

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.

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.

- CHAP. 32.** **SECT. 3.** This chapter, not to interrupt the acquisition of a settlement, previously commenced.
4. Each town bound to support its poor. Overseers.
 5. Overseers to have the care of the poor.
 6. Kindred of poor persons, liable for their support.
 7. Adjudication thereon, by the district court.
 - 8, 9. Assessment on kindred, and other proceedings.
 10. Filing complaint; summons and service.
 11. Summoning other kindred.
 12. Respondents' costs. Court may take further order.
 13. Overseers may bind out minor children of paupers.
 14. Provisions to be made in indentures.
 15. Duty of overseers, in respect to bound children.
 16. Complaints against the master, how made and prosecuted.
 17. If discharged, the minor may be bound anew.
 18. Overseers may sue on indentures, for the benefit of the apprentice.
 19. Action not to abate, in certain cases.
 20. Remedy for apprentice, at the expiration of his term.
 21. If apprentice abscond, he may be arrested; proceedings.
 22. Liability of persons enticing, or harboring, apprentices.
 23. District court may discharge apprentices, for misbehavior.
 24. Overseers may bind out adult, indigent, idle persons.
 25. Persons aggrieved, may be discharged by the district court.
 26. Persons in unincorporated places, to be under the care of overseers of the adjoining town.
 27. Remedy for such town, against the town, where he has his settlement.
 28. Punishment, and restriction of persons convicted of keeping houses of ill fame. Overseers to prosecute.
 29. Overseers to relieve persons in distress, belonging to other towns. Mode of recovering expenditures.
 30. Recovery in such action, to bar future controversy.
 31. Overseers may set to work, for his own support, any person in jail, chargeable to a town.
- SECT. 32.** Liability of creditor, to refund to towns the expense of supporting a debtor in jail.
33. Discharge from imprisonment, to be no release of the debtor's property, from the debt, and expenses of his support.
 34. Compensation of prison keeper.
 35. Proceedings for removal, to the place of their settlement, of persons chargeable, or likely to become so.
 36. Costs, when taxable. Record of adjudication.
 37. Warrant for removal; how executed.
 38. Overseers to receive the person removed. Execution for damages and expenses.
 39. Appeal from the justice, and proceedings.
 40. Complaint may be originally filed in the district court. Proceedings.
 41. General provisions, in cases of complaints for removal.
 42. Previous to making complaint, notice may be given.
 43. Estoppel, unless an answer be returned in two months.
 44. Notice and answer may be sent by mail.
 45. Penalty, for return of the person removed.
 46. Persons having no settlement, to be relieved by the town, where they are in need.
 47. Paupers, belonging out of the state, may be removed to their place of residence, or to the house of correction.
 48. Towns to pay expense incurred by any inhabitant, after notice, for support of poor.
 49. Intemperate poor, may be sent to the house of correction.
 50. Expenses for support of a pauper, may be recovered of him.
 51. At the death of a pauper, the overseers may take possession of his effects.
 52. Overseers authorized to prosecute and defend suits in behalf of their towns.
 53. Plantations may raise money, to support poor.
 54. Penalty for leaving a pauper in a town, where he has no settlement.
 55. Indentures of apprenticeship, discharged at the death of the master.
 56. Duty of masters of vessels, arriving with foreign passengers.

SECT. 57. Selectmen may dispense with bond, on certain conditions.

58. Appointment of visiting officers, in maritime towns.

SECT. 59. Penalty, if masters of vessels attempt to evade the foregoing provisions.

60. Provisions of this chapter, applicable to cities.

CHAP. 32.

SECTION 1. Legal settlements, in any town in this state, shall be hereafter gained, so as to subject and oblige such town to relieve and support the persons, gaining the same, in case they become poor and stand in need of relief, by the ways and means following, viz :

First. A married woman shall always follow and have the settlement of her husband, if he have any within this state ; otherwise, her own at the time of marriage, if she then had any, shall not be lost or suspended by the marriage ;

Second. Legitimate children shall follow and have the settlement of their father, if he have any within the State, until they gain a settlement of their own ; but if he have none, they shall in like manner follow and have the settlement of their mother, if she have any ;

Third. Illegitimate children shall follow and have the settlement of their mother, at the time of their birth, if any she then have within the state ; but neither legitimate, nor illegitimate children, shall gain a settlement by birth, in the places where they may be born, if neither [of] their parents then have any settlement there ;

Fourth. Upon the division of any town, every person having a legal settlement therein, but being absent at the time of such division, and not having gained a legal settlement elsewhere, shall have his legal settlement in that town, wherein his last dwelling place shall happen to fall, upon such division ; when any new town shall be incorporated, composed of a part of one or more old incorporated towns, every person, legally settled in any town, of which such new town is wholly or partly so composed, or who has begun to acquire a settlement therein, and who shall actually dwell and have his home within the bounds of such new town, at the time of its incorporation, shall have the same rights in such new town, in relation to settlement, whether incipient or absolute, as he would otherwise have had in the old town, where he dwelt ;

Fifth. Any minor who shall serve an apprenticeship to any lawful trade, for the space of four years, in any town, and actually set up the same therein, within one year after the expiration of said term, being then twenty one years old, shall thereby gain a settlement in such town ;

Sixth. Any person, of the age of twenty one years, who shall hereafter reside in any town within this state, for the term of five years together, and shall not during that term receive, directly nor indirectly, any supplies or support, as a pauper, from any town, shall thereby gain a settlement in such town ;

Seventh. Any person, resident in any town on the twenty first day of March, in the year, eighteen hundred and twenty one, who had not, within one year previous to that date, received support or supplies from some town, as a pauper, shall be deemed to have a settlement in the town, where he dwelt and had his home,

Different modes of gaining a settlement. 1821, 122, § 2.

