

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

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PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

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BANGOR:  
WHEELER & LYNDE.

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1857.

## CHAP. 20.

Penalty for neglect and liability for injury.  
R. S., c. 27, § 12.

Licensed ferry-men not to use horse boats or steam boats.  
R. S., c. 27, § 13.

At horse and steam ferries other boats used in times of danger.  
R. S., c. 27, § 14.

Obstructions to ferries prohibited; penalty.  
R. S., c. 27, § 15, 16.

Piers may be sunk to guide boats at ferries.  
R. S., c. 27, § 17.

and during the continuance of such contract the liabilities of the keeper are transferred to the person contracting.

SEC. 8. The ferryman, or person so contracting, forfeits ten dollars for each day's neglect to perform such duty, and is liable, in an action on the case, to pay damages to any person injured thereby.

SEC. 9. A licensed ferryman, who uses at his ferry a boat propelled by steam or horse power, forfeits his license, and is liable to pay the damages occasioned thereby to any person or corporation. This provision is not applicable to a ferryman owning or using such a boat for his ferry on March sixth, eighteen hundred and thirty.

SEC. 10. Persons required to use, at a ferry, steam or horse boats, when the passage by them is dangerous, may use other safe boats.

SEC. 11. Any person, who places a wier or other obstacle, or without necessity, anchors or places a raft, vessel, or water craft, so as to obstruct the ordinary passage way of any boat at a ferry licensed or established, forfeits twenty dollars to the use of the proprietor of the ferry, to be recovered in an action on the case; unless such obstruction was inadvertently made, and removed within thirty minutes, if practicable, after notice given of its improper position, or unless it was occasioned by hauling into a wharf, pier, landing, or dock, without any unreasonable delay or willful misconduct.

SEC. 12. The proprietors of a ferry, to guide their boats, may sink piers above and below and near their ferry ways, on each side of the river, not more than twelve feet in length or breadth, and not so sunk as to injure any wharf or landing, where vessels had previously taken or discharged freights.

## CHAPTER 21.

## WORK HOUSES.

- SEC. 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. How chosen, and mode of proceeding.
6. Quarterly and other meetings of such board.
7. Choice of officers.
8. By-laws, when and how made. Duties and proceedings.
9. Proportion in which expenses are to be paid.
10. Mode of recovery from delinquent town.
11. Overseers may order commitment of certain persons.
12. Neither town may commit more than its proportion.
13. Idlers having no settlement may be committed.
14. Delinquent town may be deprived of the right to occupy the house.
15. Either town may furnish additional materials for labor.
16. Master to keep a registry.

- SEC. 17. Controversy between master and overseers, how determined.  
 18. Each town liable for its own commitments. Mode of discharge.  
 19. Persons committed to be kept employed.  
 20. Work houses may be discontinued.

## CHAP. 21.

SEC. 1. Any town may erect or provide a work house for the employment and support of persons of the following description: all poor and indigent persons, maintained by or receiving alms from the town; all able-bodied persons not having estate or means otherwise to maintain themselves, who 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 mispending what they earn, to the impoverishment of themselves and their families, are likely to become paupers.

Towns may provide work houses. Persons liable to commitment. R. S., c. 28, § 1.

SEC. 2. Every town having a work house, may, at its annual meeting, choose three, five, seven, or more overseers thereof, 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.

Towns may choose overseers of such houses. R. S., c. 28, § 2.

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

Duties of such overseers. R. S., c. 28, § 3.

SEC. 4. Any two or more contiguous towns, at their joint charge and for their common benefit, may erect or provide such a work house and may purchase land for the use thereof.

Contiguous towns may unite in building work houses. R. S., c. 28, § 4.

SEC. 5. The ordering, governing, and repairing of such work house, appointing a master and necessary assistants, and removing them from office for sufficient cause, shall be vested in a joint board of overseers, three of whom shall be chosen by each of said towns at its annual meeting, unless all said towns agree on a different number. Vacancies may be supplied by the town in which they happen, 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 has neglected to furnish its proportion of members.

Joint board of overseers, and their powers in such case. How chosen, and mode of proceeding. R. S., c. 28, § 5, 6.

SEC. 6. There shall be stated quarterly meetings of all said overseers on the first Tuesdays of January, April, July, and October, to be held at the work house, to inspect the management, and direct the business thereof; and other meetings, to be held at the work house, may be called by the overseers of any town concerned, by giving notice of the time and occasion thereof to the other members of the board as agreed upon at any stated meeting thereof.

Quarterly and other meetings of such board. R. S., c. 28, § 7.

SEC. 7. The joint board when duly assembled, may choose a moderator. At their first general meeting after their election,

Choice of officers.

