

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN
APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDEN.

1857.

CHAP. 81.

TITLE NINE.

Civil rights and remedies.

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WRITS AND COMMENCEMENT OF ACTIONS.

SEC. 1. The forms of writs in civil actions remain as established; but the supreme judicial court, by general rules, may make such alterations therein, for all courts, as changes in the law or other causes require.

Forms of writs remain, &c.
R. S., c. 114, § 1.

SEC. 2. Personal and transitory actions, except process of foreign attachment, and except as provided in the six following sections, shall be brought, when the parties live in the state, in the county where any plaintiff or defendant lives; and when the plaintiff does not live in the state, in the county where any defendant lives; and when not so brought, on motion, or inspection by the court, they shall be abated and the defendant allow-

Personal and transitory actions, where to be commenced.
12 Maine, 17.
R. S., c. 114, § 2.
1856, c. 228.
1857, c. 4.

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ed double costs. When the plaintiff and defendant live in different counties at the commencement of any such action, except process of foreign attachment, and during its pendency one party moves into the same county with the other, on motion of either, it may be transferred to the county where both then live, if the court thinks justice will thereby be promoted; and tried as if originally commenced and entered therein.

Actions on
sheriffs' bonds.
R. S., c. 114,
§ 3.

SEC. 3. Actions on bonds given by sheriffs and coroners to the treasurer of the state, shall be brought in the county in which such sheriff or coroner is commissioned to act.

Actions of debt
on judgment.
R. S., c. 114,
§ 4.

SEC. 4. All actions of debt, founded on judgment rendered by any court of record in this state, may be brought in the county where it was rendered, or in the county in which either party thereto, or his executor or administrator, resides at the time of bringing the action.

Jurisdiction
sustained if
defendant's
property is
attached, &c.
R. S., c. 114,
§ 5.

SEC. 5. In all actions commenced in any court proper to try them, jurisdiction shall be sustained, if goods, estate, effects or credits of any defendant are found within this state and attached on the original writ; and service shall be made as provided in the eighteenth section hereof.

Local and
transitory ac-
tions, in which
counties,
towns, and
other corpora-
tions are par-
ties; where
brought.
R. S., c. 114,
§ 6, 7, 8, 9, 10,
11, 12, 13.
1849, c. 108.

SEC. 6. Local and transitory actions shall be commenced and tried as follows: When both parties are counties, in any county adjoining either; when a county is plaintiff, if the defendant lives therein, in an adjoining county; if he does not live therein, in the county in which he does live; when a county is defendant, if the plaintiff lives therein, in that county or in any adjoining county; if he does not live therein, in that county or in that in which he does live; when a corporation is one party and a county the other, in any adjoining county; when both parties are towns, parishes or school districts, in the county in which either is situated; when one party is a town, parish, or school district, and the other some corporation or natural person, in the county in which either of the parties is situated or lives; but all actions against towns, for damages by reason of defects in highways, shall be brought and tried in the county in which the town is situated. All other corporations may sue and be sued in the county in which they have any established place of business, or in that in which the plaintiff or defendant, being a natural person, lives.

Actions for
forfeitures;
where brought.
R. S., c. 114,
§ 14.

SEC. 7. When a forfeiture is recoverable in a civil action, it shall be brought in the county in which the offence was committed, unless a different provision is made in the statute imposing it; and if on trial it does not appear that it was committed in the county where the action is brought, the verdict shall be in favor of the defendant.

Justice actions
against several
defendants,
&c.

12 Maine, 17.
15 Maine, 188.
1842, c. 10, § 3.

SEC. 8. Any action, against two or more defendants residing in different counties, to be tried before a justice of the peace or municipal or police court, may be brought in the county where either resides; and the writ and execution shall be directed to and executed by the proper officers in each of such counties, but if there is but one defendant, such action shall be commenced in the county where he resides.

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SEC. 9. Every writ original, of scire facias, of error, of audita querela, petition for writ of certiorari, for review, or for partition, and bill in equity, shall, before entry in court, be indorsed by some sufficient inhabitant of the state, when the plaintiff or petitioner is not an inhabitant thereof; and if pending such suit, the plaintiff or petitioner removes from the state, such indorser shall be procured on motion of the defendant or other party to the suit; but if one of two or more such plaintiffs or petitioners is an inhabitant of the state, no indorser shall be required except by special order of the court.

What writs must be indorsed, &c.
1 Greenl. 399.
3 Greenl. 27, 216.
10 Maine, 43.
R. S., c. 114, § 16, 17.

SEC. 10. In case of avoidance or inability of the plaintiff or petitioner, the indorser is liable, in an action on the case, brought within one year after the original judgment in the court in which it was rendered, to pay all costs recovered against the plaintiff. A return upon the execution by an officer of the county, where the indorser lives, that he has demanded of the indorser payment thereof, and that he has neglected to pay, or to show the officer personal property sufficient to satisfy the execution, or that he cannot find the indorser within his precinct, shall be conclusive evidence of his liability in the suit.

Liability of indorser, &c.
11 Maine, 443, 467, 491.
15 Maine, 64.
16 Maine, 18.
20 Maine, 385.
24 Maine, 225, 237, 353.
26 Maine, 40.
39 Maine, 131.
R. S., c. 114, § 18.

SEC. 11. If pending any such suit or petition, any such indorser becomes insufficient or removes from the state, the court may require a new and sufficient indorser, the defendant consenting that the name of the original indorser shall be struck out; and such new indorser shall be liable for all costs from the beginning of the suit, as if he had been the original indorser; and if such new indorser is not provided, the action shall be dismissed and the defendant recover his costs.

New indorser required, &c.
R. S., c. 114, § 19, 20.

SEC. 12. All civil actions, except scire facias or other special writs, shall be commenced by original writs. Writs issued by a justice of the peace, or judge of a municipal or police court, shall be sealed and signed by such justice or judge.

Writs for civil actions; how signed, &c.
12 Maine, 196.
R. S., c. 114, § 21.

SEC. 13. All original writs, in the supreme judicial court, may be issued by the clerk in term time or vacation, and framed to attach the goods or estate of the defendant and for want thereof to take his body; or as an original summons with or without an order to attach goods or estate.

Writs original; how issued, &c.
34 Maine, 9.
R. S., c. 114, § 22, 23.

SEC. 14. In actions against corporations, and in other cases where goods or estate are attached, and the defendant is not liable to arrest, the writ and summons may be combined in one.