Married women. 9 Mass. 201. 4 Greenl. 293.

Legitimate children. 15 Mass. 237. 16 Mass. 52, 135. 2 Greenl. 194. 4 Greenl. 47, 293.

7 Greenl. 90. 1 Pick. 197. Illegitimate children. 12 Mass. 429. 13 Mass. 381. 14 Mass. 382. 7 Greenl. 270. 1 Fairf. 409. 2 Fairf. 455. 1 Pick. 144.

Division of towns. 14 Mass. 253. 16 Mass. 48. 1 Greenl. 129. 13 Maine, 299. 4 Pick. 117.

Apprenticeship.

Five years' residence. 1 Fairf. 97. 13 Maine, 321. 7 Pick. 42.

Residence on March 21, 1821. 3 Greenl. 136, 172, 205, 220, 229, 388, 436, 455. 4 Greenl. 298. 5 Greenl. 143, 396.

CHAP. 32.

7 Greenl. 270.
8 Greenl. 200.
2 Fairf. 190.
15 Maine, 58,
479.
Incorporation
of towns.
2 Fairf. 455.

Settlements
heretofore ac-
quired, to con-
tinue.
1821, 122, § 2.
10 Mass. 411.
11 Mass. 441.

This chapter
not to interrupt
the acquisition
of a settlement,
previously com-
menced.

Each town
bound to sup-
port its poor.
Overseers.
1821, 122, § 3.
1 Mass. 459.

Overseers to
have the care of
the poor.
1821, 122, § 4.

Kindred of poor
persons, liable
for their sup-
port.
1821, 122, § 5.
15 Pick. 159.

Adjudication
thereon, by the
district court.
1821, 122, § 5.
3 Mass. 442.
14 Mass. 243.
5 Greenl. 324.

unless he may have subsequently acquired some other settlement, under laws existing for the time being ;

Eighth. All persons, dwelling and having their homes in any unincorporated place, at the time when the same shall be incorporated into a town, having resided within the limits thereof, for five years previous to such incorporation, and not having received supplies, as a pauper, shall thereby gain a legal settlement therein ; and any such person, who had so resided there, for a less term than five years, previous to such incorporation, shall gain a settlement therein, at the end of five years continued residence.

SECT. 2. All settlements acquired under laws, heretofore in force in this state, and not already lost, and all settlements acquired under this act, shall remain, until lost by gaining others in some of the modes herein before specified ; and upon such new settlement being gained, all former ones shall be defeated and lost.

SECT. 3. No person, who has begun to acquire a settlement, by the laws in force, at and before the time, when the provisions in this chapter shall take effect, under its regulations, shall be prevented or delayed thereby ; but he shall acquire a settlement in the same time and manner, as if the former laws were continued in force.

SECT. 4. Every town within this state shall be holden to relieve and support all poor and indigent persons, lawfully settled therein, whenever they shall stand in need of such assistance ; and may raise moneys therefor, and for their employment, in the same way, that moneys for other town charges are raised. Towns may also, at their annual meetings, choose any number, not exceeding twelve suitable persons, dwelling therein, to be overseers of their poor ; and where such are not specially chosen, the selectmen shall be overseers of the poor.

SECT. 5. The overseers of the poor shall have the care and oversight of all such poor and indigent persons, as are chargeable to their respective towns ; and shall see, that they are suitably relieved, supported and employed, either in the work house or other tenements belonging to such towns, or in such other way, as such towns, at a legal meeting, may direct, or otherwise at the discretion of their overseers, and at the cost of such towns.

SECT. 6. The kindred of any such poor person, if any he have, in the line or degree of father or grandfather, mother or grandmother, children or grand children, by consanguinity, living within this state, of sufficient ability, shall be holden to support such pauper, in proportion to such ability, respectively.

SECT. 7. The district court, in the county, where any one of such kindred to be charged shall reside, upon complaint made by any town, or by any kindred, who shall have been at any expense for the relief and support of any such pauper, may, on due hearing, either upon the appearance or default of the kindred, so summoned, assess and apportion such sum as they shall judge reasonable therefor, upon such of said kindred, as they shall judge to be of sufficient ability, and in proportion thereto, to the time of such assessment, with costs, to be apportioned amongst the respondents at their discretion ; and may enforce payment thereof by warrant of distress ;

provided, that such assessment shall not extend to any expense for any relief, afforded more than six months previous to the filing of such complaint.

CHAP. 32.

