

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1857.

PART SECOND.

AUGUSTA:
STEVENS & BLAINE, PRINTERS TO THE STATE.
1857.

THIRTY-SIXTH LEGISLATURE

HOUSE.]

[No. 28.

STATE OF MAINE.

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

AN ACT to amend Chapter one hundred and twenty-five of the Revised Statutes, and further to provide for the recording of Mortgages of personal property and conditional sales.

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

SECT. 1. Section thirty-two of chapter one hundred and twenty-five of the revised statutes shall be amended so as to read as follows:

SECT. 32. No mortgage or conditional sale of personal property shall be valid against any other person

3 than the parties thereto, and in the case of conditional
4 sale, the sale shall be considered absolute without any
5 condition, unless possession of such property be de-
6 livered to and retained by the mortgagee, or be re-
7 tained by the vendor, or the instrument of mortgage
8 or sale be recorded by the clerk of the town in which
9 the mortgager or vendee resides. When a corporation
10 makes a mortgage, it shall be recorded in the town
11 where it has its established place of business. When
12 the mortgager or vendee resides in an unincorporated
13 place, the instrument shall be recorded in the oldest
14 adjoining town in the county.

SECT. 2. The thirty-third section of said chapter
2 shall be amended so as to read as follows:

SECT. 33. The clerk, on payment of the same fees
2 allowed to registers of deeds for like services, shall
3 record all such instruments delivered to him in a book
4 kept for that purpose, noting therein, and on the in-
5 strument, the time, when it was received, and it shall
6 then be considered as recorded.

SECT. 3. The thirtieth section of said chapter
2 shall be amended so as to read as follows:

SECT. 30. The property may be redeemed by the

2 mortgager, or the sale completed by the vendee, or
3 person claiming under them, within sixty days after
4 breach of the condition, unless it has been sold by
5 virtue of a contract, or on execution against the
6 mortgager or vendee.

SECT. 4. The thirty-first section of said chapter
2 shall be amended so as to read as follows :

SECT. 31. In order to redeem, the sum due on the
2 instrument, with reasonable charges, must be paid or
3 tendered ; and if the property is not immediately
4 restored, it may be replevied, and damages for with-
5 holding it may be recovered in an action on the case.

SECT. 5. Nothing in this act shall defeat any
2 mortgage of personal property under thirty dollars, or
3 any conditional sale of personal property, made pre-
4 vious to the time when this act shall take effect, nor
5 any contract of bottomry, respondentia, transfer, as-
6 signment, or hypothecation, of a vessel or goods at
7 sea, or abroad, if possession be taken as soon as
8 may be after their arrival within the State.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 18, 1857. }

Reported by Mr. Crosby, from the Judiciary Committee. Laid on the table,
and 350 copies ordered to be printed for the use of the Legislature.

GEO. W. WILCOX, *Clerk.*