

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SIXTIETH LEGISLATURE

OF THE
STATE OF MAINE.

1881.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1881.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1881.

Chapter 82.

CHAP. 82.

An act to amend section four of chapter fifty-one of the Revised Statutes, relating to railroads.

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

Section four of chapter fifty-one of the revised statutes is hereby amended by striking out the second clause and inserting instead thereof the following : ' When a corporation, by its first location, fails to acquire the land actually embraced in its roadway, or the location as recorded is defective or uncertain, it may at any time correct and perfect its location and file a new description thereof ; and in such case shall be liable for damages, by reason of such new or amended location, only for land embraced therein for which the owner had not previously been paid.' So that the first two clauses of said section as amended shall read as follows :

Sec. 4 of ch. 51,
R. S., amended.

'SECT. 4. The railroad is to be located within the time and substantially according to the description in the charter ; and the location is to be filed with the county commissioners, approved by them and recorded. When a corporation, by its first location, fails to acquire the land actually embraced in its roadway, or the location as recorded is defective or uncertain, it may, at any time, correct and perfect its location, and file a new description thereof ; and in such case shall be liable for damages, by reason of such new or amended location, only for land embraced therein for which the owner had not previously been paid.'

Location to be
filed and record-
ed.

Remedy for de-
fective location,
and liability for
damages.

Approved March 16, 1881.

Chapter 83.

An act concerning the salary of the Deputy Clerk of Courts for Cumberland County.

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

SECT. 1. The salary of the deputy clerk of courts for Cumberland county, shall hereafter be twelve hundred dollars per annum, instead of one thousand dollars per annum as now provided by law, and shall be payable by the county treasurer of Cumberland county, in quarterly payments, on

Salary of deputy
clerk of Cumber-
land county,
fixed.

CHAP. 84. the first day of January, April, July and October of each year.

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

This Act was presented to the Governor the 10th day of March, 1881, and was retained by him for the period of five days—Sunday not included—when it was forwarded to the office of the Secretary of State, without approval.

Chapter 84.

An act relating to mortgages of real estate and actions thereon.

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

Sec. 2, ch. 90,
R. S., amended.

SECT. 1. Section two of chapter ninety of the revised statutes is hereby amended by inserting after the word "before," in the second line, the words 'or after;' by omitting the words "of the mortgage," in the third line; by striking out the words "debt is afterwards paid or the mortgage redeemed," in the fourth and fifth lines, and inserting in place thereof the words 'mortgage is afterwards redeemed;' and by striking out the words "the entry," in the sixth line, and inserting in their place the words 'taking possession,' so that said section as amended shall read as follows :

Mortgagee may enter before or after breach, unless otherwise agreed.

'SECT. 2. Any mortgagee, or person claiming under him, may enter on the premises, or recover possession thereof, before or after breach of condition, when there is no agreement to the contrary; but in such case, if the mortgage is afterwards redeemed, the amount of the clear rents and profits from the time of taking possession, shall be accounted for and deducted from the sum due on the mortgage.'

Sec. 3, amended.

SECT. 2. The first specification in section three of the same chapter is hereby amended by striking out the words "commence an action at law and," in the first line; and by striking out the word "the," in the second line, and inserting in place thereof the words 'a conditional;' and by striking out the words "in the action," in the second line, so that said specification as amended shall read as follows :

Modes of obtaining possession.

'*First:* He may obtain possession under a writ of possession issued on a conditional judgment, as provided in the eighth section, duly executed by an officer. An abstract of such writ, stating the time of obtaining possession, certified