

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1893.

Chapter 313.

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

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

Sec. 3, ch. 137,
[Pub. Laws,
1887], amended.

SECT. 1. Section three of said chapter one hundred and thirty-seven is hereby amended, so that said section as amended, shall read as follows :

Owner may
make applica-
tion to magis-
trate for sub-
poena to compel
debtor to ap-
pear and to
make disclosure.

‘SECT. 3. Such owner, or his attorney, may make application in writing to a disclosure commissioner, judge of probate, register of probate, judge of a municipal or police court in the county in which the judgment debtor resides, or, if the judgment debtor is a non-resident of this state, in the county in which he is commorant, stating the amount of the debt and of the costs for which said judgment was rendered, the court and term at which it was rendered, the names of the original parties, the title of the petitioner, and praying for subpoena to issue to the debtor to appear and make disclosure.’

Sec. 5, amended.

SECT. 2. Section five of said chapter one hundred and thirty-seven is hereby amended by striking out all after the word “county” in the second line to the word “the” in the third line and inserting instead thereof the words ‘by giving him in hand or leaving at his last and usual place of abode a certified copy of the subpoena,’ so that said section as amended, shall read as follows :

How subpoena
may be served.

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

—notice to
debtor.

Sec. 14,
amended.

SECT. 3. Section fourteen of said chapter one hundred and thirty-seven is hereby amended by striking out all after the word “him” in the fourth line, and inserting instead thereof the following : ‘and if upon hearing said debtor does not show good cause for his failure to appear, he may be ordered to pay the costs of issuing and executing said capias and execution may issue for the same upon which he may

be arrested,' so that said section as amended, shall read as follows :

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

If debtor refuses to appear he may be brought before the court, and if he fails to show cause for failure, shall pay costs of issuing *capias*

SECT. 4. 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 :

Sec 24, amended.

'SECT. 24. At any time after the expiration of three 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, where the original debt exclusive of costs exceeds ten dollars, and may cause like proceedings to be had as if there had been no previous proceedings under the provisions of this chapter.'

Debtor, may be required to disclose again after three years, and while judgment remains in force.

Approved March 29, 1893.

Chapter 314.

An Act relating to the sale of land for Taxes.

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

SECT. 1. Whenever a tax shall be assessed upon any real estate by the state, any county, city, town or plantation, there shall be a lien on said real estate to secure the payment of said tax which said lien shall take precedence of all other claims on said real estate and continue in force until said tax shall be paid, provided in the assessment of said tax there shall be a description of said real estate, and said lien may be enforced in the following manner. When said tax shall remain unpaid for a period of eight months after the same shall be committed to the proper officer for collection, said officer may give the person against whom said tax is assessed or leave at his last and usual place of abode, a notice in writ-

All stat, county and municipal real estate taxes, shall be liens on such real estate to secure payment of same.

—how enforced.