

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

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Published by the Secretary of State, agreeably to Resolves of June 23, 1820,  
February 26, 1840, and March 16, 1842.

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AUGUSTA:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1861.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1861.

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**CHAP. 35.**

—and submit to examination under oath.

All provisions in policy, &c., in conflict with the provisions of this act to be null and void.

Act when to take effect.

also, if requested at the same time, submit to an examination under oath, in the place of his residence; no other preliminary proof of any kind shall be required before commencing any action against such company. All provisions contained in any policy or contract of insurance, in conflict with any of the provisions of this act, are hereby declared null and void, and all contracts of insurance hereafter made, renewed or extended in this state or on property within this state, shall be subject to the provisions of this act.

SECT. 6. This act shall take effect and be in force from and after the first day of May next and shall not affect cases now pending.

[Approved March 15, 1861.]

**Chapter 35.**

An act additional to chapter seventy-six of the revised statutes relating to titles to real estate by levy on execution.

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

Creditor may, when right in equity, &c., is sold, pay or tender to person entitled thereto, the amount the debtor should pay to redeem.

Proceeds of sale to redeeming creditor unless debtor has paid amount, &c.

Whenever a creditor has taken on his execution any equity of redemption, or the right of the debtor to redeem from a sale or levy by appraisement, such creditor may within the time which the debtor has to redeem, provided such time does not exceed sixty days from the seizure of the right, pay or tender to the person entitled thereto, the amount which the debtor should pay to redeem the same; the officer selling on the execution such equity or right to redeem shall first appropriate and pay to the redeeming creditor from the proceeds of the sale, the amount with interest by him paid, unless the debtor has paid such amount, and the residue, if any there be, shall be appropriated as in other cases of sales of equities of redemption upon execution.

[Approved March 15, 1861.]

**Chapter 36.**

An act in addition to chapter sixty-four of the revised statutes.

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

Oath of executor or administrator, by whom taken before.

SECT. 1. An inventory returnable by an executor or administrator who resides in a town or place, other than that where the probate court is held, may be sworn to before the judge or a justice of the peace.

SECT. 2. After an order is passed for the distribution of insolvent estates amongst creditors whose claims have been proved, the judge of probate may without further notice, audit and allow the account of the executor or administrator for payments made pursuant to said order.

CHAP. 37.

Accounts may be audited and allowed by judge of probate.

SECT. 3. This act shall apply to inventories returnable by guardians, and to accounts of guardians of insolvent wards, for payments made to creditors of such wards under a like order of distribution.

To what this act shall apply.

[Approved March 15, 1861.]

**Chapter 37.**

An act to punish certain offences.

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

Any person who shall unlawfully, wilfully, and with intent to injure the owner, take and carry away any saddle horse, or any horse, harnessed or attached to any vehicle, and standing in any highway or other place, is guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not more than three months.

Unlawfully taking any horse standing in any highway, &c.

—how punished.

[Approved March 15, 1861.]

**Chapter 38.**

An act concerning taxes.

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

SECT. 1. Money or personal property loaned or passed into the hands or possession of another by any person residing in this state secured by an absolute deed of real estate, shall be taxed to the grantee, the same as in case of a mortgage, notwithstanding the land shall be taxed to the grantor or other person in possession.

Real estate by absolute deed given to secure money, &c.

SECT. 2. This act shall take effect when approved by the governor.

[Approved March 15, 1861.]