

# 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)

FIFTH REVISION.

THE  
REVISED STATUTES

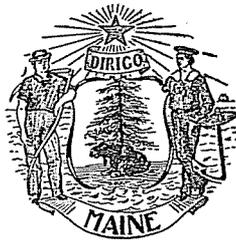
OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

---

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :  
KENNEBEC JOURNAL PRINT,  
1904.

CHAP. 27.

Proprietors may raise money and assess same. 1891, c. 117, § 8.

SEC. 68. At any meeting called for that purpose, said proprietors may raise money for defraying common charges and for the payment of cost and expenses of such repairs as may have been incurred under the preceding section, which shall be assessed upon the proprietors by the assessors in proportion to their several interests, and which they shall commit to the collector for collection by an appropriate warrant for its collection, directing him to pay it over to the clerk or other proper officer designated by vote of the proprietors, and the collector shall have the same power and shall collect the same as collectors of towns are authorized to collect town taxes.

Proprietor, declining to use land, shall be exempt from payment of taxes. 1891, c. 117, § 9.

SEC. 69. If any proprietor declines to cultivate, use or take profit from his portion of such lands, and gives written notice of his intention so to do, to the clerk of the proprietors he shall not be regarded as liable to pay any tax or assessment on account of his portion thereof, while he neglects to cultivate, use and take profit therefrom, nor shall he be entitled to vote at the meetings of said proprietors.

Two-thirds of proprietors, by vote may discontinue association. 1891, c. 117, § 10.

SEC. 70. A two-thirds part in interest of the proprietors entitled to vote at any legal meeting called for that purpose, may discontinue their association, but not to take effect until six months after the vote for that purpose.

CHAPTER 27.

PAUPERS, THEIR SETTLEMENT AND SUPPORT.

SEC. I. Settlements, subjecting towns to pay for the support of persons on account of their poverty or distress, are acquired as follows:

Settlement, how acquired. R. S., c. 24, § 1.  
 Married women.  
 4 Me., 296.  
 41 Me., 466, 485.  
 48 Me., 207.  
 52 Me., 219.  
 53 Me., 58.  
 56 Me., 23.  
 63 Me., 501.  
 64 Me., 85.  
 67 Me., 581.  
 68 Me., 147.  
 70 Me., 490.  
 71 Me., 538.  
 73 Me., 584, 586.  
 95 Me., 55.  
 97 Me., 18.

I. A married woman has the settlement of her husband, if he has any in the state; if he has not, her own settlement is not affected by her marriage. When, in a suit between towns involving the settlement of a pauper, it appears that a marriage was procured to change it by the agency or collusion of the officers of either town, or of any person having charge of such pauper under authority of either town, the settlement is not affected by such marriage. And no derivative settlement is acquired or changed by a marriage so procured, but the children of such marriage and their descendants have the settlement which they would have had if no such marriage had taken place. And the same rule applies in all controversies touching the settlement of paupers between the town by whose officers a marriage is thus procured and any other town, whether the person whose marriage is thus procured is a pauper at the time of the marriage or becomes so afterwards.

Legitimate children.

II. Legitimate children have the settlement of their father, if he has any in the state; if he has not, they have the settlement of their mother within it; but they do not have the settlement of either, acquired after they are of age and have capacity to acquire one. (a)

Illegitimate children.

III. Children, legitimate or illegitimate, do not acquire a settlement by birth in the town where they are born. Illegitimate children have the settlement of their mother, at the time of their birth, but when the parents of such children born after March twenty-four, eighteen hundred and sixty-four, intermarry, they are deemed legitimate and have the settlement of the father. (a)

(a) 2 Me., 197; 3 Me., 390; 4 Me., 50, 295; 7 Me., 90, 272; 10 Me., 412; 11 Me., 456; 18 Me., 378; 19 Me., 446; 24 Me., 282; 32 Me., 62; 35 Me., 412; 36 Me., 392; 41 Me., 551; 48 Me., 566; 55 Me., 56, 471; 58 Me., 355; 60 Me., 117; 66 Me., 83; 70 Me., 353, 490; 72 Me., 511; 73 Me., 110; 74 Me., 46; 75 Me., 210; 85 Me., 135; 86 Me., 309; 88 Me., 251, 401; 89 Me., 44, 532; 95 Me., 57.