SECT. 8. The said court may further assess and apportion, upon the said kindred, such weekly sum for the future, as they shall judge sufficient for the support of such pauper, to be paid every three months till the further order of court. Upon application, from time to time of the town or kindred, to whom the same shall have been ordered to be paid, the clerk of said court shall issue, and may renew, a warrant of distress, for the arrears of any preceding quarter, returnable to the next following term of said court.

Assessment on kindred, and other proceedings. 1821, 122, § 5.

SECT. 9. The said court may further order, with whom of such kindred, that may desire it, such pauper may live and be relieved, and for such time, with any or either, as they shall judge proper; having regard to the comfort of the pauper, as well as the convenience of the kindred.

Same subject. 1821, 122, § 5.

SECT. 10. The complaint, provided for in the seventh section of this chapter, shall be filed in the office of the clerk of the district court; who shall issue a summons thereon, requiring the kindred, therein named, to appear and answer thereto. The summons may be directed to any officer, qualified to serve other civil process between the same parties, and served as an original summons, fourteen days, at least, before the sitting of the court, to which it is returnable.

Filing complaint, summons and service. 1821, 122, § 5.

SECT. 11. On the suggestion of either party, that there are other kindred of ability, not summoned in the original process, the complaint may be amended, by inserting their names; and such other kindred may be summoned in like manner; and upon due notice, whether they appear or are defaulted, the court may proceed against them, in the same manner, as if they had been originally named in the complaint.

Summoning other kindred. 1821, 122, § 5.

SECT. 12. If such complaint be not entered, or be discontinued, or withdrawn, or be adjudged groundless, the respondents shall recover costs. The said court may take further order, from time to time, in the premises, upon application of any party interested; and may alter such assessment and apportionment, on due notice, as circumstances may require.

Respondents' costs. Court may take further order. 1821, 122, § 5.

SECT. 13. The overseers of the poor may bind by indentures, as apprentices, or as servants, in any lawful employment, any minor children, whose parents become actually chargeable to their town; or any, whose parents, in the opinion of said overseers, are unable to maintain them, whether they receive alms or are chargeable, or not; or any who are themselves chargeable, as having a settlement in said town, to any citizen of this state; that is to say, male children till they come to the age of twenty-one years, and females till they come to the age of eighteen years, or are married within that time: and the consent of said minors, though more than fourteen years of age, or of their parents, shall not be material to the validity of such binding.

Overseers may bind out minor children of paupers. 1821, 122, § 6. 2 Pick. 451.

SECT. 14. Provision shall be made, in such deed or indentures, for the instructing of male children, so bound out, to read, write and cypher; and of females to read and write; and for such other

Provisions to be made in indentures. 1821, 122, § 6. 5 Pick. 250.

CHAP. 32. instruction, benefit and allowance, either within or at the end of the term, as the overseers may think reasonable.

Duty of overseers, in respect to bound children.
1821, 122, § 7.

SECT. 15. It shall be the duty of said overseers to inquire into the treatment of such minor children, who now are, or may be bound out, by force of this chapter; and to protect and defend them in the enjoyment of their rights, as well in reference to their masters, as others.

Complaints against masters, how made and prosecuted.
1821, 122, § 7.
11 Mass. 24.

SECT. 16. Upon the complaint by said overseers, made to the district court, in the county, where their town is, or where the master of the child bound out as aforesaid, may reside, against the master of any such child, for abuse, ill treatment or neglect, said court, having duly notified the party complained of, may proceed to hear the complaint; and if the same be supported, and the cause shall be judged sufficient, may discharge such child from his or her master, with costs, for which execution may be awarded: otherwise the complaint shall be dismissed; but with or without costs for the respondents, at the discretion of the court, as the complainants may appear to be justified by probable cause or not.

If discharged, minor may be bound anew.
1821, 122, § 7.

SECT. 17. Any such apprentice or servant, so discharged, or whose master may decease, may be bound out anew, as aforesaid, for the residue of the term.

Overseers may sue on indentures, for benefit of the apprentice.
1821, 122, § 7.
4 Pick. 106.

SECT. 18. Said overseers may also have remedy, by action, on such indentures, against any person liable thereby, for recovery of damages for breaches of any of the covenants therein contained; and the amount recovered shall be placed in the town treasury, deducting reasonable charges, and disposed of by the overseers for the time being, at their discretion, within the term, for the benefit and relief of such apprentice or servant. The remainder, if any, shall be paid over to him, at the expiration of the term. The court, before which such cause shall be tried, may also, upon the plaintiff's request, if they see cause, liberate and discharge such apprentice or servant from his master, if not already done by the process, herein before provided.

Action not to abate, in certain cases.
1821, 122, § 7.

SECT. 19. No action, brought by overseers as aforesaid, shall abate by the death of some of them, or by their being succeeded in office, pending the action, but it shall proceed in the name of the original plaintiffs, or the survivors of them.

Remedy for apprentice, at expiration of his term.
1821, 122, § 7.

