

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1860.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26, 1840, and March 16, 1842.

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1860.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1860.

CHAP. 180. **SECT. 2.** All acts and parts of acts inconsistent with this act are hereby repealed; and this act shall take effect and be in force when it shall be approved by the governor.

Acts repealed.

[Approved March 19, 1860.]

Chapter 180.

An act to amend section five of chapter eighty-eight of the revised statutes, relating to partition of real estate.

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

Ch. 88, sec. 5,
R. S. amended.

The fifth section of chapter eighty-eight of the revised statutes is hereby amended by inserting in the third line thereof, after the word "earlier," the following words: "may in the discretion of the court, be permitted to appear and defend at any time before final judgment, on such terms as may be imposed," so that said section as amended shall read as follows :

When persons
not notified,
may appear.

SECT. 5. A person interested and not named in the petition, or out of the state, and not so notified as to enable him to appear earlier, may, in the discretion of the court, be permitted to appear and defend, at any time before final judgment, on such terms as may be imposed. And any person, defendant in an action at law, or respondent in a petition for partition, may jointly with others, or separately, by brief statement, without a plea of the general issue, allege any matter tending to show that partition ought not to be made as prayed for.

Pleadings, how
made.

[Approved March 19, 1860.]

Chapter 181.

An act in addition to "an act to establish the county of Knox."

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

Actions des-
cribed, to be
transferred
from Lincoln
and Waldo
counties to
Knox.

SECT. 1. That in addition to the actions required by section five of "an act to establish the county of Knox," to be transferred to said county of Knox, all actions which may have been commenced, or may be pending in the supreme judicial court, in the counties of Lincoln or Waldo on the thirty-first day of March eighteen hundred and sixty, wherein the defendant or defendants are alleged in the writ as residing within the limits of said county of Knox, and the plaintiff or plaintiffs are alleged in the writ as residing without

the counties of Lincoln or Waldo, as constituted after said county of Knox is established, and also all actions which may have been commenced or may be pending in said court in said Lincoln or Waldo counties, on said thirty-first day of March, eighteen hundred and sixty, wherein the plaintiff or plaintiffs, libelant, petitioner or petitioners, or any of them, are alleged in the writ as residing within the limits of said Knox county, shall in like manner be transferred to, be entered and have day in, and be proceeded with, in the said court, to be held in said county of Knox, the same as if they had been originally entered therein.

SECT. 2. The seventh section of chapter seven of the revised statutes is hereby repealed ; and all the records of deeds and other records and books, and other property belonging to, or connected with the registry of deeds, heretofore kept at Thomaston for the eastern district of the county of Lincoln, shall, when this act shall go into effect, become and remain the property of the said county of Knox ; and the register of deeds for said county of Knox shall have the custody of all the aforesaid records, books and property and also all papers left on file in said registry within and for said eastern district of said county of Lincoln.

Ch. 7, sec. 7,
R. S. repealed.
Registry of
deeds estab-
lished, and
books and
papers
transferred.

SECT. 3. The sheriff of said Knox county shall be duly sworn and give bond as provided in section one, chapter eighty of the revised statutes concerning sheriffs of other counties, in the sum of twenty-five thousand dollars ; and said chapter shall apply to said sheriff of Knox county, the same as to sheriffs of the other counties.

Sheriff, oath
and bond of.

SECT. 4. Section twenty-one of chapter eighty of the revised statutes is hereby amended by adding to said section the following words "and the sheriff of Knox four hundred dollars."

Salary of
sheriff.

SECT. 5. All matters and things pending in the probate courts for the counties of Lincoln and Waldo respectively, shall be acted upon, proceeded with and finally settled in those courts, the same as if the county of Knox had not been formed.

Probate matters
pending, how
to be settled.

SECT. 6. The clerk of the courts of said county of Knox shall issue venuries in due form of law for grand jurors to serve at the May term of the supreme judicial court for said county for the year eighteen hundred and sixty, at least twenty days before the first Tuesday of said May ; and the grand jurors returned to serve at said term of said court shall serve in the same manner, and with the same effect, power and authority as other grand jurors in other counties in the state, wherein such venuries were duly issued forty days before the second Monday of September, eighteen hundred and fifty-nine.

Grand jurors,
clerk to issue
venuries for.

—powers of.

SECT. 7. The treasurers of the several cities, towns and plantations composing the county of Knox, shall pay the amount for which their respective cities, towns and plantations are or may be assessed for their respective county taxes for the year eighteen

County taxes,
how to be paid.

CHAP. 181. hundred and sixty, in the counties of Lincoln and Waldo, to the treasurer of said county of Knox, at the same time and in the same manner that they would have been required by law to pay to the treasurers of the counties of Lincoln and Waldo, had the said cities, towns and plantations not been incorporated into the county of Knox.

Appointment of officers. SECT. 8. The governor, by advice and consent of the council, may appoint the officers named in the act to which this is additional, at any time after the approval of this act.

When to take effect. SECT. 9. The eighth section of this act shall take effect when this act is approved; the first seven sections shall take effect on the first day of April, in the year of our Lord one thousand eight hundred and sixty.

Sec. 3 of act to establish county, when to take effect. SECT. 10. Section three of the act to establish the county of Knox, approved March nine, eighteen hundred sixty, shall not go into effect until the first day of January, in the year of our Lord one thousand eight hundred and sixty-one, and a judge and register of probate are elected for the county of Knox according to the constitution, and in the meantime the courts of probate in the counties of Lincoln and Waldo respectively, shall have the same jurisdiction in all probate matters as they now have and would have if the county of Knox had not been created.

Probate jurisdiction. SECT. 11. Section ten of the same act is amended by striking out in the second and third lines the words "sheriff, judge and register of probate."

Sec. 10 of same, amended. SECT. 12. The county commissioners of said county of Knox shall have power to require the coroners mentioned in section nine of said act, to give new bonds for the faithful discharge of their duties as coroners, in such sum as said commissioners may deem reasonable.

Coroners, new bonds of. SECT. 13. The present judges of probate for the counties of Lincoln and Waldo respectively, shall continue and remain in office till the expiration of their terms of office, the same as if the county of Knox had not been created, notwithstanding they are now residents of said Knox county.

Probate judges continued in office. SECT. 14. The May term of the supreme judicial court for the county of Knox for the year eighteen hundred and sixty, and not afterwards, shall be held on the second Tuesday of May, instead of the first Tuesday, as provided by section two of the act to which this act is additional.

May term of Court for 1860, changed. SECT. 15. This act shall take effect on the first day of April, eighteen hundred and sixty, except sections eight and nine, which shall take effect at the time mentioned in those sections.

When to take effect.