

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

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

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1861.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1861.

Chapter 21.

An act in relation to stockholders of railroad corporations.

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

SECT. 1. No action shall hereafter be commenced or maintained in any court in this state, whereby to charge any stockholder of any railroad corporation for the liability declared and set forth in the eighteenth or thirtieth sections of the seventy-sixth chapter of the revised statutes of eighteen hundred forty-one.

Stockholders of railroad corporations, liability of.

SECT. 2. If any stockholder shall be discharged from any suit now pending in any court in this state, for such liability by reason of section one in this act, he shall recover no costs which may have accrued prior to the passage of this act.

—shall recover no costs accruing prior to the passage of this act.

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

[Approved March 9, 1861.]

Chapter 22.

An act relating to wills.

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

SECT. 1. Section two of chapter sixty-four of the revised statutes is amended by adding the following at the end thereof: and when the last will of any deceased person, who had his domicile in this state at the time of his death, is lost, destroyed, suppressed or carried out of the state, and cannot be obtained after reasonable diligence, the execution and contents thereof may be proved by a copy and the legal testimony of the subscribing witnesses to the will or by any other evidence competent to prove the execution and contents of a will, and upon proof of the continued existence of such last will up to the time of the decease of said testator unrevoked, letters testamentary shall be granted as on the last will of the deceased, the same as if the original had been produced and proved.

Ch. 64, sec. 2, R. S., amended.

When last will is lost, &c., execution and contents may be proved by copy, &c.

Upon proof of continued existence of last will to time of decease of testator, letters testamentary shall be granted, &c.

SECT. 2. Section thirteen of chapter sixty-five of the revised statutes is amended by adding the following at the end thereof: and in the settlement of any testate estate, where no provision is made for the widow in the will of her husband or she duly waives the same, the judge shall make her suitable allowances from the personal estate from time to time for the support of herself and family under her care, during any litigation concerning the will;

Ch. 65, sec. 13, R. S., amended.

In settlement of testate estate where no provision is made for the widow, &c. —judge shall make suitable allowance, &c.

CHAP. 23.

—on final probate of will judge shall make further allowance.

and on the final probate of the will he shall make her a final reasonable allowance from the personal estate, according to the degree and estate of her husband and the state of the family under her care.

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

[Approved March 12, 1861.]

Chapter 23.

An act to amend chapter ninety-one of the revised statutes, relating to mortgages of personal property.

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

Mortgagor, &c., when condition is broken, may redeem, &c.

SECT. 1. When the condition of a mortgage of personal property to secure the payment of more than thirty dollars is broken, the mortgagor, or any person lawfully claiming under him, may redeem the same at any time before the property is sold by virtue of a contract between the parties, or on execution against the mortgagor, or the right of redemption is foreclosed as hereinafter provided.

Redemption, how to be made.

SECT. 2. The person entitled to redeem shall pay or tender to the mortgagee, or person holding under him, by an assignment of the mortgage recorded where the mortgage is recorded, the sum due on the mortgage, or perform or offer performance of the thing to be done, with all reasonable charges incurred, and if the property is not immediately restored, it may be replevied or damages for withholding it may be recovered in an action of the case.

—property not restored may be replevied, &c.

Mortgagee or assignee after condition broken, may give notice of intention to foreclose.

SECT. 3. The mortgagee or his assignee, after condition broken, may give to the mortgagor, or if the right of redemption of the mortgage has been assigned, and the assignment recorded, to such assignee, written notice of his intention to foreclose the mortgage for breach of the condition thereof, which notice shall be served by leaving a copy with the mortgagor or his assignee of record, or by publishing it once a week for three successive weeks, in one of the principal newspapers published in the town or city where the mortgage is recorded ; if the mortgagor or assignee is not a resident within the state, and there is no newspaper published in the town or city where the mortgage is recorded, such notice may be published in any newspaper printed in the county where the mortgage is recorded.

—how served or given.

Notice with an affidavit, &c., shall be recorded.

SECT. 4. The notice, with an affidavit of service, or if published, a copy thereof, and the name and date of the paper in which it was last published, shall be recorded where the mortgage is recorded :