

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1880.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1880.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1880.

Chapter 193.**CHAP. 193**

An act to amend sections one, two and three, of 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 :

SECT. 1. Section one of chapter ninety-one of the revised statutes, is hereby amended by striking out in the first and second lines of said section, the words, "to secure payment of more than thirty dollars," and in the sixth, seventh, and eighth lines, by striking out the words, "such a mortgage made to secure the payment of thirty dollars or less, may be so recorded, and with the same effect." Section two of said chapter, is hereby amended in the first and second lines, by striking out the words, "of the same fees allowed to registers of deeds for like services," and adding the words, 'twenty-five cents.' Section three of said chapter is hereby amended in the second line, by striking out the words, "to secure the payment of more than thirty dollars;" so that said sections as amended, shall read as follows :

Sec. 1, ch. 91, R. S., amended.

Sec. 2, amended.

'SECT. 1. No mortgage of personal property shall be valid against any other person than the parties thereto, unless possession of such property is delivered to, and retained by the mortgagee, or the mortgage is recorded by the clerk of the town, or plantation, organized for any purpose in which the mortgager resides. When all the mortgagers reside without the state, the mortgage shall be recorded in said town or plantation where the property is when the mortgage is made; but if a part of the mortgagers reside in the state, then in the towns or plantations in which such mortgagers reside. A mortgage made by a corporation, shall be recorded in the town where it has its established place of business. If any mortgager resides in an unorganized place, the mortgage shall be recorded in the oldest adjoining town or plantation, organized as aforesaid, in the county.'

Mortgages not valid except between the parties, unless recorded or possession taken.

Where recorded

'SECT. 2. The clerk, on payment of twenty-five cents, shall record all such mortgages delivered to him, in a book kept for that purpose, noting therein, and on the mortgage, the time when it was received; and it shall be considered as recorded when received. Such clerk may appoint a citizen of said town his deputy, who may, in the clerk's absence from his office, record mortgages with the same effect as if

Clerk records mortgages on payment of fee.

—may appoint deputy.

CHAP. 194 done by the clerk; the appointment may be made in writing as follows:

I hereby appoint —— to perform the duties of town clerk, as set forth in section two, of chapter ninety-one, of the revised statutes, in the town of ——, during my absence from the clerk's office. —— Clerk of the town of ——. Said deputy shall be sworn to faithfully perform the duties of his office before he enters thereon.'

How property may be redeemed.

'SECT. 3. When the condition of a mortgage of personal property is broken, the mortgager, or any other person lawfully claiming under him, may redeem it any time before it is sold, by virtue of a contract between the parties, or on execution against the mortgager, or before the right of redemption is foreclosed, as hereinafter provided, by paying or tendering to the mortgager, or the person holding the mortgage by assignment thereof, recorded where the mortgage is recorded, the sum due thereon, or by performing, or offering to perform the conditions thereof, when not for the payment of money, with all reasonable charges incurred; and the property, if not immediately restored, may be replevied, or damages for withholding it recovered in an action of the case.'

Property may be replevied.

SECT. 2. This act shall take effect when approved.

Approved March 4, 1880.

Chapter 194.

An act in relation to Defenses in Actions involving Contracts made on Sunday.

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

Defendant in action on contract made on Sunday must restore consideration received.

No person who receives any money, or valuable thing, as the consideration for a contract, express or implied, made and entered into on Sunday, shall be permitted to defend any action upon such contract on the ground that it was so made and entered into on Sunday, until he shall restore such consideration so received; *provided* that nothing herein contained shall apply to any action now pending.

Proviso.

Approved March 5, 1880.