

# 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 APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

---

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

---

BANGOR:  
WHEELER & LYNDE.

---

1857.

## CHAP. 25.

watchmen to attend justices when walking the rounds.

R. S., c. 31, § 10.

Penalty for riding with a naked scythe.

R. S., c. 31, § 11.

Certain pageantry prohibited in streets in the night. Bonfires in streets and towns prohibited.

R. S., c. 31, § 12, 13.

Fines, how recovered and appropriated.

R. S., c. 31, § 14.

Masters and parents liable for minors.

R. S., c. 31, § 15.

cers think fit to walk by night to inspect the order of their town, or depute any portion of their number for the purpose, such constables and watchmen as are required shall attend them or said deputation, and obey their lawful commands.

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

SEC. 12. If three or more persons, between sunset and sunrise, assemble in any street or lane in a town and have any imagery or pageantry for a public show, whether armed or disguised, or requiring or receiving money, or other valuable things or not, on account thereof; and whoever sets fire to a pile of combustible stuff, or is concerned in making or causing a bonfire in any street, lane or other part of the town within ten rods of any building, each shall forfeit eight dollars, or be imprisoned not more than one month for each offence.

SEC. 13. 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.

SEC. 14. 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.

## CHAPTER 26.

## ENGINE MEN, FIRES, AND THE PREVENTION OF FIRES.

## ENGINE MEN AND FIRES.

- SEC. 1. Appointment of engine men in towns where there is an engine for public use, and the number to each engine.
2. Engine men excused from serving as jurors; tenure of office; annual meeting to choose officers, make rules and regulations, and affix penalties.
3. Engine companies to meet once a month, and promptly endeavor to extinguish any fire that may occur in their town.
4. Discharge of negligent engine men, and selection of engine men for other duties at fires.
5. Election of fire wards, notice to same, and penalty for not entering acceptance or refusal of office in three days.
6. Duty of fire wards, and in their absence of other civil and military officers to direct proceedings at fires.
7. Powers of fire wards to require aid, appoint guards and suppress tumults; and penalty for refusing to obey them.
8. Officers appointed under special laws to have the same powers as fire wards; towns subject to same liability for damages; firemen to have same privileges and duty as other firemen, but their election not hereby controlled.
9. Compensation to owner of building demolished, whereby fire is stopped. Exception. Person dissatisfied may apply to county commissioners. Their powers.
10. Plundering at fires declared larceny.

## PREVENTION OF FIRES.

CHAP. 26.

- SEC. 11. Penalty for occupying tenement for sail maker, rigger, or livery stable, except as municipal officers direct.
12. Municipal officers, on complaint and proof, to direct defective chimneys, stove pipes, and other fire apparatus to be removed or repaired, under a penalty.
  13. Penalty for lighting or smoking pipe or cigar in mills, factories, shops, ship-yards, bridges and stables, provided a notice is kept up at each entrance. Penalty for destroying such notice.
  14. Penalty for kindling fire on land without consent of owner; also, in case fire shall spread and do damage to others.
  15. Penalty for kindling fire, with intent to injure another, when the property of another is thereby injured.
  16. Lawful fires, on one's own land, to be kindled at suitable time and in careful manner. Liability for all damages if not so done.
  17. Lumber drivers may kindle fires, but with the utmost caution. Penalty if they kindle them otherwise.
  18. Common law remedy not taken away, except in case provided for in preceding section, but party can only pursue one remedy.
  19. Municipal officers to make regulations respecting gunpowder. Penalty for keeping it in violation thereof, and forfeiture and seizure of the powder.
  20. Persons injured by explosion of powder, kept contrary to law, may recover damages.
  21. Power of municipal officers, with a warrant, to search for illegal gunpowder.
  22. Regulations respecting gunpowder not to be in force till published.
  23. Penalties, how recovered and appropriated.

## ENGINE MEN AND FIRES.

SEC. 1. When any town, corporation, or individuals possess and keep for public use any fire engine, the municipal officers of the same town may appoint any number of suitable persons, they deem necessary, not exceeding sixty to each engine, to be engine men.

Appointment  
of engine men.  
R. S., c. 33, § 1.

SEC. 2. Such engine men shall be excused from serving as jurors in any court, unless their towns otherwise decide; continue in office during the pleasure of the municipal officers; meet annually to elect such officers as are deemed necessary to give efficiency to their operations; establish such rules and regulations respecting their duty, as are approved by said municipal officers and not repugnant to the laws of the state, and affix penalties to be recovered by their clerk, not exceeding six dollars for any one offence.

Engine men  
excused from  
serving as  
jurors, &c.  
R. S., c. 33,  
§ 3, 5, 22.

SEC. 3. Companies of engine men so appointed shall meet once every month, and oftener if necessary, for the purpose of examining the state of their engines and the appendages thereof; and by night or by day without delay, under the direction of the fire wards of the town, they shall use their best endeavors to extinguish any fire therein, or in the immediate vicinity thereof, that comes to their knowledge.

