

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 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.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.

CHAP. 105. his heirs, assigns or legal representatives, authorize the executor or administrator, or special administrator of the deceased, or when there is no executor or administrator, the guardian of the heirs of the deceased, to execute deeds to carry said contract into effect; and when such conveyance is made to an executor or administrator, he shall stand seized of such estate to the same uses as in case of real estate set off to him on execution.'

Conveyance,
when made, to
executor or ad-
ministrator.

Approved February 18, 1876.

Chapter 105.

An act to protect the rights of Railroad Stockholders and Bondholders.

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

Sec. 47, ch. 51,
R. S., amended.

Amend section forty-seven of chapter fifty-one of revised statutes, by striking out the words "or take the place of others holding the trust; but no trustee shall be thus removed until he is paid for all that is due him, and secured against all liabilities assumed by him as such trustee," between the words "vacancies," at the end of the fifth line, and the word "any," in the eighth line, and by inserting in the place of the words so struck out the words, 'when no other method for filling vacancies is specifically provided in the appointment, special law, or mortgage,' so that the said section, as amended, shall read:

Trustees of rail-
roads, vacancies,
how filled.

'SECT. 47. When a railroad corporation mortgages its franchise for the payment of its bonds or coupons, and trustees are appointed by it, or by special law, or by the mortgage, the bondholders, at a regular meeting called for the purpose and notified as hereinafter provided, may, from time to time, elect by ballot new trustees to fill vacancies, when no other method for filling vacancies is specifically provided in the appointment, special law or mortgage. Any party interested may present the proceedings of such meeting to the supreme judicial court, or to a justice thereof in vacation, who shall appoint a time of hearing, and order such notice to parties interested as he deems proper, and may affirm such elections, and make and enforce any decrees necessary for the transfer of the trust property to the new trustees. All such decrees shall be filed with the clerk of the court where the hearing is had, and recorded by him.'

S. J. court shall
appoint time of
hearing, may
order notice,
affirm elections
and enforce
decrees.

Decrees to be
filed with clerk
of courts.

Approved February 18, 1876.