Writs against corporations, &c.
R. S., c. 114, § 25.

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SEC. 15. When goods or estate are attached on either of said writs, a separate summons, in form by law prescribed, shall be delivered to the defendant, or left at his dwellinghouse or place of last and usual abode, fourteen days before the sitting of the court, to which it is returnable, which shall be a sufficient service.

Summons; to be left when attachment is made.
31 Maine, 494.
R. S., c. 114, § 24.

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Summons;
original how
served.

15 Maine, 400.
R. S., c. 114,
§ 26.

Service if de-
fendant is not
inhabitant, &c.

6 Greenl. 218.
19 Maine, 107.
R. S., c. 114,
§ 27.

Order of notice
by justice, &c.
R. S., c. 114,
§ 28.
1844, c. 86.
1850, c. 154.

Service on a
county.

R. S., c. 114,
§ 41.

Service on a
town or quasi
corporation.

R. S., c. 114,
§ 42.

Service on
other corpora-
tions.

16 Maine, 370.
R. S., c. 114,
§ 43.

Service on in-
surance com-
panies out of
the state.

1846, c. 186.

SEC. 16. Where the process is by original summons, wherein the law does not require a separate summons to be left with the defendant, the service shall be sufficient by reading the writ or original summons to the defendant, or by giving him in hand, or leaving at his dwelling house or place of last and usual abode, a certified copy thereof, fourteen days before it is returnable.

SEC. 17. If the defendant was never an inhabitant of this state or has removed therefrom, the summons where goods and estate are attached, or a copy of the original summons, as the case may require, shall be left with his tenant, agent, or attorney, fourteen days before the sitting of the court.

SEC. 18. When the goods or estate of any person, not an inhabitant of the state, and having no tenant, agent, or attorney therein, are attached in any civil action, and in all other cases where the court orders notice, any justice of the court to which the writ or process is returnable, may, in vacation, make his order by him signed on the back of the writ or process, directing how the defendant shall be notified; or the court, after entry, may order such notice to the defendant as justice requires; and if such order is complied with and proved to the satisfaction of the court, the defendant shall be held to answer to the suit as in other cases. Such order may be made by such justice in any county in which the court is in session. A justice of the peace, or judge of a municipal or police court, may in like cases and with the same effect, order like notice on any writ or process returnable, or in actions pending before them.

SEC. 19. When a suit is brought against a county, the summons shall be served by leaving an attested copy thereof with one of the county commissioners or with their clerk.

SEC. 20. In all suits against the inhabitants of any town, parish, religious society, or school district, the summons shall be served by leaving a copy thereof with the clerk, or one of the selectmen or assessors, if there is any such officer, if not, with a member of such corporation.

SEC. 21. In suits against all other corporations, however created, the summons shall be served by leaving a copy thereof with its president, clerk, cashier, treasurer, general agent, or director; if there is no such officer or agent found within the county where such corporation is established, or where its records or papers are by law required to be kept, such copy may be left with any member thereof.

SEC. 22. In an action against an insurance company established in any other state or country by an inhabitant of this state, on a policy of insurance signed or countersigned by an agent in this state, on property or lives within this state, a summons in usual form, or a copy of the writ and declaration delivered to the agent or attorney of the company within this state, left at his last and usual place of abode, shall be a sufficient service; or if such service is made upon the person, being an inhabitant of the state, who signed or countersigned the policy, on which such action is founded, it shall also be a sufficient service;

but in either case, the court may order further notice to be given to such company. CHAP. 81.

SEC. 23. In all the cases mentioned in the four preceding sections, the writ shall be served thirty days before the sitting of the court to which it is returnable.

SEC. 24. When an action is commenced against two or more persons on a joint obligation or contract, and any one or more of them is not an inhabitant of the state, and has no tenant, agent, or attorney in the state, service made on him as is provided in the eighteenth section shall be sufficient, unless further notice is ordered by the court.

SEC. 25. When the service of a writ is defective or insufficient, by reason of some mistake of the officer or of the plaintiff, as to the place where, the time when, or the person with whom, the summons or copy should have been left, the court may order a new summons to be issued and served in such manner as they direct; and such service shall be as effectual as if made and returned on the original writ.

SEC. 26. When the name of a defendant is not known to the plaintiff, the writ may issue against him by an assumed name; and if duly served, it shall not be abated for that cause, but may be amended on such terms as the court orders.

SEC. 27. All goods and chattels may be attached and held as security to satisfy the judgment for damages and costs which the plaintiff may recover, except such as, from their nature and situation, have been considered as exempted from attachment according to the principles of the common law as adopted and practiced in this state, and such as are hereinafter mentioned. Such personal property may be attached on writs or taken on executions issued by a justice of the peace, or judge of a police or municipal court in any county; and they may, for that purpose, be directed to the proper officer of such county by such justice or judge.

SEC. 28. When estates for a term of years are attached, the attachment may be preserved as provided in section thirty-five. When sold on execution they shall be advertised, sold, and conveyed as provided by sections thirty and thirty-three of chapter seventy-six. All real estate, liable to be taken in execution according to the provisions of chapter seventy-six, may be attached on mesne process, and held as security for the purposes mentioned in the preceding section. The officer, in order to make such an attachment, need not enter on such estate or be within view of it.

SEC. 29. A right in equity of redeeming lands mortgaged or taken in execution, may be attached on mesne process; and if, before the levy of the execution, the lands are redeemed, or the incumbrance thereon is removed, the attachment shall hold the premises discharged of the mortgage or levy as effectually as if they had not existed, and the premises had been attached.

SEC. 30. No attachment of real estate on mesne process shall create any lien thereon, unless the officer making it, within five days thereafter, files in the office of the register of deeds in the

Service, time of, on corporations.

R. S., c. 114, § 44.

Service on a co-defendant out of the state.

R. S., c. 114, § 47.

Service defective or insufficient, &c.

R. S., c. 114, § 48.

Name of defendant unknown, &c.

R. S., c. 114, § 49.

Attachment; personal property what, &c.

7 Greenl. 232.

18 Maine, 231.

28 Maine, 176.

31 Maine, 152.

33 Maine, 214.

37 Maine, 221.

R. S. c. 114, § 29.

1842, c. 10, § 1.

Attachment of real estate; how made.

23 Maine, 165,

170.

27 Maine, 449.

R. S., c. 114, § 30.

Attachment of equities of redemption.