IV. Upon division of a town, a person having a settlement therein and being absent at the time, has his settlement in that town which includes his last dwelling-place in the town divided. When part of a town is set off and annexed to another, the settlement of a person absent at the time of such annexation is not affected thereby. When a new town, composed in part of one or more existing towns, is incorporated, persons settled in such existing town or towns, or who have begun to acquire a settlement therein, and whose homes were in such new town at the time of its incorporation, have the same rights incipient and absolute respecting settlement, as they would have had in the town where their homes formerly were. (a)

Division of towns.

See note by Kent, J. 51 Me., 446.

V. A minor who serves as an apprentice in a town for four years, and within one year thereafter sets up such trade therein, being then of age, has a settlement therein.

Apprenticeship. 10 Me., 353.

VI. A person of age, having his home in a town for five successive years without receiving supplies as a pauper, directly or indirectly, has a settlement therein. (b)

Residence, five years. See c. 144, § 24.

VII. A person having his home in a town, March twenty-one, eighteen hundred and twenty-one, without having received supplies as a pauper within one year before that date, acquired a settlement therein. (b)

Residence, March 21, 1821.

VIII. A person having his home in an unincorporated place for five years without receiving supplies as a pauper, and having continued his home there until the time of its incorporation, acquires a settlement therein. Those having homes in such places for less than five years, before incorporation, and continuing to have them there afterwards, until five years are completed, acquire settlements therein.

Incorporation of towns. 11 Me., 457. 21 Me., 61, 269. 30 Me., 453. 33 Me., 580. 35 Me., 119. 66 Me., 572. 89 Me., 531.

SEC. 2. To constitute pauper supplies, they must be applied for in case of adult persons of sound mind, by such persons themselves, or by some person by them duly authorized; or such supplies must be received by such persons, or by some person authorized by them, with a full knowledge that they are such supplies; and all care, whether medical or otherwise, furnished to said persons is subject to the same rule. (c)

Pauper supplies, how constituted. R. S. c. 24, § 2.

—care and medical attendance.

SEC. 3. Settlements acquired under existing laws, remain until new ones are acquired. Former settlements are defeated by the acquisition of new ones. Whenever a person having a pauper settlement in a town, has lived, or shall live, for five years in any unincorporated place or places in the state, he and those who derive their settlement from him lose their settlement in such town, and whenever a person having a pauper settlement in any town in the state shall after April twenty-nine, eighteen hun-

Settlements remain. R. S. c. 24, § 3. 1839, c. 269.

55 Me., 119. 58 Me., 355. 71 Me., 456. 77 Me., 594. 85 Me., 127. 96 Me., 502.

(a) 1 Me., 131; 13 Me., 301; 19 Me., 390; 20 Me., 343; 21 Me., 337; 23 Me., 474; 31 Me., 468; 35 Me., 187; 37 Me., 41; 38 Me., 476; 39 Me., 369; 42 Me., 314, 548; 43 Me., 317; 44 Me., 359; 47 Me., 131; 49 Me., 553; 51 Me., 446, 448; 53 Me., 524; 54 Me., 254; 56 Me., 321; 66 Me., 572; 69 Me., 317; 71 Me., 456; 89 Me., 531.

(b) 10 Me., 98; 13 Me., 327; 15 Me., 481; 17 Me., 122; 18 Me., 94, 417; 21 Me., 361; 23 Me., 411; 24 Me., 114; 34 Me., 314; 39 Me., 334; 47 Me., 100, 183; 48 Me., 335, 566; 49 Me., 106; 50 Me., 478; 51 Me., 541; 52 Me., 219; 53 Me., 129, 445; 55 Me., 56, 95; 58 Me., 210; 59 Me., 558; 61 Me., 560; 62 Me., 232; 64 Me., 84, 415; 68 Me., 304, 581; 69 Me., 69-71, 507; 70 Me., 443; 72 Me., 256; 73 Me., 109, 111, 231; 74 Me., 155, 234; 85 Me., 135; 87 Me., 41; 89 Me., 531; 95 Me., 56; 97 Me., 31.

(c) 64 Me., 246; 67 Me., 492; 68 Me., 369; 69 Me., 226; 70 Me., 116; 75 Me., 128; 78 Me., 423; 97 Me., 32.

