

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY LORING, SHORT & HARMON
AND
WILLIAM M. MARKS, PRINTER.
1884.

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CHAP. 110. or on legal notice given to the opposite party; and all such acts shall be as valid as if done and certified, according to law, by a magistrate in this state.

Qualification
and seal.
R.S., c. 110, § 4.

SEC. 4. Every such commissioner, before performing any duty or exercising any power in virtue of his appointment, shall take and subscribe an oath or affirmation, before a judge or clerk of one of the superior courts of the state or country in which he resides, well and faithfully to execute and perform all his official duties under the laws of Maine; which oath, and a description of his seal of office, shall be filed in the office of the secretary of this state.

CHAPTER 111.

PREVENTION OF FRAUDS AND PERJURIES IN CONTRACTS, AND ACTIONS FOUNDED THEREON.

- SEC. 1. Cases in which promises must be in writing, but the consideration need not be expressed therein.
2. No action can be maintained on a contract made by a minor, unless it is ratified after becoming of age.
 3. Representation of another's ability or character, must be in writing.
 4. What contracts for sale of goods must be in writing.
 5. Agreement that goods sold and delivered, and for which a note is taken, shall remain the payee's, is void, except as between the parties, unless in the note and recorded; clerk's fees for recording.
 6. Assignment of wages must be recorded by town clerk. His fee.
 7. Accounts against the State, counties, cities, towns, or village corporations, must be sworn to, if required.
 8. When specific performance of a contract to convey real estate may be enforced by bill in equity, after death of contractor.
 9. What decree shall be made; the conveyance shall be good.
 10. Enforcement of the decree by writ of seizin.
 11. Provision in case of the death of the obligee before conveyance.
 12. Administrator of contractor may petition for authority to convey.

Cases in
which prom-
ises must be
in writing;
but the con-
sideration
need not be
expressed
therein.
R.S., c. 111, § 1.

- SEC. 1. No action shall be maintained in any of the following cases:—
- I.—To charge an executor or administrator upon any special promise to answer damages out of his own estate;
 - II.—To charge any person upon any special promise to answer for the debt, default, or misdoings of another; (a)
 - III.—To charge any person upon an agreement made in consideration of marriage;
 - IV.—Upon any contract for the sale of lands, tenements, or hereditaments, or of any interest in or concerning them; (b)

(a) 7 Me., 360; 21 Me., 412, 550; 22 Me., 397; 26 Me., 349; 36 Me., 114; 41 Me., 559; 46 Me., 143; 58 Me., 442; 62 Me., 245; 69 Me., 101, 154; 74 Me., 505.

(b) 12 Me., 509; 15 Me., 16, 63, 203; 16 Me., 214; 18 Me., 18; 22 Me., 397; 23 Me., 134; 35 Me., 220; 38 Me., 240; 41 Me., 301; 48 Me., 345; 53 Me., 147, 394; 54 Me., 199, 407; 55 Me., 106; 63 Me., 584; 64 Me., 193; 68 Me., 374; 70 Me., 31; 71 Me., 484, 532.

V.—Upon any agreement that is not to be performed within one year from the making thereof; (a) CHAP. 111,
SEC. 1.

VI.—Upon any contract to pay a debt after a discharge therefrom under the bankrupt laws of the United States, or assignment or insolvent laws of this state;

Unless the promise, contract, or agreement, on which such action is brought, or some memorandum or note thereof, is in writing and signed by the party to be charged therewith, or by some person thereunto lawfully authorized; but the consideration thereof need not be expressed therein, and may be proved otherwise. (b)

SEC. 2. No action shall be maintained on any contract made by a minor, unless he, or some person lawfully authorized, ratified it in writing after he arrived at the age of twenty-one years, except for necessaries, or real estate of which he has received the title and retains the benefit.

No action on a contract of a minor, unless ratified after coming of age.
R.S., c. 111, § 2.
Representation of another's ability, must be in writing.
R.S., c. 111, § 3.

SEC. 3. No action shall be maintained to charge any person by reason of any representation or assurance, concerning the character, conduct, credit, ability, trade or dealings of another, unless made in writing, and signed by the party to be charged thereby or by some person by him legally authorized.

SEC. 4. No contract for the sale of goods, wares, or merchandise, for thirty dollars or more, shall be valid, unless the purchaser accepts and receives part of the goods, or gives something in earnest to bind the bargain, or in part payment thereof, or some note or memorandum thereof is made and signed by the party to be charged thereby, or by his agent. (c)

What contracts for sale of goods must be in writing.
R.S., c. 111, § 4.