Effect of, if redeemed before levy.

R. S., c. 114, § 31.

Attachment; registry of, &c.

39 Maine, 341.

R. S., c. 114, § 32, 34.

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county or district in which all or any part of said estate is situated, an attested copy of so much of his return on the writ, as relates to the attachment, with the value of the defendant's property which he is thereby commanded to attach, the names of the parties, the date of the writ, and the court to which it is returnable. If the copy is not so filed, within five days, the attachment shall take effect from the time it is filed, if before the entry of the action, although it is after service on the defendant. And such proceedings shall be had in such office, by the register of deeds, as are prescribed in the chapter respecting the registry of deeds.

Attachment
not valid, &c.
18 Maine, 296.
29 Maine, 268.
R. S., c. 114,
§ 33.

SEC. 31. No such attachment, though made and notice thereof given as directed in the preceding section, shall be valid, unless the plaintiff's demand, on which he founds his action, and the nature and amount thereof are substantially set forth in proper counts, or a specification thereof is annexed to the writ.

Attachment,
duration of,
&c.
12 Maine, 241.
22 Maine, 380.
R. S., c. 114,
§ 35.

SEC. 32. No personal property, and no real estate except equities of redeeming real estate mortgaged or taken in execution, or equities of redemption which have been sold on execution, or an obligee's conditional right to a deed of conveyance of real estate to him, which has been sold on execution, and except property attached and replevied, and property attached belonging to a person dying after an attachment of it had been made, or specially provided for in any other case, shall be held, to be taken in execution by virtue of an attachment, longer than thirty days next after the day on which final judgment was rendered in the suit.

Attachment
dissolved by
final judgment,
&c.
14 Maine, 429.
19 Maine, 420.
R. S., c. 114,
§ 36, 94.

SEC. 33. When final judgment is rendered for the defendant, the attachment is thereby dissolved. The final judgment, mentioned in this and the preceding section, is the judgment rendered in the original action, and not such as may be rendered on review or writ of error.

Attachment of
certain property
valid, &c.
R. S., c. 114,
§ 37.

SEC. 34. When hay in a barn, horses, or neat cattle are attached, and are suffered to remain, by the permission of the officer, in the defendant's possession on security given for their safe keeping and delivery to the officer, they shall not be subject to a second attachment to the prejudice of the first. (a)

Attachment
how preserved
when property
cannot be re-
moved, &c.
18 Maine, 125.
19 Maine, 92,
435.
R. S., c. 114,
§ 39, 40.
1849, c. 107.

SEC. 35. When any personal property is attached, which by reason of its bulk or other special cause cannot be immediately removed, the officer may, within five days thereafter, file in the office of the clerk of the town, in which the attachment is made, an attested copy of so much of his return on the writ, as relates to the attachment, with the value of the defendant's property which he is thereby commanded to attach, the names of the parties, the date of the writ, and the court to which it is returnable; and such attachment shall be as effectual and valid, as if the property had remained in his possession and custody. The clerk shall receive the copy, and note thereon the time of his receiving it, and enter it in a book kept for that purpose, and keep it on

(a) 18 Maine, 125, 272; 19 Maine, 92; 37 Maine, 326; 7 Greenl., 178.

file for the inspection of those interested therein, for which he shall be entitled to ten cents.

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SEC. 36. The following goods and property shall be exempted from attachment and execution:

Attachment,
personal prop-
erty exempted
from.

First.—The debtor's wearing apparel, beds, bedsteads, bedding, and household utensils necessary for himself, his wife and children; but the beds and bedding so exempted shall not exceed one bed, bedstead, and necessary bedding for every two persons, nor the other household furniture, the value of fifty dollars.

16 Maine, 263.

Second.—The tools of any debtor necessary for his trade or occupation.

10 Maine, 135.
28 Maine, 160.

Third.—All bibles and school books in actual use in the family, and one copy of the statutes of the state, and a library not exceeding one hundred and fifty dollars in value.

Fourth.—All iron stoves used exclusively for warming buildings.

Fifth.—One cow, and one heifer under three years old; two swine, one of which shall weigh not more than one hundred pounds; and when he owns a cow, and a heifer more than three years old, or two swine, each weighing more than one hundred pounds, he may elect the cow or the heifer, or which of the swine shall be so exempted; ten sheep and the wool from them; thirty hundred of hay for the use of the cow, two tons for the use of the sheep, and a sufficient quantity for the use of the heifer.

14 Maine, 312.
17 Maine, 70.
38 Maine, 135.
R. S., c. 141,
§ 38.
1847, c. 11, § 32.
1849, c. 134.
1857, c. 36.

Sixth.—All produce of farms until harvested; and corn and grain necessary and sufficient for the sustenance of the debtor and his family, not exceeding thirty bushels.

Seventh.—All his interest in one pew in any meeting-house, where he and his family statedly worship.

Eighth.—All potatoes raised or purchased for the consumption of himself and family; one barrel of flour; ten dollars worth of lumber, wood, or bark.

Ninth.—All the firewood conveyed to his house for the use of himself and family, not exceeding twelve cords.

Tenth.—One boat not exceeding two tons burthen, usually employed in fishing business, belonging wholly to an inhabitant of this state.

Eleventh.—One plough of the value of ten dollars; one cart of the value of twenty-five dollars; one harrow of the value of five dollars; one yoke with bows, ring, and staple, all of the value of three dollars; two chains each of the value of three dollars; one ox-sled of the value of ten dollars; one cooking stove of the value of thirty-five dollars; and all anthracite coal not exceeding five tons; and bituminous coal not exceeding fifty bushels; and charcoal conveyed to his house to be consumed in his family.

Twelfth.—One pair of working cattle, or instead thereof one or two horses not exceeding in value one hundred dollars; and a sufficient quantity of hay to keep them through the winter season. If he has more than one pair of working cattle, or if the

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Attachment,
real property
exempted
from.
1850, c. 207, § 1.
1855, c. 129.

SEC. 37. A lot of land and the improvements made thereon purchased of the state under the provisions of chapter five shall be exempted from attachment, in the manner therein provided; land appropriated as a burying ground as described in section eight of chapter fifteen; also a lot of land, and dwellinghouse and outbuildings thereon, or so much thereof as does not exceed five hundred dollars in value, the property of a householder in actual possession thereof not the owner of a lot purchased of the state as aforesaid, shall be exempted from attachment or levy of any execution; as is hereinafter provided.

