

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1878.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.  
1878.

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**Chapter 67.**

CHAP. 67.

An act to provide additional remedies for the enforcement of judgments.

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

SECT. 1. The supreme judicial court in any county, from time to time shall appoint such number of commissioners, and in such localities in the county, as the court shall determine to be necessary for the purposes of this act, which commissioners shall be sworn and hold office during the pleasure of the court.

S. J. court shall appoint commissioners.

SECT. 2. The owner of any judgment remaining unsatisfied in any part may have a disclosure of the judgment debtor's business affairs at any time by proceeding as hereinafter mentioned.

Owners of unsatisfied judgment may have disclosure of debtor's business affairs.

SECT. 3. Such owner shall make application in writing to a commissioner of the county in which the judgment debtor resides, stating the amount of said judgment, the court and term at which it was rendered, the names of the original parties, the title of the petitioner, and the amount remaining due on the judgment, and praying for a subpoena to issue to the debtor to appear and make disclosure.

Application to be made in writing to a commissioner

—statement.

—prayer.

SECT. 4. The commissioner, upon such application, shall issue under his hand and seal a subpoena to the debtor, commanding him to appear before said commissioner at a time and place within said county named in the subpoena, to make full and true disclosure on oath of all his business and property affairs. The application shall be annexed to the subpoena.

Commissioner shall issue subpoena to debtor to appear and disclose.

SECT. 5. The subpoena may be served by any officer qualified to serve civil process in said county, and as other subpoenas are served. The debtor shall have twenty-four hours' notice for every twenty miles travel from his home, or place of abode at time of service, to the place of the disclosure.

Subpoena, by whom and how served.

—notice.

SECT. 6. At the time and place named in the subpoena the debtor shall make, on oath before the said commissioner, a full and true disclosure of all matters relating to the condition of his property and means, and resources, to transfers, conveyances and gifts by him made or suffered, to claims against him, to his accounts with others, and to the disposition of his property and earnings. He may be examined by the petitioner upon all such matters, and shall produce all

Debtor shall make disclosure on oath.

—may be examined by petitioner.

CHAP. 67. books and papers pertaining thereto. The disclosure shall be reduced to writing if the petitioner require, and signed by the debtor.

Commissioner may require of debtor delivery of coin, currency and other property, in certain cases.

SECT. 7. If it shall satisfactorily appear to said commissioner from said disclosure, that the debtor has in his possession or under his control any coin, or United States or national bank note currency, or any personal property, that cannot be reached to be taken on execution, and is not exempt therefrom, he may require the said debtor to deliver to said petitioner enough of said coin or currency at its par value, or of said other property at its appraised value, to satisfy the amount due on said judgment with the costs of the disclosure proceedings. If the petitioner and debtor cannot agree upon the value of such property, the same shall be delivered by the debtor to any officer holding the execution to be sold thereon. If such property consists of choses in action, and the parties cannot agree upon their value, they shall be assigned by the debtor to the petitioner, if he shall give the debtor a bond with sufficient surety, accepted by said commissioner, to account for and pay over to said debtor the surplus of the proceeds of such choses in action, after satisfying said judgment and costs.

Remedies for disagreement upon value of property.

Petitioner to have lien on real estate and personal property disclosed, by filing certificate.

SECT. 8. The petitioner shall have a lien on real estate disclosed, by filing within five days after said disclosure is completed, in the registry of deeds of the county where such real estate is situated, a certificate stating the names of the parties, the amount due on the judgment, and the fact of the disclosure. Such lien shall continue ten days from the filing of the certificate aforesaid. He shall have a similar lien on personal property disclosed, by filing a similar certificate in the office of the clerk of the town in which such debtor resides.

Penalty for debtor's disposing of property during continuance of lien.

SECT. 9. During the continuance of said lien the said debtor shall not sell, give away, transfer, eloin, nor conceal any of such property, under penalty of a fine not exceeding five hundred dollars or imprisonment less than one year. Any person aiding the debtor in such sale, gift, transfer, eloinment, or concealment shall be similarly punished.

