

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1861.

FORTIETH LEGISLATURE.

HOUSE.

No. 6.

A M E N D M E N T

Offered by Mr. Dyer of Calais, to an Act to amend chapter ninety-one of the Revised Statutes, relating to mortgages of personal property.

Amend by striking out all after the enacting clause, and inserting,

SECTION 1. Section 1 of chapter 91 of the Revised
2 Statutes is amended, by striking out the words “pos-
3 session of such property is delivered to and retained by
4 the mortgagee or.” Section 3 of said chapter is re-
5 pealed, and in place thereof shall be the following :
6 “ After breach of the condition of a mortgage, the mort-
7 gagee or his assignee may foreclose the same by filing
8 with the clerk of the town where the mortgage is re-
9 corded, notice of his intention to foreclose such mort-
10 gage, a brief minute of which notice with the date of

11 its reception, such clerk shall record upon the margin
12 of the page opposite the record of the mortgage, and
13 shall receive therefor five cents. And the property
14 may be redeemed by the mortgagor or person claiming
15 under him within sixty days after the filing of such
16 notice. The provisions of this section shall not affect
17 any rights by virtue of contract, attachment, seizure
18 or sale on execution.” Section 4 of said chapter is
19 amended by adding to the end thereof “If the mort-
20 gagee or his assignee has no residence in the state, he
21 shall file with the clerk of the town where the mort-
22 gage is recorded at the same time with the notice of
23 foreclosure, notice of the appointment of an agent in
24 such town to receive satisfaction of such mortgage. If
25 the mortgagee or his assignee shall remove from the
26 state after notice of foreclosure, he shall file the notice
27 of appointment of agent, in the manner above provided,
28 before the time of redemption has expired. And in
29 all cases the certificate of the clerk of such town shall
30 be prima facie evidence of the fact of such notices as
31 are required by the foregoing.”

SECT. 2. This act shall affect such mortgages only
2 as are executed after it shall become a law.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 19, 1861. }

On motion of Mr. McCRILLIS of Bangor, laid on the table, and
350 copies ordered to be printed for the use of the Legislature.

CHARLES A. MILLER *Clerk.*