Attachment,
proceedings
requisite to
secure ex-
emption.
1850, c. 207, § 4.

SEC. 38. Any such person, wishing to avail himself of the foregoing provision, may file in the registry of deeds of the county or district in which the land lies, a certificate signed by him, declaring such wish and describing the land and buildings; and the register, for the fees for recording deeds, shall record it in a book by him kept for that purpose; and so much of such property, as does not exceed the value aforesaid, shall be forever exempt from attachment or levy on any execution issued on a judgment recovered for any debt, contracted jointly or severally by such person after the date of the recording thereof; and the record in the register's office shall be prima facie evidence that the certificate purporting to be there recorded, was made, signed, and filed as appears upon such record.

Attachment,
proceedings
when the un-
exempted part
is taken on
execution.
1850, c. 207, § 5.

SEC. 39. When property, exempted as aforesaid, is claimed by a creditor to be of greater value than five hundred dollars, it may be seized on execution, and the appraisers shall first set off such part of the property as the debtor may select, and if he neglects so to do, as the officer may select for him, to the value of five hundred dollars, by metes and bounds; and shall then appraise and set off to the creditor, in manner prescribed by law, the remainder or so much thereof, as may be necessary to satisfy the execution; and the appraisers shall be sworn accordingly, and the officer shall make return of his doings thereon.

Attachment,
interest of
widow, &c., in
exempted
homestead.
1850, c. 207, § 2.

SEC. 40. After his death, the exempted premises shall not be sold for the payment of his debts during the widowhood of his widow, or the minority of any of his children, but may be occupied by his widow during her widowhood and by his children during minority, free from any claim by any creditor of his estate.

Attachment,
lien of me-
chanics, &c.
1850, c. 207, § 3.

SEC. 41. No exemptions under the four preceding sections, shall apply to or defeat the liens of mechanics or other persons under the provisions of chapter ninety-one.

Attachment of
shares in a
corporation.
R. S., c. 114,
§ 45.

SEC. 42. When the share or interest of any person in any incorporated company is attached on mesne process, an attested copy of the writ with a notice thereon of the attachment, signed by the officer, shall be left with the clerk, cashier, or treasurer of the company; and such attachment shall be a lien on such share or interest, and on all accruing dividends; and if the officer having the writ of attachment exhibits it to the officer of the company having custody of the account of shares or interest of the

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stockholders, and requests a certificate of the number held by the defendant, and such officer unreasonably refuses to give it, or willfully gives him a false certificate thereof, he shall pay double the damages occasioned by such refusal or neglect; to be recovered against him in an action on the case by the creditor.

SEC. 43. The franchise and all rights, privileges, and immunities of any incorporated company of demanding and receiving tolls, or other corporate property may be attached on mesne process, and the attaching officer shall leave an attested copy of the writ with a notice thereon of the attachment, signed by him, with the clerk, treasurer, or some officer or member of the corporation, as provided in section twenty-one.

Attachment of franchise, &c.
R. S., c. 114,
§ 46.

SEC. 44. Different attachments in one or more counties may be made successively upon the same writ, and by different officers, before the service of the summons upon the person whose property is attached; but none after such service. And personal property attached by a coroner may be again attached by a sheriff, deputy sheriff, or constable, subject to the former attachment by giving notice thereof to the coroner and furnishing him with a copy of the precept within a reasonable time thereafter, and so property attached by the last named officers may be again attached by a coroner in like manner; and personal property attached by a constable may be again attached by a coroner or by a deputy in the same manner.

Attachment on same writ, in different counties, &c.
R. S., c. 114,
§ 50.

SEC. 45. All writs of scire facias may contain a direction to the officer serving them to attach the property of those against whom they issue, and to arrest their bodies when liable to be arrested, the same as in case of writs of attachment.

Attachment on writ of scire facias.
R. S., c. 114,
§ 51.

SEC. 46. When personal property is attached, if the creditor and debtor consent, the officer may sell it before judgment, observing the directions for selling on execution; and when the same property is attached by different creditors in different suits, it may be so sold by the first attaching officer; or in case of his death, if he was a deputy sheriff, by the sheriff or another deputy, by the written consent of the defendant and all attaching creditors; and the proceeds of the sale, after deducting necessary expenses, shall be held, by such first attaching officer or the sheriff, subject to the successive attachments as if the sale had been on execution.

Attached personal property sold by consent.
18 Maine, 296.
R. S., c. 114,
§ 52.

SEC. 47. When living animals, or goods liable to perish or waste, or be greatly reduced in value by keeping, or which cannot be kept without great expense, are attached, and the parties do not consent to a sale thereof, as before provided, the property so attached, at the request of either of the parties interested therein, may be examined and appraised in the manner following.

Attached living animals, &c.
31 Maine, 152.
R. S., c. 114,
§ 53.

SEC. 48. Upon such request made to the officer, he shall give notice to all parties of the time and place of the appraisal, with the names of the parties to the action, and of the supposed owner of the property, by posting up advertisements thereof in two or more public places in the town where it was attached; or he may give like personal notice thereof, to all parties to the suit in which it is attached, the notice in each case to be four

Notice and proceedings in appraisal.
R. S., c. 114,
§ 54.
1846, c. 198.

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days at least before the day of the appraisal; and he shall prepare a schedule of the property, and cause three disinterested persons, acquainted with the nature and value of such goods, to be appointed and duly sworn as appraisers thereof.

Appraisers,
how appointed.
R. S., c. 114,
§ 55.

SEC. 49. The appraisers shall be appointed, one by the creditor, one by the debtor, and one by the officer; and, if the creditor or debtor neglects to appoint one, the officer shall appoint one in his behalf.

Mode of appraisal, &c.
36 Maine, 161.
R. S., c. 114,
§ 56.

SEC. 50. The appraisers shall examine the property attached, and if they are of opinion that any part of it is liable to perish, be wasted, greatly reduced in value by keeping, or kept at a great expense, they shall proceed to appraise it according to their best judgment at its value in money; and it shall thereupon be sold by the officer, and the proceeds held and disposed of as before provided in case of a sale by consent of parties, unless it is taken by the debtor, as is provided in the following section.

Delivered to debtor if he give bond.
31 Maine, 152.
R. S., c. 114,
§ 57.

