

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.

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1881.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1881.

by the clerk, shall be recorded in the registry of deeds of the district in which the estate is, within thirty days after possession obtained.' CHAP. 85.

SECT. 3. Section seven of the same chapter is hereby amended by striking out the words "the possession of the premises for breach of the condition of the mortgage," in the fifth and sixth lines, and inserting instead thereof the words 'possession, and that the condition was broken when the action was commenced;' also by striking out the words "hereinafter mentioned," in the seventh line; also by striking out the last two lines and inserting instead thereof the words 'or that the owner of the mortgage proceeded for foreclosure, conformably to sections five and six, before the suit was commenced, the plaintiff not consenting to such judgment; and unless such judgment be awarded, judgment shall be entered as at common law;' so that said section as amended shall read as follows:

SECT. 7. The mortgagee, or person claiming under him, in an action for possession, may declare on his own seizin, in a writ of entry without naming the mortgage or assignment; and if it appears on default, demurrer, verdict or otherwise, that the plaintiff is entitled to possession, and that the condition was broken when the action was commenced, the court shall, on motion of either party, award the conditional judgment, unless it appears that the tenant is not the mortgager or a person claiming under him, or that the owner of the mortgage proceeded for foreclosure conformably to sections five and six before the suit was commenced, the plaintiff not consenting to such judgment; and unless such judgment be awarded, judgment shall be entered as at common law.'

Form of declaring in a suit to obtain possession of mortgage.

Approved March 16, 1881.

Chapter 85.

An act to prevent Railroad Accidents.

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

Any person, other than a servant or employe of the road, or a passenger holding a ticket for a passage over the road, or mail agents or expressmen, who shall get upon or leave any

Punishment for getting upon or leaving railroad train when in motion.

CHAP. 86.

Liability of corporations not affected.

steam engine, tender, or car at any place outside of a railroad station, while such engine, tender or car is in motion, shall be punished by imprisonment not exceeding thirty days, or by a fine not exceeding ten dollars. The provisions of this act shall not affect the liability of any railroad corporation for injuries or damages caused by the fault or negligence of the corporation or its servants.

Approved March 17, 1881.

Chapter 86.

An act to abolish the December term of the Supreme Judicial Court in the County of Oxford.

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

Term of court abolished.

The term of the supreme judicial court, now required by law to be held in the county of Oxford on the first Tuesday of December annually, is hereby abolished.

Approved March 17, 1881.

Chapter 87.

An act relating to Congressional vacancies.

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

Governor to issue proclamation for election to fill congressional vacancy.

SECT. 1. Whenever a vacancy shall occur in the representation of this state in the national house of representatives, the governor, having knowledge in any manner of such vacancy, shall issue his proclamation for an election to fill such vacancy. In case congress is in session when such vacancy occurs, this proclamation shall be issued forthwith, and in case congress is not in session when such vacancy occurs, such proclamation shall issue in season to secure representation at the next called or regular session of congress.

Clerks of towns to deposit returns in post office directed to secretary of state.

SECT. 2. It shall be the duty of the clerk of each town, within twenty-four hours after the close of the polls, to deposit the returns of the votes cast at such special election,