## CHAP. 27.

—living beyond limits of state causes loss of settlement.

Towns relieving persons, who lose settlement under provision of sec. 3, to be reimbursed by state.  
1885, c. 374.

Bridge-tender or toll-keeper.  
R. S., c. 24, § 4.

Inmates of the National Home at Togus, settlement of.  
R. S., c. 24, § 5.  
See c. 6, § 132.  
95 Me., 56.

Towns relieving former inmates, to be reimbursed by state.  
R. S., c. 24, § 6.

Orphan asylum at Bath.  
R. S., c. 24, § 7.

Soldiers and sailors not to be considered paupers.  
R. S., c. 24, § 8.  
1901, c. 250.  
See c. 4.  
§§ 65-67.  
71 Me., 574.  
80 Me., 124.  
92 Me., 443.

—definition of the word "family."

—shall not be supported in the poor-house.

—penalty for violation.

—may be removed to town of settlement.

Revision of laws does not affect settlements.  
R. S., c. 24, § 9.

dred and ninety-three, live for five consecutive years beyond the limits of the state without receiving pauper supplies from any source within the state, he and those who derive their settlement from him lose their settlement in such town.

SEC. 4. Whenever a person having a pauper settlement in a town loses such settlement by virtue of the provisions of section three, relief shall be furnished, and towns furnishing such relief shall be reimbursed by the state as provided in section thirty of this chapter, in case of paupers having no legal settlement in the state.

SEC. 5. No person acquires a pauper settlement in a town by reason of his residing in said town as tender of a draw-bridge, or as toll-keeper of a bridge owned by another town, and living in a toll-house owned by such other town.

SEC. 6. Inmates of the National Home for Disabled Volunteer Soldiers at Togus, in the county of Kennebec, and persons subject to the rules and regulations thereof, or receiving rations therefrom, have their settlement in the respective towns in which they had a legal settlement when their connection with said National Home commenced, so long as such connection continues therewith.

SEC. 7. If a town furnishes relief to any such person, who becomes a pauper after his connection with said National Home has ceased, having no legal settlement in the state, or to his family, the state shall reimburse such town for the relief furnished, to such an amount as the governor and council adjudge to have been necessarily expended therefor.

SEC. 8. No child acquires a pauper settlement in the city of Bath, by reason of being an inmate of the Bath Military and Naval Orphan Asylum.

SEC. 9. No soldier or sailor who served by enlistment in the army or navy of the United States, in the war of eighteen hundred and sixty-one, and who has received an honorable discharge from all enlistments in said service, whether in his own proper name or an assumed name, and who has or may become dependent upon any town, shall be considered a pauper, or be subject to disfranchisement for that cause; but the time during which said soldier or sailor is so dependent, shall not be included in the period of residence necessary to change his settlement; and overseers of the poor shall not have authority to remove to, or support in, the poor-house, any such dependent soldier or sailor or his family; the word "family" here used shall be held to include the soldier or sailor, his wife, his unmarried minor children living with him and dependent upon him for support, and such other unmarried children of his dependent upon him for support, who by reason of mental incapacity or physical disability are unable to provide for themselves; but the town of his settlement shall support them at his own home in the town of his settlement or residence, or in such suitable place other than the poorhouse, as the overseers of the town of his settlement may deem right and proper. In case of a violation of this section the overseers of the poor shall be subject to a fine of twenty-five dollars. And for every day they allow them to remain in such poorhouse, after reasonable notice, they shall be subject to a further fine of five dollars a day, to be recovered by complaint or indictment. This section shall not be so construed as to deprive overseers of the poor of any right to remove and support such dependent soldier or sailor and his family in the town of his settlement, as herein provided.

SEC. 10. Persons who have begun to acquire settlements under existing laws, are not affected by a repeal of them, and a re-enactment of their provisions in substance.

CHAP. 27.

SEC. 11. Towns shall relieve persons having a settlement therein, when, on account of poverty, they need relief. They may raise money therefor as for other town charges; and may at their annual meeting choose not exceeding seven legal voters therein to be overseers of the poor. (a)

Towns to relieve poor.  
R. S., c. 24, § 10.

SEC. 12. Overseers shall have the care of persons chargeable to their town, and cause them to be relieved and employed at the expense of the town, and the town may direct their employment. (b)

Overseers' duties.  
R. S., c. 24, § 11.