SEC. 51. The property shall be delivered to the debtor, after it is thus appraised, if he requires it, on his depositing with the attaching officer the appraised value thereof in money, or giving bond to him with two sufficient sureties, with condition to pay him the appraised value of the property, or to satisfy all judgments that shall be recovered in the suits in which the property is attached, if demanded before the attachments expire, or within thirty days after the time when the creditors might have been entitled to demand payment out of the proceeds of the property sold as before provided.

Bond returned with writ; suit thereon.
R. S., c. 114,
§ 58.

SEC. 52. The officer taking such bond shall return it with the writ, on which the first attachment is made, as bail bonds are returned, with a certificate of his doings in relation thereto; and if the bond is forfeited, the creditors, or one or more of them, may bring an action of debt thereon in the name of the officer.

Proceedings in the suit.
R. S., c. 114,
§ 59.

SEC. 53. The writ in such action shall be indorsed with the names of the creditors, by whom the action is brought; and if judgment is rendered for the defendants, execution for the costs shall be issued against all such creditors, or separate executions against each creditor for his proper proportion, as the court considers most equitable and just.

Money recovered; how applied.
R. S., c. 114,
§ 60.

SEC. 54. If judgment is rendered for the plaintiff, the money recovered shall be first applied, under the order of court, to pay the reasonable expenses incurred by the creditors in prosecuting the suit, so far as they are not reimbursed by the costs recovered of the defendant; and the residue shall belong to all the attaching creditors according to their respective rights.

Right by priority of attachment preserved.
R. S., c. 114,
§ 61.

SEC. 55. No judgment or execution shall be awarded for the use of any creditor, without reserving as much as may be due upon any prior attachment, whether the creditor in such prior suit is or is not one of those, by whom the action is brought on the bond.

Suit upon the bond and interest of creditors therein.

SEC. 56. Any creditor entitled to the benefit of the bond, who has not joined in bringing the action thereon, may, on his motion at any time before final judgment in the action on the

bond, be allowed, upon such terms as the court orders, to become a party to the suit in like manner and with like effect, as if he had been one of the original plaintiffs; and his name shall be indorsed on the writ accordingly, or he may bring scire facias on the judgment and recover any sum due him on the bond. But no creditor, whose cause of action on such bond accrues more than one year before the commencement of the action thereon, shall have judgment or execution in such action; and no creditor shall sue out any such writ of scire facias on the judgment, unless within one year after the cause of the action accrues.

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R. S., c. 114,
§ 62.

SEC. 57. When goods, which are sold or appraised and delivered to the debtor in the manner before provided, have been attached by several creditors, any one of them may demand and receive satisfaction of his judgment, notwithstanding any prior attachments, if he is otherwise entitled to demand the money, and a sufficient sum is left, of the proceeds of the goods, or of their appraised value, to satisfy all prior attachments.

Right by priority, in case of sale preserved.

R. S., c. 114,
§ 63.

SEC. 58. When goods are sold or disposed of by consent of parties, or after an appraisal as aforesaid, the proceeds thereof, whilst remaining in the hands of the officer, may be further attached by him as the property of the original defendant, as if the goods themselves had remained in his possession; and the proceeds so attached, shall be held and disposed of as if the attachment had been made on the goods themselves before the sale thereof; but nothing in this section shall prevent the officer from paying over to the defendant the surplus of the proceeds of any sale, after retaining enough to satisfy all the attachments actually existing thereon at the time of the payment.

Surplus proceeds may be attached in officer's hands.

R. S., c. 114,
§ 64.

SEC. 59. When any personal property is attached in any suit against one or more of the part owners thereof, it shall, upon the request of any other part owner, be examined and appraised as before provided for an appraisement at the request of any party in the suit; except that the part owner, who makes the application, shall appoint one of the appraisers, and the defendant shall not appoint any.

Attached property of part owners, &c.

R. S., c. 114,
§ 65.

SEC. 60. The property shall be delivered to the part owner, at whose request it was appraised, upon his giving bond to the attaching officer, in a sufficient penalty, with two sufficient sureties, with condition to restore it in like good order, or pay the officer the appraised value of the defendant's share or interest therein, or satisfy all judgments recovered in suits in which the property is attached, if demanded within the time during which it would have been held by the attachments.

And delivered to the owner on his bond.

R. S., c. 114,
§ 66.

SEC. 61. If such appraised value, or any part thereof, is so paid, the defendant's share of the property shall thereby become pledged to the party to whom it was delivered; and he may sell it, if not redeemed, and shall account to the defendant for the balance, if any, of the proceeds of the sale.

His lien thereon if he discharges the attachment.

R. S., c. 114,
§ 67.

SEC. 62. If the attachment is in any way dissolved, the party, to whom the defendant's share was delivered, shall restore it to the defendant, or to the officer who made the attachment, to be by him delivered to the defendant.

Restored to defendant, &c.

R. S., c. 114,
§ 68.

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Bond and
proceedings
thereon.

R. S., c. 114,
§ 69.

Attachment of
personal prop-
erty, &c.

R. S., c. 114,
§ 70.

R. S., c. 117,
§ 38.

Mortgagee
must render a
true account,
&c.

R. S., c. 114,
§ 71.

Attached prop-
erty claimed
by third per-
son, &c.

R. S., c. 114,

Attachment of
certain rights
of redeeming
lands, &c.

10 Maine, 113.

14 Maine, 34.

15 Maine, 157.

19 Maine, 49.

28 Maine, 392.

35 Maine, 520.

R. S., c. 114,

§ 73.

1857, c. 11.

Cross actions
and set off, &c.

R. S., c. 114,
§ 74.

Same where
several defend-
ants.

R. S., c. 114,
§ 75.

SEC. 63. The doings of the officer and the bond shall be returned; and if any such bond by a part owner is forfeited, the like proceedings may be had thereon, as is provided in section fifty-two.

SEC. 64. Personal property not exempt from attachment, mortgaged, pledged, or subject to any lien created by law, and of which the debtor has the right of redemption, may be attached, held, and sold as if it was unencumbered, if the attaching creditor first tenders or pays the mortgagee, pledgee, or holder, the full amount unpaid on the demand so secured thereon.

SEC. 65. Every mortgagee, pledgee, or holder of personal property, on demand in writing made on him by any person desiring to attach it, shall render a just and true account of his debt or demand so secured; and if he unreasonably neglects so to do for six hours after such demand, the officer may attach the property as if it was unencumbered, and such attachment shall have priority over the mortgage; and any overplus, after satisfying the execution in the suit, shall be paid over to the mortgagee, pledgee or holder; or if he shall receive more than is justly due him on account of the demand so secured, he shall refund the excess with ten per cent. interest thereon to the time of recovering judgment.

