

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

EIGHTEENTH LEGISLATURE,

JANUARY SESSION, 1838.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:
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1838.

Certain provisions of act of 1829 applicable to such divorces.

visions of the Act, to which this is additional, passed on the third day of March, one thousand eight hundred and twenty-nine, as to the issue of the marriage, as to the provision in favor of the libellant, and as to dower to be assigned in certain cases to the wife, shall be applied to all divorces decreed by virtue of this Act.

[Approved by the Governor March 23, 1838.]

Chapter 343.

AN ACT additional to "An Act for the limitation of actions real and personal, and writs of error."

Actions brought upon notes or contracts in writing, signed and attested, not barred by statute of limitations, although bro't in name of endorsee, &c.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the Act to which this Act is additional shall not extend to bar any action hereafter brought upon any note, or contract in writing, made and signed by any person or persons, and attested by one witness or more, whereby such person, or persons, has promised, or shall promise to pay to any other person, or persons, his or their order, or bearer, any sum of money, whether such action be brought in the name of the original promisee or promisees, his or their executors, administrators, or the endorsee or endorsees, assignée or assignees of such promisee or promisees, his or their executors or administrators, any law or usage to the contrary notwithstanding.

[Approved by the Governor March 23, 1838.]

Chapter 344.

AN ACT concerning the attachment of real estate.

In attachments of real estate returns &c. to be recorded in Registry of Deeds.

SECTION 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That when the real estate of any person or persons, or of any corporation, lying or being in any city, town or

plantation, or unincorporated place in this State, shall hereafter be attached on mesne process, by virtue of any writ or process, the officer making such attachment shall file an attested copy of the return by him made on said writ, in the office of the Register of Deeds in the county or district where such real estate lies, together with the names of the parties in such suits, the sums sued for, the date of the writ, and the Court to which the same is returnable, within five days after such attachment. And no attachment shall be deemed and considered as creating any lien upon real estate, unless such attested copies, as aforesaid, shall have been left with the Register of Deeds in the manner prescribed in this Act.

When attachment shall create no lien.

SECT. 2. *Be it further enacted*, That the officer making such attachment, and leaving such copies shall be entitled to tax and receive, in addition to his other fees, for making and leaving with such Register such copies, the sum of fifteen cents, and four cents a mile for actual travel, or such postage as is legally chargeable from the Post Office nearest the residence of such officer: *Provided, however*, that the return of the officer shall always be deemed and taken as sufficient evidence, that such attested copies as aforesaid have been left with the Register of Deeds, as is in this Act required.

Fees of officer.

Proviso.

SECT. 3. *Be it further enacted*, That it shall be the duty of such Register of Deeds aforesaid to receive such copies, and to minute on the same the time when they are received, and to keep the same on file for the inspection of those who may be interested, and shall enter the same in a book by him to be kept for that purpose, for which services he shall be entitled to receive of such officer ten cents, and the officer shall be allowed to tax the same in his fees.

Duty of Register.

Compensation.

SECT. 4. *Be it further enacted*, That it shall be necessary to the validity of the attachment made as aforesaid, that the plaintiff shall set out in his writ, specifically, the demand or claim on which his action

What necessary to render attachment valid.

may be founded, and that no claim shall be proved under the general counts for money had and received, money laid out and expended, or money lent and accommodated, unless the same claims are substantially set forth in other counts in the writ or process, or a specification of the claims intended to be proved, shall be annexed to the writ, an abstract or copy of which shall be filed with the Register of Deeds as aforesaid: *Provided*, it shall not be necessary to file the items of a book account.

Proviso.

Act when to take effect.

SECT. 5. *Be it further enacted*, That this Act shall take effect and be in force from and after sixty days from and after its approval by the Governor.

[Approved by the Governor, March 23, 1838.]

Chapter 345.

AN ADDITIONAL ACT relating to the assessment and collection of taxes, and partition of real estate.

Non-resident proprietors of lands held in common allow'd in certain cases to pay their proportion of the taxes assessed on the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That in all cases where State, county, or town taxes shall hereafter be assessed, pursuant to the laws of this State, upon land of non-resident proprietors held by two or more persons in common and undivided, it shall be lawful for either co-tenant, upon furnishing the State, county or town treasurer, either or all of them, according to the character of the tax or taxes so assessed, with an accurate description in writing of his or her quantum of interest in the land so taxed, to pay to such treasurer his or her due proportion of such tax, and upon such payment the interest of said co-tenant in such land shall be discharged and held free from all claim which the State, county or town might otherwise have therein.

Effect thereof.

No partition of real estate ordered until petitioner's tax has been paid.

SECT. 2. *Be it further enacted*, That no partition of real estate shall be ordered or decreed in any process of partition, hereafter to be commenced, until the