

MAINE STATE LEGISLATURE

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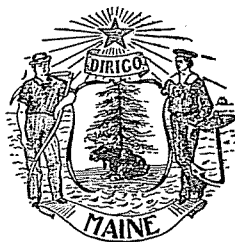
THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

CHAPTER 113.

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

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)

V. Upon any agreement that is not to be performed within one year from the making thereof; (c)

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. (d)

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 necessities, or real estate of which he has received the title and retains the benefit. (e)

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. (f)

(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; 87 Me., 82; 89 Me., 476; 92 Me., 554; 93 Me., 262.

(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; 92 Me., 27.

(c) 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.

(d) 3 Me., 415; 4 Me., 9, 263; 53 Me., 24; 66 Me., 343; 73 Me., 195; 80 Me., 243; 96 Me., 309.

(e) 79 Me., 530; 86 Me., 194; 92 Me., 164.

(f) 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; 94 Me., 462.

Cases in which promises must be in writing; but the consideration need not be expressed therein.
R. S., c. 111, § 1.

No action on a contract of a minor, unless ratified in writing.
R. S., c. 111, § 2.

Representation of another's ability, must be in writing.
R. S., c. 111, § 3.
84 Me., 281.

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

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Agreement that goods sold and delivered shall remain the property of the seller must be in writing and signed.
 R. S., c. 111, § 5.
 R. S., c. 91, § 7.
 1889, c. 273.
 1895, c. 32.
 See c. 52, § 97.
 —shall be recorded.
 —fee for recording.
 See c. 93,
 §§ 4, 5; c. 79,
 § 6, ¶ 1.

Assignment of wages, not valid unless recorded.
 etc.
 R. S., c. 111, § 6.
 1897, c. 201.

—where assignment shall be recorded.

Accounts and claims against towns, how to be verified.
 R. S., c. 111, § 7.

When specific performance of a contract to convey real estate may be enforced after death of contractor.
 R. S., c. 111, § 8.
 63 Me., 402.
 77 Me., 141.
 97 Me., 400.

What decree shall be made.
 R. S., c. 111, § 9.

—such conveyance is valid.

SEC. 5. No agreement that personal property bargained and delivered to another, shall remain the property of the seller till paid for, is valid unless the same is in writing and signed by the person to be bound thereby. And when so made and signed, whether said agreement is, or is called a note, lease, conditional sale, purchase on instalments, or by any other name, and in whatever form it may be, it shall not be valid, except as between the original parties thereto, unless it is recorded in the office of the clerk of the town in which the purchaser resides at the time of the purchase. The fee for recording the same shall be the same as that for recording mortgages of personal property. All such property, whether said agreements are recorded or not, shall be subject to redemption and to trustee process as provided in section fifty of chapter eighty-eight, but the title may be foreclosed in the same manner as is provided for mortgages of personal property. (a)

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 town in which the assignor is commorant while earning such wages; and if said assignor is commorant in an unorganized place while earning such wages, said assignment shall not be valid against any other person than the parties thereto unless said assignment is recorded by the clerk of the oldest adjoining town, *provided* there be an incorporated town adjoining such unincorporated place, and if there be no such adjoining town such assignment shall be recorded in the office of the register of deeds for the registry district in which said unincorporated place is located. No such assignment of wages shall be valid against the employer unless he has actual notice thereof. (b)

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

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.

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.

(a) 59 Me., 394; 62 Me., 254; 65 Me., 491; 70 Me., 59; 73 Me., 90; 74 Me., 539; 76 Me., 26; 80 Me., 273; 82 Me., 147, 200, 421; 86 Me., 459, 547; 87 Me., 206, 91 Me., 248; 92 Me., 70; 95 Me., 85, 148; 97 Me., 362.

(b) 68 Me., 428; 71 Me., 512; 74 Me., 496; 76 Me., 415; 80 Me., 370; 82 Me., 415; 83 Me., 290; 85 Me., 105, 125; 96 Me., 297.

Note. Recording officer shall not draft any instrument which he is by law required to record, c. 11, § 14.

CHAP. 114.

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.

Decree may be enforced by writ of seizin.
R. S., c. 111, § 10.

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.

Provision, in case of the death of the obligee, before conveyance.
R. S., c. 111, § 11.

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.

Administrator may petition for authority to make conveyance.
R. S., c. 111, § 12.

CHAPTER 114.

RELIEF OF POOR DEBTORS.

SEC. 1. No person shall be arrested upon mesne process in a suit on contract, express or implied, or on a judgment on such contract, except as provided in the following section; and the writ or process shall be varied accordingly; but in all other actions, the original writ or process may run against the body of the defendant, and he may be arrested and imprisoned thereon, or give bail as provided in chapter eighty-seven.

Arrests upon mesne process.
R. S., c. 113, § 1.
66 Me., 251.
71 Me., 28, 169, 232.

ARRESTS AND DISCLOSURES ON LEAVING THE STATE.

SEC. 2. Any person, whether a resident of the state or not, may be arrested and held to bail, or committed to prison on mesne process on a contract express or implied, if the sum demanded amounts to ten dollars, or on a judgment on contract, if the debt originally recovered and remaining due is ten dollars or more, exclusive of interest, when he is about to depart and reside beyond the limits of the state, with property or means of his own exceeding the amount required for his immediate support, if the creditor, his agent or attorney makes oath before a justice of the peace, to be certified by such justice on said process, that he has reason to believe and does believe that such debtor is about so to depart, reside and take with him property or means as aforesaid, and that the demand, or principal part thereof, amounting to at least ten dollars, is due to him.

Debtor about to leave the state, may be arrested, in certain cases.
R. S., c. 113, § 2.
16 Me., 399.
20 Me., 30, 467.
28 Me., 48.
38 Me., 129.
52 Me., 591.
57 Me., 411.
61 Me., 280.
62 Me., 525.
63 Me., 50, 58.
65 Me., 146.
68 Me., 257.
71 Me., 406.
86 Me., 214.
91 Me., 64.

SEC. 3. A debtor arrested or imprisoned, on request to the officer or jailer who has him in custody, may be taken before two disinterested

Disclosure on such arrest.
R. S., c. 113, § 3.
15 Me., 56.