

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1856.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1830, February 26, 1840,  
and March 16, 1842.  
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Augusta:
FULLER & FULLER, PRINTERS TO THE STATE.
1856.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1856.

Chapter 273.

An act for enforcing common law liens.

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

SECT. 1. Any person who has a lien on anything of which he has possession, may enforce said lien, and have the thing sold for the satisfaction thereof, in the manner herein provided.

Sale of property in the possession of person having lien thereon.

SECT. 2. The person claiming the lien may file in the supreme judicial court in the county where he resides, or in the office of the clerk thereof, a petition briefly setting forth the nature and amount of his claim, a description of the article possessed, and the name and residence of the owners of the article, if known to him, and a prayer for process to enforce his lien.

Proceedings in relation to sale.

SECT. 3. If the owners are set forth in a petition filed in the clerk's office, and are residents of this state, the clerk may issue an order of notice on such owners, by serving them with a copy of the petition with the order thereon, fourteen days before the next term of the court in such county.

Same subject, when owners reside in this state.

SECT. 4. If the owners are not known or not residents in the state, or the petition is filed in court, the court may order such notice to the owners and others interested as it may deem fit, and said notice may be returnable at the same or a subsequent term, and may be by personal service of a copy of the petition with the order of court thereon, or by publication in a newspaper, or both, as the court shall direct. But such order shall always allow at least fourteen days from the service or publication before the time fixed for the appearance of the persons notified.

Same subject, when owners are not known or not residents of this state.

SECT. 5. At the time fixed in the notice, any party interested in the article as owner, mortgagee, or otherwise, may appear, and from the time of such appearance, the proceedings shall be the same as in an action on the case in which the petitioner is plaintiff, and the parties appearing are defendants. Questions of fact, at the instance of either party, shall be submitted to a jury upon an issue to be framed under the direction of the court.

Same subject, when party appears on notice.

SECT. 6. If in the opinion of the court the article on which the lien is claimed is not of sufficient value to pay the petitioner's claim, with the probable costs of the suit, the court may order the persons appearing in defence to give bond to the petitioner, with sufficient sureties, to be approved by the court, to pay such costs as may be awarded against him, so far as they

Same subject, when the property is deemed insufficient to pay the claim and costs.

CHAP. 274. are not paid out of the proceeds of the articles on which the lien is claimed.

Order of court, after final adjudication in favor of petitioner.

SECT. 7. After trial of the cause, and final adjudication in favor of the petitioner, the court may order any officer competent to serve precepts in civil actions, to sell the article on which the lien is claimed, in the manner in which personal property is sold on execution, and out of the proceeds, after deducting his fees and the expenses of sale, to pay to the petitioner the amounts awarded him, with the costs awarded him, and to pay the balance to the person or persons legally entitled to receive it, if such persons are known to the court, otherwise to pay the same into court.

Money paid into court, how disposed of.

SECT. 8. Money paid into court may be paid over to the person legally entitled to receive it, upon petition and order of the court. If it is not called for at the first term after it is paid into court, it shall be paid into the county treasury; and if afterwards the person legally entitled to it petitions and establishes his claim to it, the court may order the county treasurer to pay it to him.

Power of justices of the peace, when amount of lien is less than \$20.

SECT. 9. Liens for less amount than twenty dollars may be enforced before any justice of the peace for the county where the person having the lien resides, in the manner herein provided, so far as the nature of the tribunal will admit, and the justice shall have the same power to order notice and sale; and the balance, if any remaining, after payment of the lien, shall be paid as hereinbefore provided, or deposited in the county treasury, subject to be drawn out upon petition, as is provided in section eight. Either party may appeal, and in case of appeal the proceedings shall be the same as provided in appeals in civil actions before justices of the peace.

[Approved April 10, 1856.]

Chapter 274.

An act enlarging the criminal jurisdiction of the police court of the city of Belfast.

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

Jurisdiction of judge in criminal offenses.

SECT. 1. The judge of the police court of the city of Belfast, in the county of Waldo, shall have exclusive jurisdiction over all such criminal offenses committed within the limits of said