

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1859.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February  
26, 1840, and March 16, 1842.  
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1859.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1859.

person by virtue of a mortgage, such claimant shall give to the officer in writing, a notice of his claim and a statement of the amount actually and justly due to him on the mortgage, at least forty-eight hours before he shall commence any action against the officer therefor; and the officer or the creditor may within that time discharge the mortgage, by payment or tender of the amount due thereon, or may restore the property to the debtor or mortgagee.

erty seized, to give officer notice.

Officer or creditor may redeem.

SECT. 2. If any person claiming personal property by virtue of a mortgage, shall omit for the space of ten days after notice of such attachment given to him by the officer, to deliver to him a statement of the amount due on the mortgage as aforesaid, he shall be deemed to have waived his right to hold the property by virtue of such mortgage.

— omitting to give notice ten days, deemed to waive right.

SECT. 3. If any such claimant shall make to the attaching officer a false statement of the amount actually and justly due on the mortgage, as mentioned in the preceding sections, he shall forfeit and pay to the creditor in the writ or execution double the amount of the excess, to be recovered in a special action on the case.

— making false statement, penalty.

SECT. 4. In case of a redemption of a mortgage of personal property in behalf of a creditor attaching such property or seizing the same on execution, and a subsequent sale of the property under attachment or seizure upon execution, the officer selling the same shall first appropriate to the redeeming creditor from the proceeds of sales, the amount paid in redemption of the mortgage, with interest, if there be so much, and the residue, if any there be, shall be appropriated as in other cases of sales of goods attached or seized on execution.

Disposition of proceeds in case of redemption and sale.

SECT. 5. The provisions of this act shall apply to all matters named in the sixty-fourth section of the eighty-first chapter of the revised statutes.

Act applies to ch. 81, sec. 64, R. S.

[Approved April 4, 1859.]

Chapter 115.

An act authorizing judges of probate to appoint commissioners in certain cases.

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

When one or more claims against the estate of a person deceased or under guardianship, though not insolvent, are deemed by the executor, administrator or guardian, to be exorbitant, unjust or illegal, on application in writing to the judge of probate, and after

Judge may appoint commissioners to determine claims against certain estates, proceedings.

CHAP. 116.

Certain sections, ch. 66, R. S. to apply.

No. action on claim until proved.

Commissioners report final.

notice to the claimants, the judge if upon a hearing he is satisfied that the facts set forth in said application are true, may appoint two or more commissioners, who shall after being duly sworn and notifying the parties as directed in their commission, meet at a convenient time and place, and determine whether any and what amount shall be allowed on each claim, and report to the judge at such time as he may limit. Sections five, six, seven, eight, eleven, twelve, thirteen, fourteen and fifteen of chapter sixty-six of the revised statutes, shall apply to such claims, and the proceedings thereon. No action shall be maintained on any claim committed to commissioners as herein provided, unless proved before said commissioners; and their report on all such claims shall be final, saving the right of appeal.

[Approved April 4, 1859.]

Chapter 116.

An act relating to the reform school.

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

Sec 1, of act additional to ch. 142, R. S., approved Mar. 27, 1858, amended.

SECT. 1. Section one of an act additional to chapter one hundred and forty-two of the revised statutes, relating to the reform school, approved March twenty-seven, eighteen hundred and fifty-eight, is hereby amended, by striking out in the first line of the first section the word "eleven" and inserting the word "ten."

Sec. 2, of same amended.

SECT. 2. Section two of said act is hereby amended, by striking out in the first line of said second section the word "eleven" and inserting the word "ten."

Sec. 4, of same amended. Notice mailed, sufficient.

SECT. 3. Section four of said act is hereby amended, by adding thereto the following words, "and when any written notice provided for in this section shall be duly made out, superscribed and directed to the said aldermen or selectmen, deposited in the post office in Portland, and the postage prepaid, it shall be a sufficient notice."

Sec. 5, of same amended. Superintendent may sue after three months notice.

SECT. 4. Section five of said act is hereby amended, by striking out the first sentence, and inserting the words, "At any time after three months from the time of the giving the notice required by section four, the superintendent may in his own name, for the use of the state, sue for and recover of such city or town, the expenses incurred for the clothing and subsistence of such boy, not exceeding one dollar per week, up to the time of his commencing any suit therefor."