SECT. 20. Such apprentice or servant shall have remedy, at the expiration of his term, for damages for the aforesaid causes, other than for such causes, as may have been tried in a suit or suits, commenced as aforesaid by the overseers, either in a special action on the case, or trespass, or on the deed or indentures aforesaid; provided, the suit shall be commenced within two years, after the expiration of his term. For this purpose, he shall be entitled to the custody and use of the said deed or indentures, or a copy, as the circumstances of the case may require, and to bring the action, in his own name, as assignee of the instrument; and no endorsement shall be necessary by the overseers.

If apprentice abscond, he may be arrested. Proceedings.
1821, 122, § 7.

SECT. 21. If any apprentice or servant, bound as aforesaid, shall unlawfully depart from the service of his master, any justice of the peace, of the county where the master dwells, or where the apprentice or servant may be found, upon complaint on oath, made

to him by the master, or by any one in his behalf, may issue his warrant to apprehend the apprentice or servant, and bring him before the said justice; and if the complaint shall be supported, the justice may order the offender to be returned to his master, though he may reside in another county, or may commit him to the common jail or house of correction, there to remain for a term not exceeding twenty days, unless sooner discharged by his master.

SECT. 22. Every person, enticing such apprentice or servant away from his master, or harboring him, knowing him to have eloped, shall be liable to the master's action for all damages sustained thereby.

Liability of persons enticing, or harboring, apprentices. 1821, 122, § 7.

SECT. 23. The district court, either in the county, where the overseers binding, or their successors, or the master of any apprentice or servant bound, live, may, upon complaint of such master, for gross misbehavior; discharge such apprentice or servant, from his apprenticeship or service, after due notice to such apprentice or servant, and to the overseers of the poor of the town, where he is settled.

District court may discharge apprentices, for misbehavior. 1821, 122, § 7.

SECT. 24. Said overseers shall have the power to set to work, or bind out to service, by deed for a term not exceeding one year at a time, all such persons residing, and lawfully settled in their respective towns, or who have no such settlement in this state, married or unmarried, upwards of twenty one years of age, as are able of body, but have no apparent means of support; and who live idly, and all persons, who are liable by any law to be sent to the house of correction, upon any reasonable terms and conditions.

Overseers may bind out adult, indigent, idle persons. 1821, 122, § 8. 1 Pick. 23.

SECT. 25. Any person, thinking himself aggrieved, by the doings of said overseers in the premises, may apply, by complaint, to the district court in the county where they are bound, or where said overseers reside, for relief, which court, after due notice to the master of such person, and the overseers of such person's town, shall have power, if they see cause, to release the complainant from his master, or the care of the overseers; otherwise to dismiss the complaint; and to give costs against either party, or against the said town, at their discretion.

Persons aggrieved, may be discharged by the district court. 1821, 122, § 8.

SECT. 26. All persons, standing in need of relief, living without the bounds of any incorporated town, shall be under the care of the overseers of the poor appointed in the adjoining town, wherein the inhabitants of such unincorporated place are liable to be taxed; and the said overseers may bind out the children of such poor persons, as if they were inhabitants of the town, in which such overseers are appointed; and may set to work and bind out, in the manner described in the twenty fourth section of this chapter, persons of like description, dwelling in such unincorporated place, as if in their own towns; such persons to be entitled, also, to similar remedy and relief, if aggrieved thereby.

Paupers in unincorporated places, to be under the care of overseers of the adjoining town. 1821, 122, § 9. 16 Maine, 137.

SECT. 27. Whenever the overseers of the poor of any town shall furnish relief and support to any poor persons, residing within any unincorporated place, as provided in the section preceding, the town furnishing the same shall be remunerated by the town, where such poor persons may have their settlement, in the same manner, as if such persons had been residents of their town.

Remedy of such town, against the town, where he has his settlement. 1837, 297.

CHAP. 32.

Punishment and restriction of persons, convicted of keeping houses of ill fame. Overseers to prosecute.
1821, 122, § 10.

Overseers to relieve persons in distress, belonging to other towns. Mode of recovering expenditures.
1821, 122, § 11.
5 Mass. 325.
10 Mass. 411.
15 Maine, 363.
12 Pick. 1.
15 Pick. 19.

14 Mass. 184,
186.
1 Pick. 126, 470.
10 Pick. 150.

Recovery in such case, to bar future controversy.
1821, 122, § 11.

Overseers may set to work, for his own support, any person in jail, chargeable to a town.
1821, 122, § 12.
12 Mass. 262.

Liability of creditor, to refund to towns the expense of supporting the debtor in jail.
1821, 122, § 12.

Discharge from imprisonment, no release of debtor's property, from the debt, and expenses of his support.
1821, 122, § 13.

Compensation to prison keeper.

SECT. 28. Any person, duly convicted of keeping a house of ill fame, before any justice of the peace or district court, may be ordered to the house of correction, either of their own town or county, or to the county jail, for a term not exceeding one month; and it shall be the duty of the overseers of the poor, in their respective towns; to prosecute all those, whom they may have good cause to suspect of being thus guilty. Any person thus convicted, shall not be allowed to keep lodgers or boarders in any town, without license of the overseers thereof.

