

MAINE STATE LEGISLATURE

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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.

SECT. 26. All forfeitures, mentioned in this chapter, where no other mode of recovery is prescribed, shall be by action of debt to the use of the prosecutor. All civil actions for forfeitures, mentioned in this chapter, without other express limitation, shall be barred, unless commenced within ninety days, from the time the forfeitures accrued.

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Limitation of actions for forfeitures. 1834, 137, § 11.

SECT. 27. The fees, which the pound keeper shall receive, shall be twenty five cents, for impounding one or more beasts, at one time; twelve cents and one half for recording each certificate, or advertisement; and the same, for each advertisement posted or published, with four cents, a mile, for his necessary travel.

Pound keeper's fees. 1834, 137, § 12.

SECT. 28. The party impounding such beast, or delivering the same to the pound keeper, shall have a reasonable sum for his trouble, to be determined by the pound keeper; but not exceeding one half of the respective forfeitures mentioned in the third section of this chapter, besides what forfeitures, he may be entitled to, under such section.

Compensation to impounder. 1834, 137, § 12.

SECT. 29. The price, which the pound keeper shall be allowed, for keeping and feeding the beasts, committed to pound, or to his custody, for causes aforesaid, shall be prescribed by the selectmen of his town, and recorded on the town books by the town clerk, and be binding until altered by such selectmen, or their successors.

Expense of keeping beasts impounded. 1834, 137, § 12.

CHAPTER 31.

OF KEEPING WATCH AND WARD IN TOWNS, AND OF DISORDERS IN STREETS AND PUBLIC PLACES.

- SECT. 1. Who are liable to keep watch and ward.
2. Power of selectmen and justices, to order watch and ward to be kept, and proceedings.
 3. Charge of constable, and powers of watch.
 4. Duties of watch.
 5. Badges of constable and watch.
 6. Expense of watch, otherwise kept, how defrayed.
 7. Proceedings in such case.
 8. Penalty for neglect of duty, by a watch.

- SECT. 9. Penalty for neglect of constable or officer.
10. Constable and watchmen to attend justices, when walking the rounds.
 11. Penalty for riding with a naked scythe.
 12. Certain pageantry prohibited in streets, in the night.
 13. Bonfires in streets and towns, prohibited.
 14. Fines, how recovered and appropriated.
 15. Masters and parents, liable for minors.

SECTION 1. Every male person, of the age of twenty one years or upwards, being able of body, or having estate sufficient to hire a substitute, and not being a minister of the gospel, shall, when duly warned, be liable to watch and ward in his town, either in person or by a sufficient substitute; unless such person reside more than two miles from the place, where the watch or ward is kept.

Who are liable to keep watch and ward. 1821, 125, § 1.

SECT. 2. The justices of the peace resident in any town, together with the selectmen of such town, shall have power, from

Power of selectmen and justices, to or

CHAP. 31. time to time, to direct and order suitable watches to be kept, nightly, in such town, from such hour in the evening, as they shall appoint, until sun rising in the morning: also wards to be kept in the day time and evening, whenever they shall think such watches and wards necessary; such justices and selectmen may designate the time, place and number of persons to be employed in any such watch or ward; and they may give orders in writing accordingly, signed by a major part of such justices and selectmen, directed to any constable of the town, requiring him, from time to time, to warn such watch or ward, and to see that all persons, so warned, do attend and perform their duty in the manner required; and, in the warning thereof, to take care that some able householders, or other sufficient persons, be joined in each watch or ward.

SECT. 3. Such constable shall charge the watch, to see that all disturbances and disorders, in the night, be prevented and suppressed; and for that purpose, the watch shall have authority to examine all persons, whom they shall see walking abroad, in the night after ten o'clock, and whom they shall have reason to suspect of any unlawful intention, as to their business abroad at such time, and whither they are going; to enter any houses of ill fame, for the purpose of suppressing any disturbance or riot therein; and to arrest any person there found, making, or abetting others in, such riot or disturbance: and all suspicious persons, thus abroad, who shall not give a satisfactory account of themselves, and all persons, so arrested, in such houses of ill fame, shall be secured by imprisonment, or otherwise, to be safely kept until morning; and shall then be carried before one of the nearest justices of the peace, to be examined and proceeded against, according to the nature of their offences.