Duty of engine  
companies.  
R. S., c. 33, § 6.

SEC. 4. When any engine man or any member of a company organized under special laws is negligent in the discharge of his duties, in the opinion of the municipal officers, on proof thereof they shall discharge him from the company, and appoint some other person in his stead; and they may select from the engine men any number for each engine in said town, who shall, under the direction of the fire wards, attend fires therein with axes,

Discharge of  
negligent  
engine men,  
and selection  
of engine men  
for other duties  
at fires.  
R. S., c. 33,  
§ 7, 8.

## CHAP. 26.

fire hooks, fire sails, and ladders, and perform such further duty as said officers, from time to time, prescribe.

Election of fire wards, notice to same, and penalty for not accepting or refusing office.

R. S., c. 33, § 9.

Duty of fire wards, and other officers at fires.

R. S., c. 33, § 10, 11, 12.

Powers of fire wards at fires. Penalty for refusing to obey them.

R. S., c. 33, § 13, 14.

Officers appointed under special laws have the same powers as fire wards.

R. S., c. 33, § 4, 23.

Compensation for building demolished. Exception.

Person dissatisfied may apply to county commissioners.

Their powers.

R. S., c. 33, § 15, 16, 17.

Plundering at fires declared larceny.

R. S., c. 33, § 18.

SEC. 5. Each town, at its annual meeting, may elect as many fire wards as are deemed necessary; and each person so chosen shall be notified in three days, and shall enter his acceptance or refusal of the office, with the town clerk, within three days after such notice, on penalty of ten dollars, unless excused by the town; and if excused, the town shall elect another in his place.

SEC. 6. When a fire breaks out in any town, the fire wards shall immediately attend at the place with their badges of office; and when there, any three of them may direct any building to be pulled down or demolished, that they judge necessary to prevent the spread of the fire; but in their absence the major part of the municipal, or any two civil or military officers present, shall, in the order they are named, have the same power.

SEC. 7. During the continuance of any fire, said fire wards or other officers may require assistance in extinguishing the fire and removing merchandize and furniture; appoint guards to secure the same and aid in pulling down or demolishing buildings and suppressing disorder and tumult; and generally direct all operations to prevent further destruction or damage; and any person refusing to obey their orders shall forfeit the sum of ten dollars.

SEC. 8. The chief engineer, engineers, fire wards, and other officers appointed for particular localities under the provisions of special laws, shall have the same power as to pulling down or demolishing any building to prevent the spreading of fires, and as to other things affecting the extinguishment thereof, as fire wards now have by law; and the town to which they belong shall be liable to pay such compensation for damages consequent upon their acts, as other towns are liable to pay for similar damages; and the members of the fire department in such localities shall enjoy all the privileges, and be liable to all the duties of other firemen in the state; but nothing herein shall be construed to control the manner of their election.

SEC. 9. If the pulling down or demolishing any building, except that in which the fire originated, is the means of stopping the fire, or if the fire is stopped before it comes to the same, then the owner of such building shall be entitled to a reasonable compensation therefor from the town; and if such town fails to make such compensation to his satisfaction, he may apply to the county commissioners at their next session; and after due notice to the parties, they may confirm the doings of the town in estimating the amount of compensation, or in raising the money and paying the same, or alter them, as they judge proper, award costs to the prevailing party, and issue their warrant of distress to carry their judgment into effect.

SEC. 10. If any person steals, carries away, or conceals any property not his own, at a fire, or exposed by reason thereof, and does not give notice of it to the owner or one of the fire wards, he shall be deemed guilty of larceny and punished accordingly.

## PREVENTION OF FIRES.

## CHAP. 26.

SEC. 11. No person shall occupy any tenement in any maritime town for the business of a sail maker, rigger, or keeper of a livery stable, except where the municipal officers direct; and any person who offends against this section, shall forfeit ten dollars a month during the continuance of such occupancy, with costs.

Penalty for occupying tenement for sail maker, rigger or livery stable, except as municipal officers direct. R. S., c. 33, § 19, 20.

SEC. 12. When any chimney, stove, stove pipe, oven, furnace, boiler, or appurtenances thereto are defective, out of repair, or so placed in any building as to endanger it or any other building by communicating fire thereto, the municipal officers, on complaint of any fire ward, or other citizen, being satisfied by examination or other proof that such complaint is well founded, shall give written notice to the owner or occupier of such building, and if he unnecessarily neglects for three days to remove or repair the same effectually, he shall forfeit not less than ten, nor more than one hundred dollars.

Municipal officers to direct defective chimneys to be removed or repaired under a penalty. 1852, c. 218.

