

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FOURTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1824.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28TH JUNE, 1820.



PORTLAND:

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1824.

prosecute in behalf of the State, for all trespasses which have been or may be made on the same; and to seize, and sell at public auction, all kinds of lumber or grass cut by trespassers, first giving timely public notice of such sale.

SECT. 11. *Be it further enacted*, That it shall be the duty of said agent to keep correct plans of all surveys made as aforesaid, and to transmit copies thereof and of all field notes to the office of the Secretary of the State as soon as may be after such surveys shall have been made; and he shall give his personal attendance to all the duties appertaining to his office as far as practicable; and he shall have power to employ such assistants from time to time as he may need, to aid him to carry into effect the provisions of this act, for whose conduct he shall be responsible; and he shall render a fair account of all his doings to the Legislature annually, and shall receive such compensation for his services as may be deemed just and equitable; and he shall give bond to the Treasurer of the State, for the time being, with sufficient surety or sureties, to the satisfaction of the Governor and Council, in the sum of ten thousand dollars, for the faithful performance of his duties.

Agent to keep plans and to transmit copies thereof and of field notes to office of Secretary of State.

To employ assistants.

To give bond, &c.

SECT. 12. *Be it further enacted*, That no person shall be appointed or continued agent for the purposes aforesaid, who is or may be concerned directly or indirectly in the lumbering business, nor shall said agent be concerned, directly or indirectly, in any purchase of said public land.

Persons not eligible to be appointed or continued agents.

[*This Act passed February 25, 1824.*]

CHAPTER CCLXXXI.

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

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That whenever any person who shall be arrested on execution, shall at the time of such arrest, declare to the

Persons arrested on execution may have privilege of taking poor debtors oath without being carried to gaol on certain conditions.

Proceedings in such cases.

Bond to be given for appearance at time & place of taking oath.

officer making the arrest, his intention to avail himself of the privilege of taking the oath or affirmation provided in the act for the relief of poor debtors, passed February the ninth, A. D. eighteen hundred and twenty two, it shall be the duty of such officer to take said debtor to some one Justice of the Peace in the county where the debtor resides, and as near as may be to such debtor's residence, or to the place where such arrest may be made: before which Justice, the person so arrested may make such complaint of his inability to pay the debt for which he is arrested, or to support himself in prison, as is provided in and by the act aforesaid, for the relief of poor debtors. And upon such complaint it shall be the duty of said Justice to make out a notification in writing, under his hand and seal, thereby signifying to the creditor or creditors, such debtor's desire to take the privilege and benefit allowed in and by the act to which this is additional; and at such time and place as said Justice of the Peace may appoint, within the county where such arrest is made for the intended caption of the oath or affirmation allowed by said act; and the notification shall be served in the same manner and form, as is prescribed in the act aforesaid, fifteen days at least, before the time appointed for taking such oath or affirmation; and on the return thereof to the Justices of the Peace and *quorum*, who may be selected for that purpose, the same or like proceedings, as near as may be, shall be had at the time and place appointed for taking the oath or affirmation prescribed and allowed to poor debtors in the act aforesaid. And in all cases a certificate of the proceedings of the Justices aforesaid, shall be forthwith returned to the keeper of the gaol of the county in which the debtor may reside: *Provided, however,* That before any debtor arrested as aforesaid, shall be entitled to the benefit of the provisions herein contained, he shall procure a bond, with good and sufficient surety or sureties, to the satisfaction of the officer making such arrest, in the full amount of the debt and costs, and all legal costs arising thereon, for which such debtor may be ar-

rested; that he will appear at the time and place appointed for taking the oath or affirmation aforesaid; and further, that in case the Justices of the *quorum*, to whom such notification may be returned, shall not allow said debtor to discharge himself by taking the requisite oath or affirmation, that said debtor shall surrender himself to the officer by whom such arrest shall have been made, or to the keeper of the gaol of said county, within ten days after such Justices shall disallow the oath or affirmation aforesaid, to such debtor, to be dealt with in the same manner as if no such proceedings had been had, as are hereby provided.

Further conditions of the bond.

SECT. 2. *Be it further enacted*, That whenever at any examination to be had before any Justices of the *quorum*, pursuant to the provisions of this act, or of that to which the same is additional, at the request of any debtor, for the purpose of taking the oath or affirmation allowed by the acts aforesaid, such debtor shall disclose and offer to the creditor on whose execution he may have been arrested, any and all the estate, real and personal, belonging to such debtor, and not exempted by law from attachment, which said debtor may have or hold, so that the same may be taken in execution; if the creditor shall not within thirty days therefrom, cause the same to be taken in execution, the person of said debtor so disclosing, shall forever afterwards be exempted from arrest on said execution, or from any judgment that may be obtained thereon: but no creditor shall be compelled to take real estate to satisfy an execution: *Provided, however*, That any creditor having an execution in his favor on a judgment recovered before any Justice of the Peace, may, if he prefer, in the cases aforesaid, cause his execution to be satisfied by levy on the real estate so disclosed, and in that case the form of the execution shall be varied accordingly: And the said debtor shall be holden on his bond, until the expiration of the aforesaid thirty days, together with his surety or sureties.

In case of disclosure of estate, real or personal, debtor's body to be exempted from arrest, if creditor do not take such estate.

Creditor on Justice execution may levy on real estate in certain cases

SECT. 3. *Be it further enacted*, That if any person or persons, who shall take the oath or affirmation aforesaid, shall be convicted of having had, at

Penalty of perjury in case of false swearing by debtors.

the time of arrest on execution as aforesaid, or afterwards and before the time of taking such oath or affirmation, any lands, money, goods or demands not exempted from attachment, whereby he might have discharged the debt, in whole or in part, or shall have sold, leased or otherwise conveyed, concealed, or disposed of, or intrusted his estate or any part thereof, directly or indirectly, contrary to the oath or affirmation aforesaid, he shall, on conviction thereof, not only be liable to the pains and penalties of wilful perjury, but shall receive no benefit from said oath or affirmation.

Limitation of this act.

SECT. 4. *Be it further enacted*, That the provisions of this act shall not be considered as extending to any debts or contracts existing prior to the first day of July next; and that all provisions of any former laws, inconsistent with this act, or any part thereof, be, and they hereby are repealed.

[*This Act passed February 25, 1824.*]

CHAPTER CCLXXXII.

AN ACT providing for the government of the State Prison, and for the punishment of convicts.

Sentences of confinement to hard labor and solitary imprisonment, or either, to be executed in the State Prison.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That criminals convict, who may be sentenced to confinement to hard labor for life or any other term, or to solitary imprisonment, or to solitary imprisonment and hard labor, shall and may be imprisoned, restrained and employed in and within the precincts of the State Prison, situate in Thomaston, in the county of Lincoln; and the court before whom such conviction may be, is hereby authorized and empowered by warrant under its seal, directed to the warden of said prison, to cause all such convicts, as soon as conveniently may be, after sentence, to be removed from any gaol in the respective counties of