

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTIETH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1850.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.  
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Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1850.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1850.

Chapter 207.

An act to exempt homesteads from attachment and levy or sale on execution.

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

Land and buildings, not exceeding in value \$500, exempted.

SECT. 1. A lot of land, dwelling house and out buildings thereon, or so much thereof as shall not exceed in value the sum of five hundred dollars, the property of a householder in actual possession thereof, shall be exempt from seizure or levy upon any execution issued on a judgment recovered for any debt contracted jointly or severally, after the first day of January, in the year of our Lord one thousand eight hundred and fifty.

Provisions in favor of widow and minor children of any person who held property exempt as aforesaid.

SECT. 2. The widow and minor children of any person deceased, who held property exempted as aforesaid, may continue to hold the exempted premises during the minority of such children, or while said widow remains unmarried; and the exempted property shall not be sold during such minority, or while said widow remains unmarried, for the payment of any debt mentioned in the first section of this act.

Such exemption not to defeat the lien of mechanics.

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

Certificate to be filed by persons wishing to avail themselves of the provisions of this act.

SECT. 4. The head of any family, or any householder, wishing to avail himself of the benefits of this act, may file a certificate by him signed, declaring such wish, and describing the property, with the register of deeds in the county where the same is situate; and, upon receiving the fees now allowed for recording deeds, such register shall record the same in a book by him kept for that purpose; and so much of the property, in said certificate described, as does not exceed the value aforesaid, shall be forever exempt from seizure or levy on any execution issued on a judgment recovered for any debt, contracted jointly or severally, by the person signing such certificate, after the date of the recording thereof; and the record in said register's office shall be prima facie evidence that the certificate purporting to be there recorded, was made, signed and filed as appears upon such record, and upon being recorded, as aforesaid, the property, as described in the first section of this act, shall be exempted within the provisions thereof.

When property is claimed to be of greater value

SECT. 5. When property, exempted as aforesaid, is claimed by a creditor to be of greater value than five hundred dollars,

it may be seized on execution, and the appraisers shall first set off such part of the property as the debtor may select, and if he neglects so to do, the officer may select for him to the value of five hundred dollars, by metes and bounds; and shall then appraise and set off to the creditor, in manner now prescribed by law, the remainder, or so much thereof as may be necessary to satisfy such execution; and the appraisers shall be sworn accordingly, and the officer shall make return of his doings thereon.

CHAP. 207.
than \$500, how
disposed of.

SECT. 6. An act entitled "an act to exempt homesteads from attachment and levy or sale on execution," approved August fourteenth, eighteen hundred and forty-nine, is hereby repealed.

Act of Aug. 14,
1849, repealed.

[Approved August 29, 1850.]