SECT. 29. The said overseers, in their respective towns, shall also provide for the immediate comfort and relief of all persons, residing or found therein, not belonging thereto, but having lawful settlements in other towns, when they shall fall into distress and stand in need of immediate relief, and until they shall be removed to the places of their lawful settlements; the expenses whereof, incurred within three months, next before written notice given to the town to be charged, as also of their removal, or of their burial, in case of their decease, may be sued for and recovered by the town, incurring the same, against the town, which is liable therefor, in an action at law; provided, that such action for damages be instituted, within two years after the cause of action shall have arisen; but not otherwise.

SECT. 30. A recovery in such action shall bar the town, against which it shall be had, from disputing the settlement of such pauper, with the town so recovering, in any future action brought for the support of such pauper.

SECT. 31. The overseers of the poor in any town, in which there is a county jail, are hereby authorized and directed, at their discretion, by their order in writing, to set to work under themselves or others, any debtor, committed to prison upon mesne process or execution, and actually chargeable to any town in this state for his support, so far as may be necessary for his support, and no further. The town, chargeable for the maintenance of such debtor, shall be liable only for the deficiency of his earnings to pay the expenses of his support, whilst such order remains in force.

SECT. 32. Every town, which shall incur and pay the charges of maintaining in prison any person, as a pauper, committed on mesne process or execution, in any civil action, may recover the same in an action at law against the creditor, at whose suit such debtor shall have been committed; not to exceed the rate of one dollar and twenty five cents, a week, during such imprisonment.

SECT. 33. Any such creditor may, at any time, discharge his debtor, committed as aforesaid, from prison, and such discharge shall not operate, to release the debtor from the debt and costs, on which he was committed; but such debt and costs, together with all sums, which the creditor may have paid, for the support of the debtor under imprisonment, shall be and remain a legal claim against the goods and estate of the debtor; his body being, forever thereafter, exempted from arrest therefor.

SECT. 34. The keeper of any prison shall be entitled to receive, after the rate of one dollar and twenty five cents per week, and no more, for the entire support of each debtor, being a pauper in close confinement under his care.

SECT. 35. All persons, actually chargeable, or who, through age or infirmity, idleness, or dissoluteness, are likely to become chargeable to the places, wherein they are found, but in which they have no lawful settlement, may be removed to the places of their lawful settlements, if they have any within the state. In order to effect such removal, and also to recover the expenses, incurred for the relief of such persons, if the overseers of the town, where such persons are found, choose that mode in preference to a civil action, said overseers may apply by complaint to any justice of the peace in their county, not an inhabitant of their town; and the said justice is authorized to issue his summons, to be served as other civil processes may be, upon the inhabitants of the town, where said person's settlement is alleged to be, and also upon the party whose removal is contemplated, and upon such witnesses as he may see fit. The said justice may examine the said party, to be removed, under oath, and may compel his attendance for that purpose, by warrant, if he see cause. He shall hear his objections to such removal, and, for good cause, may continue the process once, or more times, not exceeding three months in all; and after due examination and hearing, whether the town summoned appears or not, shall proceed to give judgment for, or against, the complainants, and make a record thereof.

SECT. 36. In such cases, costs shall be awarded in favor of the prevailing party, except that, in case of default, the town, summoned, shall not be entitled to costs: and the record shall state the determination of the justice, as to the town, where the party, intended to be removed, has his legal settlement; and as to his removal, and whether for being actually chargeable, or only likely to become so; and the damages for expenses incurred by said town, making complaint; and the estimated expenses of removal, if such removal shall be ordered, in addition to the costs, above mentioned.

SECT. 37. Upon judgment of removal, said justice, within three months, and not afterward, may issue his warrant of removal, directed to the sheriff of the county or his deputy, the constable of the town where such person is to be removed, or to any individual by name, or all or any of them, to be served; also requiring the overseers of the poor of the town, to which such person is to be sent, to receive and provide for him, as an inhabitant of that town; a copy of which warrant shall be served on some one or more of said overseers. Such person may be transported, either by land or water.

SECT. 38. Such overseers shall be obliged to receive, and provide for such person accordingly. Said justice may also award execution, as in other cases, for the aforesaid damages, costs and estimated expenses of removal; and the execution may be directed to, and served by, any officer in the county, where the town is, against which it issues, qualified to serve executions in civil actions.

SECT. 39. Either party, including the person ordered to be removed, aggrieved by the judgment aforesaid, may appeal to the next district court for the same county, which court shall have appellate jurisdiction of the case, and hear and decide the same without a jury, unless either party require one; provided, that the

CHAP. 32.

Proceedings for removal to the place of their settlement, of persons chargeable, or likely to become so. 1821, 122, § 15. 8 Mass. 276. 11 Mass. 379.

Costs, when taxable. Record of adjudication. 1821, 122, § 15.

Warrant for removal, how executed. 1821, 122, § 15.

Overseers to receive the person removed. Execution for damages and expenses. 1821, 122, § 15.

Appeal from the justice, and proceedings. 1821, 122, § 15.

