

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## FORTY-FIRST LEGISLATURE

OF THE

### STATE OF MAINE.

1862.

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

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AUGUSTA:  
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1862.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1862.

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Chapter 149.

CHAP. 149.

An act additional to chapter eighty-one of the revised statutes relating to civil actions.

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

SECT. 1. In any suit where an attachment of all the interest of the defendant in real estate is legally made, and such interest consists of a right to redeem any real estate under mortgage, levy, sale on execution or for taxes, or a right to receive a conveyance by virtue of any contract between the defendant and any person, the plaintiff in such suit may, as well before as after a sale of such interest on execution, pay or tender to the person holding under such mortgage, levy, sale on execution or for taxes or under a contract for a conveyance, the amount which may be due him ; and such payment or tender shall operate to vest the outstanding title in the plaintiff making the same, subject in all cases to the right of the defendant to redeem such real estate from the plaintiff, in the same manner as he might do from any assignee holding such mortgage, or claiming under such levy, sale on execution or for taxes, or under a contract for a conveyance. But such redemption by the defendant, or by any person claiming under him subsequent to the plaintiff's attachment shall not affect such attachment, but said real estate shall be subject thereto and the prior incumbrance as against such attachment shall be deemed to be discharged.

Chap. 81, R. S., additional to.

Right of redemption, when attached.

Plaintiff in suit may redeem.

Outstanding title to vest in plaintiff.

Defendant's rights.

SECT. 2. The person holding under the mortgage, levy, sale on execution or for taxes, or under a contract for conveyance, upon demand by the plaintiff in writing, shall give in writing a true statement of the amount his due ; and upon payment or tender of the sum actually due, he shall convey by deed of release to the plaintiff in the suit as aforesaid, all his right, title and interest in the premises attached, and if he refuse, may be compelled by bill in equity to make and execute such release. But such deed of release shall contain a recital of the fact that the plaintiff has made an attachment of the real estate described in said deed, and has paid or tendered the amount due to the party executing the same under the authority conferred by this act. And the plaintiff shall hold the title thus acquired, by said deed, in trust for the defendant, and subject to his right of redemption, without power of alienation, until after the expiration of one year from the termination of said suit, or one year from the sale of the equity on any execution recovered in said suit.

Plaintiff entitled to statement on demand.

—and deed of release.

Deed of release, contents of.

Title to be held in trust.