

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 357.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-THREE.

AN ACT amendatory of Chapter one hundred and thirty-
seven of the Public Laws of eighteen hundred and eighty-
seven relating to Imprisonment for Debt.

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

SECTION 1. Section one of chapter one hundred and
2 thirty-seven of the Public Laws of eighteen hundred and
3 eighty-seven is hereby amended by adding thereto the
4 words 'And no debtor shall be summonsd to disclose on
5 any execution issued on a judgment rendered after the
6 passage of this act founded on a contract where the debt

7 recovered was less than ten dollars exclusive of costs' so
8 that said section as amended shall read as follows :

'Section 1. No execution issued on a judgment founded
10 on a contract, express or implied, or on a prior judgment
11 on contract, shall run against the body of the judgment
12 debtor, except as hereinafter provided, or unless the
13 debtor was arrested on the original writ as provided in
14 section two of chapter one hundred and thirteen of the
15 Revised Statutes. And no debtor shall be summoned to
16 disclose on any execution issued on a judgment rendered
17 after the passage of this act founded on a contract where
18 the debt recovered was less than ten dollars exclusive of
19 costs.'

SECT. 2. Section three of said chapter one hundred
2 and thirty-seven is hereby amended so that said section as
3 amended shall read as follows :

'Section 3. Such owner, or his attorney, may make
5 application in writing to a disclosure commissioner, judge
6 of probate, register of probate, judge of a municipal or
7 police court in the county in which the judgment debtor
8 resides, or, if the judgment debtor is a non-resident of
9 this State, in the county in which he is commorant, stat-
10 ing the amount of the debt and of the costs for which
11 said judgment was rendered, the court and term at which
12 it was rendered, the names of the original parties, the
13 title of the petitioner, and praying for subpoena to issue
14 to the debtor to appear and make disclosure.'

SECT. 3. Section four of said chapter one hundred and
2 thirty-seven is hereby amended by adding thereto the
3 following: 'But no debtor shall be summoned to disclose
4 at a place more than twenty-five miles from his residence
5 or where he may be when the summons is served upon
6 him, unless the officer at the time of serving the sum-
7 mons tenders him travel at the rate of six cents a mile
8 each way for the distance to be traveled in excess of said
9 twenty-five miles', so that said section as amended shall
10 read as follows:

'Section 4. Such magistrate shall thereupon issue under
12 his hand and seal, a subpoena to the debtor, commanding
13 him to appear before such magistrate within said county,
14 at a time and place therein named, to make full and true
15 disclosure, on oath, of all his business and property
16 affairs. The application shall be annexed to the subpoena.
17 But no debtor shall be summoned to disclose at a place
18 more than twenty-five miles from his residence or where
19 he may be when the summons is served upon him, unless
20 the officer at the time of serving the summons tenders
21 him travel at the rate of six cents a mile each way for
22 the distance to be traveled in excess of said twenty-five
23 miles.'

SECT. 4. Section five of said chapter one hundred and
2 thirty-seven is hereby amended by striking out all after
3 the word "county" in the second line to the word "the"
4 in the third line and inserting instead thereof the words
5 'by giving him in hand or leaving at his last and usual

6 place of abode a certified copy of the subpoena', so that
7 said section as amended shall read as follows :

