

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1862.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

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1862.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1862.

CHAP. 140. SECT. 3. This act shall take effect from and after its approval by the governor.

[Approved March 19, 1862.]

Chapter 140.

An act additional to chapter ninety-four of the revised statutes entitled "forcible entry and detainer."

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

Chap. 94, Sec.
4, R. S.,
amended.

Complaint,
how made and
endorsed.

That section four of chapter ninety-four of the revised statutes be amended by inserting in the eighth line after the word "lies" in the last sentence of said section, the following words, to wit: or is out of the state, or sick or for other reasons unable to attend personally before said courts; so that as amended the last part of said section shall read as follows:—If the claimant lives out of the county where the estate lies, or is out of the state or sick or for other reasons unable to attend personally before said courts, the complaint may be made in his name, but be signed and sworn to by his agent or attorney, and if out of the state, it must be endorsed like writs; and in such case if a recognizance is required, any person may recognize in behalf of the claimant and shall be personally liable.

[Approved March 19, 1862.]

Chapter 141.

An act additional to chapter eighty-two of the revised statutes relating to demands in set-off.

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

Chap. 82, R. S.,
additional to.

Accounts in
set-off, when
may be filed.

SECT. 1. When two or more persons having joint or several demands against an estate which has been or shall be represented as insolvent, are jointly or severally sued by the administrator or executor of such estate, such joint or several demands may be filed in set-off by said defendants, or by either of them, as the case may be, at the first term of the court to which such action or actions shall be returnable, or at the first term after such representation of insolvency, if made after the commencement of such suit or suits or in suits now pending, at the first term after the passage of this act. And if upon trial a balance shall be found due to the defend-

ants, jointly or to either of them severally, judgment shall be entered for such balance jointly or severally, as the jury shall find or the court shall order, and such judgment or judgments shall be treated and disposed of as other judgments against insolvent estates. Nothing herein contained shall affect any suit now pending.

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

[Approved March 19, 1862.]

CHAP. 142.

Judgment, &c.

Chapter 142.

An act in relation to expenses of insane state paupers.

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

SECT. 1. The attorney general is directed to inquire into the legal settlement of all persons now in the insane hospital, and who have been supported by the state as state paupers, and he may require the aid of any county attorney in making any investigation thereon, without expense to the state. If on investigation the attorney general determines that any person so supported, had his legal settlement, when committed to said hospital, in any city or town in this state, he shall order the superintendent of said hospital, to notify the treasurer of such city or town to pay the expenses incurred by the state in the support of such pauper and interest on each year's expenses. Should the city or town notified neglect to pay such sum for ninety days after service of said notice, the attorney general shall commence, in any county he deems expedient, an action of debt in the name of the state against such city or town and prosecute the same, and if the legal settlement of such pauper is found to be in such city or town, judgment shall be rendered for the state, for the annual expenses incurred as aforesaid, and interest thereon from the close of each year after his commitment, and the statute of limitations shall not bar any part of such claim.

Insane state paupers, legal residence of, to be ascertained.

Cities and towns to pay expenses in certain cases.

Suits to be commenced in case of neglect.

Statute of limitation no bar.

SECT. 2. Depositions may be taken and used in any action commenced under this act, as in the trial of civil causes ; and this act shall take effect when approved by the governor.

Depositions taken and used.

[Approved March 19, 1862.]