SEC. 13. No person shall enter any mill, factory, machine shop, ship yard, covered bridge, stable or other building having with him a lighted pipe or cigar, or shall light or smoke any pipe or cigar therein, under a penalty of five dollars; if a notice in plain legible characters is kept up in a conspicuous position over or near each principal entrance to such building or place, that no smoking is allowed therein; and if any person defaces, removes, or destroys any such notice, he shall forfeit ten dollars.

Penalty for lighting or smoking pipe or cigar in mills, &c. 1848, c. 39, § 1, 2.

SEC. 14. If any person kindles a fire by the use of fire arms in hunting or fishing, or by any other means, on land not his own, without consent of the owner, he shall forfeit ten dollars; and if such fire spreads and does any damage to the property of others, he shall forfeit a sum not less than ten, nor more than five hundred dollars and costs, according to the aggravation of the offence; and, in either case, shall stand committed till the fine and costs are paid.

Penalty for kindling fire on land without consent of owner, &c. 1855, c. 132, § 1, 2, 5.

SEC. 15. If any person with intent to injure another, kindles or causes to be kindled a fire on his own or another's land, and thereby the property of any other person is injured or destroyed, he shall be punished by a fine of not less than twenty, nor more than one thousand dollars, or by imprisonment not less than three months, nor more than three years, according to the aggravation of the offence.

Penalty for kindling fire, with intent to injure another, &c. 1855, c. 132, § 3.

SEC. 16. Whoever for a lawful purpose kindles a fire on his own land, shall do so at a suitable time and in a careful and prudent manner; and shall be liable, in an action on the case, to any person injured by his failure to comply with this provision.

Lawful fires to be kindled at suitable time, &c. 1855, c. 132, § 4.

SEC. 17. Persons engaged in driving lumber upon any waters, may kindle fires when necessary for the purposes in which they are engaged, but shall use the utmost caution to prevent them from spreading and doing damage, and if they fail so to do, they shall be subject to all the liabilities and penalties hereof, as if the privilege granted by this section had not been allowed.

Lumber drivers may kindle fires, but with utmost caution, &c. 1855, c. 132, § 6.

SEC. 18. The common law right to an action for damages done by fires, is not hereby taken away or diminished, but it

Common law remedy not taken away.

## CHAP. 26.

Exception.  
1855, c. 132, § 7.

may be pursued notwithstanding the penalties herein set forth, but any person availing himself of the provisions of section sixteen shall be barred of his action at common law for the damage so sued for. And no action shall be brought at common law for kindling fires in the manner described in section seventeen; but if any such fire spreads and does damage, the person who kindled it, and any person present and concerned in driving the lumber, by whose act or neglect such fire is suffered to do damage, shall be liable, in an action on the case, for the damage thereby sustained.

Municipal officers to make regulations respecting gunpowder. Penalty for violation.  
R. S., c. 34, § 1, 2, 3.

SEC. 19. In every town, the municipal officers may make regulations, in conformity to which all gunpowder in the town shall be kept, or transported from place to place; and no person shall keep it in any other quantity or manner, than is prescribed in such regulations, under a penalty of not less than twenty nor more than one hundred dollars for each offence; and all such gunpowder may be seized by any of said officers as forfeited; and within twenty days after such seizure, be libeled according to law.

Persons injured by explosion may recover damages.  
R. S., c. 34, § 4.

SEC. 20. A person injured by the explosion of gunpowder in possession of any person contrary to the regulations established as aforesaid may have an action for damages against such possessor, or against the owner thereof, if conusant of such neglect.

Power of municipal officers to search for gunpowder.  
R. S., c. 34, § 5.

SEC. 21. Any municipal officer, with a lawful search warrant, may enter any building or other place in his town to search for gunpowder supposed to be concealed there contrary to law.

Regulations not to be in force till published.  
R. S., c. 34, § 8.

SEC. 22. The rules and regulations, established in any town according to section nineteen, shall not be in force till they have been published three weeks successively in a newspaper in the county, or by posting up attested copies of them in three public places in such town.

Penalties, how recovered and appropriated.  
R. S., c. 34, § 7.

SEC. 23. The penalties provided for in this chapter may be recovered by complaint, indictment, or action of debt, in any court of competent jurisdiction, one-half to the use of the town where the offence is committed, and the other half to the use of the person prosecuting therefor.

## CHAPTER 27.

## INNOLDERS AND VICTUALERS.

- SEC. 1. Licenses to innholders and victualers, when and by whom granted.
2. Persons licensed to give bond; form thereof.
3. Licenses may be granted for a part of the year in certain cases.
4. Fee for license, and record of all licenses.
5. Duty of innholders to provide entertainment.
6. Duty of victualers.
7. Innholders and victualers to keep up signs with their names and employments.
8. Not to keep instruments of gaming, or allow any gaming on their premises.  
Penalty for gaming in said premises.
9. Revelling, disorderly conduct and drunkenness prohibited in such premises.