



**Chattel mortgages and conditional sales; A treatise
on the law of mortgages and conditional sales of
personal property in the state of New York. With
appendices of statutes and of forms**

Abner Charles Thomas

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This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1889 Excerpt: ...keep, pasture or board of such animals shall have been paid, provided, however, that notice in writing shall first be given to such owner in person, or at his last known place of residence, of the amount of such charges and the intention to detain such animal or animals until such charges shall be paid; and such persons may at any time maintain an action in any of the courts of this State to enforce such lien and procure a sale of the said animals for the payment of said keeping, pasture and board and the costs of such action whenever such sum shall exceed fifty dollars. "From the time of giving such notice, and while such horse or horses are so detained and no longer, such liverystable keeper shall have a lien upon such horse or horses for the purpose of satisfying any execution which may be obtained upon a judgment obtained for such charges." 1 Storms v. Smith, 137 Mass. 201; 2 Grinnell v. Cook. 3 Hill, 485; Rissell T. Pearce, 28 N. Y. 252; Sar-Jackson v. Kasseall, 30 Hun, 231, 234. gent. v. Usher, 55 N. H. 252. 3 Laws 1872, ch. 498; am'd by Laws of 1880, ch. 145. § 185. It is to be observed that the statute gives no lien upon any thing but the animals. And this lien is conditioned upon the giving of a written notice. It has been held that the notice has no retroactive effect and that the notice operates to give a lien, the same as a special contract to that effect would have done. Neither such a special contract nor the statutory notice will operate to create a lien for prior charges which will cut off an existing mortgage lien. As to whether a lien can be acquired for charges subsequent to the notice, which will be superior to the mortgage, this has not been passed upon.1 1 Jackson v. Kasseall, 30 Hun, 231; 20 Am. R. 208; Case v. Allen, 2...

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