

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

NINETEENTH LEGISLATURE,

JANUARY SESSION, 1839.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

kept, and so much of the money arising from the sale of said horse as shall be necessary appropriated to the payment of said tax and expenses of sale, and the overplus, if any, paid to the owner of said horse.

[Approved by the Governor, March 13, 1839.]

Chapter 390.

AN ACT concerning the mortgage of personal property.

SEC 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That no mortgage of personal property hereafter made where the debt thereby secured amounts to more than the sum of thirty dollars, shall be valid against any other person than the parties thereto, unless possession of the mortgaged property be delivered to, and retained by, the mortgagee, or unless the mortgage be recorded by the clerk of the town, city or plantation where the mortgagor resides.

Possession of personal property necessary to make valid mortgage of same, in hand of mortgagee, unless recorded.

SEC. 2. *Be it further enacted,* That nothing contained in the preceding section shall avoid or defeat any contract of bottomry or respondentia, nor any transfer, assignment, or hypothecation of any ship or goods, at sea or abroad, if the mortgagee shall take possession of such ship or goods, as soon as may be after the arrival thereof within this State.

Not to defeat contracts of bottomry, &c.

Provided.

SEC. 3. *Be it further enacted,* That the said clerk, upon the payment of his fees, shall record all such mortgages of personal property that shall be delivered to him, in a book to be kept for that purpose, noting in said book and also on the mortgage, the time when the same is received; and any such mortgage shall be considered as recorded, at the

Duty of clerk in recording mortgages.

Fees for same.

time when it is left for that purpose in the clerk's office; and the fees for recording such mortgages, and for all other services relating thereto, shall be the same as are allowed to Registers of Deeds for the like services.

[Approved by the Governor, March 14, 1839.]

Chapter 391.

AN ADDITIONAL ACT relating to Highways.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That in all cases where lands the title of which is in the State of Maine, are in the occupancy or possession of any person or persons, or corporation whatsoever, they shall be liable to be assessed by the proper authorities of plantations, towns and Counties, for the support and building of highways, laid out through the plantation, town and County, in which they are situate; and the right, title and interest of said person, persons or corporations, holding them in occupancy or possession, shall be liable to be sold in the same manner, for the payment of highway taxes assessed on the same, as the lands of persons owned in fee simple are now liable; and the person or persons purchasing the same, shall be entitled to receive from the State a deed or deeds of the same, upon complying with the terms of contract by which the occupant or possessor was allowed such occupancy or possession.

SEC. 2. *Be it enacted further,* That the deed of the officer selling said lands to the purchaser thereof, shall be the evidence upon which the Land Agent or any person thereto legally authorized, shall convey to said purchaser the title of the State to the same, upon said purchasers paying to said State all sums of money due from said occupant or possessor for said land so sold.

Lands of the State in possession of any person, &c. liable to assessment for support of highways.

Rights of person in possession liable to be sold for same.

Purchasers entitled to deed from State.

Deed of officer evidence to authorize Land Agent to convey.