

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)

Wm. F. Hill
DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1856.

~~~~~  
**PART SECOND.**  
~~~~~

Augusta:

FULLER & FULLER, PRINTERS TO THE STATE.

1856.

THIRTY-FIFTH LEGISLATURE.

SENATE.

No. 36.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND FIFTY-SIX.

AN ACT for enforcing common law liens.

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

SECTION 1. Any person who has a lien on anything
2 of which he has possession, may enforce said lien,
3 and have the thing sold for the satisfaction thereof, in
4 the manner herein provided.

SECT. 2. The person claiming the lien may file in
2 the supreme judicial court in the county where he
3 resides, or in the office of the clerk thereof, a petition
4 briefly setting forth the nature and amount of his
5 claim, a description of the article possessed, and the

6 name and residence of the owners of the article, if
7 known to him, and a prayer for process to enforce his
8 lien.

SECT. 3. If the owners are set forth in a petition
2 filed in the clerk's office, and are residents of this
3 state, the clerk may issue an order of notice on such
4 owners, by serving them with a copy of the petition
5 with the order thereon, fourteen days before the next
6 term of the court in such county.

SECT. 4. If the owners are not known or not resi-
2 dents in the state, or the petition is filed in court, the
3 court may order such notice to the owners and others
4 interested as it may deem fit, and said notice may be
5 returnable at the same or a subsequent term, and may
6 be by personal service of a copy of the petition with
7 the order of court thereon, or by publication in a
8 newspaper, or both, as the court shall direct. But
9 such order shall always allow at least fourteen days
10 from the service or publication before the time fixed
11 for the appearance of the persons notified.

SECT. 5. At the time fixed in the notice, any party
2 interested in the article as owner, mortgagee, or oth-
3 erwise, may appear, and from the time of such ap-
4 pearance, the proceedings shall be the same as in an

5 action on the case in which the petitioner is plaintiff,
6 and the parties appearing are defendants. Questions
7 of fact, at the instance of either party, shall be submit-
8 ted to a jury upon an issue to be framed under the
9 direction of the court.

SECT. 6. If in the opinion of the court the article
2 on which the lien is claimed is not of sufficient value
3 to pay the petitioner's claim, with the probable costs
4 of the suit, the court may order the persons appear-
5 ing in defense to give bond to the petitioner, with
6 sufficient sureties, to be approved by the court, to pay
7 such costs as may be awarded against him, so far as
8 they are not paid out of the proceeds of the articles
9 on which the lien is claimed.

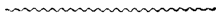
SECT. 7. After trial of the cause, and final adjudi-
2 cation in favor of the petitioner, the court may order
3 any officer competent to serve precepts in civil ac-
4 tions, to sell the article on which the lien is claimed,
5 in the manner in which personal property is sold on
6 execution, and out of the proceeds, after deducting
7 his fees and the expenses of sale, to pay to the peti-
8 tioner the amounts awarded him, with the costs
9 awarded him, and to pay the balance to the person or
10 persons legally entitled to receive it, if such persons

11 are known to the court, otherwise to pay the same
12 into court.

SECT. 3. Money paid into court may be paid over
2 to the person legally entitled to receive it, upon peti-
3 tion and order of the court. If it is not called for at
4 the first term after it is paid into court, it shall be paid
5 into the county treasury, and if afterwards the person
6 legally entitled to it petitions and establishes his claim
7 to it, the court may order the county treasurer to pay
8 it to him.

SECT. 9. Liens for less amount than twenty dol-
2 lars may be enforced before any justice of the peace
3 for the county where the person having the lien re-
4 sides, in the manner herein provided, so far as the
5 nature of the tribunal will admit, and the justice shall
6 have the same power to order notice and sale; and
7 the balance, if any remaining, after payment of the
8 lien, shall be paid as hereinbefore provided, or depos-
9 ited in the county treasury, subject to be drawn out
10 upon petition, as is provided in section eight. Either
11 party may appeal, and in case of appeal the proceed-
12 ings shall be the same as provided in appeals in civil
13 actions before justices of the peace.

STATE OF MAINE.



IN SENATE, March 27, 1856.

ORDERED, That the accompanying act, reported by the Joint Standing Committee on the Judiciary, be printed for the use of the Legislature.

WM. G. CLARK, *Secretary.*