

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

or refuse to remove such vessel, boat, raft, water craft, or other obstruction within thirty minutes, if practicable, after notice of the improper position of the same, to be recovered in a special action on the case.

SECT. 16. No person shall be liable to the penalty of the preceding section, for anchoring his vessel, boat, or raft, for the purpose of hauling into any wharf, pier, landing or dock, if he shall not be guilty of unreasonable hindrance to the business of the ferry, by delay or wilful mismanagement in so doing.

Exception to this liability. 1833, 66, § 2.

SECT. 17. The proprietors of any ferry may sink one or more piers, near their ferry ways, either above or below the same, on either side of the river, for the purpose of steadying or guiding their boats, in times of high winds or freshets; provided that no such pier shall be of greater length, or breadth, than twelve feet, nor so sunk, as to injure the proprietors of any wharf, pier, or landing, at which vessels may previously have taken in, or discharged, their freights.

Proprietors of ferries may sink piers. 1833, 66, § 3.

SECT. 18. Any forfeiture, mentioned in this chapter, not otherwise appropriated, shall accrue to the use of the state; and may be recovered by indictment, in the district court in the county, where the same may have been incurred.

Mode of recovering forfeitures. 1833, 66, § 2.

CHAPTER 28.

OF WORK HOUSES.

- SECT. 1. Towns may provide work houses. Persons liable to commitment.
2. Towns may choose overseers of such houses.
3. Duties of such overseers.
4. Contiguous towns may unite, in building work houses.
5. Joint board of overseers, and their powers in such case.
6. How chosen, and mode of proceeding.
7. Quarterly and other meetings of such board.
8. Choice of officers.
9. By laws, when and how made.
10. Duties and proceedings.
11. Proportion in which expenses are to be paid.
12. Mode of recovery from delinquent town.

- SECT. 13. Overseers may order commitment of certain persons.
14. Neither town may commit more than its proportion.
15. Idlers having no settlement may be committed.
16. Delinquent town may be deprived of the right to occupy the house.
17. Either town may furnish additional materials for labor.
18. Master to keep a registry.
19. Controversy between master and overseers, how determined.
20. Each town liable for its own commitments. Mode of discharge.
21. Persons committed, to be kept employed.
22. Work houses may be discontinued.
23. Certain special laws, not affected by this chapter.

SECTION 1. Any town may erect or provide a work house, for the employment and support of persons of the following description, that is to say: all poor and indigent persons, that are maintained by, or receive alms from, the town; all persons, who, being able of body, and not having estate or means, otherwise, to maintain them-

Towns may provide work houses. Persons liable to commitment. 1831, 124, § 1, 7.

CHAP. 28.

selves, refuse or neglect to work; all persons, who live a dissolute and vagrant life, and exercise no ordinary calling, or lawful business, sufficient to gain an honest livelihood; and all such persons, as spend their time and property in public houses, to the neglect of their proper business; or, by otherwise misspending what they earn, to the impoverishment of themselves and their families, are likely to become paupers.

Towns may choose overseers of such houses. 1821, 125, § 1.

SECT. 2. Every town, having a work house, may, at its annual meeting, choose three, five, seven or more overseers of such work house, who shall have the inspection and government thereof, with power to appoint a master and needful assistants, for the more immediate care and superintendence of the persons received, or employed therein.

Duties of such overseers. 1821, 124, § 1.

SECT. 3. The said overseers, as occasion shall require, shall hold meetings, on the business of their office. At their meetings they may make needful orders and regulations for such house, to be binding until the next town meeting, when the same shall be submitted to the consideration of the inhabitants; and such as shall be approved, at said meeting, shall remain in force, until revoked by the town.

Contiguous towns may unite, in building work houses. 1821, 124, § 2.

SECT. 4. Any two or more contiguous towns, that shall so agree, may, at their joint charge, and for their common benefit, erect or provide a work house for the purposes before mentioned in this chapter, and may purchase land for the use of such house.

Joint board of overseers, and their powers in such case. 1821, 124, § 2.

SECT. 5. The ordering, governing and repairing of any work house, erected or provided at the joint expense of two or more towns, and the appointing a master and necessary assistants, and the removing them from office, for sufficient cause, shall be vested in a joint board of overseers, to be chosen, as provided in the next section.

How chosen, and mode of proceeding. 1821, 124, § 2.

SECT. 6. Each of said towns, at their annual meeting, shall choose three members of said board, unless all said towns shall agree on a different number. Vacancies in said board may be supplied by the town, in which it happens, at any legal meeting. The members, appointed by any one or more of said towns, shall have power to proceed, in all affairs of said house, notwithstanding any one or more of the towns interested shall have neglected to furnish their proportion of members.

Quarterly and other meetings of such board. 1821, 124, § 3.

SECT. 7. There shall be stated quarterly meetings of all the said overseers, on the first Tuesday of January, April, July and October, to be held at the work house, in order to inspect the management, and direct the business thereof. Besides the quarterly stated meetings, other meetings, to be held at the work house, may be called by the overseers of any town concerned; they giving notice of the time and occasion thereof to the other members of said board, in such manner, as shall have been agreed upon at any stated meeting thereof.

Choice of officers. 1821, 124, § 3.

SECT. 8. The said joint board of overseers, when duly assembled, may choose a moderator. At their first general meeting, after their election, they shall appoint a clerk; who shall be duly sworn, and shall record all votes and orders of the said board.

By laws, when

SECT. 9. The said joint board of overseers, at any general

quarterly meeting, composed, at least, of one half of their whole number; may make all reasonable by laws and orders, not repugnant to the laws of the state, respecting the affairs of the work house under their charge.

