

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 'assumst' read 'assumpsit'
 97 14 for 'cover' read 'covin'
 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'

wards by confinement to hard labour for any term of years, or for life, according to the circumstances and aggravation of the offence, as the Court in their discretion may think proper. [Approved February 28, 1821.]

CHAPTER IV.

An Act providing for the punishment of Incendiaries, and the perpetrators of other malicious mischief.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That if any person shall wilfully and maliciously set fire to the dwelling house of another, or to any out building, adjoining to such dwelling-house, and to any other building, and by the kindling of such fire or by the burning of such other building, such dwelling house shall be burnt in the night time, every such offender, and any person present, aiding, abetting or consenting, in the commission of such offence, or accessory thereto, before the fact, by counselling, hiring or procuring the same to be done, who shall be duly convicted before the Supreme Judicial Court of either of the felonies and offences aforesaid, shall suffer the punishment of death.

Burning dwelling house in night time,

punishable with death.

Punishment for burning dwelling house &c. in day time.

Punishment for burning public buildings or stores, barns &c. in night time;

or being accessory thereto before the fact.

SEC. 2. *Be it further enacted,* That if any person shall wilfully and maliciously burn, in the day time, the dwelling house of another, or any out building adjoining to such dwelling house or any other building, whereby such dwelling house shall be burnt; or if any person shall wilfully and maliciously set fire to any meeting house, church, court house, town house, college, academy, or other building erected for public uses, or to the store, barn or stable of another, within the curtilage of any dwelling house, and by the kindling of such fire, such meeting house, or other building, erected for public uses, or such store, barn or stable, shall be burnt in the night time, every such offender, and any person present, aiding, abetting or consenting in the commission of such offence, or accessory thereto before the fact, by counselling, hiring or procuring the same to be done, who shall be duly convicted before the Supreme Judicial Court of either of the felonies and offences aforesaid, shall be punished by solitary imprisonment for such term not exceeding one year, as the

Justices of the said Court, before whom the conviction may be, shall sentence and order, and by confinement afterwards to hard labor for life.

SEC. 3. *Be it further enacted,* That if any person shall wilfully and maliciously burn, in the day time, any meeting house or other building erected for public uses, or any store, barn or stable of another, within the curtilage of any dwelling house: or if any person shall wilfully and maliciously burn, by night or day, any other store, barn, stable, house or building whatsoever, or any ship or vessel lying in the body of any county; every such offender, and any person aiding or consenting in the commission of such offence, who shall be duly convicted thereof before the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding one year, and by confinement afterwards to hard labor for such term, not exceeding ten years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the nature and aggravation of the offence.

for burning
such buildings
in day time.

SEC. 4. *Be it further enacted,* That if any person shall wilfully and maliciously burn any stack of corn, hay, grain, straw, cornstalks, flax, fences, piles of wood, boards, or other lumber; or any soil, grass, trees, poles or underwood, of another; and if any person shall wilfully and maliciously, passionately, cruelly or barbarously kill, wound, maim, or disfigure any one or more of the horses, sheep or cattle of another, every such offender, and any person aiding and consenting in the commission of such offence, who shall be duly convicted thereof before the Supreme Judicial Court, shall be punished by solitary imprisonment for such term, not exceeding six months; and by confinement afterwards to hard labor for such term not exceeding three years, or by fine not exceeding five hundred dollars, and by imprisonment in the common gaol, not exceeding one year, at the discretion of the Justices of the said Court, before whom the conviction may be, and as they shall sentence and order, according to the nature and aggravation of the offence.

—for burning
corn, hay, fences,
lumber &c.

—killing,
wounding or
disfiguring cat-
tle, horses and
sheep.

SEC. 5. *Be it further enacted,* That if any person, after any felony or offence done and committed, by any incendiary in any manner as aforesaid, shall knowingly harbour, conceal,

Punishment of accessories after the fact.

maintain, assist or relieve such offender, or any accessory before the fact, in any such felony or offence, every such accessory after the fact, who shall be duly convicted thereof, before the Supreme Judicial Court, shall be punished by solitary imprisonment, for a term not exceeding one month, and by confinement afterwards to hard labour for a term not exceeding five years; or by a fine not exceeding one thousand dollars, and by imprisonment in the common gaol, not exceeding one year, at the discretion of the Justices of the said Court, before whom the conviction may be, and as they shall sentence and order thereupon, according to the nature and aggravation of the offence.

Punishment for wilfully setting fire to woods without leave

SEC. 6. *Be it further enacted,* That if any person or persons shall wittingly and willingly set fire to any woods or lands, lying in common, or to woodland, or other land held in severalty and not his own, within this State without leave first had and obtained from the owners of the land or those who have a right to give the same leave, excepting in cases in which it may become necessary to make back fires to stop the progress or subdue any fire that may be spreading, the person so offending shall forfeit and pay for each offence, ten dollars, one moiety thereof to the use of the State and the other moiety thereof to the use of him or them that shall inform and sue for the same; and shall be liable, in a special action on the case, to pay damages to all persons injured by such fire, including the injury which may be done by any necessary back fire made for the purpose aforesaid. And in case any person under age shall offend against this section, such penalty shall be recovered of the parent or master respectively, of such person under age, unless it shall appear such person under age was employed or directed by some person, other than the parent or master; in which case the person so employing or directing shall be liable therefor; and the fines in this section mentioned may be recovered in an action of debt, with costs of suit.

liable in damages also.

Parents or masters of minors offending liable for penalty in certain cases.

Punishment for cruelly beating horses or cattle.

SEC. 7. *Be it further enacted,* That if any person shall cruelly beat any horse or cattle, and be thereof convicted, before a Justice of the Peace, he shall be punished by fine not less than two dollars nor more than five dollars, or by

imprisonment in the common gaol for a term not exceeding thirty days, according to the aggravation of the offence.

[Approved February 24, 1821.]

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CHAPTER V.

An Act against Sodomy and Bestiality.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That if any man shall commit the crime against nature with a man or male child, or any man or woman shall have carnal copulation with a beast, every such offender, being duly convicted thereof in the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding one year, and by confinement afterwards to hard labour for such term, not exceeding ten years, as the Justices of said Court, before whom the conviction may be shall sentence and order.

Crime of Sodomy.

Punishment.

[Approved Feb. 19, 1821.]

—oo—

CHAPTER VI.

An Act providing for the punishment of Crimes of Burglary and other breaking and entering of buildings.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person with intent to kill, rob, steal, commit a rape, or to do, or perpetrate any other felony, shall, in the night time, break and enter, or having with such felonious intent, entered, shall in the night time break a dwelling house, any person then being lawfully therein, and such offender being, at the time of such breaking or entering, armed with a dangerous weapon, or arming himself or herself in such house, with a dangerous weapon or committing an actual assault upon any person lawfully being in such house; every such offender, and any person present, aiding, assisting or consenting in such burglary, or accessory thereto before the fact, by counselling, hiring or procuring such burglary to be committed, who

Punishment of the crime of Burglary, the offender being armed with a dangerous weapon, or making an actual assault, and being accessory before the fact.