

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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.

---

AUGUSTA:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1861.

---

PUBLIC LAWS

OF THE

STATE OF MAINE.

1861.

---

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 :

## CHAP. 24.

and when so recorded, the copy of the record shall be admitted as evidence of the giving of such notice. If the mortgagee or person claiming under him is not a resident in the state, he shall at the time of recording such notice record therewith his appointment of an agent resident where the mortgage is recorded, to receive satisfaction of the mortgage, or the right to redeem shall not be forfeited; payment or tender may be made to such agent.

Mortgagee if not a resident of the state, shall record his appointment of an agent.

SECT. 5. If the money to be paid or other thing to be done is not paid or performed, or tender thereof made, within sixty days after such notice is recorded, the right to redeem shall be forfeited.

Payment or tender, &c.

SECT. 6. Nothing in the preceding sections, or in chapter ninety-one of the revised statutes, shall defeat a contract of bottomry, respondentia, transfer, assignment, or hypothecation of a vessel or goods at sea or abroad, if possession is taken as soon as may be after their arrival within the state.

Contract of bottomry, &c.

SECT. 7. Sections, three four and five of chapter ninety-one of the revised statutes are hereby repealed; the repeal thereof shall not effect any rights, remedies or proceedings now existing by virtue thereof, or any mortgages executed before this act shall take effect.

Sec. 3, 4 and 5 of ch. 91, R. S., repealed.  
—not to affect any rights, &c., now existing.

SECT. 8. This act shall take effect thirty days after its approval by the governor. Its provisions shall be applicable only to mortgages subsequently executed.

Act, when to take effect, &c.

[Approved March 12, 1861.]

## Chapter 24.

An act concerning insane criminals.

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

SECT. 1. No person who has been indicted by any grand jury in this state for a felonious assault with intent to kill and murder, and found "not guilty by reason of insanity" by a traverse jury, who has been or may hereafter be committed to the insane hospital, shall be released therefrom, except by order of a judge of the supreme judicial court after a hearing as hereinafter provided.

Persons indicted and acquitted by reason of insanity, &c.

SECT. 2. Application may be made to any judge of the supreme judicial court for the release of any person committed as aforesaid, who shall furnish to said judge an attested copy of the indictment upon which said verdict was rendered, and said judge, upon hearing the case and such proof as may be offered, if he find such person sane, and that his release would be safe to the community and to the person of him who was assaulted as aforesaid,

Application for release may be made to judge of S. J. C.

If judge find person to be sane, &c.