

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

VOLUME THE FIRST.

Page.
 40 L. 12 of the page for 'preceding' read 'presiding'
 54 Sec. 4 L. 14 of Sec. for 'time' read 'term'
 55 7 2 for 'a' read 'or'
 55 7 9 before the word 'said' insert 'the'
 56 9 3 for 'the' read 'her'
 57 1 6 for 'to' read 'in'
 58 1 5 for 'and' after the word 'house'
 read 'or'
 61 in the title of the act, ch. vi. insert 'the' before the
 word 'crimes'
 62 Sec. 2 L. 9 of S. before the word 'offender' insert 'such'
 69 16 8 for 'Treasurer' read 'Treasury'
 73 1 15 after the word 'for' insert 'the'
 77 13 6 for 'to' read 'of'
 78 first line of the page, dele the word 'by'
 80 L. 2 of the p. after the word 'willingly' insert 'aid or'
 80 17 for 'counterfeited' read 'counterfeit'
 82 1 after the word 'in' insert 'all'
 82 Sec. 7 L. 4 of Sec. after the word 'devised' dele 'or'
 and insert '
 83 Sec. 7 L. last of S. for 'aggravations' read 'aggravation'
 84 10 6 for 'and' read 'or'
 90 1st L. of p. for 'Commissioner' read 'Commissioners'
 90 L. 20 before the word 'Commissioner' insert 'said'
 97 6 for 'assumpsit' read 'assumpsit'
 97 14 for 'cover' read 'covein'
 98 at the end of the act for 'January' read 'February'
 99 L. 17 of p. after the word 'year' dele ' ; ' & insert ' , and '
 100 15 at the end of the line insert 'the'
 105 at the end of the Act for '1820' read '1821'
 108 L. 14 of page, for 'nuisances' read 'nuisance'
 108 20 after the word 'each' insert 'one'
 111 25 after the word 'fail' insert 'of'
 113 11 for 'on' read 'or'
 144 last for 'performance' read 'performing'
 145 Sec. 2 L. 9 of Sec. after the word 'of' insert 'the'
 147 7 6 before the word 'release' for 'to'
 read 'a'
 150 Sec. 6 L. 2 of Sec. for 'in' read 'is'
 151 in the title, before the word 'Lands' insert 'reserved'
 153 1st line of the p. for 'whenever' read 'wherever'
 155 last before the word 'Court' for 'a' read 'any'
 156 Sec. 4 L. 26 of Sec. for 'notification' read 'notifications'
 159 9 8 for 'purpose' read 'purposes'
 167 14 5 for 'votes' read 'vote'
 193 4 10 dele 'such'
 199 17 1 for 'when' read 'where'
 202 22 6 after the word 'near, dele 'to'
 202 23 10 for 'be' read 'he'
 203 24 16 for 'of' read 'in'
 203 25 16 for 'meeting' read 'meetings'
 205 L. 18 of p. before the word 'estate' insert 'other'
 210 2 before the word 'tenement' insert 'other'
 215 4 before the word 'guardians' insert 'guard-
 dian or'
 226 Sec. 73 L. 6 of Sec. dele 'a'
 229 3 last for 'agreeably' read 'agreeable'
 230 7 19 for 'agreeably' read 'agreeable'
 231 8 6 for 'resided' read 'reside'
 242 2 5 for 'sentence' read 'sentences'
 245 7 3 after the word 'herein' insert 'be-
 fore'
 247 L. 7 of the act, ch. 56, after the word 'otherwise' in-
 sert 'interested'
 247 11 for 'statement' read 'statements'
 247 Sec. 1 L. 2 of Sec. for 'whenever' read 'wherever'
 248 3 1 for 'whenever' read 'wherever'
 248 3 14 for 'Justice' read 'Justices'

