

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. 1839.

VOL. 2.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

NINETEENTH LEGISLATURE.

NO. 11.

SENATE.

AN ACT

ADDITIONAL TO AN ACT

FOR THE

RELIEF OF POOR DEBTORS.

[SMITH & ROBINSON,.....Printers to the State.]

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

STATE OF MAINE.

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

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

SECTION 1. *Be it enacted by the Senate
2 and House of Representatives in Legislature
3 assembled,* That, in any action now pending,
4 or which may be hereafter commenced, in the
5 Supreme Judicial Court or Court of Common
6 Pleas, on a Bond given by any Execution debtor
7 or any person arrested on a warrant of distress
8 for discharge from arrest or imprisonment, if it
9 shall appear that, prior to the breach of any of
10 the conditions of the same, the principal in such
11 bond had been allowed by two Justices of the
12 Peace quorum unus, or a Justice of the Peace
13 and a Judge of any Municipal Court, to take,
14 and had taken before such Justices, the Poor
15 Debtor's oath, after notice of the intention of

16 such debtor to disclose the state of his affairs
17 and to take such oath issued by a Justice of the
18 Peace upon the application of such debtor, and
19 served by the proper officer upon the creditor
20 named in the bond, or upon the attorney of such
21 creditor, the defendant or defendants shall have
22 a right to have such action tried by a Jury, who
23 shall find and assess the damages, if any, the
24 plaintiff has sustained, or if, in their opinion, he
25 has not sustained any damages, they may return
26 a verdict for the defendants, notwithstanding
27 there may have been, in law, a breach of the
28 conditions of the bond. And the plaintiff in
29 such action may introduce any proper evidence
30 tending to show that such debtor had in his
31 possession, at the time of taking such oath, per-
32 sonal property, not exempted by law from
33 attachment and execution, or money on hand,
34 or debts due from safe and responsible persons,
35 sufficient in whole or in part to pay the Execu-
36 tion referred to in such bond, or any evidence
37 tending to show that such debtor in taking said
38 oath had not conducted fairly and honestly.
39 And any other evidence pertinent to the issue
40 may be produced by said creditor or debtor.

41 And if the Jury shall find a verdict for the plain-
42 tiff, judgment shall be entered on the same
43 without regard to the penalty in such bond.
44 And if it shall be proved that the plaintiff or his
45 Attorney appeared before such Justices for the
46 purpose of interrogating the debtor as to his
47 affairs and preventing his taking said oath, such
48 appearance shall not be construed or taken to
49 bar the plaintiff's action on such bond.

SEC. 2. *Be it further enacted,* That in any
2 such action now pending, or which may be here-
3 after commenced, before a Justice of the Peace,
4 or before the Judge of any Municipal Court,
5 either party shall have a right to introduce all
6 such evidence as is authorized to be introduced
7 by the first section of this Act, and the Justice
8 or Municipal Judge, if he shall render judgment
9 for the plaintiff, shall enter judgment for such
10 damages, as he shall find the plaintiff has sus-
11 tained, without any regard to the penalty in such
12 bond; nor shall the appearance of the plaintiff
13 or his Attorney, as is described in said first sec-
14 tion, be any bar to such action. And all such
15 actions, brought by appeal to the Court of Com-
16 mon Pleas, shall be tried in the same manner,

17 as if originally commenced in that court. *Pro-*
18 *vided however*, That in no case, shall the Jury
19 or Justice or Municipal Judge give to the plain-
20 tiff a greater sum in damages than the amount
21 of the debt and cost mentioned in the Execution
22 referred to in such bond, and interest on the
23 same, together with the officers fees thereon.

SEC. 3. *Be it further enacted*, That when
2 any debtor, arrested on a warrant of distress or
3 Execution, or committed to prison on the same,
4 shall have given or may hereafter give a bond,
5 as is allowed by the 8th section of the Act to
6 which this is additional, he may make a written
7 application to a Justice of the Peace of the
8 county, where he has been arrested or commit-
9 ted to prison, who shall thereupon make out a
10 notification under his hand and seal, of such
11 debtor's desire to take the privilege and benefit
12 of the Poor Debtor's oath, and the time and
13 place of the intended caption, which, being
14 served in the manner prescribed by the 9th sec-
15 tion of the Act to which this is additional, shall
16 be deemed a valid and effectual notice to the
17 creditor.

SEC. 4. *Be it further enacted,* That this
2 Act shall take effect from and after its passage,
3 and all Acts and parts of Acts, inconsistent with
4 the provisions of this Act, be and they hereby
5 are repealed.

STATE OF MAINE.

IN SENATE, Jan. 23, 1839.

**This Bill was read once and laid upon the table, and
ORDERED, That 500 copies of the same be printed for
the use of the Legislature.**

(Extract from the Journal.)

WILLIAM TRAFTON, *Secretary.*