CHAP. 28.
and how made.
1821, 124, § 4.

SECT. 10. The said joint board of overseers may also, at any such meeting, agree with the master and assistants, and order meet allowance for their care and services; but all other matters, relating to said work house, may be acted upon at any other meeting, duly notified, if one third part of said board are present.

Duties and proceedings.
1821, 124, § 4.

SECT. 11. The yearly compensation of the master and assistants, in any work house jointly provided as aforesaid, in addition to the allowance provided in this chapter; and the expense of keeping the house in repair, shall be paid by the several towns interested, in proportion to the state tax, last assessed upon them, when the expense may have been incurred; or in such other proportion, as all the towns interested shall agree upon.

Proportion, in which expenses are to be paid.
1821, 124, § 5.

SECT. 12. If any town shall refuse or neglect to advance, or reimburse, its proportion of such allowance, or other charges mentioned in this chapter, after they shall have been stated, and adjusted by the joint board of overseers, the same may be recovered of such delinquent town, in an action to be brought in the name of any person or persons, whom the overseers shall, in writing, appoint for that purpose.

Mode of recovery from delinquent town.
1821, 124, § 5.

SECT. 13. Any two or more overseers, in any town, having a work house, either in severalty, or in conjunction with other towns, may, by order under their hands, commit to such house, subject to the regulations thereof, any person residing in their town, who is declared in this chapter, to be liable to be sent there. Such order for commitment, directed to any constable of the same town, may be served by the same constable.

Overseers may order commitment of certain persons.
1821, 124, § 6.
2 Fairf. 208.

SECT. 14. No greater number of persons, belonging to any town, shall be received into a work house, jointly provided as aforesaid, than such town's proportion of such house, allotted them, can accommodate, when the receiving of them will exclude or incommode such, as belong to other towns interested.

Neither town may commit more than its proportion.
1821, 124, § 6.

SECT. 15. When any person, not having a legal settlement in any town in this state, shall become idle or indigent, he may be committed to the work house provided for the use of said town, to be employed, if able to labor, in the same manner, and subject to the same rules, as the other persons there committed.

Idlers having no settlement may be committed.
1821, 124, § 8.

SECT. 16. If any town, jointly interested in any work house, shall refuse or neglect to provide its proportion of the necessary expenses of such house, or of the materials, implements or other means for carrying on the work, there required, according to their agreement, or as shall be duly directed by the overseers, such town shall be deprived of the privilege of sending any person thither, until it shall comply with such agreement or direction.

Delinquent town may be deprived of the right to occupy the house.
1821, 124, § 9.

SECT. 17. In addition to the proportion of the expenses and other things, mentioned in the preceding section, to be furnished jointly, each of such towns may furnish such other materials, and implements, and means of work, as the overseers of such town shall determine, for the employment of any person by them com-

Either town may furnish additional materials for labor
1821, 124, § 10.

CHAP. 28. mitted to such house; and the master of the house shall receive such materials, implements and means of work, and keep them separate from those of other towns; and shall be accountable to any such town for the prime cost, and all profits and earnings, made by the labor of those persons, under his care, belonging to such town.

Master to keep a registry. 1821, 124, § 10.

SECT. 18. The master of such work house shall keep a register of the names of the persons committed, and of the towns, to which they belong, with the time of their being received into, and discharged therefrom, and of their earnings; and the same shall be open to the inspection of the overseers, on request.

Controversy between master and overseers, how determined. 1821, 124, § 10.

SECT. 19. All controversies between the master of such house and the overseers of any town, relating to his official transactions, may be determined by the overseers of the house, at a general or quarterly meeting.

Each town liable for its own commitments. Mode of discharge. 1821, 124, § 11.

SECT. 20. No town shall be chargeable for the expenses of any person, committed to said house, who was not sent thither by overseers, belonging to such town; nor shall any person, duly committed to such house, be discharged therefrom, except by written order of the overseers of his town, or by vote of the board of overseers of said house, at a quarterly meeting, or by the district court, held in the same county, upon application for that purpose.

Persons committed, to be kept employed. 1821, 124, § 11.

SECT. 21. Every person, duly committed to such work house, if able to work, shall be kept diligently employed, during the term of his commitment. For idleness, obstinacy or disorderly conduct, he shall be liable to such punishment, as may be provided for, by the standing regulations of the house, authorized in this chapter, and not repugnant to the laws of the state.

Work houses may be discontinued. 1821, 124, § 13.

SECT. 22. Any work house, erected, or provided as aforesaid, may be discontinued, or applied to any other use, whenever the town or towns concerned shall find that their circumstances require it, and shall agree thus to do.

Certain special laws, not affected by this chapter.

SECT. 23. Nothing, contained in this chapter, shall be construed to affect any powers and privileges, heretofore granted to any towns, or the overseers of the poor thereof, by any act specially relating to work houses, erected in such towns.

CHAPTER 29.

OF FENCES AND COMMON FIELDS.

SECT. 1. What are legal fences.

2. To be maintained equally by adjoining occupants.
3. If either party neglect, proceedings of fence viewers, on application.
4. Complainant may recover double compensation, in certain cases.
5. Proceedings for division of partition fences.

SECT. 6. Each party bound to build the part, assigned to him.

7. To be kept in repair.
8. Fences may vary from the dividing line, in certain cases.
9. Assignment of parts, before fence is built.
10. Occupant ceasing to improve, not to remove his fence, in case the other will purchase.