

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'

feited on the first conviction, one moiety, of the forfeitures aforesaid, to be to the use of the town, in which the offence shall be committed, and the other moiety thereof to the use of the person or persons, who shall make complaint thereof, or prosecute for the same: and provided also such prosecution be commenced within twenty days after the offence be committed.

Limitation of prosecution.

[Approved February 24, 1821.]

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CHAPTER IX.

An Act providing for the due observation of the Lord's day.

Whereas the observance of the Lord's day is highly promotive of the welfare of a community, by affording necessary seasons for relaxation from labour and the cares of business; for moral reflections and conversation on the duties of life, and the frequent errors of human conduct; for public and private worship of the Maker, Governor and Judge of the world; and for those acts of charity which support and adorn a Christian Society: And whereas some thoughtless and irreligious persons, inattentive to the duties and benefits of the Lord's day, profane the same, by unnecessarily pursuing their worldly business and recreations on that day, to their own great damage, as members of a Christian Society: to the great disturbance of well disposed persons, and to the great injury of the community, by producing dissipation of manners and immoralities of life.

Preamble.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That no traveller, drover, waggoner, teamster, or any of their servants, shall travel on the Lord's day, or any part thereof, (except from necessity or charity) under a penalty not less than four dollars nor more than six dollars and sixty six cents; which penalty may be recovered with costs of prosecution, upon complaint before any Justice of the Peace in the County where the offence may be committed; one moiety thereof to the complainant and the other moiety to the use of the County within which the offence may be committed; or before the Circuit Court of Common Pleas of the same County by presentment of the Grand Jury, in which case the whole penalty shall enure to the benefit of the County: *Provided however,* That all prosecutions for said penalty shall be commenced within six months after the offence was committed, unless the offender resides without the State.

Travelling, teaming, &c. on Lord's day prohibited.

Penalty, how recovered and applied.

Limitation of prosecution.

SEC. 2. *Be it further enacted,* That no person or persons whatsoever shall keep open his, her, or their shop, ware-

Business and amusements unlawful.

house, or workhouse, nor shall, upon land or water, do any manner of labour, business, or work, (works of necessity and charity only excepted) nor be present at any concert of music, dancing or any public diversion, show or entertainment, nor use any sport, game, play, or recreation, on the Lord's day, or any part thereof, upon penalty of a sum not exceeding six dollars and sixty-six cents, nor less than four dollars for each offence.

Innholders not to suffer drinking, idleness or play in their houses.

SEC. 3. *Be it further enacted,* That no vintner, retailer of strong liquors, innholder or other person keeping a house of public entertainment, shall entertain or suffer any of the inhabitants of the respective towns where they dwell, or others not being travellers, strangers, or lodgers in such houses, to abide and remain in their houses, yards, orchards or fields, drinking, or spending their time either idly or at play or doing any secular business on the Lord's day or any part thereof, on penalty of three dollars and thirty-three cents, payable by such vintner, retailer or innholder, or person keeping such house of entertainment, for each person so entertained or suffered; and every person so drinking or abiding (except as aforesaid,) shall pay a fine not less than two dollars, nor more than four, for each offence; and every such licensed person, upon any conviction after the first, shall pay a fine of six dollars and sixty-six cents, for each offence: and having been three times convicted, shall be debarred from renewing his license forever after. And although it is the sense of this Legislature, that the time commanded in the sacred Scriptures to be observed as holy time, includes a natural day, or twenty-four hours; yet whereas there is a difference of opinion concerning the beginning and ending of the Lord's day among the good people of this State, and this Legislature being unwilling to lay any restrictions which may seem unnecessary or unreasonable to persons of sobriety and conscience:

Penalty for so doing.

Limits of the Lord's day.

SEC. 4. *Be it therefore enacted,* That all the foregoing regulations, respecting the due observation of the Lord's day, shall be construed to extend to the time included between the midnight preceding and the sun setting of the same day.

SEC. 5. *Be it further enacted,* That no person shall be present at any concert of music, dancing or other public diversion, nor shall any person or persons use any game, sport, play or recreation, on the land or water, on the evening next preceding or succeeding the Lord's day, on pain of three dollars and thirty-three cents for each offence; and no retailer, innholder, or person licensed to keep a public house, shall entertain, or suffer to remain, or be in their houses or yards or other places appurtenant, any person or persons, (travellers, strangers or lodgers excepted,) drinking or spending their time on the said evenings on penalty of three dollars.

No person may attend concerts or public diversion, &c. on Saturday or Sunday evening.

