

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

NINTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1829.

Published agreeably to the Resolve of the 20th June, 1820.

Portland:

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1829.

nies or offences aforesaid, shall be punished by confinement to hard labor in the State Prison for life.

Punishment of gaoler, who suffers a prisoner, charged with a capital felony to escape.

SECT. 6. *Be it further enacted,* That every gaoler or prison keeper, that shall voluntarily suffer any prisoner, committed unto him, to escape, charged with a capital felony, on due conviction thereof, before the Supreme Judicial Court, shall be punished, by fine not exceeding one thousand dollars, and by confinement to hard labor in the State Prison for a term, not less than five years, and not exceeding fifteen years, as the said Court may sentence and order: *Provided however,* That when such voluntary escape shall be suffered after conviction of a capital crime, such gaoler or prison keeper, shall, on due conviction thereof, before said Court, in addition to the fine aforesaid, be sentenced to hard labor in the State Prison for life.

Former acts inconsistent with this act repealed.

SECT. 7. *Be it further enacted,* That from and after the passing of this Act, all Acts and parts of Acts heretofore passed inconsistent with the provisions of this Act, shall be, and they hereby are repealed: *Provided,* That the same Acts and parts of Acts, shall be and remain in force for the cognizance, trial and punishment of all such crimes and offences as therein are mentioned, which have been committed before the passing of this Act, and all proceedings thereof arising, this repeal notwithstanding.

Proviso.

[Approved by the Governor, Feb. 28, 1829.]

CHAPTER CCCCXXXI.

AN Additional ACT respecting the attachment of Property.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the estate, right, title and interest,

which any person has by virtue of a bond, or contract in writing, to a conveyance of real estate, upon conditions to be by him performed, whether he be the original obligee, or assignee, of the bond or contract, shall be liable to be taken by attachment or mesne process, or on execution. And when any such right, title, interest or estate shall be seized and sold upon execution, such notice shall be given, and such proceedings had in every respect, as are required by law in the sale of an equity of redemption, and the debtor whose right, title and interest or estate is so taken and sold, shall have the right of redeeming the same within such time, and in such manner as is provided in cases of equities of redemption.

SECT. 2. *Be it further enacted,* That the purchaser of any such estate, right, title, or interest, shall have the same remedies by bill in equity before the Supreme Judicial Court, or Court of Common Pleas, to compel the obligor or contractor to convey such real estate to him, upon his performance of the conditions of such bond or written contract, as mortgagors, or persons claiming under them, have to compel mortgagees, or persons claiming under them to convey mortgaged real estate. And whenever the obligor, or contractor, upon request of such purchaser, shall neglect or refuse to give true and correct information of the amount due from, or conditions remaining unperformed on the part of such obligee, or holder of such written contract, such purchaser may nevertheless have and maintain his said bill in equity, without tendering payment of the sum so due or offering to perform the conditions remaining unperformed, and may in said bill, pray a discovery of the sum due or the conditions remaining unperformed upon such bond, or written contract, and upon the hearing of such bill, the respondent shall be holden to disclose all matters duly prayed for therein.

Estate holden by virtue of a bond to convey, liable to attachment, & may be sold in same manner as an equity of redemption.

Purchaser may by bill in equity compel the obligor to convey such real estate to him, and to disclose what sum is due in case of refusal.

Pretended assignee made a party to the bill.

Validity of assignment to be settled by verdict of Jury.

SECT. 3. *Be it further enacted,* That whenever any obligor or contractor, shall plead, answer or disclose an assignment of said bond or contract, made previous to the attachment of such estate, by the obligee, or person entitled to a conveyance, of the estate therein described, and the complainant in equity shall put in issue the validity of such pretended assignment, the Court before which the same is pending shall cause the person so disclosed as assignee to be made a party to the bill, and after such notice to him as the Court may direct, either upon his appearance, or non-appearance, shall cause the same issue to be tried by a jury, who shall find by their verdict whether the said assignment is good and valid, or fraudulent and void, according to legal principles; and if found to be fraudulent and void, such pretended assignment shall not operate as a bar to the conveyance prayed for in the bill.

[Approved by the Governor, February 28, 1829.]



CHAPTER CCCXXXII.

AN Additional ACT defining the powers of the Judicial Courts in granting Reviews, and for other purposes.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That all applications for review of judgments rendered upon petitions for partition, pursuant to the provision of the Act to which this is additional, shall be made to the said Justices of the Supreme Judicial Court, within three years after the rendition of the judgment complained of: *Provided,* That nothing in this Act, or the Act to which this is additional, shall be construed to effect the proceedings of said Court in any case wherein final judgment has been rendered upon petition for

Applications for reviews of judgments for partition, to be made within three years after the rendition of the judgment complained of.

Proviso.