

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1856.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1830, February 26, 1840,  
and March 16, 1842.  
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1856.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1856.

in the year of our Lord one thousand eight hundred and fifty-six, by former statute, shall be returnable to, and have day at the term of said court, to be held on the third Tuesday of May, in the year of our Lord one thousand eight hundred and fifty-six.

SECT. 3. This act shall take effect and be in force from and after its approval by the governor.

[Approved April 10, 1856.]

Chapter 277.

An act additional concerning electors and elections.

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

SECT. 1. Whenever any person of foreign birth shall produce and exhibit to the aldermen, selectmen or assessors of the city, town or plantation, in which he resides, his naturalization papers, issued to him from any court in the United States, and it shall appear to said aldermen, selectmen or assessors, that said papers are in due form and were issued by a court having jurisdiction of such matters, and that such person is entitled to vote in such city, town or plantation, they shall approve such papers by endorsement thereon, in writing, under the hand of one of their number, with the date of such approval; and shall also register in a book kept for that purpose, the name of such person, whose naturalization papers have been thus approved by them, with the date of the issue of said papers, the court by which the same were issued, and the date of such approval. Such aldermen, selectmen or assessors, shall also cause the name of such person whose papers shall have been by them approved as aforesaid, to be entered on the list of voters of such city, town or plantation. After such approval of the naturalization papers of any person, it shall be the duty of the aldermen, selectmen and assessors as aforesaid, to continue the name of every such person upon the successive lists of voters in such city, town or plantation, without requiring the further production of his naturalization papers, so long as he shall continue to reside in such city, town or plantation, and shall continue to be in other respects qualified to vote under the constitution and laws of this state. And if any such officer shall willfully neglect or refuse to register as aforesaid the name of any such person whose papers may have been approved

Approval of naturalization papers of persons of foreign birth, by officers of cities, towns and plantations.

Registration of the same.

Name of person whose papers have been approved, to be entered on the list of voters.

—to be continued on successive lists.

Forfeiture by officer, willfully neglecting to register the names of such persons.

CHAP. 277. as aforesaid, or shall willfully omit to continue the name of any such person upon the successive lists of voters as aforesaid, so long as such person shall continue to be qualified to vote as aforesaid in any such city, town or plantation, he shall forfeit for every such offense a sum not less than twenty nor more than one hundred dollars, to be recovered by indictment in any court of competent jurisdiction.

Officers not required to approve and enter names of such person, in certain cases.

SECT. 2. If said officers shall be of opinion that the said papers so produced are not genuine, or that the person presenting them is not the person to whom they were issued, or that such person is not a legal elector and entitled to vote in such city, town or plantation, they shall not be required to approve such papers as aforesaid, or to enter the name of such person on the list of voters; but such person shall not be deprived of the right to vote in such city, town or plantation, by reason of the refusal of such officers so to approve of his papers and enter his name.

Such persons not deprived of right to vote, thereby.

List of voters prepared and posted, not to be altered by striking out names of voters.

SECT. 3. Whenever the officers aforesaid of any city, town or plantation, shall have prepared and posted up a list of voters in the months of February or March in each year, as required by law, such officers shall not afterwards strike out the name of any person on such list, except as provided in the following section. And if any such officer shall strike out the name of any person on such list after the same shall have been posted up as aforesaid, except as is provided in the following section, he shall forfeit for each and every offense, a sum not less than twenty nor more than one hundred dollars, to be recovered in an action of the case by the person whose name shall have been so stricken off.

Penalty.

Proviso.

SECT. 4. No name contained on the list so prepared and posted up, of any person residing in such city, town or plantation, shall be stricken therefrom, except upon one of the days fixed by law for receiving evidence of the qualification of voters in said city, town or plantation, after notice to the party of the intention to strike off his name, and a hearing on his behalf in relation thereto if he desires it.

Party entitled to a hearing.

Penalty for altering or erasing name on list of voters.

SECT. 5. If any person shall wrongfully alter, mutilate or erase any name borne on the list of voters of any city, town or plantation, he shall forfeit therefor a sum not less than fifty nor more than one hundred dollars, to be recovered by indictment, one half to the use of the state, and the other half to the use of the complainant, or be imprisoned in the county jail for a period not exceeding six months.

SECT. 6. If any person shall fraudulently vote in the name of any other person, or under an assumed name, he shall for each offense be punished by a fine of not less than fifty nor more than one hundred dollars, to be recovered by indictment, or be imprisoned as is provided in section four of this act.

SECT. 7. This act shall take effect and be in force from and after its approval by the governor.

[Approved April 10, 1856.]

Penalty for voting in the name of another person.

Chapter 278.

An act in addition to, and explanatory of, the ninety-fourth chapter of the revised statutes.

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

SECT. 1. All levies on real estate which have already been made, or which shall hereafter be made, shall, for the purpose of fixing the amount due on the execution, and the time when the debtors' right to redeem will expire, be considered as commenced, on the day of the date of the administration of the oath to the appraisers, although it may appear from the officer's return that the estate was seized on the execution before that day, or that the proceedings were not completed until after that day.

Rights of parties to levies of real estate to date from day on which oath is administered to appraisers.

SECT. 2. Whenever by the error of an officer, who has already made, or shall hereafter make a levy on real estate, the amount for which it has been or shall be made, shall exceed the amount due for debt or damages, and costs and interest, with costs of levy, by a sum not greater than one per cent. of said amount, being otherwise legally made, such levy shall be regarded as legal and valid. And the debtor or owner of the estate so levied upon, shall be entitled to maintain an action on the case against such officer or his principal to recover any damages occasioned thereby; or such debtor or owner may maintain a bill in equity against the creditor to have such error corrected, and the court may correct such error in any manner that may be just and equitable, or may decree a pecuniary compensation for the injury; *provided*, that whenever in any suit already commenced, any levy which has heretofore been made, shall be sustained by force of this act, and which would not have been sustained without the aid of this act, there is hereby reserved to the execution debtor, his heirs and

Levies otherwise legally made, deemed valid when it does not exceed amount due by more than one per cent., by reason of error.

Debtor may recover damages of officer or principal, occasioned by such error.

Proviso.