

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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AUGUSTA:

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1874.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1874.

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**Chapter 233.****CHAP. 233.**

An act in addition to chapter ninety of the revised statutes, in relation to the discharge of mortgages.

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

SECT. 1. When an amount due on a mortgage has been paid, or tendered to the mortgagee, or person claiming under him, before the foreclosure of the mortgage, and the mortgagee or his assignee is beyond the limits of this state, and the mortgage is undischarged on the record, the mortgagor or person claiming under him, may have his bill in equity for the redemption of the mortgaged premises, as provided in section fourteen of chapter ninety of the revised statutes, or for the discharge of the mortgage; and on notice given by publication in some newspaper in the county where said premises are situated, three weeks successively, the last publication being thirty days before the time of hearing, or in such other way as the supreme judicial court or a judge thereof, in vacation, orders of the pendency of the bill, said court may decree a discharge of such mortgage; and the record of such decree in the records for deeds in said county shall be evidence of the discharge of said mortgage.

Mortgages, redemption of, when mortgagee is beyond the limits of the state.

—notice to be published.

—discharge of.

SECT. 2. A mortgage may be discharged on the record thereof in the office of the registry of deeds by an attorney at law, authorized in writing by the mortgagee or person claiming under him; *provided, however,* that said writing be first recorded or filed in said office and a minute of same be made by the register of deeds on the margin of the page in connection with said discharge.

—may be discharged by attorney at law.

Approved March 3, 1874.

**Chapter 234.**

An act to amend chapter six of the revised statutes, concerning taxes.

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

SECT. 1. Sections one hundred and sixty-two and one hundred and seventy-four of chapter six of the revised statutes are each amended so as to read as follows: 'In any trial at law or in equity involving the validity of any sale of real estate for non-payment of taxes, it shall be sufficient for the party claiming under it, in the first instance, to produce in evidence the collector's deed, duly executed and recorded, and then he shall be entitled to judgment in his favor, unless the party contesting such sale shall prove to the court that he, or the person under whom he claims, has paid

Sec. 162, 174, ch. 6, R. S., amendment of.

Sale of property for taxes, validity of.

**CHAP. 235.**

Judgment in certain cases.

or tendered the amount of all such taxes and the legal charges and interest thereon and all costs of suit; and then he may be admitted to prosecute or defend; but if the other party then produces, in addition to the deed as aforesaid, the assessments signed by the assessors and their warrant to the collector, and proves that such collector complied with the requirements of the law in advertising and selling such real estate, he shall have judgment in his favor.'

Act not to affect suits pending.

SECT. 2. This act shall not affect any suits now pending, nor shall it apply to cases in which the sales took place before the approval of this act.

Approved March 3, 1874.

**Chapter 235.**

An act authorizing assignees of chosses in action to bring actions in their own name.

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

Assignees may bring actions in their own name.

Assignees of chosses in action, not negotiable, assigned in writing, are hereby authorized to bring and maintain actions in their own name, and the assignee shall hold the assignor harmless of costs, and shall file with his writ the assignment or a copy thereof, and all rights of set-off shall be preserved to the defendant.

Approved March 3, 1874.

**Chapter 236.**

An act to amend section twenty, chapter nine, revised statutes.

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

Sec. 20, ch. 9, R. S., amendment of.

Section twenty, chapter nine, revised statutes, is hereby amended by adding to said section the following: 'All sums received from rent of said shores shall be paid to the treasurer of the State of Maine, to be held by him in trust, and shall be paid to the Penobscot tribe of Indians on warrant of the governor and council, as provided in section one, chapter two hundred and sixty-seven, laws of eighteen hundred and seventy-three;' so that said section as amended shall read as follows:

Rents of public farm on Orson island, how applied.

'The agent of the Penobscot tribe, under the orders of the governor and council, may lease the public farm on Orson island, and appropriate the accruing rents to the use of the schools of