

MAINE STATE LEGISLATURE

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FIFTY-EIGHTH LEGISLATURE.

HOUSE.

No. 161.

Amend by striking out all after the enacting clause
and insert as follows, viz:

SECTION 1. Any person arrested on an execution
2 issued on a judgment founded on a contract express
3 or implied or on a prior judgment on such contract,
4 and any person arrested on mesne process in a suit
5 on any such contract or judgment shall at his re-
6 quest to the officer making the arrest be taken by
7 the officer forthwith before some justice of the
8 peace and of the quorum, or trial justice in and for
9 the county where he is arrested, to be selected by
10 the officer making the arrest, unless the creditor
11 shall select some other magistrate as hereinafter
12 provided, for the purpose of disclosure.

SECT. 2. Such justice of the peace and of the
2 quorum, or such trial justice, shall forthwith and
3 without delay proceed to examine such person on
4 oath respecting his property and estate, and his
5 ability to pay the debt for which he is arrested, and
6 at the request of the officer or any party interested

7 shall reduce such examination to writing, which
8 shall be subscribed by the debtor and certified by
9 the magistrate taking the same, and shall be con-
10 clusive against such debtor as to all matters therein
11 stated, and shall be returned by the officer with the
12 writ or execution, and the officer shall make return
13 on such writ or execution of the fact of his having
14 taken such person before such magistrate for dis-
15 closure, giving the time, place, and name of the
16 magistrate, and stating briefly the result of the
17 proceedings before such magistrate.

SECT. 3. If necessary, in order to complete such
2 examination, to adjourn from time to time, such
3 magistrate may require the debtor to recognize
4 with sureties in a reasonable sum for his appear-
5 ance at a future time fixed, or from day to day until
6 such disclosure shall be completed, and if he shall
7 fail to comply with the conditions of such recog-
8 nizance the creditor may recover on scire facias the
9 full amount of his debt, costs and interest, unless
10 it be shown at the trial that the forfeiture was
11 caused by inadvertence, accident or mistake, and
12 that the damages were actually less, and if it be so
13 shown, and the court or jury so find, then he shall
14 recover reasonable damages, to be assessed by the
15 jury.

SECT 4. If the creditor causing the arrest desires, 2 he may designate by an endorsement on the writ 3 or execution; any commissioner residing and being 4 in said county, appointed under the provisions of 5 section one of chapter sixty-seven of the public 6 laws of the year eighteen hundred and seventy- 7 eight, or under section one of chapter one hundred 8 and thirty-seven of the public laws of the year 9 eighteen hundred and seventy-three, in which case 10 such debtor when arrested shall be taken before 11 such commissioner, and the proceedings shall be 12 the same before such commissioner, and he shall 13 discharge the same duties and have the same 14 authority as such justice of the peace and of the 15 quorum or trial justice; and in either case, the 16 creditor or his attorney may appear and examine 17 such debtor and object to his discharge.

SECT. 5. Any magistrate selected as above, shall 2 have the same authority in regard to such dis- 3 closure, as is now by law conferred upon two 4 justices of the peace and of the quorum; and the 5 same results and consequences shall follow from 6 such disclosure as would have followed from a 7 disclosure made before two justices of the peace 8 and of the quorum.

SECT. 6. The fees and expenses of the disclosure
2 shall be paid by the creditor, and be taxed by the
3 officer as a part of the costs and expenses of
4 making the arrest and keeping the debtor.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 27, 1879. }

Amendment to House Document No. 13, introduced by Mr.
STYLES of Westbrook, and laid on the table and ordered printed,
on motion of Mr. PERRY of Camden.

B. L. STAPLES, *Clerk.*