

# 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'

is, shall actually swear to the losing the money, goods or chattels, by gaming with the defendant, at the time and place alleged, judgment shall be rendered for the plaintiff to recover damage, to the amount of the goods or money the defendant has received of the plaintiff, by gaming, with costs of suit, unless the defendant will swear that he did not receive of the plaintiff the money, goods or chattels for which he is sued, or any part of them by gaming; and when the defendant discharges himself on oath as aforesaid, he shall recover of the plaintiff his reasonable costs: *Provided nevertheless*, That nothing in this Act shall be so construed, as to prevent the supporting and proving any declarations, on the aforesaid actions, in the same manner as other declarations are proved, but it shall be considered as optional with the plaintiff either to proceed in proving his declaration, in the way specially provided in this Act, or in the same way other declarations are proved; any thing herein to the contrary notwithstanding.

Proviso.

Penalty for playing at cards, dice or billiards at any house of entertainment.

SEC. 5. *Be it further enacted*, That if any person shall play at cards, dice or billiards, or with any other implements used in gaming, in any tavern or house of entertainment, or place licensed for retailing spirituous liquors, or in any of the out houses, yards, gardens, or appendages of the same, or shall in any of the houses, or licensed places aforesaid, expose to view any of the implements aforesaid, or shall be seen sitting at any table therein, with any of the said implements before him, and shall be convicted thereof before any Justice of the Peace, or any Circuit Court of Common Pleas, on the presentment of a Grand Jury, the person so offending shall forfeit and pay a sum, not less than one, nor more than ten dollars, to the use of the poor of the town where the offence shall be committed.

[Approved January 27, 1821.]

## CHAPTER XIX.

An Act for the restraining the taking of excessive Usury.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That no person or per-

sons upon any contract hereafter made, shall take, directly or indirectly, for loan of any monies, wares, merchandise or any other commodities above the value of six dollars, for the forbearance of one hundred dollars for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all bonds, contracts, mortgages and assurances made for the payment of any money lent, or covenanted to be lent, upon or for usury, whereupon or whereby there shall be reserved or taken above the rate of six dollars in the hundred as aforesaid, shall be utterly void; and that any person or persons, who shall upon any contract, take, accept and receive, by way and means of any corrupt bargain, loan or exchange, or by covin or deceitful conveyance, or by any other ways or means; for the forbearing or giving day of payment for one whole year, of and for their money, or other thing or things above the sum of six dollars for the forbearing of one hundred dollars for a year; so after that rate for a greater or lesser sum, or for a longer or shorter time, shall forfeit and lose for every such offence the full value of the goods and monies, or thing or things so lent, exchanged, bargained, sold, or agreed for, to be recovered by indictment or action of the case, one moiety thereof to the use of this State, and the other moiety to him or them, who prosecutes for the same, any law to the contrary notwithstanding.

No person shall take more than at the rate of six per cent. interest.

Usurious bonds, mortgages, &c. to be void.

Penalty and mode of recovery.

SEC. 2. *Be it further enacted,* That when any person or persons shall be sued on any bond, contract, mortgage or assurance for the payment of any monies, wares, merchandise or other commodities, whereby or wherein any sum is given, secured or taken for the forbearing or giving day of payment for a longer or shorter time, then, if the creditor be alive, and the debtor or debtors shall come into Court, where the said cause is to be tried, and shall offer to make oath, and if required by the Court, shall actually swear to the same, that there is taken, reserved or secured by such bond, contract or assurance, above the rate of six dollars in the hundred, for the forbearance of the property actually lent or sold, whether it be in money or other things, for one year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, or that the creditor or creditors have received more than at the rate of six dollars in the hun-

In suits on a usurious security, Defendant may prove the usury by his oath.

unless creditor will swear the security is not usurious.

This act not to extend to certain contracts.

dred, for the loan or forbearance of the monies or other things actually lent or sold; such bond, contract, mortgage or assurance shall be utterly void; and the debtor fully and absolutely discharged from the payment of any monies, goods or other things lent, exchanged, bargained, sold or agreed for as aforesaid, *unless* the creditor or creditors will swear that he, she or they have not, directly nor indirectly, wittingly taken or received more than after the rate of six dollars in the hundred, for forbearance or giving day of payment; and by such bond, contract, mortgage or assurance, there is not reserved, secured or taken more than after the rate of six per centum, for forbearance or giving day of payment, for the goods, monies, or other things actually lent or sold, any law, usage or custom to the contrary notwithstanding: *Provided*, nothing in this Act shall extend to letting of cattle, or other usages of the like nature in practice amongst farmers, or maritime contracts among merchants, as bottomry, insurance, or course of exchange, as hath heretofore been practised.

[Approved March 20, 1821.]

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## CHAPTER XX.

An Act to prohibit certain Officers of Courts from buying Promissory Notes and other demands, for the purpose of making a gain or profit in the collection thereof.

No Attorney, Justice, Sheriff, Coroner or Constable to loan or advance money, &c. to obtain demands for suit or collection, with intent thereby to make profit, &c.

**BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person shall, with an intent thereby to procure himself to be retained as an Attorney, or employed as a Justice of the Peace, Sheriff, Deputy Sheriff, Coroner or Constable, in the collection of any note, account or other demand whatever, by a suit at law, or with an intent thereby to procure and obtain any promissory note, account, or other demand for the purpose of making to himself any gain or profit from the writs or fees, arising in the collection thereof, by a suit at law, directly or indirectly loan or advance any sum or sums of money; or shall promise to loan or advance any sum or sums of money; or shall forbear and give day of payment; or shall promise to forbear and give day of payment of any sum of money due on