

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.



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CHAPTER 112.

RECOGNIZANCES FOR DEBTS.

- SEC. 1. Who may enter into recognizance, and the form thereof.
2. The justice shall certify, record, and deliver it to the creditor, to be filed and recorded with the clerk of the courts; who may issue and renew execution thereon, to be executed by any proper officer.
 3. When execution shall not run against the lands or body of the debtor.
 4. Administrator of creditor may renew execution; if debtor dies, or after three years, action of debt may be brought, as on judgment.
 5. Consequence, if one of several debtors or creditors dies.
 6. Remedy, if execution is wrongfully issued.

SEC. 1. Any person legally capable, may recognize to pay a debt by signing, sealing and acknowledging a recognizance before a justice of the peace, in substance as follows:—

“I, A. B., of —, in the county of —, owe unto C. D., of —, in the county of —, \$—.—, to be paid to the said C. D., on the — day of —, 18—; and if I fail to pay said debt at the time aforesaid, I will and grant that the said debt be levied of my goods and chattels, lands, and tenements, and in want thereof upon my body.

In testimony whereof, I have hereto set my hand and seal, this — day of —, A. D., 18—.”

SEC. 2. The justice shall annex his certificate thereto, record it and deliver it to the creditor; and if the debt is not paid at the time appointed, the creditor may deliver the recognizance to the clerk of the court of the county where taken, who shall record it in a book kept for that purpose, and place it on the files of the court; and at any time within three years after the debt becomes due, without any order of court, he may issue an execution thereon, including all interest due by the terms of the recognizance, varying the form of the execution accordingly, to be renewed by the clerk, served, and executed by any proper officer, as any other execution.

SEC. 3. If the sum originally due on such recognizance does not exceed twenty dollars, execution shall not be issued against the lands of the debtor; and if the sum is less than ten dollars, it shall not be issued against his body.

SEC. 4. If the creditor dies before the debt is fully paid, his executor or administrator may renew such execution in his own name; and if the debtor dies, no execution shall issue as of course, but the creditor in that case, and also after the expiration of three years from the time of payment in the recognizance, may have an action of debt as in case of judgment.

SEC. 5. Where there are several debtors or creditors, and one or more of them dies before the debt is paid, the rights of the surviving creditors, and the obligations of the surviving debtors, shall be the same as in case of a judgment.

Who may enter into recognizance, and the form thereof.

R.S., c. 112, § 1.

May be filed and recorded with clerk of the courts, and executions issued and renewed thereon.

R.S., c. 112, § 2.

When not to run against the lands or body of the debtor.

R.S., c. 112, § 3.

Administrator may renew execution, &c.

R.S., c. 112, § 4.

If one of several debtors or creditors dies, consequence,

R.S., c. 112, § 5.

CHAP. 112.

Remedy, if
execution is
wrongfully
issued.
R.S., c. 112, § 6.
5 Me., 379.

SEC. 6. Any person, injured by the suing out or service of such execution, has his remedy by writ of audita querela or otherwise, as if the execution had been sued out upon a judgment.

CHAPTER 113.

RELIEF OF POOR DEBTORS.

ARRESTS ON MESNE PROCESS.

SEC. 1. No arrest upon mesne process on contract, except where specially provided. Arrests are allowed in actions not founded on contract.

ARRESTS AND DISCLOSURES ON LEAVING THE STATE.

SEC. 2. Debtor, about to leave the state, may be arrested in certain cases.
3. Disclosure on such arrest, how to be made.
4. Notice thereof shall be given to the plaintiff.
5. Justices may adjourn.
6. Mode of making disclosure; adjudication of justices; effect of discharge.
7. Lien on property disclosed, how to be preserved. Section fourteen applies.

DISCLOSURES ON MESNE PROCESS BEFORE JUDGMENT.

SEC. 8. Defendant may in all cases disclose on return of writ. Notice, how given.
9. Effect thereof; lien on property disclosed.
10. Certificate of real estate disclosed, must be filed in the registry of deeds.
11. How to preserve lien on personal estate.
12. Disclosure on mesne process by consent of parties, how to be made.
13. Execution issues against body, unless there is a disclosure and discharge.
14. Certain property, which cannot be come at to be attached, shall be delivered up on disclosure, or assigned.

BONDS ON MESNE PROCESS AND DISCLOSURES AFTER JUDGMENT.

SEC. 15. Persons arrested may give bond to disclose within a certain time after judgment.
16. Proceedings, if debtor has given bond on mesne process.
17. Debtor, in such case, may go at large for thirty days during the lien on the property disclosed.
18. Effect of creditor's election to arrest on execution or otherwise.

ARRESTS AND BONDS ON EXECUTION, AND DISCLOSURES THEREON.

SEC. 19. No arrest on execution founded on contract, if debt is less than ten dollars.
20. In other cases, execution shall run against the body.
21. Debtor may disclose without giving bond, when and how. Officer's fees must first be paid.
22. Debtor in jail may also disclose, and how. Notice how to be served. What fees must be first paid.
23. If not discharged, permitted to take the oath, debtor shall be remanded; otherwise, oath shall be administered and certificate given, and its effect.
24. Bond may be given on such arrest; condition and effect thereof.
25. Such instrument is a valid statute bond, if penalty does not vary more than five per cent from double the amount due on the execution.
26. Application by a debtor bonded or imprisoned, to a justice, for privilege of poor debtor's oath. Justice shall appoint time and place, and cite creditor.
27. Citation, how to be served on one of the creditors, his attorney or agent.
28. Examination before two justices of the quorum; proceedings.
29. Creditor may put questions, have them answered in writing and sworn to, and may have a copy.