

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

1857.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26, 1840,
and March 16, 1842.

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1857.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1857.

CHAP. 50.

Chapter 50.

An act concerning the salaries of the several municipal judges of the cities of this state.

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

Salaries of police judges, &c., how established.

SECT. 1. The salaries of the several judges of the municipal and police courts of the cities of this state, shall be fixed by the mayor and aldermen of the several cities aforesaid, and shall be paid to said judges out of the several treasuries of said cities, quarterly; and all fees received by said judges shall be by them paid into the several treasuries of their said cities quarterly, for the use of said cities, except in cases where the compensation of said judges, by the act providing for their appointment or election, is fixed by allowing them the fees in part or in whole accruing in said court.

Fees, how disposed of.

SECT. 2. All acts and parts of acts fixing any of the salaries of the judges aforesaid, and requiring the same to be paid by any county in this state, are hereby repealed.

Certain acts repealed.

SECT. 3. This act shall take effect from and after its approval by the governor.

[Approved April 15, 1857.]

Chapter 51.

An act additional relating to liens on vessels.

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

Commissioner to examine lien claims, may be appointed.

SECT. 1. When from the number of actions brought in the supreme judicial court to enforce lien claims on a vessel, or for other cause, the judge thinks the interests of all parties will be promoted thereby, on application of any party in such actions, he may appoint a commissioner, who shall give bond to the clerk of the court, with such sureties and in such sum as the court approves, for the faithful discharge of his duties; and all the actions aforesaid shall be submitted to him for the purpose hereinafter provided.

—bond of.

SECT. 2. He shall have the same power as a court to summon before him and compel the attendance of any witnesses, or the parties in such actions, with all their books and papers relating to said claims; to hear all such actions in a summary way; determine the amount due to each attaching creditor, after deducting all equitable set-off, whether filed in court or not; and make report of his doings

—power and duties of.

CHAP. 51.

to the court on the first day of the next term after his appointment. If he has not then heard and decided all the cases, the court may allow a further reasonable time to hear the residue, not beyond the next term of said court. Only one day's attendance at a term shall be allowed in any such action, between the time of his appointment and the time of his final report thereon. Any such creditor may appear at such hearing, and contest the claims of any other creditor. The report of the commissioner shall be *prima facie* evidence of the amount due to each creditor, but any party aggrieved by the amount allowed on any claim, may have it revised by the court or jury, and shew that it is not correct.

Court may allow further time, &c.

Attendance.

Claim may be contested.

Report of commissioner to be *prima facie* evidence.

SECT. 3. When such vessel, after its attachment, is liable to be injured by the weather, or otherwise greatly reduced in value by keeping, on application of any attaching lien creditor, and notice to the owner or defendant, the court may order the officer who made the attachments to sell such vessel, in such manner and on such conditions as the judge thinks just; he shall sell accordingly, and immediately deliver over to said commissioner the money and securities thereby received; and if he neglects or refuses so to deliver, he shall forfeit a sum equal to twenty per cent. on the whole amount for which the vessel was sold, to be recovered in an action on the case by the commissioner, and added to the proceeds of the sale; and it shall, also, be a breach of his and the sheriff's bond.

Vessel may be sold, &c.

Officer to deliver proceeds of sale to commissioner.

Penalty for neglect.

SECT. 4. The commissioner shall receive such money and securities; safely keep and collect them; retain a reasonable compensation for all his services in the premises, to be allowed by the court, and by order of the court pay over to the creditors the amount found due to each, and the balance, if any, to the owner of the vessel, or other person entitled to receive it; and a failure to do so shall be a breach of his bond.

Proceeds of sale how applied.

SECT. 5. When judgment is rendered in one or more of such actions, and others are still continued, the judge, on application and notice, may order the commissioner to advance to such creditors as have recovered judgments a per cent. thereon, not exceeding what they would each be entitled to on a proportional distribution of the proceeds of said vessel, on all the attaching lien claims.

Advance on claims after judgment.

SECT. 6. This act shall take effect from its approval by the governor.