CHAP. 32.

person, to be removed, may be required to enter into recognizance to prosecute his appeal with effect, and other purposes, as is provided in civil actions. If the appeal be not entered, said court may, on complaint of the party prevailing before the said justice of the peace, affirm the said judgment with additional damages, if any have intervened, and costs.

Complaint may be originally filed in the district court. Proceedings. 1821, 122, § 16.

SECT. 40. Said overseers may, at their election, file their complaint, originally, in the district court, held in the county where they reside, setting forth the facts of the case, and cause the adverse party to be summoned, in time and manner as aforesaid, and also the person to be removed: and such court shall hear and decide the cause, without a jury, unless either party require one, and grant a warrant and execution in the same manner, as in cases coming before them by appeal; and, in all their adjudications in the premises, they shall state the facts, on which their judgment is founded, and, if any error in law exists, either party may cause the same to be corrected, on error, in the supreme judicial court; if the writ of error be sued out in one year after such judgment was rendered. If such should be affirmed, the defendant in error shall recover his costs; if reversed, the plaintiffs shall be restored to all they have lost, with costs: and the supreme judicial court may require of the district court, to state any material facts omitted, or explain such as do not appear to be clearly stated, unless a new statement be agreed by the parties.

General provisions, in cases of complaints for removal. 1821, 122, § 11, 17.

SECT. 41. In all cases of complaint, as provided for in the thirty fifth and fortieth sections of this chapter, whether before a justice of the peace, or the district court, depositions may be used for any cause, authorized in other civil actions, and the process shall not abate, so far as respects the damages and costs, by the decease of the person, whose removal was applied for, pending the suit. A final decision on the question of settlement on any such complaint, shall estop the party against whom the decision is made, to contest the settlement of such person in any future suit, of whatever nature, between the same towns.

Previous to making complaint, notice may be given. 1821, 122, § 17. 6 Mass. 501. 12 Mass. 307. 15 Maine, 169.

SECT. 42. The said overseers may, in all cases, if they judge it expedient, previous to any such application to a justice of the peace, or the district court, send a written notification, stating the facts relating to any person, actually become chargeable to their town, to one or more overseers of the place, where his settlement is supposed to be, and requesting them to remove him; which they may do, by a written order, directed to any person therein designated, who is hereby authorized to execute the same.

Estoppel, unless an answer be returned in two months. 1821, 122, § 17. 1 Mass. 518. 4 Mass. 180, 273. 5 Mass. 86. 8 Mass. 104. 16 Mass. 426. 1 Greenl. 329. 3 Greenl. 197, 453. 4 Greenl. 298, 475. 5 Greenl. 31. 21 Pick. 83.

SECT. 43. If such removal is not effected by the last mentioned overseers, within two months after receiving such notice, they shall, within two months, send a written answer, stating therein their objections to the removal of the pauper, signed by one or more of them, to one or more of the overseers, requesting such removal; and if they shall fail so to do, the overseers, who requested the removal of the pauper, may cause him to be removed to the place of his supposed settlement, by a written order, directed to any person they may designate, who is hereby authorized to execute the same; and the overseers of the town, to which the pauper is so sent, shall be obliged to receive and provide for him; and their town

shall be liable for the expenses of his support and removal, to be recovered by an action by the town, incurring the same, and shall be barred, from contesting the question of settlement, with the plaintiffs in such action.

SECT. 44. If the written notice or answer thereto, provided for in the twenty ninth, forty second and forty third sections of this chapter, shall be sent by mail, and shall arrive at the post office in the town, where the overseers of the poor of the town, to whom such notice or answer may be directed, shall reside, it shall be deemed equivalent to an actual delivery of such notice or answer to such overseers.

SECT. 45. Any person, lawfully removed, agreeably to this chapter, to the place of his lawful settlement within this state, who shall voluntarily return to the town, from which he was removed, without the consent of the overseers thereof, [he] shall be deemed a vagabond, and upon conviction thereof, before any justice of the peace in the same county, may be sent to the house of correction.

SECT. 46. The overseers of the poor, of each town, shall also relieve and support, and, in case of their decease, decently bury all poor persons residing or found in their towns, having no lawful settlement within this state, when they stand in need; and may employ them as they may other paupers: the expense whereof may be recovered of their relations, if they have any, chargeable by law for their support, in manner herein before provided; otherwise it shall be paid out of their respective town treasuries.

SECT. 47. Upon the complaint of the said overseers of any town, any justice of the peace may, by warrant directed to, and to be executed by any constable, or any other person therein designated, cause any such pauper, to be sent and conveyed at the expense of the town, by land or water, to any other state, or to any place beyond sea, where he belongs, if the justice thinks proper, and if he may be conveniently removed; but if he cannot be so removed, he may be sent to, and relieved and employed in, the house of correction or work house, at the expense of the town.

SECT. 48. Every town shall be held to pay any expense, which may be necessarily incurred for the relief of a pauper, by any inhabitant, who is not liable by law for his support, after notice and request made to the overseers of the said town, and until provision shall be made by them.

