

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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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:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1867.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1867.

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## CHAP. 72.

## Chapter 72.

An act to amend chapter six of the public laws of eighteen hundred and sixty-six, relating to executors and administrators.

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

Public laws of 1866, chap. 6, sect. 1, amended.

Executors, administrators, &c., may testify to facts happening before death of testator.

Adverse party not excluded or excused from testifying.

SECT. 1. Section one of chapter six of the public laws of eighteen hundred and sixty-six, is hereby amended by adding thereto the words, *provided that nothing in this act shall be so construed as to affect any suit now pending*; so that as amended the section shall read as follows:—In all actions in which an executor, administrator, or other legal representatives of a deceased person is a party, such executor, administrator or representative party may offer himself as a witness, and testify to any facts legally admissible upon the general rules of evidence, happening before the death of the testator, intestate or deceased person; and when such executor, administrator or representative party so offers himself, and testifies, the adverse party shall neither be excluded or excused from testifying in reference to such facts; *provided that nothing in this act shall be so construed as to affect any suit now pending.*

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

Approved February 4, 1867.

## Chapter 73.

An act to provide for recording the description of burying grounds and of deeds of lots therein.

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

Deeds of lots in burying grounds may be recorded by town clerks.

SECT. 1. Deeds of lots in burying grounds, and any description of any entire burying ground such as is provided for by sections six and seven of chapter fifteen of the revised statutes, relating to burying grounds, may be recorded by the town clerk of the town where such burying ground is situated, in a book to be kept by him for that purpose, with the same force and effect as if recorded in the registry of deeds.

Fees of clerk.

SECT. 2. Town clerks shall receive for recording deeds under the provisions of this chapter, the same fees that are allowed by law for recording deeds in the registry of deeds.

Approved February 4, 1867.