

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1863.

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

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1863.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1863.

CHAP. 199. authorized by the provisions of chapter eighty-one of the revised statutes to which this act is additional.

SECT. 4. This act shall take effect when approved by the governor.

Approved March 24, 1863.

Chapter 199.

An act additional to chapter ninety-four of the revised statutes, relating to tenancies.

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

Tenancies at will, how terminated.

All tenancies at will may be determined by either party, by thirty days notice in writing for that purpose given to the other party, and not otherwise except by mutual consent, and excepting cases where the tenant is liable to pay rent and no rent is due at the time the notice expires ; and no further notice shall be required to entitle the landlord to the process of forcible entry and detainer.

Further notice not required.

Approved March 24, 1863.

Chapter 200.

An act to amend an act entitled "an act relating to reviews," approved March twenty-seventh, in the year of our Lord one thousand eight hundred and fifty-eight.

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

Defendants defaulted may redeem real estate.

SECT. 1. A defendant residing out of the state, who has been or may be defaulted in an action without appearance, or service of the writ upon him except by publication, may redeem the real estate levied upon or sold by virtue of the execution issued on the judgment as hereafter provided.

Petitions for review, time of making.

SECT. 2. Within six months after the levy of the execution, or any right of redemption is sold, such defendant may petition for review of the action, and within three months after the review is granted or refused, or within three months after final judgment on the writ of review, such defendant may redeem the land levied upon, or any right of redemption sold by virtue of such execution, and such time to redeem is allowed instead of the one year now provided by law.

Time for redemption.

SECT. 3. The judgment on the writ of review, if for the plaintiff in review, is payment for the redemption of the land levied upon to the amount of the judgment, notwithstanding any conveyance of such land, or any part of the same, and if the judgment for the plaintiff on review is for a larger sum than the amount and interest of the levy, a decree may be made for the balance in favor of the plaintiff in review after the hearing in the proceedings provided in section four and execution in common form issue thereon.

SECT. 4. No strip or waste shall be made upon the lands levied upon before, or during the pendency of any proceedings by virtue of this act, and after final judgment upon the writ of review, the plaintiff in review, in addition to other remedies provided by law, may file within three months, his bill in equity in the supreme judicial court for the redemption of such lands levied upon, and the court shall have power and jurisdiction to hear and determine such cause according to the course of proceedings in equity, and the said bill may be filed before any demand or tender, and the court shall have full power to decree the redemption of the land, notwithstanding the three months mentioned in the second section has elapsed, and may make such other orders and decrees as law and justice may require. The court may apply the same principles and rules in respect to costs, as are provided in section twenty-six, chapter seventy-six of the revised statutes in respect to redemption from levies, and generally in respect to costs shall determine according to the equities of the case.

SECT. 5. This act shall take effect from and after its approval by the governor.

Approved March 24, 1863.

CHAP. 201.
Judgment.

Lands levied upon, no strip or waste upon.

Proceedings after judgment.

Bill in equity filed in S. J. C.

S. J. C., powers of.

—decrees of.

Principles applied.

Chapter 201.

An act in addition to chapter eighty-six of the revised statutes, relative to trustee disclosures.

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

SECT. 1. If by the disclosure of any person summoned as trustee or other evidence introduced, it appears that he is indebted to the principal debtor by note not negotiable, account or claim under which he might be held as trustee, and said note, account or claim has been assigned, pledged or transferred to indemnify the assignee, pledgee or holder against any liability, or to secure the performance of any contract or condition, or the payment of any debt, and that the principal defendant has an existing right to redeem such

Trustee disclosures.