SEC. 66. When property attached on mesne process is claimed by any person not a party to the suit, and he omits, for the space of ten days after notice given him therefor by the attaching creditor, to bring his action of replevin, he shall not bring it afterwards; and the officer making the attachment, at the request of the plaintiff and on his responsibility, the other attaching creditors, if any, consenting thereto, may sell the property at public auction as provided for the sale of goods on execution; unless the defendant claims it in his own right and forbids the sale; but the sale shall not impair the rights of the party so claiming the property.

SEC. 67. The right in equity of redeeming lands mortgaged; the right of redeeming such right or equity of redemption, after it is sold on execution; the right of redeeming lands levied upon or sold on execution; the right sold by this state or Massachusetts to cut and carry away timber or grass from land, the soil of which is not sold; and the right, title, and interest, which any person has, by virtue of a bond or contract, to a conveyance of real estate on specified conditions, may be attached on mesne process, and the same lien shall be created thereon by such attachment as if they were tangible property.

SEC. 68. When an action is brought in this state by any person not an inhabitant thereof, or who cannot be found therein, to be served with process, he shall be held to answer to any action brought against him by the defendant, if the demands are of such a nature, that one judgment or execution can be set off against the other.

SEC. 69. If there are several defendants in the original action, each of them may bring such cross action against the original plaintiff, and set off his judgment against that recovered

against himself and his co-defendants, as if the latter judgment had been against himself alone. CHAP. 81.

SEC. 70. The writ in such cross action may be served on the attorney of the plaintiff in the original action; it shall be as valid as if made on the party himself in the state; and in the cases mentioned in the two preceding sections the court may order such continuances, as justice requires, for the defence of either of the actions, or for setting off the demands as therein provided. Writ, in such cases how served.
R. S., c. 114,
§ 76.

SEC. 71. Goods and chattels attached by an officer, in case of his death, whether in his custody or taken from him by replevin or otherwise, and all claims for damages for goods so taken from him, shall remain subject to the attachment in case of his death as if he had lived; and shall not be considered as assets in the hands of his executors or administrators. Attached goods, on death of officer, how disposed of.
R. S., c. 114,
§ 77.

SEC. 72. All goods taken by replevin from an officer, who has attached them, shall be considered as in his custody and control so far as to be liable to further attachments, as if the goods had remained in his possession, subject to the provisions in the three following sections. Attached goods replevied, &c.
R. S., c. 114,
§ 78.

SEC. 73. In case of judgment for a return of the goods so replevied, the plaintiff in replevin and his sureties shall be liable for the whole of the goods or the value thereof, although the attachment, for which they were eventually held, was made after the replevin of the goods. Liability of plaintiff in replevin.
R. S., c. 114,
§ 79.

SEC. 74. If an officer, after making an attachment of goods, dies, or is removed from office while the attachment remains in force, such goods, whether replevied, or remaining in the possession of the officer, or of his executors or administrators, or other person having the possession or care of them, may be further attached by any officer so as to bind the goods or the proceeds thereof, as if the latter attachment was made by the first mentioned officer. Attachment, further of goods replevied, &c.
R. S., c. 114,
§ 80.

SEC. 75. The officer making the latter attachment shall not take the goods themselves, but the attachment shall be made by a return, setting forth an attachment in the common form, and stating by whom the goods were previously attached; and if the goods have not been replevied, by leaving a certified copy of the writ, omitting the declaration, and of the return of that attachment, with the former officer, if living, or if dead, with his executor or administrator, or if none are appointed, with the person having possession of the goods; or if the goods have been replevied, and the officer who made the original attachment is dead, such copy shall be left with the plaintiff in replevin, or his executors or administrators; and the attachment shall be considered as made, when such copy is delivered in either of the modes before described. Attachment; notice how given of such.
R. S., c. 114,
§ 81.

SEC. 76. Goods, that have been taken by replevin from an attaching officer, shall not be further attached as the property of the original defendant in any other manner, than that provided in the four preceding sections, so long as they are held by the person who replevied them, or by any one holding under him, Attachment, limitation of right of.
R. S., c. 114,
§ 82.

CHAP. 81. unless the original defendant has acquired a new title to the goods.

Attachment of personal property, &c.
1 Greenl. 333.
R. S., c. 114,
§ 83.

SEC. 77. When any goods and chattels are attached, and the debtor dies before they are taken in execution, the attachment shall remain in full force, as if the defendant were alive, unless the estate of the deceased is represented insolvent by his executors or administrators, and a commission of insolvency issues within one year next after the defendant's death.

Attachment; officer to allow appraisement of.
R. S., c. 114,
§ 84.

SEC. 78. After the decease of a defendant, and before the issuing of a commission of insolvency, the executor or administrator on his estate may demand of the officer, who attached such goods and chattels, a certified copy of the return thereof, and a description of them, so particular as to enable him to describe them in the inventory of the estate, subject to such attachment as aforesaid; and the appraisers may demand of the officer a view of the goods and chattels, so that they may know their value; and if the officer refuses or neglects to comply with either of such demands, he shall forfeit to the executor or administrator not exceeding thirty nor less than ten dollars.

Attachment; officer to restore, &c.
R. S., c. 114,
§ 85.

SEC. 79. When a commission of insolvency is issued within one year from the death of the debtor, such attachment is thereby dissolved; and the officer, on demand, shall restore the goods and chattels attached to the executor or administrator, to be administered according to law, on payment of his legal fees and charges of keeping the goods.

If he has sold the property, to be liable for the proceeds.
R. S., c. 114,
§ 86.

SEC. 80. If, before any demand is made on the officer as above, he has sold, on execution, the property so attached by him, he shall not be deemed a trespasser in so doing, but be liable only for the proceeds of the sale after deducting his legal fees and charges for the keeping thereof, to be recovered by the executor or administrator in an action for money had and received.

If proceeds are paid to creditor he must refund.
R. S., c. 114,
§ 87.

SEC. 81. If the officer has paid over the proceeds to the judgment creditor before the demand, the executor or administrator may recover such sum from the creditor by a similar action.

Not set off, &c.
R. S., c. 114,
§ 88.