SEC. 13. Whenever the governor has knowledge that, under the provisions of an act of Congress approved August three, eighteen hundred and eighty-two, officers are necessary in any town to take charge of the local affairs of immigration and to provide for the support and relief of immigrants falling into distress, he shall designate for such duty the board of overseers of the poor and their successors in such town, or any member or members of such board.

When overseers of poor are to be designated by governor to take charge of local immigration.  
R. S., c. 24, § 12.

SEC. 14. Persons chargeable shall not be set up and bid off at auction either for support or service; but towns at their annual meetings, under a warrant for the purpose, may contract for the support of their poor for a term not exceeding five years.

Poor not sold at auction.—towns may contract for support.  
R. S., c. 24, § 13.

SEC. 15. Towns may unite in the purchase of a farm, or in the erection of buildings, to be used for the support of the poor; and in procuring all necessary furniture and apparatus therefor. For these purposes, each town may choose the number of commissioners agreed upon, to constitute a joint commission to cause the agreement of the towns to be carried into effect.

Towns may unite to purchase a farm.  
R. S., c. 24, § 14.

SEC. 16. The overseers of such towns constitute a joint board of overseers of such farm and buildings. They may at a full meeting establish rules for the management thereof, appoint a superintendent, prescribe his powers and duties, and cause all the paupers of such towns to be supported there. They may receive and support there, paupers of other towns. Towns may raise money for the purposes named in this and the preceding section.

Joint board of overseers; duties.  
R. S., c. 24, § 15.

SEC. 17. The father, mother, grandfather, grandmother, children and grandchildren, by consanguinity, living within the state and of sufficient ability, shall support persons chargeable, in proportion to their respective ability. (c)

Kindred liable.  
R. S., c. 24, § 16.  
See c. 142, § 15;  
c. 144, § 24.

SEC. 18. A town or any kindred, who have incurred expense for the relief of a pauper, may complain to the supreme judicial court in the county where any of them resides; and the court may cause such kindred to be summoned, and upon hearing or default, may assess and apportion a reasonable sum upon such as are found to be of sufficient ability for the support of such pauper to the time of such assessment; and may enforce payment thereof by warrant of distress. Such assessment shall not be made to pay any expense for relief afforded more than six months before the complaint was filed.

Court on complaint may assess kindred.  
R. S., c. 24, § 17.  
5 Me., 325.  
64 Me., 203.  
66 Me., 539.  
85 Me., 282.

SEC. 19. Such complaint may be filed with the clerk of the court, who shall issue a summons thereon, returnable and to be served as writs of summons are; and on suggestion of either party that there are other kindred of ability not named, the complaint may be amended by inserting

Complaint filed, may be amended.  
R. S., c. 24, § 18.  
See c. 83,  
§§ 17, 18.  
85 Me., 282.

(a) See c. 4, §§ 12, 71; 83 Me., 221; 91 Me., 21.

(b) 64 Me., 415; 70 Me., 115; 93 Me., 184.

(c) 23 Me., 427; 45 Me., 370; 51 Me., 415; 53 Me., 61; 64 Me., 202, 203; 66 Me., 539; 79 Me., 44; 85 Me., 282.

## CHAP. 27.

their names, and they may be summoned in like manner, and be proceeded against as if originally named.

Assessment for future support; court may order with whom pauper is to live.  
R. S., c. 24, § 19.  
64 Me., 203.  
85 Me., 282.

SEC. 20. The court may assess and apportion upon such kindred a sum sufficient for the future support of such pauper, to be paid quarterly, until further order; and may direct with whom of such kindred consenting thereto, and for what time, he may dwell, having regard to his comfort and their convenience. On application of the town or person to whom payment was ordered, the clerk may issue or renew a warrant of distress returnable to the next term of the court, to collect what may be due for any preceding quarter.

Court may alter assessment.  
R. S., c. 24, § 20.  
64 Me., 203.

SEC. 21. The court may, from time to time, make any further order on complaint of a party interested, and after notice given, alter such assessment or apportionment. On failure to sustain a complaint, the respondents recover costs.

Children may be bound; terms and time.  
R. S., c. 24, § 21.  
10 Me., 358.  
18 Me., 417.  
93 Me., 184.