SECT. 49. When any poor person, being in any town in this state, and standing in need of support, is notoriously subject to habits of intemperance, it shall be the duty of the overseers of the poor in such town to apply, by complaint, to any justice of the peace in their county, who shall issue a warrant thereon against any such person; and after a hearing before such justice, if he shall adjudge that such person is thus subject to habits of intemperance, he shall order him to be committed to the house of correction, there to be supported at the expense of the town, in which he has a settlement; and when not having any such settlement in this state, at the expense of the county; till discharged by the overseers of the town, in which such house of correction is situated, or by two justices of the peace and quorum.

CHAP. 32.

Notice and answer, may be sent by mail. 1835, 149.

Penalty, for return of the person removed. 1821, 122, § 17.

Persons having no settlement, to be relieved by the town, where they are in need. 1821, 122, § 18.

Paupers, belonging out of the state, may be removed to their place of residence, or to the house of correction. 1821, 122, § 18. 8 Greenl. 71.

Towns to pay expense incurred by any inhabitant, after notice, for support of poor. 1821, 122, § 18. 12 Mass. 333. 14 Mass. 396, 450. 15 Mass. 286.

Intemperate poor, may be sent to the house of correction. 1821, 122, § 18.

CHAP. 32.

Expenses for support of a pauper, may be recovered of him.

14 Mass. 227.
16 Mass. 215.
4 Greenl. 253.

At the death of a pauper, the overseers may take possession of his effects.

1821, 122, § 20.
8 Greenl. 315.
6 Pick. 462.

Overseers may prosecute and defend suits, in behalf of their towns.

1821, 122, § 21.

Plantations may raise money, to support poor.

1821, 122, § 21.
7 Greenl. 132.

Penalty for leaving a pauper in a town, where he has no settlement.

1821, 122, § 22.
16 Mass. 393.
2 Greenl. 5.
1 Pick. 465.
21 Pick. 83.

Apprenticeship, discharged by death of the master.

1821, 122, § 7.

Duty of masters of vessels, arriving with foreign passengers.

1821, 123.
1835, 154, § 1, 3.

SECT. 50. Any town, which has incurred expense for the support of any pauper, whether legally settled in such town or not, may recover the amount of the same against such person, his executors or administrators, in an action of assumpsit.

SECT. 51. Upon the death of any pauper, who, at the time of his decease, shall be actually chargeable to any town, the overseers of the poor of such town may take, into their possession, all the personal property of such pauper. If no administration shall be taken upon the estate of such pauper, within thirty days after his decease, said overseers may sell so much of such property, as may be necessary, to repay the expenses incurred for such pauper. If any part of such property shall be withheld from said overseers, they shall have the same remedy for the recovery of such property, or the value thereof, as an administrator of said pauper might have in like case.

SECT. 52. In all actions and prosecutions by complaint under the provisions of this chapter, for or against any town, or against any individual, the overseers of the poor of any town becoming a party, or any person in writing under their hands appointed, may appear and prosecute or defend the same to final judgment and execution, in behalf of such town.

SECT. 53. Any plantation, at a legal meeting for the purpose, is empowered to raise money for the relief of the poor therein, to be applied by the assessors thereof.

SECT. 54. If any person shall bring into, and leave any poor and indigent person in any town in this state, wherein such pauper is not legally settled, knowing him to be poor and indigent, and with intent to charge such town with his support, he shall forfeit a sum, not exceeding one hundred dollars, for every such pauper; to be sued for and recovered by and to the use of such town, by action of debt, in any court proper to try the same.

SECT. 55. No indenture of apprenticeship or service, made in pursuance of this chapter, shall bind the minor after the death of his master or mistress; but the apprenticeship or service shall from thenceforth be discharged, and the minor may be bound out anew.

SECT. 56. When any ship or vessel, having any passengers on board, who have no settlement within this state, shall arrive at any port or harbor within the state, the master of such ship or vessel, before such passengers come on shore, shall leave a list of their names, and the places where said passengers first embarked on board such ship or vessel, with the overseers of the poor, where such passengers shall arrive. The master of such ship or vessel shall not land any such persons without the permission of the selectmen, unless he shall have entered into bond to such town, with sufficient sureties to the satisfaction of said selectmen, in a sum, not exceeding five hundred dollars for each passenger, to save harmless such town, and all other towns within the state, from all manner of charge and expense, which may arise from such passengers, as paupers; for and during the term of three years. For any neglect of the provisions of this section, said master shall forfeit and pay two hundred dollars, for each passenger so coming on shore, or landed; to be recovered by action of debt, by any person, who shall sue for

the same, one moiety thereof to the use of the state, and the other moiety to the prosecutor. And any justice of the peace in the county, where such ship or vessel shall arrive as aforesaid, on complaint in writing, made to him by a majority of the overseers of the poor of the city or town, where the vessel arrived, that the master thereof has not complied with the foregoing provisions of this section, shall issue his warrant to the sheriff of said county, or any of his deputies, or constable of said town, requiring them to attach and detain such ship or vessel, until said penalty and the costs shall be paid by said master; but if not paid within twenty days, then the officer, having the warrant, shall sell said vessel at auction, after posting public notice of the sale in said town, four days beforehand; and after deducting from the amount, all the said penalty and costs, shall pay over the balance to the owner on demand.

