

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.

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1863.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1863.

CHAP. 202.

Powers of the court.

Trustee to be held.

Payment made or tendered, proceedings in case of.

Disposition of payment.

Plaintiff, rights of.

note, account or claim, or discharge such lien, the court may order that upon the discharge of such liability or the performance of such contract or condition, or payment of such debt by the plaintiff within such time as the court may order and while the right of redeeming exists, such person summoned as trustee shall be held as such trustee for the full amount due or owing on said note, account or claim aforesaid, and upon it being made to appear to the court that the plaintiff has within the time specified in said order, paid or tendered to said assignee, pledgee or holder, payment of the debt aforesaid, or has indemnified the assignee, pledgee or holder against his said liability, or secured him for the performance of any such contract or condition as aforesaid, to the satisfaction of such assignee, pledgee or holder, in cases in which such liability is to be discharged or such contract or condition is to be performed in some other way than by the payment of money, the court may adjudge the person so summoned as trustee to be trustee for the amount aforesaid.

SECT. 2. The officer demanding of said trustee on execution may first deduct from the amount received the sum thus paid by the plaintiff and interest, and apply any balance towards the satisfaction of the execution in his hands; and upon the rendition of judgment against the trustee the plaintiff shall be subrogated to all the rights of such assignee, pledgee or holder as against the said principal debtor in those cases in which the note, account or claim has been redeemed by the plaintiff in some other way than by the payment of money as before provided, and may have and maintain the same remedies at law and in equity, to enforce and protect said rights in the name of the assignee, pledgee or holder, but at the sole cost and expense of the said plaintiff, that the said assignee, pledgee or holder himself had or might have had by law.

Approved March 24, 1863.

Chapter 202.

An act additional to chapter twenty-two of the revised statutes relating to fences and common fields.

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

Fence viewers, neglect to elect.

Selectmen to act.

In case a town shall neglect to choose fence viewers at its annual town meeting, or having chosen them, the persons so chosen, fail to be legally qualified, it shall be lawful whenever the services of such officers shall be required to apply to the selectmen of the town to act in the capacity of fence viewers, whose acts and deci-

sions shall have the same effect as if chosen fence viewers by the delinquent town. CHAP. 203.

Approved March 24, 1863.

Chapter 203.

An act to change the time of holding the April term of the supreme judicial court in the county of Lincoln.

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

SECT. 1. The supreme judicial court shall be holden on the first Tuesday of May annually, at Wiscasset, within and for the county of Lincoln, for the transaction of civil and criminal business instead of the third Tuesday of April as now provided by law.

April term
S. J. C. Lin-
coln, time
changed.

SECT. 2. All matters pending in or returnable to said court and which would but for the provisions of this act have day at the term of said court to be holden on the third Tuesday of April of the present year as by law provided, thall be returnable to and have day at the term of said court to be holden on the first Tuesday of May of the current year.

Matters pend-
ing, when to
have day.

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

Approved March 24, 1863.

Chapter 204.

An act relating to auctioneers.

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

SECT. 1. Any person duly licensed as an auctioneer in any town or city in this state shall thereby be authorized to sell at auction in any other town, city or place in this state in which there is no resident auctioneer, as fully as he could in the place where his license is obtained. This act shall not be so construed as to authorize hawkers and pedlers to sell at auction.

Auctioneers,
relating to.

Hawkers and
pedlers not to
sell at auction.

SECT. 2. This act takes effect when approved by the governor.

Approved March 24, 1863.