SEC. 22. The minor children of parents chargeable, or of parents unable in the opinion of the overseers to maintain them, and minor children chargeable themselves, may, without their consent, be bound by the overseers, by deed of indenture, as apprentices or as servants to any citizen of the state, to continue until the males are twenty-one, and the females eighteen years of age or are married, unless sooner discharged by the death of their master. Provision shall be made in such deed for the instruction of such children in reading, writing and arithmetic; and for such further instruction and benefit within or at the end of the term, as the overseers think reasonable.

Overseers to inquire, and may complain of master.  
R. S., c. 24, § 22.

SEC. 23. The overseers shall inquire into the treatment of such children, and protect and defend them in the enjoyment of their rights in reference to their masters and others. They may complain to the supreme judicial court in the county, where their town is, or where the master resides, against such master for abuse, ill-treatment, or neglect of a child bound to him. The court shall cause him to be notified, and upon a hearing of the parties or on default, may, for sufficient cause proved, discharge the child with costs; or dismiss the complaint, with or without costs at discretion. Any child so discharged, or whose master has died, may be bound anew for the remainder of the time.

—court may discharge child, who may be bound again.

Suits on bonds.  
R. S., c. 24, § 23.

—damages to be for benefit of child.

SEC. 24. The overseers, by a suit on the deed of indenture, may recover damages for breaches of its covenants. The amount so recovered, deducting reasonable charges, shall be placed in the treasury of the town, to be applied by the overseers for the benefit of the child during his term, or be paid to him at its expiration. The court, on trial for sufficient cause exhibited, may discharge the child. Such suit is not abated by the death of overseers or by the expiration of their term; but shall proceed in their names, or in the names of the survivors.

Child becoming of age, may sue master for damages.  
R. S., c. 24, § 24.

SEC. 25. Such child, within two years after the expiration of his term, may commence an action of trespass or case, or a suit on the deed, to recover damages for a breach of its covenants, or for injuries, other than such as have been tried in a suit between the overseers and master. He is for this purpose entitled to the custody of the deed of indenture when necessary, or to a copy of it, and he may sue upon it as assignee without an assignment of it.

When child departs, he may be arrested and returned; those enticing or harboring, liable.  
R. S., c. 24, § 25.

SEC. 26. When a child so bound departs from service without leave, his master or a person in his behalf may complain on oath to a trial justice in the county, where he resides, or where the child is found, who shall issue a warrant and cause such child to be brought before him, and when the complaint is supported, he shall order the child to be returned

to his master, though he resides in another county, or commit him to a jail or house of correction, to remain not exceeding twenty days, unless sooner discharged by his master. A person, who entices such a child to leave his master, or harbors him knowing that he has so departed, is liable to the master for all his damages.

SEC. 27. A master may complain to the court in the county, where he resides, or where the overseers making the indenture resided, for gross misbehavior of the child, and the court, after notice to the child, and to the overseers of the town binding, may discharge the child.

Child may be discharged on complaint of master.  
R. S., c. 24, § 26.

SEC. 28. Overseers may set to work, or by deed bind to service upon reasonable terms, for a time not exceeding one year, persons having settlements in their town or having none in the state, married or unmarried, able-bodied, upwards of twenty-one years of age, having no apparent means of support and living idly; and all persons liable to be sent to the house of correction.

Person of age, may be bound for one year.  
R. S., c. 24, § 27.  
See c. 142, §§ 1, 6.  
93 Me., 184.

SEC. 29. A person so bound may complain to the court, in the county where he or the overseers reside, and the court, after notice to the overseers and master, may, upon a hearing, dismiss such complaint, or discharge him from the master and overseers, and award costs to either party or against the town at discretion.

Person bound may complain to court.  
R. S., c. 24, § 28.

SEC. 30. Persons found in places not incorporated and needing relief, are under the care of the overseers of the oldest incorporated adjoining town, or the nearest incorporated town where there are none adjoining, who shall furnish relief to such persons, as if they were found in such towns; and such overseers may bind to service the children of such persons as they may those of paupers of their own town, and may bind out persons described in section twenty-eight in manner therein provided, residing in such unincorporated place, as if in their own town, and such persons shall be entitled to a like remedy and relief. When relief is so provided, the towns so furnishing it have the same remedies against the towns of their settlement as if they resided in the town so furnishing relief. And when such paupers have no legal settlement in the state, the state shall reimburse said town for the relief furnished, to such an amount as the governor and council adjudge to have been necessarily expended therefor. And the reasonable expenses and services of said overseers relative to such paupers, shall be included in the amount to be so reimbursed by the state.

