

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# Acts and Resolves

As Passed by the

## Seventy-Eighth Legislature

OF THE

# STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the  
Seventy-Seventh Legislature held in 1916.

---

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

---

THE LEWISTON JOURNAL CO.  
LEWISTON, MAINE  
1917

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Seventy-Eighth Legislature

**1917**

[supplied from page 1 of volume]

## Chapter 161.

An Act to Amend Paragraph One of Section Four of Chapter Seventy-two of the Revised Statutes, Relating to the Appointment of Guardians.

*Be it enacted by the People of the State of Maine, as follows:*

**R. S., c. 72, § 4, par. 1, relating to the appointment of guardians for adults, amended.** Paragraph one of section four of chapter seventy-two of the revised statutes is hereby amended by adding before the word "persons" in the first line the word 'all' and after the word "persons" the words 'including those', and by striking out the word "including" in said first line and substituting therefor the word 'and', so that said paragraph as amended shall read as follows:

**¶ I. Provisions made to include all persons.** All persons, including those insane or of unsound mind, and married women, who by reason of infirmity or mental incapacity, are incompetent to manage their own estates, or to protect their rights.'

Approved April 3, 1917.

## Chapter 162.

An Act in Addition to Sections Forty-four, Forty-five, Forty-six and Forty-seven of Chapter Eighty-six of the Revised Statutes, Relating to Attachment of Property Mortgaged or Pledged.

*Be it enacted by the People of the State of Maine, as follows:*

**Sec. 1. Mortgagee may be summoned to give information.** Personal property, which is subject to a mortgage and is in the possession of the mortgagor may be attached as if unencumbered; and the mortgagee or his assigns may be summoned in the same action in which the property is attached as the trustee of the mortgagor or his assigns to answer such questions as may be put to him or them by the court or by its order relative to the consideration of the mortgage and the amount due thereon.

**Sec. 2. Validity of mortgage established; proceedings.** If upon such examination, or upon the verdict of a jury as hereinafter provided, it appears that the mortgage is valid, the court, having first ascertained the amount justly due upon it, may direct the attaching creditor to pay the same to the mortgagee or his assigns within such time as it orders; and if he does not pay or tender the amount within the time prescribed, the attachment shall be void and the property shall be restored.

**Sec. 3. Validity of mortgage may be tried before jury; costs.** If the attaching creditor denies the validity of the mortgage and moves that the validity may be tried by a jury, the court shall order such trial upon an issue which shall be framed under its direction and if, upon such examination or verdict, the mortgage is adjudged valid, the mortgagee or his assigns shall recover his costs.