

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1876.

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

AUGUSTA:
SPRAGUE, OWEN & NASII, PRINTERS TO THE STATE.
1876.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1876.

and proof of the facts aforesaid, the court may render judgment and execution thereon in his favor; subject, however, to any legal defence which the debtor might have if the action were instituted by the original creditor.

CHAP. 103.

Approved February 18, 1876.

Chapter 103.

An act relating to the framing of Issues in Equity cases.

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

SECT. 1. After the pleadings are filed, and before the testimony is taken in any suit in equity, the court sitting in the county where the same is pending may, at the request of either party, frame issues of fact to be tried by a jury; *provided*, that the party desiring such trial give notice thereof to the other party, by inserting such notice, if plaintiff in his replication, and if defendant, in his answer.

Court may frame issues of fact to be tried in equity cases.

Proviso.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

SECT. 3. This act shall not apply to any bill in equity now pending.

Act not to apply to cases pending.

Approved February 18, 1876.

Chapter 104.

An act to amend section sixteen of chapter seventy-one of the Revised Statutes, relating to sales of real estate by license of court.

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

Section sixteen of chapter seventy-one is hereby so amended that it shall read as follows, to wit:

Sec. 16, ch. 71, R. S., amended.

‘SECT. 16. When it appears to the judge of probate having jurisdiction, that any deceased person in his lifetime made a legal contract to convey real estate and was prevented by death from so doing, or that such deceased person, in his lifetime made such a contract to convey an estate upon condition, which in its nature could not be fully performed before the decease of such person, and that in either case the person contracted with or petitioner has performed or is ready to perform the conditions required of him by the terms thereof, he may on the petition of such person,

Judge of probate may authorize executor or administrator to convey estate on contract made by persons before decease.