SEC. 82. In any such action, the defendant shall not set off any demand, that he has against the executor or administrator or against the estate of the deceased.

Action by officer for taking property attached, &c.
R. S., c. 114,
§ 89, 90.

SEC. 83. An action of replevin, trover, or trespass, brought by an officer against any person for taking away from his possession any goods or chattels by him attached, shall not abate by the death of either party, but may be prosecuted by or against the executors or administrators of the deceased party the same as actions on contracts. If judgment is recovered by the plaintiff, the goods or money shall be held and appropriated as they ought to be by the officer, if he had lived and recovered them himself.

Proceedings if judgment is for defendant.
R. S., c. 114,
§ 91.

SEC. 84. If judgment is rendered against the executor or administrator, he shall return the goods, or pay the damages recovered in full, though the estate of the deceased is insolvent.

SEC. 85. If a sheriff or other officer authorized to serve a precept, dies pending an action for or against him by reason of any act done or omitted by him in his said office, and no administration is granted on his estate within three months from his death, the party for whose interest the suit is brought or defended may be admitted to prosecute or defend the suit in his own name, by entering his appearance and giving security for costs, as the court directs.

SEC. 86. When an attachment of real or personal property is made, and the parties, by a rule of court, submit the action, and all other demands between them, to the decision of referees, and judgment is rendered on their report, the attachment is thereby dissolved.

SEC. 87. If the declaration is amended by consent of parties so as to embrace a larger demand than it originally contained, and judgment is thereon rendered for the plaintiff, the attachment made on the mesne process is thereby dissolved, unless it appears by the record, that no claims were allowed to the plaintiff, except those originally stated in the writ.

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Death of an officer pending a suit, &c. 1848, c. 59.

Attachments dissolved by reference of all demands.

4 Greenl. 277. R. S., c. 114, § 92.

Attachments dissolved also by amendment increasing the claim.

7 Greenl. 348. R. S., c. 114, § 93.

NO ARRESTS ON CERTAIN DAYS.

SEC. 88. No person shall be arrested, in any civil action, on mesne process, or execution, or on any warrant of distress for taxes, on the fourth day of July, Christmas day, or on the day of the annual fast or thanksgiving.

SEC. 89. On the day of any military training, inspection, review, or election, no officer whose duty it is to attend, and no soldier, who is enrolled as such, liable to do military duty and duly notified to attend on said days, shall be arrested on mesne process or on execution, or for taxes.

SEC. 90. No elector shall be arrested, except for treason, felony, or breach of the peace, on the days of election of United States, state, or town officers.

SEC. 91. No person shall serve or execute any civil process from midnight preceding to midnight following Sunday; but such service shall be void, and the person executing such process shall be liable in damages to the party aggrieved, as if he had no process.

Arrests not to be made on certain days.

R. S., c. 114, § 101.

Arrests, officers and soldiers exempt from, &c.

16 Maine, 132. R. S., c. 114, § 102.

Electors on election days. R. S., c. 114, § 103.

No civil process to be served on Sunday.

R. S., c. 114, § 104.

LIMITATION OF PERSONAL ACTIONS.

SEC. 92. The following actions shall be commenced within six years next after the cause of action accrues and not afterwards.

First.—All actions of debt founded upon any contract or liability not under seal, except such as are brought upon the judgment or decree of some court of record of the United States, or a state, or of some municipal or police court or justice of the peace in this state.

Second.—All actions upon judgments of any court not a court of record, except municipal and police courts and justices of the peace in this state.

What actions must be commenced within six years.

9 Greenl. 74. 15 Maine, 167. 17 Maine, 69. 23 Maine, 560. 36 Maine, 362. R. S., c. 146, § 1.

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Third.—All actions for arrears of rent.

Fourth.—All actions of assumpsit or upon the case founded on any contract or liability, express or implied.

Fifth.—All actions for waste, of trespass on land, and of trespass, except those for assault and battery and false imprisonment.

Sixth.—All actions of replevin, and other actions for taking, detaining, or injuring goods or chattels.

Seventh.—All other actions on the case, except actions for slanderous words and for libels.

Actions for escape of prisoners, &c.
16 Maine, 408.
21 Maine, 314.
27 Maine, 443.
R. S., c. 146, § 2, 4.

SEC. 93. All actions for the escape of prisoners committed on execution, shall be actions on the case, and commenced within one year after the cause of action accrues; but all actions against a sheriff, for the negligence or misconduct of himself or his deputies, shall be commenced within four years next after the cause of action accrues.

Actions for assault and battery, &c.
R. S., c. 146, § 3.

SEC. 94. All actions of assault and battery, false imprisonment, for slanderous words, and for libels, shall be commenced within two years next after the cause of action accrues.

Scire facias against bail.
R. S., c. 146, § 5.

SEC. 95. No scire facias shall be served on bail, unless within one year next after judgment rendered against the principal.

Actions against indorsers of writs.
R. S., c. 146, § 6.

SEC. 96. All actions against an indorser of a writ must be commenced within one year next after judgment entered in the original action.

Exception of witnessed and bank notes.
R. S., c. 146, § 7.

SEC. 97. None of the foregoing provisions shall apply to any action upon a promissory note signed in the presence of an attesting witness, or upon any bills, notes, or other evidences of debt issued by a bank. (a)

Exception of cases, &c.
R. S., c. 146, § 8.

SEC. 98. Nor shall any of the provisions in this chapter apply to any case or suit, which, by any particular statute, is limited to be commenced within a different time.

Cases of open account.
4 Greenl. 337.
38 Maine, 149.
R. S., c. 146, § 9.

SEC. 99. In all actions of debt or assumpsit to recover the balance due upon a mutual and open account current, the cause of action shall be deemed to accrue at the time of the last item proved in such account.

Saving of rights of infants and certain others.
13 Maine, 397.
29 Maine, 217.
R. S., c. 146, § 10.

SEC. 100. If any person entitled to bring any of the aforesaid actions, is a minor, married woman, insane, imprisoned, or without the limits of the United States when the cause of action accrues, he may bring his action within the times limited in this chapter, after the disability is removed.

General limitation of twenty years.
28 Maine, 81.
30 Maine, 164.
R. S., c. 146, § 11.

SEC. 101. All personal actions on any contract, not limited by any of the foregoing sections or other law of the state, shall be brought within twenty years after the cause of action accrues.

Saving in certain cases of failure of suits.