Commissioner may issue subpoena to other persons supposed to hold property of debtor.

SECT. 10. If there shall satisfactorily appear to said commissioner reasonable cause to believe that any other person holds any property or credits of the debtor in trust for him, or in fraud of his creditors, or if the petitioner shall make

oath that he believes that such other person so holds property of the debtor, the commissioner shall issue a similar subpoena to such person to appear and testify in relation thereto, such subpoena to be served as subpoenas in civil suits. The testimony of such witness may be reduced to writing and signed by him.

SECT. 11. If the debtor, or any other person duly served with subpoena as above provided, shall refuse or neglect to appear, the commissioner shall issue a *capias* to bring said debtor or other person before him, and may impose a fine not exceeding ten dollars and costs of *capias*, and service thereof, for such neglect; and in default of payment may commit him to jail until paid.

Commissioner may compel debtor to appear.

SECT. 12. If the debtor, or other person duly served with subpoena, shall refuse to testify in obedience thereto, or shall refuse to answer any proper question, or if the debtor shall refuse to make full disclosure upon all matters named in the sixth section, or if the said debtor shall refuse to comply with any proper order of the commissioner, or perform the duty imposed upon him by the seventh section, he shall be adjudged to be in contempt, and be committed to jail until he purge himself of such contempt by compliance, or be otherwise discharged by due process of law. The warrant of commitment shall state specifically the contempt of which the prisoner is guilty.

Penalty for refusal to testify or make full disclosure.

SECT. 13. The commissioner, for cause shown by either party, may adjourn the proceedings before him from time to time, not exceeding five days.

Proceedings may be adjourned from day to day.

SECT. 14. The commissioner shall be entitled to fifty cents for subpoena to debtor, twenty-five cents for each extra subpoena, twenty-five cents for *capias*, fifty cents for warrant of commitment, and three dollars for each day in hearing the disclosure and other testimony. The fees of officers shall be the same as for service of other process of similar nature. The petitioner may, if the commissioner authorize it, procure an officer to be in attendance during the proceedings, and the fees for such attendance shall be seventy-five cents per day. These fees shall be paid by the petitioner, and may be added to the costs on the judgment and execution. They shall be taxed by the justice and certified in detail on the back of the execution.

Fees of commissioner.

—of officers.

—how paid and taxed.

## CHAP. 68.

Existing remedies for enforcement of judgments and executions, not affected.

Commissioner to make certificate of disclosure.

SECT. 15. Nothing herein contained shall affect any other remedy now existing for the enforcement of judgments and executions; but any debtor making a disclosure under this act shall not be arrested on any execution upon said judgment, nor shall any debtor who has disclosed upon arrest on any execution be required to disclose on the same judgment under this act. The commissioner shall make on the execution a certificate of the fact of the disclosure.

Approved February 21, 1878.

### Chapter 68.

An act in regard to the renewal of Trial Justice Executions.

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

Unsatisfied executions issued by trial justice, may be renewed by any other trial justice in same county.

SECT. 1. Executions remaining unsatisfied, in whole or in part, issued by a trial justice whose commission has expired, or who has removed from the county within and for which he was commissioned, may be renewed by any trial justice in commission in the same county, upon like vouchers as can now be done by the trial justice who rendered the judgment.

SECT. 2. This act shall take effect when approved.

Approved February 21, 1878.

### Chapter 69.

An act to amend chapter two hundred and two of the Public Laws of eighteen hundred and seventy-seven, entitled "an act relating to Normal Schools."

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

Sec. 1, ch. 202, public laws 1877, amended.

Section one of chapter two hundred and two of the public laws of eighteen hundred and seventy-seven is amended by striking out in the first line the word "two," and substituting the word 'three,' and after the word "Castine," in the third line, add, 'and the western normal school at Gorham,' and in the fourth line change the words "fifteen thousand" to 'twenty-two thousand five hundred.' Also, in section two,