

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## FORTY-THIRD LEGISLATURE

OF THE

## STATE OF MAINE.

1864.

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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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1864.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1864.

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**Chapter 262.**

An act relating to illegitimate children.

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

Illegitimate children deemed legitimate in certain cases.

When the parents of any child which may be hereafter born illegitimate shall intermarry, such child shall be the legal heir of the father, as well as of the mother; shall follow and have his legal settlement, and shall be deemed legitimate to all intents and purposes.

Approved March 24, 1864.

**Chapter 263.**

An act additional to section seventeen of chapter seventy-one of the revised statutes, requiring certain proceedings by executors and administrators in the conveyance of real estate.

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

Chap. 71, sec. 17, R. S., amended.

Notice to heirs, &c.

—to give bond.

Before a judge of probate shall give authority to any one to execute deeds provided for under section seventeen of chapter seventy-one of the revised statutes, notice, such as the judge may deem sufficient, shall be given to the heirs and other parties interested, and he shall require of the party whom he may authorize to make such conveyance, to give a bond, in a reasonable sum, to account according to law, for the proceeds, or sum, which he may receive therefor.

Approved March 24, 1864.

**Chapter 264.**

An act requiring the secretary of state to furnish the clerks of courts in the several counties, a list of all persons commissioned and qualified as justices of the peace, justices of the peace and quorum, trial justices and notaries public.

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

Lists of justices of the peace, &c., to be furnished clerks of courts.

SECT. 1. The secretary of state shall, on or before the first day of June next, forward to the clerks of court in the several counties, a list of all justices of the peace, justices of the peace and quorum, trial justices and notaries public in this state, whose commissions shall then be in force, and the evidence of whose qualifications has been filed in his office. Such list shall contain the name and place

of residence of every such officer, the date of his commission, and the county or counties for which he is commissioned. And he shall forward to said clerks on the first day of December and of June annually thereafter, a similar list of all such officers commissioned and qualified during each preceding period of six months.

SECT. 2. The clerk of courts in each county shall record all such lists in a book to be by him kept for that purpose; and such record, and also copies thereof duly attested by him, shall be deemed legal, but not conclusive evidence of the due appointment and qualification of all such officers.

Clerks of courts shall record lists.

—record, &c., shall be deemed legal.

Approved March 24, 1864.

### Chapter 265.

An act relating to the redemption of railroad mortgages by subsequent mortgagees, and for the better protection of bondholders.

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

SECT. 1. In all cases where any entry has been made or other steps have been, or shall hereafter be taken with a view to foreclose, or commence the foreclosure of any mortgage upon any railroad within this state, or upon any part thereof, or upon its franchise or other property, any subsequent mortgagees of the same road, franchise or other property, holding in trust for the benefit of any holders of the bonds or other claims secured by such subsequent mortgage, in which no provision for a sale is expressed, may pay the amount due upon the mortgage so being in process of foreclosure, at any time before such foreclosure shall become absolute; and upon payment or tender thereof shall hold the same in trust for the persons holding bonds or other claims secured by such subsequent mortgage, who severally shall have contributed to the payment and redemption thereof; and each bondholder or other person so contributing, shall be equitably interested therein, in proportion to the amount he shall have paid; and the trustees of the subsequent mortgage shall hold the same as assignees notwithstanding its payment in trust for the benefit of the persons contributing as aforesaid, in the same manner and with the same effect that it would have been held by the preceding mortgagees if it had not been paid or redeemed, subject, however, to the provisions for further contribution hereinafter contained; *provided however*, that whenever any subsequent mortgage upon any railroad, contains a provision for a sale of the mortgaged property, if it appears by the terms of said mortgage that the right to make such

Mortgages by subsequent mortgagees, proceedings where sentence is made, &c., in view to foreclosure.

—may pay amount due on mortgage.

—when payment or tender shall hold same interest for bondholders, &c.

Trustees of subsequent mortgage shall hold same as assignees.

Proviso.