

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1836.

AUGUSTA:
SMITH & ROBINSON,.....PRINTERS.

1836.

SIXTEENTH LEGISLATURE.

NO. 74.

HOUSE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND THIRTY-SIX.

AN ACT supplementary to an Act for the relief
of Poor Debtors.

SECT. 1. *Be it enacted by the Senate and
2 House of Representatives in Legislature as-
3 sembled, That any person, not a resident of this
4 State and who is about to depart therefrom with
5 property or means exceeding the amount requir-
6 ed for his own immediate support, may be ar-
7 rested and held to bail or committed to prison
8 as is provided in the third section of an Act to
9 which this is supplementary.*

SECT. 2. *Be it further enacted, That in all
2 actions not founded on contract, express or im-*

3 plied, or on judgment on such contract, as in the
4 first and second sections of the Act aforesaid is
5 provided, process shall run against the body of
6 the defendant, and he or she may be arrested or
7 imprisoned on mesne process or execution, any
8 thing in said Act to the contrary notwithstanding.
9 ing.

SECT. 3. *Be it further enacted,* That the
2 bond required by the seventh section of the Act
3 aforesaid shall be upon the further condition,
4 that the person arrested or imprisoned as there-
5 in provided, shall submit himself to examination,
6 make disclosure of his business affairs and prop-
7 erty, on oath, and abide the order of the Jus-
8 tices of the Peace and Quorum thereon. And
9 the notice required in and by said section may
10 be given to the agent or attorney of said credit-
11 or; and the fifteen days after final judgment
12 therein mentioned shall be computed from the
13 last day of the term of the Court rendering such
14 judgment.

SECT. 4. *Be it further enacted,* That the bond
2 required by the eighth section of said Act shall
3 run to the creditor or creditors in execution with
4 sufficient surety or sureties to be approved by the

5 creditor or creditors, or by two Justices of the
6 Peace and of the Quorum.

SECT. 5. *Be it further enacted,* That any
2 debtor who is or may be hereafter arrested or
3 imprisoned on any execution, or warrant for
4 taxes, shall be entitled to his discharge from ar-
5 rest, or imprisonment, by giving the bond refer-
6 red to in the fourth section hereof; and said
7 debtor giving bond as aforesaid may cite the
8 creditor, submit himself to examination and take
9 the oath or affirmation, on complying with the
10 provisions of the ninth and tenth sections of the
11 Act aforesaid without being committed to prison.
12 And it shall be the duty of the officer serving
13 said execution to return the bond therewith for
14 the benefit of the creditor, who shall be entitled
15 to receive the same on filing a copy thereof with
16 the Clerk of the Court, or Justice to whom said
17 execution is returned.

SECT. 6. *Be it further enacted,* That when
2 any constable, collector or deputy sheriff shall
3 be committed to gaol for default in payment of any
4 taxes committed to him to collect, such con-
5 stable, collector or deputy sheriff shall be sub-
6 ject to the provisions of this Act, and the Act

7 to which this is supplementary ; and the forty sev-
8 enth section of an Act entitled an “Act concern-
9 ing the assessment and collection of taxes,”
10 passed March 21, 1821, so far as it is inconsist-
11 ent herewith, is hereby repealed, *Provided*,
12 That no rights vested under said Act shall be
13 affected thereby.

SECT. 7. *Be it further enacted*, That, in-
2 stead of the oath or affirmation required by the
3 tenth section of the Act to which this is sup-
4 plementary, the following shall be the form
5 thereof, to wit.—I, — — do solemnly swear
6 [or affirm, as the case may be] that I have not
7 any estate, real or personal, in possession, re-
8 version or remainder, except the goods and es-
9 tate exempted by law from attachment and ex-
10 ecution [and the property I have now disclosed,
11 as the case may be,] and that I have not since
12 the commencement of this suit against me, or at
13 any time, directly or indirectly, sold, loaned, leas-
14 ed or otherwise disposed of, or conveyed or en-
15 trusted to any person or persons whomsoever,
16 all or any part of the estate, real or personal,
17 whereof I have been the lawful owner or pos-
18 sessor, with any intent or design to secure the

19 same, or to receive, or expect any profit, ad-
 20 vantage or benefit therefrom personally, or that
 21 any or all of my family, heirs or friends shall re-
 22 ceive or expect any profit, advantage or benefit
 23 therefrom, whereby any of my creditors might
 24 have been, or may be defrauded—SO HELP ME
 25 GOD, or *I do this under the pains and penal-*
 26 *ties of perjury, [as the case may be.]*

SECT. 8. *Be it further enacted,* That when
 2 any debtor, on examination and disclosure un-
 3 der the seventh section of the Act to which this
 4 is supplementary, shall disclose or it shall ap-
 5 pear from other evidence that he has attach-
 6 able estate or property, he shall be permitted to
 7 go at large upon the bond given at the time of
 8 his arrest, until the creditor shall make his elec-
 9 tion, as in said section is provided, to levy his
 10 execution upon the body of said debtor, or upon
 11 the property by him disclosed, or of which it
 12 shall appear he was possessed as aforesaid.

SECT. 9. *Be it further enacted,* That
 2 nothing in this Act shall be construed to repeal
 3 an Act entitled “an Act giving further remedy
 4 in cases of wilful trespass,” passed February
 5 14, 1833; and an Act entitled “an Act for the

6 abolition of imprisonment of honest debtors for
7 debt," passed March 31, 1831, is hereby re-
8 pealed. *Provided*, no rights vested under said
9 Act shall be affected thereby. And an Act en-
10 titled " an Act regulating bail in civil actions,"
11 passed March 19, 1821, is hereby revised.



STATE OF MAINE.

**HOUSE OF REPRESENTATIVES, }
MARCH 30, 1836. }**

This Bill was read once and three hundred copies ordered to be printed.

[Extract from the Journal.]

Attest: JAMES L. CHILD, Clerk.