

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SEVENTEENTH LEGISLATURE,

JANUARY SESSION, 1837.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 23, 1820.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1837.

Acts and parts of
Acts inconsistent
herewith repeal-
ed.

SECT. 2. *Be it further enacted,* That all Acts and parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

[Approved by the Governor March 22, 1837.]

Chapter 273.

AN ACT to secure to Mechanics and others, payment for their labor and materials expended in erecting and repairing houses and other buildings, with their appurtenances.

Mechanics who may erect, or repair a building under a written contract to have a lien for their labor and materials for ninety days on the said building and land.

SECTION 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That when any contract or agreement shall be hereafter made, in writing, for the erecting, repairing or altering any house or other building or their appurtenances; or for furnishing labor or materials for the purposes aforesaid, the person or persons who shall in pursuance of such contract or agreement, have furnished work, labor or materials for such purpose, shall have a lien to secure the payment of the same upon such house or building, and the lot of land on which the same stands, and upon the right of redeeming the same, when it shall have been conveyed in mortgage—and the lien hereby created shall continue and be in force for the space of ninety days from the time when payment shall become due for the work, labor or materials furnished as aforesaid.

Lien to be secured by attachment &c.

SECT. 2. *Be it further enacted,* That the person or persons, furnishing such labor or materials may secure their lien aforesaid, by an attachment of said house, building, land and the right of redeeming the same, within said time of ninety days, and said attachment shall have precedence of all other attachments, where no such lien exists.

SECT. 3. *Be it further enacted,* That when the debtor shall tender to the person or persons, furnishing such labor or materials, the sum justly due to him or them, said house, building, land and the right of redeeming the same shall be discharged from said lien.

Debtor may discharge said lien by tendering the amount due.

SECT. 4. *Be it further enacted,* That said lien shall not attach or exist, unless said contract or agreement shall be recorded in the office of the Clerk of the town, city or plantation where the land is situated, upon which said house or building is erected, within ten days from the time of making such contract or agreement. And it shall be the duty of said Clerk to record the same, and he shall be entitled to receive therefor the same fees, as are fixed by law for the recording of deeds. And if any Clerk aforesaid shall neglect to record the same, after his fees shall have been tendered to him, he shall pay to the injured party all damages, which may arise from such neglect, to be recovered by an action on the case.

Lien not to avail unless the contract is recorded in town Clerk's office within ten days.

Duty of Clerk to record same and to be allowed same fees as is allowed for recording deeds.

—penalty for neglect of duty.

SECT. 6. *Be it further enacted,* That all Acts and parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed.

Acts and parts of Acts inconsistent herewith repealed.

[Approved by the Governor March 25, 1837.]

Chapter 274.

AN ACT to prevent obstructions in the navigation of Union River.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person or persons shall cast or throw into the Union River within the limits of the town of Ellsworth, any slabs, lathings or other materials, whereby the navigation of said river shall be impeded or injuriously effected; or if any person or persons having

Penalty for casting slabs and other obstructions into Union River in Ellsworth.