

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1860.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26,
1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1860.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1860.

CHAP. 185. SECT. 10. This act shall take effect from and after its approval by the governor.

[Approved March 20, 1860.]

Chapter 185.

An act additional to chapter one hundred and thirteen of the revised statutes.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Debtor twice refused discharge, must apply to judge of S. J. court.

Judge may appoint commissioner.

Commissioner to notify creditor.

—proceedings of.

—may administer oath and grant discharge.

Provisions of chap. 113, R. S. applicable.

Judge to fix compensation of commissioner.

Depositions may be used as evidence.

SECT. 1. Any debtor who, under the provisions of said chapter, shall have twice been refused his discharge from an arrest or imprisonment, shall not be entitled to his discharge from such arrest or imprisonment on any future examination, excepting upon application to a judge of the supreme judicial court, who, either in vacation or term time may, after notice to the creditor or his attorney and a hearing of the parties, if he thinks proper, appoint a commissioner to take the examination and disclosure of such debtor. Such commissioner shall give seven days previous notice to the creditor or his attorney, of the time and place appointed by him for such hearing, and in taking such disclosure and in all other proceedings in regard thereto, and the evidence to be received by him, shall be governed by the laws in force at the time regulating the disclosures of poor debtors; if satisfied of the truth of such disclosure, and that there is nothing inconsistent with the debtor's taking the oath provided in said chapter, the commissioner shall administer the same to him, and thereupon grant him a certificate of discharge under his hand and seal, which shall have the same effect as similar certificates granted under the provisions of said chapter by justices of the peace and quorum. The provisions of said act respecting property disclosed by said debtor, and all other provisions not inconsistent with the provisions of this act, shall be applicable, as far forth as is practicable to the proceedings before said commissioner. The judge, at the time of appointing said commissioner, shall fix the compensation for his services, which shall be paid by the debtor before commencing his disclosure.

SECT. 2. Depositions taken according to the provisions of law may be used as evidence at the hearing for the discharge of a debtor from his arrest or imprisonment, and the same depositions may be used in all subsequent hearings or proceedings for such debtor's discharge from such arrest or imprisonment, or any subsequent arrest or imprisonment upon the same cause of action.

[Approved March 20, 1860.]