

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)

DOCUMENTS

PRINTED BY ORDER OF

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.

SENATE.]

[No. 16.]

STATE OF MAINE.

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

AN ACT additional relating to Liens on Vessels.

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

SECTION 1. When, from the number of actions
2 brought in the supreme judicial court to enforce lien
3 claims on a vessel, or for other cause, the judge thinks
4 the interests of all parties will be promoted thereby,
5 on application of any party in such actions, he may
6 appoint a commissioner, who shall give bond to the
7 clerk of the court, with such sureties and in such
8 sum as the court approves, for the faithful discharge
9 of his duties ; and all the actions aforesaid shall be

10 submitted to him for the purposes hereinafter pro-
11 vided.

SECT. 2. He shall have the same power as a court
2 to summon before him, and compel the attendance of
3 any witnesses, or the parties in such actions, with all
4 their books and papers relating to said claims; to
5 hear all such actions in a summary way, determine
6 the amount due to each attaching creditor, after de-
7 ducting all equitable set-off, whether filed in court or
8 not; and make report of his doings to the court on
9 the first day of the next term after his appointment.
10 If he has not then heard and decided all the cases, the
11 court may allow a further reasonable time to hear the
12 residue, not beyond the term then next. Only one
13 day's attendance at a term shall be allowed in any
14 such action between the time of his appointment and
15 the time of his final report thereon. Any such cred-
16 itor may appear at such hearing, and contest the claims
17 of any other creditor. The report of the commissioner
18 shall be *prima facie* evidence of the amount due to
19 each creditor, but any party aggrieved by the amount
20 allowed on any claim, may have it revised by the court
21 or jury, and show that it is not correct.

SECT. 3. When such vessel, after its attachment, is
2 liable to be injured by the weather, or otherwise great-
3 ly reduced in value by keeping, on application of any
4 attaching lien creditor, and notice to the owner or
5 defendant, the court may order the officer who made
6 the attachments, to sell such vessel for money, or on
7 credit, in such manner and on such conditions as the
8 judge thinks just ; he shall accordingly and immedi-
9 ately deliver over to said commissioner the money and
10 securities thereby received ; and if he neglects or re-
11 fuses so to deliver, he shall forfeit a sum equal to
12 twenty per cent. on the whole amount for which the
13 vessel was sold, to be recovered in an action on the
14 case by the commissioner, and added to the proceeds
15 of the sale, and it shall also be a breach of his and
16 the sheriff's bond.

SECT. 4. The Commissioner shall receive such
2 money and securities ; safely keep and collect them ;
3 retain a reasonable compensation for all his services
4 in the premises, to be allowed by the Court ; and by
5 order of the Court, pay over to the creditors the
6 amount found due to each, and the balance, if any, to
7 the owner of the vessel, or other person entitled to

8 receive it; and a failure to do so, shall be a breach
9 of his bond.

SECT. 5. When judgment is rendered in one or
2 more of such actions, and others are still continued,
3 the judge, on application and notice, may order the
4 Commissioner to advance to such creditors as have
5 recovered judgments a per cent. thereon, not exceed
6 ing what they would each be entitled to on a pro-
7 portional distribution of the proceeds of said vessel,
8 on all the attaching lien claims.

SECT. 6. This act shall take effect from and after
2 its approval by the Governor.

STATE OF MAINE

IN SENATE, April 3, 1857.

ORDERED, That 350 copies of the foregoing Bill (reported by Mr. Davis from the Committee on Mercantile Affairs and Insurance) be printed for the use of the Legislature.

ATTEST :

JOSEPH B. HALL, *Secretary*