

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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

AUGUSTA :
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1893.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1893.

city votes to so use it at a meeting called after due notice, at a rate of interest less than six per cent, if the party creating the trust so provides, or by an agreement with the beneficiary, approved by a decree in equity of the supreme judicial court, or such city or town may procure a decree from the supreme judicial court sitting in equity, establishing the rate of interest that such city or town shall pay for the use of such fund, and the supreme judicial court is hereby given jurisdiction over the question of such use and rate of interest in such cases,' so that said section, when amended, shall read as follows :

‘SECT. 52. Interest shall be allowed if the fund is used by the city or town ; and any city or town may use the principal of any trust fund for municipal purposes, if the town, or the city council of the city, votes to so use it, at a meeting called after due notice, at a rate of interest less than six per cent, if the party creating the trust so provides, or by an agreement with the beneficiary, approved by a decree in equity of the supreme judicial court, or such city or town may procure a decree from the supreme judicial court sitting in equity, establishing the rate of interest that such city or town shall pay for the use of such fund, and the supreme judicial court is hereby given jurisdiction over the question of such use and rate of interest in such cases ; otherwise, it shall be placed at interest or income, the city or town being responsible for its security.’

Interest allowed, if fund is used.

Fund may be used, if town or city so votes.

—rate of interest.

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

Approved March 29, 1893.

Chapter 301.

An Act to provide for Attachments and the recording of Judgments and Decrees in certain cases.

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

SECT. 1. No action commenced in the supreme judicial court, either by original writ or bill in equity inserted in a writ of attachment, in which the title to real estate is involved, is effectual against any person not a party thereto or having actual notice thereof, until an attachment of such real estate

Action is not effectual against person not party thereto, until attachment is made and recorded.

CHAP. 301

is duly made and recorded in the office of the registry of deeds in and for the county in which such real estate is situated, in the same manner as attachments of real estate in other cases are now recorded.

Nor until certificate setting forth names, date of bill, description of the real estate duly certified and recorded in registry of deeds.

SECT. 2. No action commenced in the supreme judicial court by bill in equity not inserted in a writ of attachment, in which the title to real estate is involved, is effectual against any person not a party thereto or having actual notice thereof, until a certificate, setting forth the names of the parties, the date of the bill and of the filing thereof, and a description of the real estate in litigation as described in said bill, duly certified by the clerk of said court in and for the county where said bill is pending, is recorded in the registry of deeds in and for the county in which such real estate is situated.

Judgment, divesting person of real estate, not effectual against such person, until certified and recorded in registry of deeds.

SECT. 3. No judgment or decree of the supreme judicial court divesting any person of title to real estate shall be effectual against any person not a party to the action in which such judgment or decree is rendered and persons having actual notice thereof, unless a copy of such judgment or decree or so much thereof as relates to the title to such real estate, duly certified by the clerk of said court in and for the county where said judgment or decree is rendered, is, within thirty days after the rendering of such judgment or decree, duly recorded in the registry of deeds in and for the county in which such real estate is situated.

Register of deeds shall provide record book for certificates, and so index to same.

SECT. 4. The register of deeds in each county of the state shall provide a suitable book wherein he shall record all certificates and copies of judgments and decrees returned to him in accordance with sections two and three of this act, and he shall also provide a suitable index to said book. For each certificate or copy of judgment or decree the clerk of courts shall receive the sum of twenty-five cents, and for recording the same the register of deeds shall receive the sum of twenty-five cents, and these sums may be taxed in the costs of suits.

Fees for recording.