

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

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1821.

SEC. 16. *Be it further enacted*, That all Justices of the Peace before whom actions may be commenced under former commissions, and such commissions shall expire before judgment shall be rendered thereon, or judgment being rendered, the same remains in whole or in part unsatisfied, such Justices of the Peace who shall hereafter have their said commissions seasonably renewed, and being duly qualified agreeably to the Constitution of this State, to act under such commissions, be and they hereby are authorized and empowered to render judgment, and issue execution on all such actions, commenced as aforesaid, in the same manner as if the commissions under which such actions may be commenced, were in full force.

Justices, whose commissions expire before judgment or satisfaction, may proceed, under a new commission, if seasonably obtained, to render judgment, &c.

[Approved March 15, 1821.]

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CHAPTER LXXVII.

An Act providing a speedy Method of recovering Debts, and for preventing unnecessary costs attending the same.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That every Justice of the Peace in this State shall have power within his county to take recognisances for the payment of debts of any person who shall come before him for that purpose: which recognisance may be in substance as follows:—

Justices may take recognisances for debts.

Know all men, that I, A. B. of —, in the county of —, do owe unto C. D. of —, the sum of —, to be paid to the said C. D. on the — day of —; and if I shall fail of the payment of the debt aforesaid, by the time aforesaid, I will and grant that the said debt shall be levied of my goods and chattels, lands and tenements, and in want thereof of my body. Dated at —, this — day of —, in the year of our Lord —. Witness, my hand and seal — A. B. — ss. Acknowledged the day and year last abovesaid. Before E. F. Justice of the Peace.

Form of recognisance.

SEC. 2. *Be it further enacted*, That every Justice of the Peace taking any such recognisance, shall immediately record the same at large in a book to be kept by him for that purpose; and after the same is recorded, may deliver it

To be recorded by the Justice.

Execution may
issue thereon
within 3 years.

to the Conusee; and upon the Conusee's lodging the same with the said Justice, at any time within three years from the time when the same is payable, and requesting a writ of execution, it shall be the duty of such Justice to issue a writ of execution thereon for such sum as shall appear to be due on the same; which writ of execution shall be in substance as follows:

State of Maine.

(SEAL.) To the Sheriff of the county of —, or his deputy, or either of the Constables of the town of —, in said county,
Greeting.

Form of execution.

Because A. B. of —, in the county of —, on the — day of —, in the year our Lord — before E. F. Esq. one of the Justices of the Peace for the said county of —, acknowledged that he was indebted to C. D. of —, in the county of — in the sum of — which he ought to have paid on the — day of —, and — remains unpaid as it is said —: We command you therefore, that of the goods, chattels or real estate of the said A. B. within your precinct, you cause to be paid and satisfied unto the said C. D. at the value thereof in money, the sum last abovesaid, with —, for this writ; and thereof also to satisfy yourself your own lawful fees: and for want of goods, chattels or real estate of the said A. B. to be found within your precinct to the acceptance of the said C. D. to satisfy the sums aforesaid and your said fees; we command you to take the body of the said A. B. and him commit unto our gaol in our county of — aforesaid, there to be detained in the said gaol until he pay the full sums abovesaid, with your said fees; or that the said A. B. be discharged by the said C. D. the creditor, or otherwise by order of law: Hereof fail not and make due return of this writ with your doings therein unto the above named Justice within sixty days next coming. Witness, the said Justice at —, the — day of —, in the year of our Lord —. E. F. Justice of the Peace.

Power and duty of officer in serving it.

Which writ of execution the said Justice is authorized to direct to any proper officer or officers in any county in this State; who are hereby required to execute the same according to the precept thereof. And all such officers are here-

by declared liable for any malfeasance or misfeasance of which they may be guilty in relation to any such execution which may be delivered to them; which execution said Justice is authorized to renew at any time within one year from the time the last execution was returnable. Renewable in 1 year.

SEC. 3. *Be it further enacted,* That whenever three years shall have elapsed after the time of payment limited by any such recognisance without any execution having been issued on the same, or whenever the Justice who took the same shall have deceased or removed from the State or become otherwise disqualified, the Conusee may have his action of debt on the same, in the same manner as a creditor is entitled to have his action on any judgment of any Court of record in this State. Conusee may sue on recognisance in certain cases.

[Approved January 27, 1821.]

CHAPTER LXXVIII.

An Act for rendering the decision of Civil Causes as speedy and as little expensive as possible.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That when any persons who may have a dispute, of what nature soever, shall agree to have the dispute determined by referees mutually chosen by the parties for the purpose, it shall and may be lawful for the person or persons making the demand in the action, to make out a particular statement thereof under his or their hands in writing, and to lodge the same with some one Justice of the Peace; and the said Justice of the Peace, upon application of the parties for the purpose, shall make out an agreement to be annexed to the aforesaid demand, and to be by them or their lawful agents or attornies, subscribed, and acknowledged in substance as follows:—Town of A— in the county of S—, 182 . Know all men, that A. B. of — in the county of — [addition] and C. D. of — in the county of — [addition] have agreed to submit the demand made by the said A. B. against the said C. D. which is hereunto annexed, (and all other demands, as the cause may be,) to the determination of E. F. G. H. and I. K. the report Persons having matter in dispute may refer the same by rule before Justice of the Peace.

Demand in writing and signed.

Form of submission,