

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

331

OF THE

FIFTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1873.

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

AUGUSTA:
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1873.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1873.

SECT. 3. Section thirty-four of chapter ninety-nine of the revised statutes is hereby repealed, but such repeal shall not take effect in any county until a commissioner or commissioners have been appointed under this act.

CHAP. 138.

Sec. 34, ch. 99,
R. S., repealed.

SECT. 4. Section eighty-two, chapter eighty-two of the revised statutes is hereby amended by striking out all after the word "witness" in the sixth line, so that the last clause of said section as amended shall read, 'and the husband or wife of either party may be a witness.'

Husband or wife
may be witnesses.

SECT. 5. Section nineteen, chapter one hundred and thirty-four of the revised statutes is hereby amended by striking out all after the word "witness" in the twelfth line, so that the last sentence of said section shall read, 'the husband or wife of the accused shall be a competent witness.'

Husband or wife
of the accused,
competent wit-
nesses.

Approved February 26, 1873.

Chapter 138.

An act to amend section twenty-three of chapter seventy-seven of the revised statutes, relating to interest on reports of referees.

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

Section twenty-three of chapter seventy-seven of the revised statutes is hereby amended by striking out the words "or acceptance," and inserting instead thereof the words, 'such verdicts or making such reports,' so that said section as amended shall read as follows:

Amendment.

'SECT. 23. Interest is to be allowed on verdicts and amounts reported by referees to be due, from the time of finding such verdicts or making such reports, to the time of judgments.'

Interest allowed
from finding
verdicts.

Approved February 26, 1873.

Chapter 139.

An act in relation to attachments in certain cases.

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

When the plaintiff in an action dies before the expiration of thirty days from the rendition of judgment in his favor, execution may issue as is now provided, and all attachments then in force

Attachments and
disclosures con-
tinued in certain
cases.

CHAP. 140. shall continue ninety days after the next term of the court in that county; and if the defendant was arrested on mesne process, and gave bond to disclose after judgment, he may do so after said next term without breach of his bond.

Approved February 26, 1873.

Chapter 140.

An act relative to the equity powers of the supreme judicial court.

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

Jurisdiction of
supreme judicial
court to adjust
matters in equity
between parties.

SECT. 1. The supreme judicial court shall have jurisdiction in equity between partners or part owners, to adjust all matters of the partnership between such part owners, compel contribution, make final decrees, and enforce their decrees by proper process in all cases where all persons interested within the jurisdiction of the court are made parties, notwithstanding there may be other persons interested, not within the jurisdiction of the court, who are not made parties; but in such cases no decree shall affect the rights of any person not a party to the suit, unless such person shall voluntarily become a party before final decree, except as hereinafter provided.

Rights of certain
persons not
affected

Partners or
co-tenants out of
jurisdiction of
court, rights, how
protected.

SECT. 2. In all such cases, the court shall have jurisdiction, if the case requires it, over all property of the partnership or cotenancy within the state, and the other partners or cotenants, out of the jurisdiction, may protect their interest by coming in at any time as parties to the bill; but, if there is no such property within the state, the jurisdiction of the court shall be limited to the adjustment of accounts and compelling contribution between the parties over whom the court has jurisdiction.

Agents or officers
restrained from
paying out money
without authority

SECT. 3. When any agent or officer of any county, city, town, school district, village corporation, or other public corporation, attempts to pay out the money of such county, city, town, school district, or other public corporation, without authority, the court may, upon the suit or petition of not less than ten taxable inhabitants thereof, briefly setting forth the cause of complaint, hear and determine the same in equity.

SECT. 4. This act shall not apply to pending cases.

Approved February 26, 1873.