Page.
 252 L. 3 of p. for 'where' read 'wherein'
 257 5 after the word 'have' insert 'his or'
 265 Sec. 39 L. 3 of Sec. for 'when' read 'where'
 271 L. 1 and 3 of p. for 'affect' read 'effect'
 271 Sec. 6 L. 2 of Sec. before the word 'execution'
 insert 'the'
 278 19 4 for 'on' read 'in'
 280 L. 2 of p. for 'have' read 'had'
 281 22 for 'of' read 'on'
 283 13 for 'lies' read 'lays'
 283 last before the word 'defendant' insert 'the'
 284 Sec. 32 L. 2 of Sec. for 'a' read 'any'
 288 5 18 for 'whenever' read 'wherever'
 291 9 4 for 'as' read 'or'
 292 L. 4 of p. for 'examinations' read 'examination'
 293 Sec. 13 L. 5 of Sec. after the word 'article' in-
 sert 'or articles'
 297 7 5 for 'and' read 'or'
 301 L. 8 of p. for 'he' read 'be'
 309 24 between the words 'the' and 'day' should
 be a '
 310 20 for 'debt' read 'debtor'
 311 2 for 'with' read 'and of'
 312 7 for 'summon' read 'summons'
 312 9 between the words 'our' and 'Court'
 should be a '
 318 31 for 'writ' read 'writ a'
 328 Sec. 8 L. 4 of Sec. for 'grieved' read 'aggrieved'
 353 L. 14 of p. at the end of the line insert 'the'
 361 Sec. 1 L. 18 of Sec. for 'cause' read 'case'
 370 3 10 for 'to' read 'of'
 371 2 7 dele 'to'
 373 L. 15 of p. before the word 'require' insert 'to'
 376 Sec. 1 L. 10 of Sec. dele 'the' before the word
 'payment'
 378 at the end of the act, for '17' read '20'
 378 in the title, for 'selection' read 'selecting'
 379 Sec. 4 L. 5 of Sec. before the word 'divide' in-
 sert 'shall'
 394 1 9 for 'part' read 'parts'
 395 1 8 for 'acceptances' read 'accep-
 tance'
 404 1 34 before the word 'authorized'
 insert 'hereby'
 407 7 4 dele 'the'
 414 last word of the 1st act on the page, for 'therein'
 read 'thereon'
 423 Sec. 3 L. 15 of Sec. after the word 'assignments'
 insert 'thereof, and also of the assignments'
 424 Sec. 6 L. 13 of S. after the word 'papers' insert 'as'
 425 L. 7 of p. before the word 'action' insert 'an'
 428 22 for 'twelve' read 'twenty'
 431 8 for 'fifteen' read 'fifty'
 432 first line of the page should be put after the third
 432 L. 5 of the p. dele 'entering'
 432 between the 28th and 29th lines of the p. insert
 'Every blank writ of attachment, with a sum-
 mons thereon, fifteen cents'
 432 L. 37 of p. for 'judgment' read 'jurymen'
 435 9 for 'appear' read 'appears'
 435 10 for 'make' read 'makes'
 435 18 for 'taking' read 'taxing'
 444 Sec. 1 L. 6 of Sec. before the word 'records' in-
 sert 'the'
 445 1 9 for 'within' read 'of'
 445 1 19 after the word 'escape' insert
 'sickness'
 455 11 1 after the word 'of' insert 'the'

SEC. 3. *Be it further enacted*, That no contract for the sale of any goods, wares; or merchandize, for the price of thirty dollars or more, shall be allowed to be good, except the purchaser shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorized.

No contract for sale of goods for the price of \$30 or more good, unless in writing or partly executed.

[Approved March 8, 1821:]

CHAPTER LIV.

An Act establishing a Supreme Judicial Court within this State.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That there shall be a Supreme Judicial Court within this State, to consist of one Chief Justice and two other Justices, each of whom shall be an inhabitant of this State, of sobriety of manners and learned in the law, to be appointed and commissioned as is by the Constitution provided, and they or any two of them, shall be a Court, and have cognizance of pleas real, personal and mixed; and of all civil actions between party and party, and between the State and any of the citizens thereof, whether the same do concern the realty, and relate to right of freehold, inheritance or possession, whether the same do concern the personalty, and relate to any matter of debt, contract, damage or personal injury; and also all mixed actions, which do concern the realty and personalty brought legally before the same Supreme Judicial Court, by appeal, review, writ of error, or otherwise; and in all such actions real, personal and mixed, to give such judgment, and award such execution, as the common rules of justice and the laws of this State shall direct; and shall take cognizance of all capital and other offences and misdemeanors whatsoever of a public nature, tending either to a breach of the peace, or the oppression of the citizen, or raising of faction, controversy or debate, to any manner of misgovernment; and of every crime whatsoever that is

Court established.