SEC. 5. No agreement that personal property bargained and delivered to another, for which a note is given, shall remain the property of the payee until the note is paid, is valid, unless it is made and signed as a part of the note; and no such agreement, although so made and signed in a note for more than thirty dollars, is valid, except as between the original parties to said agreement, unless it is recorded like mortgages of personal property; and on receipt of twenty-five cents, each town clerk shall record such notes in a book kept for that purpose. (d)

Agreement that goods sold and delivered, and note taken, shall remain payee's, is void, unless in the note and recorded.
1874, c. 181.
See c. 91, § 7.
—fee.

SEC. 6. No assignment of wages is valid against any other person than the parties thereto, unless such assignment is recorded by the clerk of the city, town or plantation organized for any purpose, in which the assignor is commorant, while earning such wages; and the clerk's fee shall be twenty-five cents. (e)

Assignment of wages is not valid, unless recorded.
1876, c. 93, § 1.
—clerk's fee.
1876, c. 93, § 2.

SEC. 7. A person presenting an account or claim against any town, village corporation, city, county, or the State, for services rendered, articles furnished, or expenses incurred, shall cause said account or claim to be verified by oath, if required by any person whose duty it is to audit

Accounts and claims against towns, how to be verified.
1877, c. 214.

(a) 10 Me., 35; 15 Me., 204; 20 Me., 121; 31 Me., 556; 46 Me., 157; 56 Me., 193, 380; 65 Me., 306; 71 Me., 508; 74 Me., 400.

(b) 3 Me., 415; 4 Me., 9, 263; 53 Me., 24; 66 Me., 343; 73 Me., 195.

(c) 9 Me., 81; 12 Me., 476; 13 Me., 427; 19 Me., 139; 26 Me., 399; 39 Me., 101; 41 Me., 69, 527; 48 Me., 211, 380; 53 Me., 510; 54 Me., 110; 57 Me., 163; 60 Me., 273; 62 Me., 355; 64 Me., 449; 66 Me., 341; 73 Me., 194.

(d) 59 Me., 394; 62 Me., 254; 65 Me., 491; 70 Me., 59; 73 Me., 90; 74 Me., 539.

(e) 68 Me., 428; 71 Me., 512; 74 Me., 496.

CHAP. 111. the same; and if said claimant refuses so to verify, his claim shall be rejected.

When specific performance of a contract to convey real estate, may be enforced after death of contractor.
R.S., c. 111, § 6.
63 Me., 402.

SEC. 8. If a person, who has contracted in writing to convey real estate, dies before making the conveyance, the other party may have a bill in equity in the supreme judicial court to enforce specific performance thereof, against his heirs, devisees, executors or administrators, if commenced within three years from the grant of administration, or from the time when he is entitled to such conveyance, but not exceeding four years after the grant of administration, provided that written notice of the existence of the contract is given to the executor or administrator within one year after the grant of administration.

What decree shall be made.
R.S., c. 111, § 7.

SEC. 9. If it appears that the plaintiff is entitled to a conveyance, the court may authorize and require the executor or administrator to convey the estate as the deceased ought to have done; and if any of the heirs or devisees are in the state and competent to act, the court may direct them, instead of the executor or administrator, to convey the estate or join with either in such conveyance; which conveyance shall pass the estate as fully as if made by the contractor.

—such conveyance is valid.

Decree may be enforced by writ of seizin.
R.S., c. 111, § 8.

SEC. 10. If the defendant neglects or refuses to convey according to the decree, the court may render judgment for the plaintiff for possession of the land, to hold according to the terms of the intended conveyance, and may issue a writ of seizin as in a real action, under which the plaintiff, having obtained possession, shall hold the premises as effectually as if conveyed in pursuance of the decree; or the court may enforce its decree by any other process according to chancery proceedings.

Provision, in case of the death of the obligee, before conveyance.
R.S., c. 111, § 9.

SEC. 11. If the person, entitled to such conveyance, dies before bringing his suit, or before the conveyance is completed, or such seizin and possession are obtained, his heir, devisee, or other person entitled to the estate under him, may bring and prosecute such suit, and shall be entitled to the conveyance, or seizin and possession, in like manner as the obligee.

Administrator may petition for authority to make conveyance.
R. S., c. 111, § 10.

SEC. 12. If the party to whom any such conveyance was to be made, or those claiming under him, does not commence a suit as before provided, and the heirs of the deceased party are under age, or otherwise incompetent to convey the lands contracted for, the executor or administrator of the deceased may file a bill in equity in the supreme judicial court, setting forth the contract, and circumstances of the case; whereupon the court, by its decree, may authorize such executor or administrator to convey the estate as the deceased should have done; and such conveyance shall be deemed a performance of the contract on the part of the deceased, so as to entitle his heirs, executors, or administrators, to demand a performance thereof on the part of the other party.