

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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Augusta:
FULLER & FULLER, PRINTERS TO THE STATE.
1856.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1856.

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.

Penalty for voting in the name of another person.

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

[Approved April 10, 1856.]

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.

CHAP. 279. assigns, the right at any time within six months from the final judgment in such suit, to redeem the land by paying or tendering to the creditor, his executors or administrators, such sum as three persons (or a majority of them) to be appointed by some justice of the supreme judicial court, after giving notice and opportunity to the parties to be heard, shall adjudge in writing to be justly due to the creditor upon a full consideration of the following elements which are to go into their calculation: First. The creditor shall be considered entitled to the amount at which the land and buildings thereon was appraised and set off with interest thereon, computed annually from the time of the levy. Second. He shall be considered entitled to receive the just value of the improvements made by him or his agents on such portion of the land or buildings thereon, as he had not sold prior to the first day of April, one thousand eight hundred and fifty-six, and also a fair compensation for attending to and taking care of the same. Third. For whatever portions of the land and buildings thereon he may have sold previous to said first day of April, the creditor shall be bound to account for at the appraised value thereof, and it is made a part of this proviso that the debtor or those who hold the title under him, shall convey by a valid deed of quitclaim to the creditor or his assigns the title to the portions of the land which the said creditor may have conveyed away previous to said first day of April.

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

[Approved April 10, 1856.]

Chapter 279.

An act repealing chapter one hundred and seventy-eight of the laws of Maine, approved March sixteenth, eighteen hundred and fifty-five.

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

SECT. 1. An act entitled an act, to amend the tenth section of an act concerning the assessment of taxes, is hereby repealed.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved April 10, 1856.]