

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

THIRTEENTH LEGISLATURE,

At its Session, held in January, 1833.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA :

I. BERRY & CO. PRINTERS TO THE STATE.

1833.

neglect to appear before said Justice at said time and place to depose as aforesaid, said Justice may adjourn the time of taking such deposition to such hour of that or any other day, as he may think proper, and may issue a *capias*, directing any proper officer to apprehend said deponent and bring him before said Justice at the time and place, to which the taking of said deposition was adjourned as aforesaid; and said officer is hereby empowered to execute said *Capias*, and by virtue thereof bring said deponent before said Justice as in said precept may be directed.

Justice empowered to issue a *capias* to apprehend deponent neglecting to appear in pursuance of a citation.

SECT. 2. *Be it further enacted*, That whenever any deponent shall appear before any Justice of the Peace and of the Quorum, in obedience to a citation duly issued and served, requiring such deponent to appear as aforesaid to give his deposition in any matter, in which depositions are by law authorized to be taken, or whenever any such deponent shall be brought before said Justice upon any *capias*, issued as aforesaid, if said deponent shall refuse to depose and testify or to make answer to such questions as may be propounded to him by either party, under the direction of said Justice, the said Justice is hereby vested with the same power to compel said deponent to depose, testify and answer, as is now vested in the Judicial Courts and in Justices of the Peace, for compelling witnesses upon the stand, in the trial of causes in open Court, to testify what they know relative to the issue on trial.

Proceedings in relation to deponent refusing to testify.

[*Approved by the Governor, March 4, 1833.*]

Chapter 86.

AN ACT for making known the organization of Plantations.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That whenever any Plantation shall hereafter be organiz-

Treasurer of State or of any County to transmit to Secretary of State a statement of the organization of plantations in certain cases.

ed, in virtue of any precept issued from the Treasurer of the State or from the Treasurer of any County, and said precept shall have been returned to said Treasurer by the Justice to whom it was directed, with the certificate thereon required by law, stating the doings which have been had in virtue thereof, it is hereby made the duty of such Treasurer forthwith to certify and transmit to the Secretary of State a statement of said doings and of the organization of such Plantation.

[Approved by the Governor, March 4, 1833.]

Chapter 87.

AN ACT making certain interests in real estate liable to the payment of debts.

Debtor's right of redeeming equity of redemption sold on execution, & of redeeming any real estate set off on execution, may be attached on mesne process.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the right, which any debtor may have, of redeeming from the purchaser, his executors, administrators or assigns, any equity of redemption, which may have been sold on execution against said debtor; and also the right, which any debtor may have, of redeeming from a judgment creditor, his executors, administrators or assigns, any real estate, which may have been levied and set off on execution against said debtor, may be attached on mesne process or execution against said debtor, by any creditor or creditors. And when attached on mesne process as aforesaid, the said right shall be held, as any other estate would be, to respond the judgment which may be obtained in the suit. And said right may be sold, on execution, at public auction, to the highest bidder. And the same proceedings shall be had in advertising, selling and conveying said right, and in disposing of the avails thereof, as are required in cases of selling rights in equity of redeeming mortgaged real estate. And the purchaser shall have and exercise all the rights and remedies, which the

May be sold at auction.

Proceedings in such case.