Jurisdiction, &c.

against the public good, and shall by virtue of their office, be severally conservators of the peace throughout the State. And upon all persons duly and legally convicted before the said Court, of crimes, offences or misdemeanors, to inflict such punishment as by the laws of the State is provided. And in case of legal conviction, where no punishment by statute law is provided, then the said Court shall punish the person so convicted, according to the common usage and practice within this State, not repugnant to the Constitution, according to the nature of the offence. And said Court are hereby invested generally with all the jurisdiction, power and authority, except in relation to the appointment of Clerks, and enjoined to perform all the duties, which by existing laws adopted by the Constitution, and not repugnant thereto, appertain and belong to the Supreme Judicial Court. And may issue all manner of writs, executions, certificates and processes whatever, for carrying into effect and authenticating any judgment, order or adjudication whatever, which may have been rendered in the late Supreme Judicial Court, in any county within this State, prior to the sixteenth day of March last; and all suits, writs, executions, certificates and processes, when so issued, shall be of the same effect, and be executed, levied and extended in the same manner, as if issued on any judgment, order or adjudication of the Court hereby created; and all records and documents of the late Supreme Judicial Court, now remaining in the several counties in this State shall be placed and remain under the control and authority of the Supreme Judicial Court of this State, in the same manner and for the same purposes as the records and documents of their own doings, and the Clerk of the same Court shall have the like power in relation to the one as the other of those records and documents.

May order the proceedings of inferior courts to be brought before them.

SEC. 2. *Be it further enacted,* That the same Supreme Judicial Court, may by certiorari or other legal methods, cause to be brought before them, as well indictments or other criminal prosecutions or civil proceedings pending in, as the records of sentence, orders, decrees, and judgments of any Court of inferior, criminal or civil jurisdiction, and to proceed, order and award thereon, as is or shall be by law provided and directed. And the said Supreme Judicial Court

is empowered to impose and administer all oaths, as well those that are necessary for promoting justice between party and party, as those necessary to the conviction and punishment of offenders; and to punish at the reasonable discretion of the Court, all contempts committed against the authority of the same; and the said Court shall have power to issue all writs of prohibition and mandamus, according to the law of the land, to all Courts of inferior judiciary powers, and all processes necessary to the furtherance of justice, and the regular execution of the laws.

And administer oaths.

And punish for contempts.

SEC. 3. *Be it further enacted*, That all writs and processes of the same Court, shall be in the name of the State of Maine, bear test of the first Justice, who is not a party to the suit, and shall be under the seal of the same Court and signed by the Clerk.

Process to bear test of the first Justice.

SEC. 4. *Be it further enacted*, That the same Supreme Judicial Court, shall and may, from time to time, make, record, and establish all such rules and regulations with respect to the admission of Attornies and Counsellors, ordinarily practising in the said Court, and all other rules respecting modes of trial, and the conduct of business, as the discretion of the same Court shall dictate. *Provided always*, That such rules and regulations be not repugnant to the laws of the State.

May make rules for the admission of attornies, &c.

Proviso.

SEC. 5 *Be it further enacted*, That the Supreme Judicial Court shall be holden at York, in and for the county of York, on the second Tuesday of August next; at Portland, in the county of Cumberland, and for the counties of Cumberland and Oxford, on the fourth Tuesday of August next; at Augusta, in the county of Kennebec, and for the counties of Kennebec and Somerset, on the second Tuesday of September next; at Wiscasset, in and for the county of Lincoln, on the fourth Tuesday of September next; and at Castine in the county of Hancock, and for the counties of Hancock, Washington and Penobscot, on the second Tuesday of October next. And from and after the first day of April next, the said Supreme Judicial Court shall be holden in each year at York, within and for the county of York, on the last Tuesday of April; and at Alfred, in and for said county, on the fourth Tuesday of August; at Portland, in

Terms of the court for the year 1820,

And after.

and for the county of Cumberland, on the first Tuesday of May; and on the fourth Tuesday next following the third Tuesday of October; at Wiscasset, in and for the county of Lincoln, on the third Tuesday of May; and on the third Tuesday of October; at Augusta, in and for the county of Kennebec, on the fourth Tuesday of May; and on the third Tuesday of September; at Norridgewock, in and for the county of Somerset, on the first Tuesday of June; at Castine, in and for the county of Hancock, on the second Tuesday of June; and on the second Tuesday of October; at Machias, in and for the county of Washington, on the third Tuesday of June; at Paris, in and for the county of Oxford, on the second Tuesday of September; and at Bangor, in and for the county of Penobscot, on the first Tuesday of October. *Provided nevertheless*, That the Tuesday of the month, in which said Courts are respectively to be holden, at the said several times and places, may in all judicial proceedings, from time to time, be expressed and designated by such Tuesday of the month as will be the Tuesday on which the said Court is to be holden, pursuant to the foregoing arrangements.

Proviso.

Actions now
pending.

