

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

TENTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1830.

—◆—
Published agreeably to the Resolve of the 28th June, 1820.
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Portland :

DAY & FRASER.....PRINTERS TO THE STATE.
1830.

SECT. 2. *Be it further enacted,* That any person or persons, body politic or corporate, by law authorized and required to use, employ and keep horse, steam or team boats at any ferry in this State, be and hereby are authorized and empowered in the night time, or at any other time when the passage of such ferry would be dangerous for said boats, to use any other boats, that shall be safe and convenient for the transportation of passengers, horses (or) cattle any law to the contrary notwithstanding.

Persons, &c. authorized to use a team, horse or steam boat, may use other boats in certain cases.

[Approved by the Governor, March 6, 1830.]



CHAPTER CCCCLVIII.

AN ACT for the relief of Debtors to the State.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That any person who now stands or may hereafter stand committed to jail in any county in this State, on any execution, warrant of distress or any other final civil process, for a debt, penalty, or cost due to this State, may make application, in writing to the Court of Common Pleas for relief, and it shall be the duty of said Court, on such application, to enquire into the circumstances of such petitioner, and if satisfied that he is unable to pay such judgment against him, to order his discharge from imprisonment. And it shall be the duty of the prison keeper, having charge of the jail to which he stands committed, accordingly to discharge such prisoner. And if on such examination, it shall appear to said court that such prisoner is able to pay a part only of such judgment, and that the interest of the State would be promoted by receiving part only of such judgment, it shall be the duty of said court to order the dis-

G. C. Pleas may, on petition, order to be discharged from imprisonment, any debtor to the State unable to pay, or on payment, &c. of part of the judgment. the attorney general or county attorney being first notified of the pendency of such petition.

charge of such prisoner from imprisonment and from the judgment against him, upon his paying or securing such sum of money, or assigning to the State such securities, or personal or real estate, or other property, as said court shall decree to be reasonable, at such time, and in such manner, and to such public officer as the said court shall direct. And it shall be the duty of said court, previous to proceeding in the hearing of such petition, to give notice of the pendency of such petition to the County Attorney of the county in which the commitment is made, or to the Attorney General, and the public officer so notified, shall attend the hearing, as attorney for the State, and receive from the State a reasonable compensation therefor.

Petitioner may be examined on oath.

SECT. 2. *Be it further enacted,* That said court may, if they think proper, require the oath of the petitioner to all or any facts by him stated, and also in case of a discharge on account of the inability of the debtor to pay or secure any part of the judgment, as contemplated in the first provision in the preceding section, the oath required by law to be taken by poor debtors. And in case the said debtor shall in any case, knowingly swear falsely concerning any facts material to the decision of the case, he shall suffer as for wilful and corrupt perjury; or if he shall take the oath required by law of poor debtors, he shall be held answerable in the same manner as if taken before two Justices of the Peace and Quorum.

Penalty for swearing falsely.

Any Judge of said Court may have same proceedings in vacation in county where commitment was made.

SECT. 3. *Be it further enacted,* That any Judge of said court may do and perform the acts by this Act authorized to be done by said court, in vacation, when the said court is not in session within the county in which the commitment was made, and the adjudication and discharge so made, shall be entered of record as of the last preceding term of said court in such county.

SECT. 4. *Be it further enacted,* That whenever any person, who now is or hereafter may

stand committed as aforesaid, shall be desirous to avail himself of the provisions of the law for the relief of poor debtors, by taking the oath prescribed in the fifteenth section of the Act for the relief of poor debtors, passed February ninth, in the year of our Lord one thousand eight hundred and twenty two, and shall make application accordingly, it shall be the duty of the jailer or keeper of such prison to make application to one of the Justices of the Peace, as prescribed in the twelfth section of the Act aforesaid, and on such application, the said Justice shall issue the notification prescribed in said twelfth section, directed to the County Attorney, for the county in which the commitment is made, and the said notification shall be served, returned and proceedings thereupon had in the same manner, as in cases where notice is served on individual creditors or their attornies. And it shall be the duty of the County Attorney as aforesaid, on such notice, to attend at the time and place specified in said notification, as attorney for the State, for which service he shall receive a reasonable compensation, or he may employ some other competent person to attend on behalf of the State. And if upon examination, the oath shall be administered to said debtor by the Justices, as prescribed by law, the said debtor shall be discharged from his imprisonment as in other cases.

Persons indebted to the State may avail themselves of the provisions of the law for relief of poor debtors.

Duty of Jailer in such cases.

[Approved by the Governor, March 6, 1830.]



CHAPTER CCCCLIX.

AN ACT additional to "An Act to establish a Court of Common Pleas."

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That all that part of the second section of the act to which this is additional which declares, that, "And ex-

Chap. 193, clause in 2d section of, repealed.