

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)

FIFTY-THIRD LEGISLATURE.

SENATE.

No. 57.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AN
SEVENTY-FOUR.

AN ACT in addition to chapter ninety of the revised
statutes, in relation to the discharge of mortgages.

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

SECTION 1. When an amount due on a mortgage has
2 been paid, or tendered to the mortgagee, or person
3 claiming under him, before the foreclosure of the mort-
4 gage, and the mortgagee or his assignee is beyond the
5 limits of this state, and the mortgage is undischarged
6 on the record, the mortgagor, or person claiming under
7 him, may have his bill in equity for the redemption of
8 the mortgaged premises, as provided in section four-
9 teen of chapter ninety of the revised statutes, or for
10 the discharge of the mortgage ; and, on notice given
11 by publication in some newspaper in the county where

12 said premises are situated, three weeks successively,
13 the last publication being thirty days before the time
14 of hearing, or in such other way as the supreme judi-
15 cial court, or a judge thereof, in vacation, orders, of
16 the pendency of the bill, said court may decree a dis-
17 charge of such mortgage ; and the record of such de-
18 cree in the records for deeds in said county, shall be
19 evidence of the discharge of said mortgage.

SECT. 2. A mortgage may be discharged on the
2 record thereof in the office of the registry of deeds by
3 an attorney at law, authorized, in writing, by the
4 mortgagee or person claiming under him ; *provided*
5 *however*, that said writing be first recorded or filed in
6 said office and a minute of same be made by the regis-
7 ter of deeds on the margin of the page in connection
7 with said discharge.

STATE OF MAINE.

IN SENATE, February 25, 1874.

Reported from the Committee on Judiciary, by Mr. BOYLE of
Waldo, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*