Sec. 6. *Be it further enacted*, That all actions and civil suits of every name and kind, which may be pending in the Supreme Judicial Court for the counties of Cumberland and Oxford; or for the counties of Kennebec and Somerset; or for the counties of Hancock, Washington and Penobscot, on the first day of April next; which shall have been originally commenced in the Courts of Common Pleas for the counties of Oxford, Somerset, Washington or Penobscot respectively; all petitions in which the petitioner may be an inhabitant of either of said counties, and all indictments against any person or persons for offences committed within either of said counties, shall be transferred and removed to, entered, heard, tried, and proceeded upon, at the Supreme Judicial Court, then next to be holden within the said counties of Oxford, Somerset, Washington and Penobscot respectively, within which the said actions originated and were commenced, the said petitioners reside, and the said offences may have been committed; and all the papers and documents, belonging to all such actions, suits, petitions and

indictments, shall be delivered over to the Clerks of the said counties of Oxford, Somerset, Washington and Penobscot respectively. And all appeals which may be made from any Court of Common Pleas, and all recognisances which may be taken, and all offences which may be committed within either of the said counties of Oxford, Somerset, Washington and Penobscot, after the first day of the terms of the Supreme Judicial Court to be holden prior to the first day of May next, for the counties of Cumberland and Oxford, and for the counties of Kennebec and Somerset, and for the counties of Hancock, Washington and Penobscot respectively, shall be entered, heard, tried, prosecuted and proceeded upon, at the Supreme Judicial Court then next to be holden within and for the said counties respectively, where the appeals may be made, the recognisances may be taken, and the offences may be committed.

SEC. 7. *Be it further enacted*, That whenever by sickness, accident, or any unforeseen cause, the number of Justices required to hold Courts, as is herein provided, do not attend on the day appointed for opening a Court, any one of said Justices may adjourn the Court, from day to day, until a sufficient number of said Justices do attend; and when from sickness, accident, or any unforeseen cause, neither of the said Justices shall attend on the day appointed for opening a Court, the Sheriffs of the several counties respectively, shall have power to adjourn the Court from day to day, until a Justice shall attend.

One Judge
may adjourn
the Court.

SEC. 8. *Be it further enacted*, That when at any term of the Supreme Judicial Court holden or to be holden in any county, any actions shall have been continued *nisi* for advisement by the Court, or for argument by consent of parties, and the Justices of said Court shall have determined the same before the next term of said Court holden in the same county; it shall be lawful to enter judgment upon said actions as of the last term of said Court, at which said actions shall have been continued, or at the succeeding term. And whenever the Clerk of said Court in any county shall enter a judgment upon any action by order of the Justices of said Court out of term time, he shall enter upon his dock-

Judgment how
to be entered
in certain
cases.

et the time when he shall receive such order, and all liens created by attachment on mesne process in said actions, shall continue and be in force for and during thirty days after the then next term of the Supreme Judicial Court for said county, any thing in the law to the contrary notwithstanding.

Reporter to be appointed.

SEC. 9. *Be it further enacted,* That the Governor, by and with the advice of the Council, shall, as soon as may be after the passing of this Act, appoint some suitable person, learned in the law, to be a Reporter of the decisions of the Supreme Judicial Court, who shall be sworn to the faithful discharge of his duty, and shall be removable at pleasure of the Executive; whose duty it shall be, by his personal attendance, or by any other means in his power, to obtain true and authentic reports of the decisions, which may hereafter be made by said Court, and shall publish the same whenever they will compose a suitable volume.

His salary.

SEC. 10. *Be it further enacted,* That the said Reporter shall receive out of the Treasury of this State, six hundred dollars annually, which together with the profits arising from the publication of his said reports, shall be a full compensation for his services aforesaid; and that the money, paid by persons admitted to practice as Attorneys in the Supreme Judicial Court shall be a fund for the payment of said sum: and if insufficient, to be paid out of any other monies in the Treasury not otherwise appropriated.

Act to be in force 3 years.

SEC. 11. *Be it further enacted,* That this Act shall continue in force during the term of three years from the passing the same and no longer.

[Approved June 24, 1820.]

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CHAPTER LV.

An Act to alter the times of holding the Supreme Judicial Court, and Circuit Court of Common Pleas, in the county of Cumberland.

BE it enacted by the Senate and House of Representatives in Legislature assembled, That from and after the first day of April next, the Supreme Judicial Court shall be holden at Portland, within and for the county of Cumber-

Supreme Judicial Court.