SECT. 57. The selectmen of the several towns of this state may, at their election, dispense with the bond, required by the section last preceding, if the master or owner of the ship or vessel, in which any such passengers may arrive, as aforesaid, shall, before the landing of such passenger, pay into the treasury of the town, at which such ship or vessel shall arrive, such sum as said selectmen shall think reasonable, not exceeding five dollars for every such passenger, whom he may intend to land; to be appropriated as such town may direct, for the support of paupers.

Selectmen may dispense with bond, on certain conditions. 1838, 339, § 1.

SECT. 58. Any town, accessible by ships or vessels, shall have power to appoint one or more visiting officers, whose duty it shall be, on the arrival of any ship or vessel, having on board one or more such passengers, to go on board such ship or vessel, and there remain, until the provisions of the fifty sixth and fifty seventh sections of this chapter shall be complied with. It shall be the duty of such visiting officers, or either of them, to prevent the landing of any such passenger, against the provisions of said sections. In case of the violation of said provisions, or an intention to violate, suspected by them, it shall be the duty of such officers to give information to the selectmen of their town. A reasonable compensation shall be paid to any such officer, by the master or owner of such ship or vessel, to be fixed by the selectmen.

Appointment of visiting officers, in maritime towns. 1838, 339, § 2.

SECT. 59. If any master or commanding officer of any such ship or vessel shall land any such passenger, at any place within this state, other than that to which such ship or vessel shall be destined, with the intent to avoid the requirements of this chapter, such master or commanding officer shall forfeit one hundred dollars, for every such foreign passenger thus landed; to be sued for and recovered in the same manner and to the same uses, as the penalty provided in the fifty sixth section of this chapter.

Penalty, if masters of vessels attempt to evade the foregoing provisions. 1838, 339, § 3.

SECT. 60. Every thing prescribed in this chapter, in relation to towns, shall also be applicable to any city in this state; and in relation to the selectmen of any town, to the mayor and aldermen of any city; and in relation to the overseers of the poor of any town, to the overseers of the poor of any city, or to such other officers as have the care and charge of the poor in said city.

Provisions of this chapter, applicable to cities.

**The following page(s) from
“An Act to Amend the Revised Statutes”
include amendments to this chapter.**

the third and fourteenth sections"; so that the said fifteenth section, as amended, will be as follows:

First meeting of town and parish trustees, how called. 1824, 254, § 7.

SECT. 15. The first meeting of the trustees, constituted by the third and fourteenth sections, in any year, may be called by a personal notice, given by any one of said trustees, to all the other trustees, of the time and place of meeting, seven days at least, prior to said meeting.

R. S. ch. 32.

SECTION 6. The thirty second chapter shall be amended, by inserting at the end of section, five, the following words:

Insane poor to be removed to, and supported in the insane hospital. Proviso.

If any such poor and indigent person be insane, the said overseers shall, either wholly, or in part, with the assistance of the friends of such person, cause him to be removed to, and provide for his support in, the insane hospital of this state: provided, that he can, under the regulations of the hospital for the time being, be admitted therein, and that, in the opinion of the superintendent of the hospital, or of such physician as he shall depute to make an examination into the case, the insanity of such person be such, that he will derive benefit from a residence therein. And the said superintendent shall appoint a suitable physician, as near as may be to the place of residence of such insane person, to make such examination, the expense whereof shall be paid by the town, to which such person is chargeable for support.

R. S. ch. 60.

SECTION 7. The sixtieth chapter shall be amended, in the first section, by adding, at the close thereof, the following words, "or otherwise containing one hundred and twenty eight cubic feet; and the measurer shall make due allowances for refuse or defective wood, or bad stowage;" so that the section, as amended, shall be as follows:

Measurer to make allowance for refuse or defective wood.

SECT. 1. All cord wood, exposed to sale, shall be four feet long, including half the scarf; and, being well and closely laid together, a cord of wood or bark shall measure eight feet in length, four feet in width, and four feet in height, or otherwise containing one hundred and twenty eight cubic feet; and the measurer shall make due allowance for refuse or defective wood, or bad stowage.

R. S. ch. 77.

SECTION 8. The revised statutes shall be further amended by inserting between chapter, seventy six, and chapter, seventy eight, a new chapter, to be numbered seventy seven, and entitled, "of banks," in the following words:

CHAPTER 77.

OF BANKS.

All banks, except savings banks subject to the provisions of this chapter. 1831, 519, § 1.

SECTION 1. Every bank, which now is, or shall hereafter be incorporated under the authority of this state, except savings banks, shall be governed by the following rules, and subjected to all the duties, limitations, restrictions, liabilities and provisions, contained in this chapter.

Notice of acceptance of charter to be given to secretary of state. 1836, 231, § 5. Corporate name, privileges and liabilities.

SECT. 2. Any bank, hereafter incorporated, shall, within ten days after acceptance of its charter, give notice in writing of such acceptance to the secretary of state.

SECT. 3. Every bank, incorporated as aforesaid, shall be known by the corporate name of "the president, directors and company of the — bank —," (the blank to be filled with such name as its charter may authorize), and shall, except when special provision is