SEC. 6. *Be it further enacted,* That the fines and penalties aforesaid, shall be one moiety thereof to the town wherein the offence shall be committed, and the other moiety thereof to any person or persons who shall inform and sue for the same; to be recovered by a complaint to a Justice of the Peace, with costs of suit, or the said fines may be recovered by presentment of the Grand Jury before the Circuit Court of Common Pleas, in the county wherein the offence or offences shall be committed, and when thus recovered, shall enure to the town wherein the offence shall be committed. And whereas the public worship of Almighty God is esteemed by Christians an essential part of the due observance of the Lord's day and requires the greatest decency and reverence for a due performance of the same:

Fines and penalties—how recovered.

SEC. 7. *Be it further enacted,* That if any person shall on the Lord's day, within the walls of any house of public worship, behave rudely or indecently, he or she shall pay a fine not more than seven dollars nor less than one dollar.

Indecent behaviour in church, &c. how punished.

SEC. 8. *Be it further enacted,* That if any person or persons, either on the Lord's day, or at any other time, shall wilfully interrupt or disturb any assembly of people met for the public worship of God within the place of their assembly, or out of it, he or they shall severally pay a fine not exceeding thirty-three dollars nor less than three dollars.

Disturbing public worship, how punished.

SEC. 9. *Be it further enacted,* That no person shall serve or execute any civil process, from midnight preceding to midnight following the Lord's day: but the service thereof shall be void, and the person serving the same shall be as

Civil process not to be served on Lord's day.

liable to answer damages to the party aggrieved, as if he had done the same, without any such civil process.

Tythingmen,
their duty and
oath.

SEC. 10. *Be it further enacted,* That the Tythingmen chosen, or which shall be chosen in the several towns within this State, shall be held and obliged to inquire into and inform of all offences against this act; and all such Tythingmen as shall be hereafter chosen, shall take the following oath:—You, being chosen a Tythingman for the town of —, for the year ensuing, and until another shall be chosen in your room, do solemnly swear, that you will diligently attend to, and faithfully execute the duties of the said office, without partiality, and according to your best discretion and judgment. *So help you GOD.* And every such Tythingman is hereby authorized and empowered, to enter into any of the rooms and other parts of an inn or public house of entertainment, on the Lord's day, and the evening preceding and succeeding; and if such entrance shall be refused to any Tythingman, the landlord or licensed person, shall forfeit the sum of seven dollars for each and every offence: And the said Tythingmen are hereby further authorized and empowered, within their respective towns, to examine all persons whom they shall have good cause, from the circumstances thereof, to suspect of unnecessarily travelling as aforesaid, on the Lord's day, and to demand of all such persons the cause thereof, together with their names and places of abode; and if any person shall refuse to give answer, or shall give a false answer to such demand, he shall pay a fine not exceeding thirteen dollars, nor less than three dollars, and if the reason given for such travelling shall not be satisfactory to such Tythingman, he shall enter a complaint against the person travelling, before a Justice of the Peace in the County where the offence is committed, if such person lives in such County, otherwise shall give information thereof to some Grand Juryman, to be by him laid before the Grand Jury, for their consideration and presentment.

Oath of tythingmen competent evidence in cases.

SEC. 11. *Be it further enacted,* That the oath of any Tythingman shall be deemed full and sufficient evidence, in any trial for any offence against this act, unless in the judgment of the Court of Justice, the same shall be invalidated by other evidence that may be produced.

SEC. 12. *Be it further enacted*, That the special authority given by this act to Tythingmen, for preventing the breaches thereof, shall not be construed or understood to exempt any Sheriff, Grand Jurors, Constables, or other officers or persons whatsoever, from any obligation or duty, to cause this act to be put in execution, but they shall be held to take due notice and prosecute all breaches thereof, such special authority notwithstanding.

Duty of sheriffs, grand jurors, and constables.

SEC. 13. *Be it further enacted*, That all the penalties and fines, incurred and paid for any of the offences aforesaid, mentioned in the seventh, eighth and tenth sections of this act shall be for the use of the State. And that all said offences, the penalties against which exceed seven dollars, shall be prosecuted by presentment to the Grand Jury, before the Circuit Court of Common Pleas, in the County wherein the offence may be committed: But all offences, the penalty whereof does not exceed seven dollars, except the offender lives out of the County in which the offence may be committed, shall be prosecuted by complaint before a Justice of the Peace in such County: But when the offender lives out of such County, he may be prosecuted by presentment as aforesaid, although the penalty does not exceed seven dollars.

Fines and penalties, how recovered and appropriated.

[Approved February 5, 1821.]

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CHAPTER X.

An Act for the Punishment of Adultery, Polygamy, Lewdness and Fornication.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That if any man or woman shall commit adultery, and be thereof convicted, he or she shall be punished by solitary imprisonment for a term not exceeding three months, and confinement to hard labour for a term not exceeding five years.

Punishment of adultery.

SEC. 2. *Be it further enacted*, That if any person within this State, being married, shall marry any person, the former husband or wife being alive, or who shall continue to live so married, and being thereof convicted, shall be punished by solitary imprisonment for a term not exceeding three months,

Persons while married not to marry again.