

# MAINE STATE LEGISLATURE

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# PUBLIC ACTS

OF THE

# STATE OF MAINE,

PASSED BY THE

## SIXTEENTH LEGISLATURE,

JANUARY SESSION, 1836.

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PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 23, 1820.

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AUGUSTA:

SMITH & ROBINSON.....PRINTERS TO THE STATE.

1836.

given for lands sold and for timber and grass cut by trespassing or otherwise, and the amount of costs in each of said suits respectively, for the year preceding.

—to pay monthly into State Treasury all monies received on sales of land, &c.

SECT. 3. *Be it further enacted*, That it shall be the duty of the Land Agent to pay into the Treasury of this State at the expiration of each month, all monies in his hands collected or received on account of the sales of public lands and for timber and grass cut thereon by trespassers or otherwise.

[Approved by the Governor, April 1, 1836.]

### Chapter 245.

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

A person not a resident of State who is about to depart, may be arrested.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That any person not a resident of this State, and who is about to depart therefrom with property, or means exceeding the amount required for his own immediate support, may be arrested and held to bail, or committed to prison, as is provided in the third section of an Act to which this is supplementary.

Process shall run against body of defendant excepting in case of contracts.

SECT. 2. *Be it further enacted*, That in all actions not founded on contract, express, or implied, or on judgment on such contract, as in the first and second sections of the Act aforesaid is provided, process shall run against the body of the Defendant, and he or she may be arrested or imprisoned on mesne process, or execution, any thing in said Act to the contrary notwithstanding.

Further conditions to be in-

SECT. 3. *Be it further enacted*, That the Bond required by the seventh section of the Act aforesaid shall be upon the further condition, that the per-

son arrested, or imprisoned, as therein provided, shall submit himself to examination, make disclosure of his business affairs and property, on oath, and abide the order of the Justices of the Peace and Quorum thereon. And the notice required in and by said section may be given to the Agent or Attorney of said creditor; and the fifteen days after final judgment therein mentioned shall be computed from the last day of term of the Court rendering said judgment.

vested in bond of poor debtor.

Notice may be given agent or attorney.

—the 15 days after final judgment, to be computed from last day of Court.

SECT. 4. *Be it further enacted,* That the bond required by the eighth section of said Act shall run to the creditor, or creditors in execution with sufficient surety or sureties to be approved by the creditor or creditors, or by two Justices of the Peace and of the Quorum.

Bond to run to creditor and to be approved.

SECT. 5. *Be it further enacted,* That any debtor who is or may be hereafter arrested, or imprisoned on any execution, or warrant for taxes, shall be entitled to his discharge from arrest, or imprisonment, by giving the bond referred to in the fourth section hereof; and said debtor, giving bond as aforesaid, may cite the creditor submit himself to examination, and take the oath or affirmation named in the seventh section of this Act, and in other respects complying with the provisions of the ninth and tenth sections of the Act to which this is supplementary without being committed to prison. And it shall be the duty of the officer serving said execution to return the bond therewith for the benefit of the creditor, who shall be entitled to receive the same on filing a copy thereof with the Clerk of the Court or Justice to whom said execution is returned.

Debtor entitled to discharge from arrest by giving bond.

—may cite creditor and take oath.

Officer to return bond for benefit of creditors who may receive same on filing a copy with Clerk of Court.

SECT. 6. *Be it further enacted,* That when any Constable, Collector or Deputy Sheriff shall be committed to Gaol for default in payment of any taxes committed to him to collect, such Constable, Collector, or Deputy Sheriff shall be subject

Constables, Collectors and Deputy Sheriffs entitled when committed to benefit of this Act.

to the provisions of this Act and the Act to which this is supplementary, and the forty-seventh section of an Act entitled an "Act concerning the assessment and collection of Taxes," passed March twenty-first, eighteen hundred and twenty-one, so far as it is inconsistent herewith, is hereby repealed, *Provided*, That no rights vested under said Act shall be affected thereby.

SECT. 7. *Be it further enacted*, That instead of the oath or affirmation required by the tenth section of the Act to which this is supplementary, the following shall be the form thereof, to wit :

I ——— do solemnly swear (or affirm, as the case may be,) that I have not any estate, real or personal, in possession, reversion, or remainder, except the goods and estate exempted by law from attachment and execution (and the property I have now disclosed, as the case may be,) and that I have not since the commencement of this suit against me, or at any time, directly or indirectly, sold, loaned, leased or otherwise disposed of, or conveyed, or entrusted to any person or persons whomsoever, all or any part of the estate real or personal, whereof I have been the lawful owner, or possessed, [possessor] with any intent or design to secure the same, or to receive, or expect any profit, advantage or benefit therefrom personally, or that any or all of my family, heirs or friends shall receive or expect any profit, advantage, or benefit therefrom, with an intent, or design to defraud any of my creditors.—So HELP ME GOD. (Or—this I do under the pains and penalties of perjury—as the case may be.)

Substitute for  
poor debtor's  
oath.

When debtor  
discloses prop-  
erty he may go  
at large on bond  
given at the  
time of his ar-  
rest until credi-  
tor shall make  
his election.

SECT. 8. *Be it further enacted*, That when any debtor, on examination and disclosure under the seventh section of the Act to which this is supplementary, shall disclose, or it shall appear from other evidence, that he has attachable estate or property, he shall be permitted to go at large upon the bond given at the time of his arrest, until the creditor shall make his election, as in said section is provided, to levy his execution upon the body of said debtor, or upon the property by him disclosed, or of which it shall appear he was possessed as aforesaid.

SECT. 9. *Be it further enacted,* That nothing in this Act shall be construed to repeal an Act entitled "An Act giving further remedy in cases of willful trespass," passed February fourteenth, eighteen hundred and thirty-three. And an Act entitled "An Act for the abolition of imprisonment of honest debtors for debt," passed March thirty-first, eighteen hundred and thirty-one, is hereby repealed. *Provided* no rights vested under said Act shall be effected thereby. And an Act entitled "An Act regulating bail in civil Actions," passed March nineteenth, eighteen hundred and twenty-one is hereby revived.

Not to repeal certain Acts.

SECT. 10. *Be it further enacted,* That a Judge of any Municipal Court shall have the same powers, and subject to the like duties, as are given to Justices of the Peace and of the Quorum by this Act and by the Act to which this is supplementary.

Judge of Municipal Court to have same powers as Justices of the Peace and Quorum.

[Approved by the Governor, April 2, 1836.]

### Chapter 246.

AN ACT altering the time of a Term of the Supreme Judicial Court in the County of Lincoln.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That hereafter the Supreme Judicial Court shall be holden annually at Wiscasset in the County of Lincoln, on the Wednesday following the second Monday of September, instead of the second Tuesday of September, as now established by law; and all matters and things which may be pending in, or returnable to said Court on said second Tuesday of September, shall be returned to, have day, in, and be acted upon at the term of said Court to be holden in pursuance of this Act.

Time of holding Sept. term of S. J. Court in Lincoln County altered.

[Approved by the Governor, April 2, 1836.]