

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1822.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

PORTLAND :

THAYER, TAPPAN & STICKNEY, PRINTERS TO THE STATE.

1822.

LAWS

OF THE

STATE OF MAINE.

CHAPTER CLXXXI.

AN ACT providing for the further limitation of certain Actions, and for other purposes.

WHEREAS by an act entitled "an Act repealing certain acts therein named," passed March twenty-first, in the year one thousand eight hundred and twenty one; the act for providing and regulating of prisons, passed February twenty-first, in the year one thousand seven hundred and eighty-five, and divers other acts in addition to, and in amendment thereof; and an act concerning poor prisoners and other persons, passed February twenty fourth, in the year one thousand eight hundred and eighteen, are repealed.—And whereas, since the passing of said repealing act, many debtors committed to prison, have been permitted the liberty of the prison yards, as established before the passing of said repealing act, upon giving bond as then provided by law; and many poor debtors may have been discharged from gaol and allowed to return home, first having taken the oath and conformed to the requirements prescribed by the laws in force prior to the passage of said repealing act: And whereas the laws of this State have but recently been published, and many of the citizens were ignorant of what laws of Massachusetts, in force in this State at the adoption of the Constitution, had been repealed and what of them continued in force, and many escapes from gaol may have been permitted, and the conditions of bonds for the liberty of gaol yards, in many instances, have been unintentionally broken: And whereas it is the duty of the Legislature to protect the citizens against forfeitures arising from the want of a sufficient promulgation of its laws:

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in Legislature assembled, That, from and after the passing of this act, no action shall be maintained against any sheriff or keeper of any gaol, for the escape of any prisoner, wherein the escape charged and proved, shall have been suffered by such sheriff or keeper of the gaol, after having taken bond

No action shall be maintained against a sheriff or keeper of a gaol for the escape of a prisoner, in certain cases, unless com-

menced within three days from the passing of this act, or five days after the cause of action shall accrue. for the liberty of the gaol yard as provided by the laws, prior to the passing of said act, entitled "an Act repealing certain acts therein named," passed March twenty-first, in the year one thousand eight hundred and twenty-one, unless such action be commenced within three days from the passing of this act, or within five days after such cause of action shall accrue.

No action shall be maintained for the breach of a bond for the liberty of the gaol yard, unless commenced within two days from the passing of this act, or five days after the breach.

SECT. 2. *Be it further enacted,* That from and after the passing of this act, no action shall be maintained for the breach of any bond given, or to be given, by any person imprisoned for debt to obtain the liberty of the gaol yard, where the breach complained of and proved, shall arise from such person's being without the walls of the prison and within the exterior limits of the gaol yard, as established before the passing of said repealing act, or from such person's departing without such exterior limits, after having been discharged from prison pursuant to the provisions of the act of the Legislature of Massachusetts, entitled "an Act for the relief of poor prisoners who are committed by execution for debt," passed November twenty-fifth, in the year one thousand eight hundred and sixteen, unless such action be commenced within two days from the passing of this act, or within five days from and after such breach.

Gaol yards established and their limits confirmed.

SECT. 3. *Be it further enacted,* That the gaol yards in the several counties in this State, as established before the passing of said repealing act, be, and they are hereby established, and their limits and bounds confirmed; and that all persons committed upon mesne process, execution, or for taxes, shall be entitled to the liberties of such gaol yards, having given or hereafter giving bond as provided by law, prior to the passing of said repealing act. And that all the laws relating to the establishment of prison yards, giving to poor debtors the liberty of such yards, and providing for their discharge from prison, upon taking the poor debtor's oath, as they were before the passing of said repealing act, be, and they are hereby revived, and shall be deemed and taken as law within this State,

Former laws relating to gaol yards, & poor debtors revived.

until otherwise provided for, any thing in said "Act for repealing certain acts therein named," to the contrary notwithstanding.

[This Act passed January 19, 1822.]

CHAPTER CLXXXII.

AN ACT relative to the tender of money in suits at law.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That every person who may be sued, shall have the same right to tender payment of the debt and legal costs, which may have arisen at the time of such tender to the plaintiff or his attorney in the action, after its commencement and before the entry thereof in court, as now exists in regard to the tender of money before the commencement of a suit.

Persons sued may tender debt and costs after the commencement of the action and before its entry.

[This Act passed January 25, 1822.]

CHAPTER CLXXXIII.

AN ACT respecting the collection of Taxes on unimproved land, not taxable by the assessors of any town or plantation.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That whenever a state or county tax has been, or shall be lawfully assessed on any township, or other tract of unimproved land in this State, not taxable by the assessors of any town or plantation, the Treasurer of the State, or of the County, as the case may be, shall forthwith advertise the same three weeks successively in the public newspaper of the printer to the State, for the time being; and in one of the newspapers printed in the county where such land lies, if any there be, otherwise in a newspaper printed in the next adjoining county, if such newspaper there be, therein notifying all persons interested in such lands, that unless the amount of said taxes respectively be paid to the respective Treasurers aforesaid in six months, then

State or County Treasurer to give notice of taxes assessed on unimproved land, not taxable by assessors;

unless paid within six months, warrants to issue to Sheriffs.