## CHAP. 21.

R. S., c. 28,  
§ 8.

By-laws, when  
and how made.  
Duties and  
proceedings.

R. S., c. 28,  
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Proportion in  
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ses are to be  
paid.

R. S., c. 28,  
§ 11.

Mode of recov-  
ery from delin-  
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R. S., c. 28,  
§ 12.

Overseers may  
order commit-  
ment of certain  
persons.

R. S., c. 28,  
§ 13.

Neither town  
may commit  
more than its  
proportion.

R. S., c. 28,  
§ 14.

Idlers having  
no settlement  
may be com-  
mitted.

R. S., c. 28,  
§ 15.

Delinquent  
town may be  
deprived of the  
right to occupy  
the house.

R. S., c. 28,  
§ 16.

Either town  
may furnish  
additional  
materials for  
labor.

R. S., c. 28,  
§ 17.

they shall appoint a clerk who shall be duly sworn, and record all votes and orders of the board.

SEC. 8. Said board, at any general quarterly meeting composed of at least 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 such work house; agree with the master and assistants, and order proper 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 the board are present.

SEC. 9. The yearly compensation of the master and assistants in any joint work house, in addition to the allowance aforesaid, 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 was incurred; or in such other proportion, as all the towns interested agree upon.

SEC. 10. If any town refuses or neglects to advance or reimburse its proportion of such allowance or other charges, after they shall have been stated and adjusted by the joint board of overseers, it may be recovered of such delinquent town in an action to be brought in the name of any person or persons whom the overseers in writing appoint for that purpose.

SEC. 11. Any two or more overseers in any town having a work house, either severally or jointly with other towns, may, by order under their hands, commit to such house, any person residing in their town, who is liable to be sent there. Such order may be directed to and be served by any constable of their town.

SEC. 12. No greater number of persons belonging to a town shall be received into a joint work house, than its proportion thereof can accommodate, when the receiving of them will exclude or incommode those belonging to the other towns.

SEC. 13. When any person, not having a legal settlement in any town in this state, becomes idle or indigent, he may be committed to the work house provided for 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.

SEC. 14. If any town jointly interested in any work house refuses or neglects to provide its proportion of the necessary expenses thereof, or of the materials, implements, or other means for carrying on the work there required, according to their agreement, or the proper direction of the overseers, it shall be deprived of the privilege of sending any person there, until it complies with such agreement or direction.

SEC. 15. In addition to the expenses and other things to be furnished jointly, each of such towns may furnish such other materials, implements, and means of work as its overseers determine, for the employment of any person by them committed to such house; and the master shall receive such materials, implements, and means of work, and keep them separate from those of other towns; and be accountable to such town for the cost, and all

profits and earnings made by the labor of the persons under his care belonging to such town. CHAP. 21.

SEC. 16. 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 commitment and discharge, and the amount of their earnings; and the same shall be open to the inspection of the overseers. Master to keep a registry.  
R. S., c. 28,  
§ 18.

SEC. 17. All controversies between the master of such house and the overseers of any town, relating to his official transactions, may be determined by the joint board of overseers at a general or quarterly meeting. Controversy between master and overseers, how determined.  
R. S., c. 28,  
§ 19.

SEC. 18. No town shall be chargeable for the expenses of any person not committed to said house by its overseers, nor shall any person duly committed be discharged except by written order of the overseers of his town, by vote of the joint board at a quarterly meeting, or by the supreme judicial court held in the same county upon application for that purpose. Each town liable for its own commitments. Mode of discharge.  
R. S., c. 28,  
§ 20.

SEC. 19. Every person 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 may be punished as provided for by the lawful regulations of the house. Persons committed to be kept employed.  
R. S., c. 28,  
§ 21.

SEC. 20. Any work house may be discontinued, or applied to any other use, when the town or towns concerned agree so to do. Work houses may be discontinued.  
R. S., c. 28,  
§ 22.

## CHAPTER 22.

### FENCES AND COMMON FIELDS.

#### DIVISION FENCES.

- SEC. 1. What are legal fences.
2. To be maintained equally by adjoining occupants.
3. If either neglect, proceedings of fence viewers on application.
4. Complainant may recover double compensation in certain cases.
5. Proceedings for division of partition fences.
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.
11. Liability of owner beginning to improve land lying in common.
12. If fence be on town line, how divided.
13. Division of fences, when binding.
14. Provisions not applicable to house lots, nor agreements.

#### FENCES OF COMMON FIELDS.

15. Inclosure of lots lying together by a general fence.
16. Manner of calling meetings of proprietors.
17. How notice is to be given.
18. How they may vote.
19. May raise and assess money. Abatements.
20. Choice of officers.