SECT. 4. The watchmen shall walk the rounds, in and about the streets, wharves, lanes, and principal inhabited parts within each town, to prevent any danger by fire, and to see that good order is kept; and shall suitably observe the charge given them, as aforesaid.

SECT. 5. Each constable, when attending watch or ward, shall carry with him the usual badge of his office; and the watchmen shall carry [such] suitable badge, as the selectmen of their town shall provide.

SECT. 6. When the inhabitants of any town shall determine, that a watch shall be kept, in any other manner than is provided in this chapter, the expense thereof shall be defrayed, in like manner as other town charges.

SECT. 7. Whenever any watch shall be established, according to the provisions of the preceding section, the town shall determine the number and qualifications of the persons to be employed for that purpose, and the selectmen shall appoint a suitable person to be captain or officer of the watch: and every watchman shall be equipped in such manner, as the selectmen of the several towns shall determine; and the powers and duties of said officers and watchmen shall be the same, as are before prescribed, in the case of a constable's watch.

SECT. 8. If any person, liable to watch and ward, being duly warned by the officer of the watch, or the constable, or by any

Charge of constable, and powers of watch.
1821, 125, § 2.

Duties of watch.
1821, 125, § 2.

Badges of constable and watch.
1821, 125, § 2, 4.

Expense of watch, otherwise kept, how defrayed.
1829, 434, § 1.

Proceedings in such case.
1821, 125, § 4.
1829, 434, § 2.

Penalty for neglect of duty, by a watch.
1821, 125, § 5.

person appointed by any such officer, or constable, shall refuse or neglect to appear and perform his duty, either by himself or by a sufficient substitute, without a just and reasonable excuse for the same, he shall forfeit, for each offence, a sum not less than one, nor more than ten dollars, to the use of the town.

SECT. 9. If any constable, or officer of the watch, shall neglect or refuse to observe and execute the orders given him, he shall forfeit a sum, not less than ten dollars, to the use of the town.

Penalty for neglect of constable or officer.
1821, 125, § 5.

SECT. 10. Whenever the said justices of the peace and selectmen shall think fit to walk by night, to inspect the order of the town, wherein they dwell, or shall depute any portion of their number for the purpose, such of the said constables and watchmen shall attend them, or said deputation, as shall be required to do the same; and obey their lawful commands.

Constable and watchmen to attend justices, when walking the rounds.
1821, 125, § 6.

SECT. 11. If any person shall ride with a naked scythe, sharpened and hung in a sneath, on the highways, or in any lanes, streets or alleys, he shall forfeit, for each offence, two dollars.

Penalty for riding with a naked scythe.
1821, 125, § 8.

SECT. 12. If any persons, to the number of three or more, between sun setting and sun rising, being assembled together in any of the streets or lanes in any town, shall have any kind of imagery or pageantry, for a public show, whether armed or disguised, or requiring or receiving money or any thing of value on account of the same, or not, any person, being of such company, shall forfeit the sum of eight dollars, or be imprisoned for a term, not exceeding one month.

Certain pageantry prohibited in streets, at night.
1821, 125, § 9.

SECT. 13. If any person shall set fire to any pile of combustible stuff, or be in any wise concerned, in causing or making a bonfire in any street or lane, or any other part of any town, such fire being within ten rods of any house or building, he shall, for each offence, forfeit the sum of eight dollars, or be imprisoned for a term, not exceeding one month.

Bonfires in streets and towns, prohibited.
1821, 125, § 10.

SECT. 14. The fines, provided for in this chapter, shall be recovered, with costs; the one half of any fine for the use of the town, where the offence shall have been committed, and the other half, to the use of any person, who shall sue for the same.

Fines, how recovered and appropriated.
1821, 125, § 10.

SECT. 15. Masters shall be liable to pay the several fines, mentioned in this chapter, for the offences of their servants or apprentices, if legally bound to them, at the election of the prosecutor; and parents shall be liable, at the like election, for the offences of the minor children, unless such children are bound to other persons, as servants or apprentices.

Masters and parents liable, for minors.
1821, 125, § 10.

CHAPTER 32.

OF PAUPERS, THEIR SETTLEMENT AND SUPPORT.

SECT. 1. Different modes of gaining a settlement. | SECT. 2. Settlements heretofore acquired, to continue.