Persons in unincorporated places needing relief, are under care of overseers of oldest or nearest adjoining town.  
R. S., c. 24, § 29.  
1897, c. 303.

—they and their children may be bound out.

—remedy of towns, so relieving state paupers.  
16 Me., 139.  
55 Me., 96.  
60 Me., 155.  
65 Me., 593.  
68 Me., 593.  
90 Me., 515.

SEC. 31. When persons residing in an unincorporated place, and having no pauper settlement in the state, remove from such place to any town, and there need relief, and the same is furnished to them by such town, the state shall reimburse said town for such relief so furnished, in the same manner and under the same restrictions as to the amount reimbursed, as provided in the preceding section.

Towns relieving persons removing from unincorporated place, to be reimbursed by state.  
R. S., c. 24, § 30.  
1887, c. 31, § 2.

SEC. 32. Whenever towns that are compelled to care for and furnish relief to state paupers in unincorporated places, for reasons of economy desire to remove the same into their own town, their overseers of the poor may make a written request, stating their reasons to the governor and council, who shall examine the same, and if in their judgment such state paupers would thereby be supported with less expense to the state, may permit in writing such transfer to be made. Whenever state paupers are thus transferred and maintained in a town for such purposes, they do not become paupers of such town by reason of residence therein, while so maintained.

On request of relieving town, governor and council may permit removal.  
R. S., c. 24, § 31.

—removed paupers gain no residence.

## CHAP. 27.

State shall reimburse for relief furnished persons having no legal settlement. 1887, c. 101. 1908, c. 148.

Certain larger plantations to maintain their paupers. R. S., c. 24, § 32.

Persons needing relief in certain plantations, under care of assessors. R. S., c. 24, § 33. 90 Me., 514.

—plantations to relieve them, the same as towns.

—state paupers not affected.

Individuals may relieve the sick in such places, and bury the dead. R. S., c. 24, § 34. 65 Me., 598.

Overseers to relieve persons having settlement in other towns. R. S., c. 24, § 35.

See § 18.

Recovery, effect of. R. S., c. 24, § 36. 33 Me., 181. 35 Me., 130.

Overseers' notice and request to town liable.

SEC. 33. Whenever persons who have no legal settlement within the state, and needing immediate relief, are found in any town, or in unincorporated places and are brought into an adjoining town obliged by law to care for and furnish relief to such persons, and relief is so furnished, the state shall reimburse said town for such relief so furnished, in the same manner and under the same restrictions as provided in section thirty although the overseers of the poor of said town have no permit in writing from the governor and council to remove the same into their town.

SEC. 34. Plantations having a population of two hundred or more, and a valuation of at least one hundred thousand dollars, shall hereafter support the paupers therein, in the same manner that towns now do, and the expenses therefor shall not be chargeable to the state.

SEC. 35. Persons found in plantations having a population of more than two hundred, to be determined by the returns of the county commissioners, as provided by section one hundred and thirteen of chapter four, and a state valuation of forty thousand dollars, and needing relief, are under the care of the assessors of such plantations; and the duties and powers of such assessors relative to such persons, are the same in every respect as overseers of the poor in towns have in like cases; and such plantations shall assess and raise all moneys necessary to defray the expense incurred in the care of such persons; and plantations so furnishing relief, have the same remedies against the towns of their settlement, that towns have in like cases. But this section does not extend to, or affect the laws concerning so-called state paupers or paupers' settlements.

SEC. 36. A person residing in a place not incorporated, may provide relief and medical aid for any other sick, wounded or injured resident, and in case of his death may cause him to be buried, and may recover the amount necessarily expended, of the town where such person had a settlement, if, within sixty days thereafter, he has delivered into a post office, postage paid, a written notice signed by him informing the overseers of such town of the name of the person relieved, the nature of his sickness or injury, if known, and the amount expended. Towns paying such expenses or costs may recover the amount, with interest, of the person relieved, or of any one liable for his support.

