

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1848.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,
and March 16, 1842.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1848.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1848.

Chapter 76.

CHAP. 76.

An act to amend the one hundred and forty-fifth chapter of the revised statutes.

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

The one hundred and forty-fifth chapter of the revised statutes is hereby amended by adding to the twenty-seventh section thereof, the words following: "and if the tenant claiming compensation for buildings and improvements, and making a request for an estimation by the jury, of the increased value of the premises, by reason thereof, shall also allege and prove, that he and those under whom he claims, have had the premises in actual possession for more than twenty years prior to the commencement of the action, the jury may find that fact, and in estimating the value of the premises, provided no buildings had been erected, or improvements made thereon, by the tenant, or those under whom he claims, shall find, and in their verdict state, what was the value of the premises at the time when the tenant or those under whom he claims first entered thereon."

Duty of tenant claiming compensation for buildings and improvements, and making a request for an estimation by the jury.

Verdict of jury.

[Approved August 10, 1848.]

Chapter 77.

An act to amend an act entitled "an act granting appeals from the decisions of county commissioners."

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

The seventh section of the twenty-eighth chapter of "an act granting appeals from the decisions of county commissioners," approved August second, one thousand eight hundred and forty-seven, is hereby repealed.

Sec. 7, repealed.

[Approved August 10, 1848.]

Chapter 78.

An act in relation to the lien of mechanics and others upon vessels.

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

SECT. 1. When any action shall hereafter be commenced to enforce the lien of a creditor upon a vessel for labor performed,

Notice to be given by the officer making the first attachment.

CHAP. 78.

or materials furnished for or on account of such vessel, the officer making the first attachment in such case, shall give notice thereof by filing a return of such attachment within twenty-four hours after making the same, with the clerk of the town where such vessel shall be, and leaving a copy thereof with any one of the owners or of the master workmen upon such vessel; and it shall not be necessary, at any time before the launching of a vessel, to place a keeper on board of the same for the purpose of preserving the attachment made to secure any such lien.

Services to be made by a sheriff, deputy sheriff or coroner.

SECT. 2. In all actions brought to enforce any such lien, as is mentioned in the preceding section, the service shall be made by a sheriff, deputy sheriff, or a coroner, and all subsequent attachments upon such vessel to secure a lien as aforesaid, made before the expiration of the time within which the first attaching creditor might have enforced his lien, shall be made by the officer who made said first attachment.

Subsequent attachments.

SECT. 3. If the officer who made the first attachment as aforesaid shall be disqualified from serving the writ in any such subsequent action, any other qualified officer may serve such subsequent writ, and shall attach the vessel by giving notice thereof to the first attaching officer; and the claimant, in such case, shall have his judgment satisfied out of the proceeds in the hands of the first attaching officer, in like manner and proportion with the other creditors.

When satisfaction may be made upon executions that may issue, in the action aforesaid.

SECT. 4. No satisfaction shall be made upon any execution that may issue in any of the actions aforesaid, until after final judgment has been entered in all of said actions; and said attachment shall be preserved until the expiration of thirty days after such final judgment; and the officer holding the executions issued upon such judgments for service, shall after final judgment in all of said actions, divide and pay over the proceeds in his hands arising from such attachment to the several judgment creditors aforesaid, in proportion to the amounts of the judgments recovered by them respectively, and not otherwise.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

[Approved August 10, 1848.]