

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-NINTH LEGISLATURE.

HOUSE.

No. 46.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

AN ACT to amend sections one, two and three of chapter ninety-one of the revised statutes, relating to mortgages of personal property.

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

Section one of chapter ninety-one of the revised statutes is hereby amended by striking out in the first and second lines of said section, the words "to secure payment of more than thirty dollars," and in the sixth, seventh and eighth lines by striking out the words "such a mortgage made to secure the payment of thirty dollars or less may be so recorded, and with the same effect." Section two of said chapter is hereby amended in the first and second lines by striking out the words "of the same

11 fees allowed to register of deeds for like services,”
12 and adding the words “twenty-five cents.” Section
13 three of said chapter is hereby amended in the sec-
14 ond line by striking out the words “to secure the
15 payment of more than thirty dollars;” so that said
16 sections as amended shall read as follows:

17 *Sect. 1.* No mortgage of personal property shall
18 be valid against any other person than the parties
19 thereto, unless possession of such property is de-
20 livered to and retained by the mortgagee, or the
21 mortgage is recorded by the clerk of the town or
22 plantation, organized for any purpose, in which the
23 mortgager resides. When all the mortgagers re-
24 side without the state, the mortgage shall be re-
25 corded in said town or plantation where the prop-
26 erty is when the mortgage is made; but if a part
27 of the mortgagers reside in the state, then in the
28 towns or plantations in which such mortgagers re-
29 side. A mortgage made by a corporation shall be
30 recorded in the town where it has its established
31 place of business. If any mortgager resides in an
32 unorganized place, the mortgage shall be recorded
33 in the oldest adjoining town or plantation, organ-
34 ized as aforesaid, in the county.

35 *Sect. 2.* The clerk, on payment of twenty-five
36 cents, shall record all such mortgages delivered to
37 him, in a book kept for that purpose, noting there-

38 in, and on the mortgage, the time when it was re-
39 ceived; and it shall be considered as recorded when
40 received. Such clerk may appoint a citizen of said
41 town his deputy, who may, in the clerk's absence
42 from his office, record mortgages with the same
43 effect as if done by the clerk; the appointment may
44 be made in writing as follows:

45 I hereby appoint —— to perform the duties of
46 town clerk as set forth in section two of chapter
47 ninety-one, of the revised statutes, in the town of
48 ——, during my absence from the clerk's office.

49 —— Clerk of the town of ——.

50 Said deputy shall be sworn to faithfully perform
51 the duties of his office before he enters thereon.

52 *Sect. 3.* When the condition of a mortgage of
53 personal property is broken, the mortgager, or any
54 person lawfully claiming under him, may redeem it
55 at any time before it is sold, by virtue of a contract
56 between the parties or on execution against the
57 mortgager, or before the right of redemption is fore-
58 closed, as hereinafter provided, by paying or tend-
59 ering to the mortgager, or the person holding the
60 mortgage by assignment thereof recorded when
61 the mortgage is recorded, the sum due thereon, or
62 by performing or offering to perform the conditions
63 thereof, when not for the payment of money, with

64 all reasonable charges incurred; and the property,
65 if not immediately restored, may be replevied, or
66 damages for withholding it recovered in an action
67 of the case.

SECT. 2. This act shall take effect when approved.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
February 20, 1880. }

Reported by Mr. McKUSIC from Committee on Judiciary, and
ordered printed under rule.

ORAMANDAL SMITH, *Clerk.*