SEC. 37. Overseers shall relieve persons destitute, found in their towns and having no settlement therein, and in case of death, decently bury them, or dispose of their bodies according to section three of chapter seventeen; the expenses whereof and of their removal incurred within three months before notice given to the town chargeable, may be recovered of the town liable, by the town incurring them, in an action commenced within two years after the cause of action accrued, and not otherwise; and may be recovered of their kindred in the manner before provided in this chapter. (a)

SEC. 38. A recovery in such an action against a town estops it from disputing the settlement of the pauper with the town recovering, in any future action brought for the support of the same pauper.

SEC. 39. Overseers shall send a written notice, signed by one or more of them, stating the facts respecting a person chargeable in their town, to the overseers of the town where his settlement is alleged to be, request-

(a) 3 Me., 454; 15 Me., 365; 16 Me., 385; 26 Me., 463; 27 Me., 493; 28 Me., 296; 29 Me., 316; 33 Me., 453; 38 Me., 476; 40 Me., 288; 41 Me., 484; 42 Me., 568; 43 Me., 318; 46 Me., 560; 48 Me., 356, 420; 49 Me., 385, 554; 50 Me., 518; 51 Me., 603; 53 Me., 42, 445; 55 Me., 119; 62 Me., 247; 64 Me., 415; 67 Me., 533; 71 Me., 576; 83 Me., 78; 85 Me., 282; 93 Me., 184.

CHAP. 27.

ing them to remove him, which they may do by a written order directed to a person named therein, who is authorized to execute it. (a)

SEC. 40. Overseers receiving such notice shall within two months, if the pauper is not removed, return a written answer signed by one or more of them, stating their objections to his removal; and if they fail to do so, the overseers requesting his removal may cause him to be removed to that town in the manner provided in section thirty-nine; and the overseers of the town to which he is sent shall receive him and provide for his support; and their town is estopped to deny his settlement therein, in an action brought to recover for the expenses incurred for his previous support and for his removal. (b)

SEC. 41. When a written notice or answer provided for in this chapter is sent by mail, postage paid, and it arrives at the post office where the overseers to whom it is directed reside, it is sufficient. (c)

SEC. 42. When the removal of a pauper to the town of his alleged settlement is sought, under section thirty-nine, and the person to whom the order of the overseers is directed, requests him to go with him in obedience thereto, and he refuses to go, or resists the service of such order, the person to whom it is directed may make complaint in writing, by him signed, of the facts aforesaid, to any judge of a police or municipal court or trial justice within the county where said pauper is then domiciled. Said magistrate shall thereupon, by proper order or process, cause said pauper to be brought forthwith before him by any officer to whom the same is directed, to answer said complaint and show cause why he should not be so removed. The complaint may be amended at any time before judgment thereon, according to the facts. The complainant and the pauper shall both be heard, and if upon such hearing the magistrate finds that the town to which it is proposed to remove such pauper is liable for his maintenance and support, he shall issue his order, under his hand and seal, commanding the person to whom it is directed to take said pauper and transport him to the town aforesaid, and deliver him to the custody of the overseers of the poor thereof. The person to whom said last named order is directed shall have all the authority to execute the same according to the precept thereof, that the sheriff or his deputy has in executing warrants in criminal proceedings. In the foregoing proceedings, the fees and costs shall be the same as for like services in criminal cases, and shall be paid by the town seeking to remove such pauper.

SEC. 43. A person removed, as provided in this chapter, to the place of his settlement, who voluntarily returns to the town from which he was removed, without the consent of the overseers, may be sent to the house of correction or jail as a vagabond.

SEC. 44. On complaint of overseers, that a pauper chargeable to their town has no settlement in the state, any judge of a municipal or police court, or trial justice, may, by his warrant directed to a person named therein, cause such pauper to be conveyed, at the expense of such town, beyond the limits of the state to the place where he belongs; but this

(a) 1 Me., 229, 331; 3 Me., 198; 4 Me., 478; 15 Me., 172; 21 Me., 303, 445; 26 Me., 66; 31 Me., 126; 41 Me., 600; 45 Me., 408; 46 Me., 460, 560; 48 Me., 356, 420; 53 Me., 38, 42; 56 Me., 12; 59 Me., 295; 62 Me., 233; 63 Me., 580, 583; 72 Me., 204; 76 Me., 130.

