

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1862.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1862.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1862.

exhibit to such assessors proper evidence thereof, said assessors shall assess such standing wood and timber to the person owning the same under said contract of sale, and not to the owner of said real estate.

SECT. 2. A lien is hereby created on such standing wood and timber, for the payment of all taxes legally assessed thereon; and said lien may be enforced by the collector to whom the tax shall be committed, by a sale of the wood and timber when cut, in the same manner as other property may be seized and sold by said collector under the provisions of section eighty-eight of said chapter.

—a lien created thereon.

—how enforced.

[Approved March 15, 1862.]

Chapter 105.

An act requiring constables and collectors of taxes to give receipts in certain cases.

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

SECT. 1. The constable or collector of any city, town or parish, on payment of any tax committed to him for collection, and on demand for the same by the party so paying, shall give a receipt therefor. If such constable or collector unreasonably neglect or refuse to comply with the provisions of this section, he shall forfeit and pay to the party aggrieved the sum of five dollars, to be recovered by him in an action of debt.

Constable or collector to give receipt on demand.

Penalty for refusal, &c.

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

[Approved March 15, 1862.]

Chapter 106.

An act in relation to suits in court, against persons enlisted as volunteers, in the in the service of the United States or this State.

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

SECT. 1. Any action of contract or review now pending, or which may be commenced against any person, who is or shall be mustered as a volunteer into the service of the United States, or this state, during the present rebellion, shall at the request of the defendant, be continued without cost to either party, till his term of

Actions of contract or review against volunteers, how disposed of.

CHAP. 107.

Certain suits
excepted.

service shall expire, excepting suits and proceedings upon official bonds, and excepting also actions where such volunteer is liable jointly with a partner, or person not in such service; and further excepting any action where the court may be satisfied that great injustice would be done by such continuance.

Personal
property of
volunteers
exempted from
attachment.

SECT. 2. Personal property to the amount of one thousand dollars, other than that held in partnership as above, in addition to that already exempted by law, shall be exempt from attachment, or seizure upon execution, from and after the time such volunteer shall enlist in the service aforesaid, and during his term of service, to be designated by the debtor, or his agent or attorney.

Actions may be
continued
without costs.

SECT. 3. In all cases in court, or which may be entered in court during such term of service, where such volunteer is plaintiff, the court at his request may continue such case as long as the court may think justice would require, and without costs to either party.

Statute of
limitations
suspended
during service.

SECT. 4. During the absence from the state of any volunteer mustered into the service as aforesaid, and while continuing in such service, the operation of any statute of limitations shall be suspended in all matters, in which suits may arise, in which such volunteer may be either plaintiff, or defendant.

Sect. 7, chap.
60 of public
laws of 1861,
repealed.

SECT. 5. Section seven of chapter sixty-three of the public laws of eighteen hundred and sixty-one is hereby repealed.

SECT. 6. This act shall take effect on its approval by the governor.

[Approved March 15, 1862.]

Chapter 107.

An act relating to reviews on reports of referees.

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

Reviews
granted in
certain cases.

A review may be granted in a civil action which was referred by a rule of court, when other matters in dispute between the parties were included in the rule of reference, if the report of the referees is the foundation of the judgment. On the petition therefor, the depositions used before the referees may be introduced as well as other evidence, and if a review is granted, said depositions may be used at the trial, and all matters embraced in the rule of reference whether contained in the writ or not shall be included and tried.

Depositions
may be used.

All matters in
rule of refer-
ence to be
tried.

[Approved March 15, 1862.]