed from office, pending an action brought by or against him, the same may be prosecuted by or against any administrator de bonis non, who shall be appointed 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.

Decease, &c. of executor or administrator, proceedings in case of.

[Approved April 23, 1852.]

Chapter 281.

An act regulating the survey of lumber on the Kennebec river.

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

SECT. 1. The governor hereby is authorized, with the advice of the council, to appoint some suitable person to be surveyor general of lumber, for the counties of Kennebec and Lincoln, and the town of Brunswick, in the county of Cumberland, and town of Fairfield, in the county of Somerset, to hold his office for the term of four years, unless sooner removed by the governor and council, who shall give bond with sufficient sureties to the treasurer of the county of Kennebec, in the sum of two thousand dollars, for the faithful discharge of his duty, to be approved by the governor and council, and shall be sworn to the upright and faithful performance of his trust. And said surveyor general shall be authorized and required to appoint such number of deputies, not less than ten, who shall be sworn to the faithful performance of their duties, and give bond therefor to the surveyor general, and may be removed by him at pleasure. *Provided*, that nothing in this act shall be construed to prevent any person or persons from completing any contract, heretofore made, with express reference to a survey by a particular individual.

Surveyor general of lumber for certain districts.

Term of office.

Bond of.

Deputies.

Bond of.

Proviso.

SECT. 2. In the survey and admeasurement of lumber, of the sorts, in this act hereafter mentioned, the following rules and regulations are hereby established. Pine boards and planks shall be divided into four sorts. The first sort shall be denominated number one, and shall include boards not less than one inch thick, straight-grained and free from rot, sap, knots and

Qualities of lumber, how divided.

No. 1.