(b) 3 Me., 454; 4 Me., 302; 5 Me., 34; 30 Me., 213; 48 Me., 422; 53 Me., 43; 63 Me., 582; 72 Me., 204; 75 Me., 209.

(c) 21 Me., 303, 445; 48 Me., 422.

R. S., c. 24, § 37.

See c. 142, § 13.

Answer to be returned within two months. R. S., c. 24, § 38.

Notice and answer by mail sufficient. R. S., c. 24, § 39.

Overseers' complaint if pauper refuses to be removed to town of settlement. R. S., c. 24, § 40. 76 Me., 130.

—pauper to be brought before magistrate to answer complaint.

—proceedings.

—person executing order of magistrate has same power as sheriff in executing criminal warrants.

—fees and costs.

Persons removed, returning, may be sent to house of correction. R. S., c. 24, § 41.

Foreign paupers may be removed. R. S., c. 24, § 42.

—not to apply to families of volunteers.

## CHAP. 27.

Towns liable to individuals relieving.  
R. S., c. 24, § 43.

Overseers to complain of intemperate paupers.  
R. S., c. 24, § 44.  
11 Me., 212.  
61 Me., 400.  
See c. 142, §§ 7-16.

Towns may recover of paupers.  
R. S., c. 24, § 45.

Overseers to take possession of property of paupers deceased.  
R. S., c. 24, § 46.  
8 Me., 318.

May prosecute and defend.  
R. S., c. 24, § 47.

Plantations may raise money.  
R. S., c. 24, § 48.  
7 Me., 125, 133.  
61 Me., 449.

Penalty for bringing paupers into a town.  
1891, c. 9.

section does not apply to the families of volunteers enlisted in the state, who may have been mustered into the service of the United States.

SEC. 45. Towns shall pay expenses necessarily incurred for the relief of paupers by an inhabitant not liable for their support, after notice and request to the overseers, until provision is made for them. (a)

SEC. 46. When a person in their town, notoriously subject to habits of intemperance, is in need of relief, the overseers shall make complaint to a judge of a municipal or police court, or trial justice in the county, who shall issue a warrant and cause such person to be brought before him, and upon hearing and proof of such habits, he shall order him to be committed to the house of correction, to be there supported by the town where he has a settlement, and if there is no such town, at the expense of the county, until discharged by the overseers of the town in which the house of correction is situated, or by two justices of the peace.

SEC. 47. A town, which has incurred expense for the support of a pauper, whether he has a settlement in that town or not, may recover it of him, his executors or administrators, in an action of assumpsit. (b)

SEC. 48. Upon the death of a pauper then chargeable, the overseers may take into their custody all his personal property, and if no administration on his estate is taken within thirty days, they may sell so much thereof, as is necessary to repay the expenses incurred. They have the same remedy to recover any property of such pauper, not delivered to them, as his administrator would have.

SEC. 49. For all purposes provided for in this chapter, its overseers, or any person appointed by them in writing, may prosecute and defend a town.

SEC. 50. Any plantation, at a legal meeting called for the purpose, may raise and expend money for the support of the poor, to be applied by its assessors.

SEC. 51. Whoever brings into and leaves in a town where he has no settlement, any poor, indigent or insane person, having no visible means of support, or hires or procures such person to be so brought, or aids or abets in so doing, knowing such person to be poor, indigent or insane as aforesaid, with intent to charge such town in this state with the support of such person, shall be fined not exceeding three hundred dollars, or imprisoned not exceeding one year. And shall be further liable to any town or to the state for such sums of money as are expended by such town or by the state, for the support and maintenance of such person, which may be recovered in an action on the case.

(a) 20 Me., 445; 36 Me., 378; 37 Me., 10; 48 Me., 561; 49 Me., 33; 53 Me., 61; 63 Me., 492; 65 Me., 597; 67 Me., 552; 70 Me., 501; 84 Me., 418; 93 Me., 71; 97 Me., 240.

(b) 4 Me., 262; 22 Me., 448; 41 Me., 600; 66 Me., 62; 78 Me., 217; 94 Me., 474.

Note. Burial of honorably discharged soldiers and sailors, c. 4, §§ 65-67. Duties of overseers of poor as to notice in case of paupers committed to house of correction, c. 142, § 13. Towns may make provision for support of abused and neglected children, c. 61, § 51.