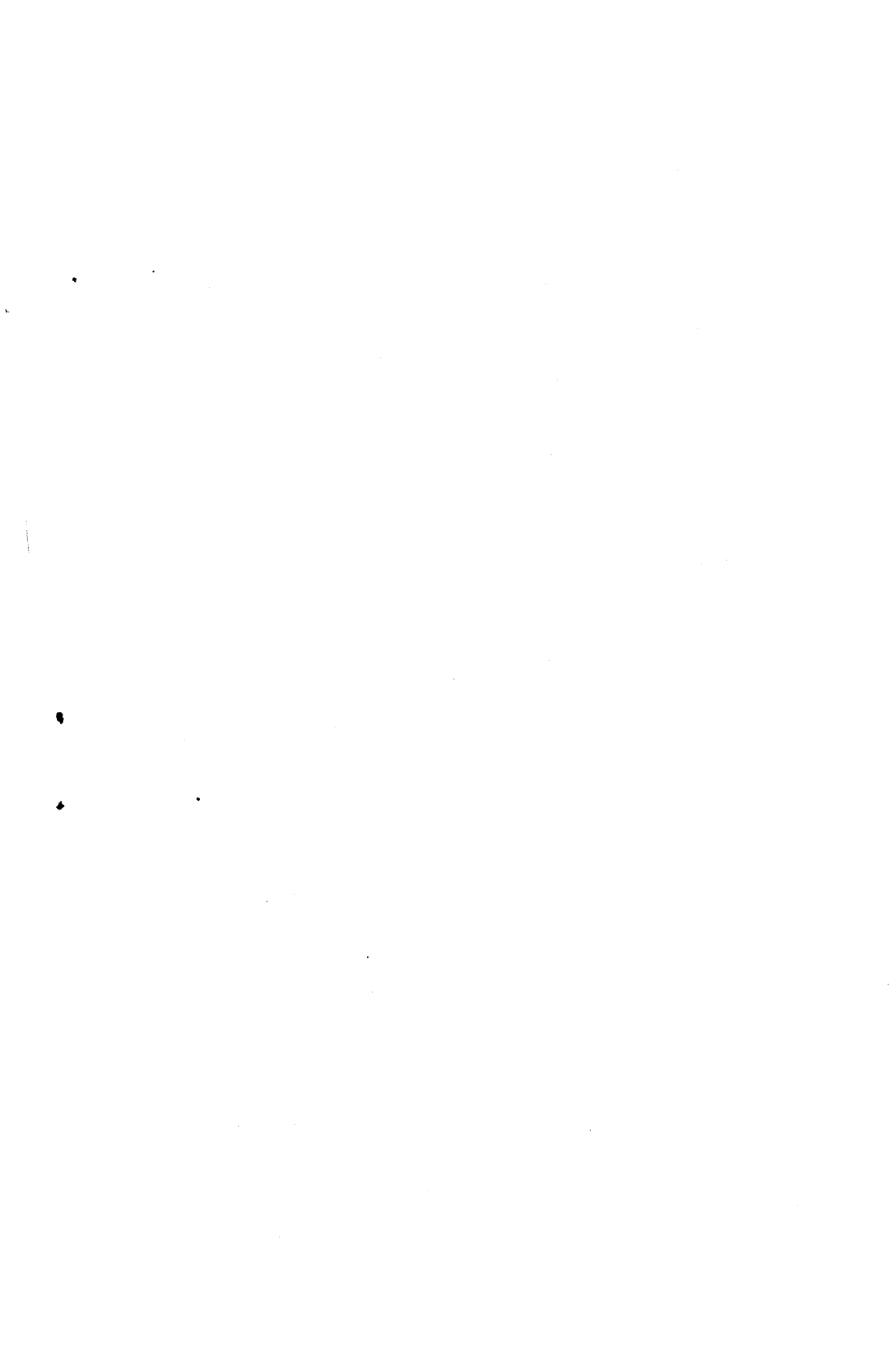
'Section 5. The subpoena may be served by any officer
9 qualified to serve civil process in said county by giving
10 him in hand or leaving at his last and usual place of
11 abode a certified copy of the subpoena. The debtor shall
12 have twenty-four hours' notice for every twenty miles
13 travel from his home or place of abode at the time of
14 service to the place of disclosure.'

SECT. 5. Section fourteen of said chapter one hundred
2 and thirty-seven is hereby amended by striking out all
3 after the word "him" in the fourth line and inserting
4 instead thereof the following : 'and if upon hearing said
5 debtor does not show good cause for his failure to appear,
6 he may be ordered to pay the costs of issuing and execu-
7 ting said capias and execution may issue for the same
8 upon which he may be arrested,' so that said section as
9 amended shall read as follows :

'Section 14. If the debtor or any other person duly
11 served with subpoena as above provided, refuses or
12 neglects to appear, the magistrate shall issue a capias to
13 bring said debtor, or other person before him, and if
14 upon hearing, said debtor or other person does not show
15 good cause for his failure to appear, he may be ordered
16 to pay the costs of issuing and executing said capias and
17 execution may issue for the same upon which he may be
18 arrested.'

SECT. 6. Section twenty-four of said chapter one hundred and thirty-seven is hereby amended by striking out all of said section and inserting instead thereof the following, so that said section shall read as follows :

‘Section 24. At any time after the expiration of five years from the termination of any such proceedings, and while the judgment remains in force, the judgment creditor may again avail himself of all the provisions of this chapter, and may cause like proceedings to be had as if there had been no previous proceedings under the provisions of this chapter.’



STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 17, 1893. }

Reported by Mr. DREW of Fort Fairfield, from Committee on Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*