

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1850.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1850.

THIRTIETH LEGISLATURE.

No. 35.]

[HOUSE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY.

AN ACT exempting a dwelling-house from seizure on
execution.

*Be it enacted by the Senate and House of Representa-
tives in Legislature assembled, as follows :*

SECTION 1. A lot of land, dwelling-house, and out-
2 buildings thereon, or so much thereof as shall not
3 exceed in value five hundred dollars, shall be exempt
4 from seizure or levy upon execution, as the property
5 of a householder in actual possession thereof, on the
6 conditions mentioned in the following sections of this
7 act.

SECT. 2. The head of any family, or any house-
2 holder, wishing to avail himself of the benefits of this
3 act, may file a certificate by him signed, declaring
4 such wish, and describing the property, with the reg-
5 ister of deeds in the county where the same is situate,
6 and upon receiving the fees now allowed for record-
7 ing deeds, such register shall record the same in a
8 book by him kept for that purpose ; and so much of
9 the property in said certificate described, as does not
10 exceed the value aforesaid, shall be forever exempt
11 from seizure or levy on any execution, issued on a
12 judgment recovered for any debt, contracted jointly
13 or severally by the person signing such certificate,
14 after the date of the recording thereof ; and the record
15 in said register's office shall be prima facie evidence
16 that the certificate purporting to be there recorded,
17 was made, signed, and filed as appears upon such
18 record.

SECT. 3. Any person entitled to the exemption
2 aforesaid by virtue of this act, as original claimant in
3 the certificate aforesaid, widow or heir, may discharge
4 such exemption by entering on the margin of the

5 record of the certificate the word "released", signed
6 by such person, and the date of entry.

SECT. 4. The widow of any person deceased who
2 had filed a certificate under the second section of this
3 act, and the child of any person who at the time of
4 his decease was entitled to an exemption as aforesaid,
5 may continue to hold the exempted premises during
6 the minority of such child by virtue of the original
7 certificate; and the exempted property shall not be
8 sold during said minority, for the payment of any
9 debt mentioned in the second section of this act.

SECT. 5. Exemptions under the provisions of this
2 act, shall not operate to defeat the liens of mechanics,
3 created by section thirty-seven, chapter one hundred
4 and twenty-five of the revised statutes.

SECT. 6. When property exempted as aforesaid is
2 claimed by a creditor to be of greater value than five
3 hundred dollars, it may be seized on execution and
4 the appraisers shall first set off such part of the pro-
5 perty as the debtor may select, and if he neglects so
6 to do the officer may select for him, to the value of
7 five hundred dollars by metes and bounds; and shall

8 then appraise and set off to the creditor in manner
9 now prescribed by law, the remainder, or so much
10 thereof as may be necessary, to satisfy such execu-
11 tion, and the appraisers shall be sworn accordingly,
12 and the officer shall make return of his doings thereon.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, August 21, 1850.

ORDERED, That 350 copies of the foregoing Bill, be printed for the use of the Legislature.

EDMUND W. FLAGG, *Clerk.*