

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

TWENTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1847.

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

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1847.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1847.

Chapter 19.**CHAP. 19.**

An act additional respecting corporations.

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

The provisions of sections fifteen, sixteen, seventeen, eighteen, nineteen and twenty, of chapter seventy-nine of the revised statutes, shall be extended to all corporations, excepting banking corporations and corporations for literary and benevolent purposes, and such as by the common law are termed quasi corporations.

Provisions of sec. 15, 16, 17, 18, 19 and 20, ch. 79, R. S., extended to certain corporations.

[Approved July 28, 1847.]

Chapter 20.

An act to amend chapter one hundred fifteen, section twenty-fifth, of the revised statutes.

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

So much of the twenty-fifth section of the one hundred and fifteenth chapter of the revised statutes, as requires the defendant on the first day of the term of the court to give written notice to the plaintiff or his counsel, of his filing a demand in set off, is hereby repealed. And in lieu thereof the clerk of the court, previous to the time when the new entries are called, shall enter a notice on the docket under the action, that the defendant has filed a demand in set off.

R. S. ch. 115, sec. 25, notice to defendant of their filing demand in set off, repealed.

Notice to be entered on docket, in lieu thereof.

[Approved July 31, 1847.]

Chapter 21.

An act additional to chapter ninety-four of the revised statutes.

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

SECT. 1. Whenever, under the provisions of the seventy-third section of chapter one hundred and fourteen of the revised statutes, the right, title and interest which any person has by virtue of a bond or contract to a deed of conveyance of real estate, on specified conditions, shall have been attached, and during the existence of the attachment and before the same shall have been perfected by proceedings on execution, the obligor or his assigns, shall have

Attachment of certain interests in real estate, valid.

CHAP. 21.

executed a deed of conveyance to the obligee or his assigns, pursuant to such bond or contract, the said attachment shall hold the premises, so conveyed, as effectually as if the attachment had been originally made upon them after such conveyance; and execution, upon final judgment, may be levied thereon, as in other cases of real estate taken on execution. But these provisions shall not be so construed, as to impair or affect any right, title or interest, acquired by virtue of any such attachment, where the same shall have been taken and sold on execution, in the manner prescribed by the laws then in force and applicable thereto; but such sale, and the conveyance under the same, shall be and remain valid and effectual; and the remedies, heretofore provided therefor, shall continue in force in relation to such premises.

Purchasers right, where there has been no previous conveyance.

SECT. 2. Where there shall have been no previous conveyance and levy as mentioned in the preceding section, the purchaser of such right, title and interest, under a sale on execution, or his heirs or assigns, shall have the same remedies in his own name against the obligor or contractor, his heirs, executors or administrators, either by action at law, to recover damages for the non-fulfillment of such obligation or contract, or in equity, to compel a specific performance thereof, which the original obligee might have had if the same had not been attached or sold on execution as aforesaid. And whenever the obligor, or contractor, upon request of such purchaser, shall neglect or refuse to give true and correct information of the amount due from, or condition remaining unperformed on the part of such obligee or holder of such written contract, such purchaser may then have and maintain his bill in equity, without previous payment, performance, or tender; and may, in his bill, offer to pay such sum as shall be found due, or to perform such other condition as the case may require. And upon the hearing of such bill, the respondent shall be holden to disclose all matters duly prayed for therein; and the court may grant and order such relief, and payment and performance, as may be competent in equity.

Holden bound to state the amount due.

When the validity of an alleged assignment is put in issue.

SECT. 3. Whenever any obligor or contractor shall plead, answer or disclose an assignment of such bond or contract, made by the obligee, or person entitled to the conveyance of the estate, previously to the attachment on the writ as aforesaid, and the complainant in equity shall put in issue the validity of such alleged assignment, the court before which the same is pending, shall cause the party, so disclosed as assignee, to be notified in such manner as the court may direct, that he may become a party to the bill; and, on his appearance shall cause the issue to be tried by a jury, who, in their verdict, shall find whether such assignment be good and

valid, or fraudulent and void on legal principles; and if found to be fraudulent and void, or if such assignee, having been duly notified, shall fail to appear, such pretended assignment shall not operate as a bar to the relief prayed for in the bill.

[Approved July 31, 1847.]

Chapter 22.

An act authorizing the taxation of equitable interests in real estate, in certain cases.

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

SECT. 1. Whenever any person or persons shall by virtue of any writing, contract, bond or obligation, have the right of redeeming any real estate, or by paying any sum by virtue of said writing, contract, bond or obligation, may be entitled to demand and receive a deed of any real estate, or may have any equitable interest in and to any real estate by virtue of any writing, contract, bond or obligation, the same shall be subject to taxation in the city, town or plantation in which the said land shall be situate, to the owner or holder thereof: *provided*, that this act shall not apply except where

Holders of equitable interest in real estate, subject to taxation for the same in the place where the land shall be situated,

Proviso.

SECT. 2. Any owner or holder of said equitable interest, as aforesaid, may make oath, as to the amount due and the true value of said interest, in the same manner as persons who present lists of their polls and estate, as is now provided for by law.

May make oath as to the value of said interest.

SECT. 3. A lien is hereby created on said equitable interest, for the payment of any tax which may be assessed thereon, as is now by law created on real estate, for the taxes assessed on real estate; and the same may be taken and sold at public auction at any time after the expiration of one year from the date of assessment, in the same way that equities of mortgaged real estate may be taken and sold on execution; and the same rights of redemption shall exist as is provided for the redemption of equities of mortgaged real estate, sold on execution.

Lien created thereon for the payment of such tax.

[Approved July 31, 1847.]