SEC. 102. When a writ fails of a sufficient service or return by unavoidable accident, or default, or negligence of the officer to whom it was delivered or directed; or when the writ is abated, the action otherwise defeated for any matter of form, by the death of either party, or if a judgment for the plaintiff is reversed on a writ of error, the plaintiff may commence a new ac-

(a) 7 Maine, 25; 16 Maine, 470; 19 Maine, 72; 21 Maine, 176; 23 Maine, 497; 26 Maine, 330; 30 Maine, 118; 31 Maine, 158; 38 Maine, 179; 38 Maine, 350.

tion on the same demand within six months after the abatement or determination of the original suit, or reversal of the judgment; and if he dies and the cause of action survives, his executor or administrator may commence such new action within said six months.

SEC. 103. If any person entitled to bring or liable to any action before mentioned, dies before or within thirty days after the expiration of the time herein limited therefor, and the cause of action survives, the action may be commenced by or against the executor or administrator at any time within two years after his appointment, and not afterwards if barred by the other provisions of this chapter.

SEC. 104. If any person is disabled to prosecute an action in this state by reason of his being an alien subject or citizen of a country at war with the United States, the time such war continues shall not be a part of the period herein limited for the commencement of any of said actions.

SEC. 105. All actions and suits for any penalty or forfeiture on any penal statute, brought by any person to whom the penalty or forfeiture is given in whole or in part shall be commenced within one year after the offence was committed; and if no individual so prosecutes, it may be recovered by suit, indictment, or information, in the name and for the use of the state, at any time within two years after the offence was committed, and not afterwards.

SEC. 106. The time when a writ is actually made, with an intention of service, shall be deemed the commencement of the suit.

SEC. 107. If any person liable to any action mentioned in this chapter, fraudulently conceals the cause of such action from the person entitled thereto, or if a fraud is committed which entitles any person to an action, the action may be commenced at any time within six years after the person entitled thereto discovers that he has just cause of action.

SEC. 108. In actions of debt or upon the case founded upon any contract, no acknowledgment or promise shall be allowed to take the case out of the operation of the provisions of this chapter, unless the acknowledgment or promise is an express one, in writing, signed by the party chargeable thereby. No such acknowledgment or promise made by a joint contractor shall affect the liability of the other contractors. (a)

SEC. 109. In actions against two or more joint contractors, if it appears, on trial or otherwise, that the plaintiff is barred by the provisions of this chapter as to one or more of the defendants, but entitled to recover against the others by virtue of a new acknowledgement, promise, or otherwise, judgment shall be rendered for the plaintiff as to the defendant against whom he has a right to recover, and for the other defendants against the plaintiff.

CHAP. 81.

8 Greenl. 447.
10 Maine, 399.
38 Maine, 217.
R. S., c. 146,
§ 12.

Provision in case of death of either party, &c.

R. S., c. 146,
§ 13.

Saving of rights of alien enemies during war.

R. S., c. 146,
§ 14.

Limitation of suits for penalties, &c.

5 Greenl. 490.
31 Maine, 528.
39 Maine, 212,
353.

R. S., c. 146,
§ 15, 16.

The making of a writ, &c.

R. S., c. 146,
§ 17.

Limitation extended in cases of fraud.

3 Greenl. 405.
7 Greenl. 370.
9 Greenl. 131.
31 Maine, 448.

39 Maine, 404.
R. S., c. 146,
§ 18.

Renewal of promise must be in writing, &c.

R. S., c. 146,
§ 19, 20.

If the action is barred, &c.

7 Greenl. 26.
15 Maine, 390.
R. S., c. 146,
§ 21.

(a) 15 Maine, 360, 443; 17 Maine, 145, 184; 21 Maine, 433; 22 Maine, 100; 23 Maine, 453; 24 Maine, 534; 29 Maine, 47.

CHAP. 81.

Non-joinder of
defendants
shall not
abate, &c.
R. S., c. 146,
§ 22.

Effect of in-
dorsement of
partial pay-
ments, &c.
R. S., c. 146,
§ 23, 24.

Presumption
of payment
after twenty
years.

28 Maine, 81.
R. S. c. 146,
§ 25.

Application of
this chapter to
set-offs.

R. S., c. 146,
§ 26.

Provision if
defendant is
out of the
state.

R. S., c. 146,
§ 28.

SEC. 110. In an action on contract, if the defendant pleads in abatement, that any other person ought to have been jointly sued, and issue is joined thereon, and it appears on the trial, that the action was barred by the provisions of this chapter against such person, the issue shall be found for the plaintiff.

SEC. 111. Nothing herein contained shall alter, take away, or lessen the effect of payment of any principal or interest made by any person; but no indorsement or memorandum of such payment made on a promissory note, bill of exchange, or other writing, by or on behalf of the party to whom such payment is made or purports to be made, shall be deemed sufficient proof of payment to take the case out of the operation of the provisions of this chapter; and no such payment made by a joint contractor, or his executor or administrator, shall affect the liability of any other. (a)

SEC. 112. Every judgment and decree of any court of record of the United States, or any state, or of a justice of the peace in this state, shall be presumed to be paid and satisfied at the expiration of twenty years after any duty or obligations accrued by virtue of such judgment or decree.

SEC. 113. All the provisions of this chapter respecting limitations, shall apply to any debt or contract filed by way of set-off on the part of the defendant; and the time of such limitation of such debt or contract shall be computed, as if an action had been commenced therefor at the time when the plaintiff's action was commenced, unless the defendant is deprived of the benefit of the set-off by the nonsuit or other act of the plaintiff; and when he is thus defeated of a judgment on the merits of such debt or contract, he may commence an action thereon within the time limited, as provided in the one hundred and second section of this chapter for bringing a new action for the reasons therein mentioned.

SEC. 114. If any person is out of the state when a cause of action accrues against him, the action may be commenced within the time limited therefor after he comes into the state; and if any person is absent from and resides out of the state after a cause of action has accrued against him, the time of his absence shall not be taken as a part of the time limited for the commencement of the action. (b)

(a) 20 Maine, 345; 21 Maine, 176, 433; 22 Maine, 497; 23 Maine, 156; 28 Maine, 419; 30 Maine, 253, 425; 32 Maine, 169, 260; 33 Maine, 182; 35 Maine, 183, 364.

(b) 20 Maine, 269; 23 Maine, 156, 413; 37 Maine, 306, 389; 38 Maine, 171.