

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.

<i>Page.</i>	
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 'guardian 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 'before'
247	L. 7 of the act, ch. 56, after the word 'otherwise' insert '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'

<i>Page.</i>	
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' insert '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 'writs' 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' insert 'shall'
394	1 9 for 'part' read 'parts'
395	1 8 for 'acceptances' read 'acceptance'
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 summons 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' insert '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'

behoof of the widow and heirs of the intestate, or such devisees of the testator to whom said estate may be devised.

SEC. 10. *Be it further enacted,* That after executors or administrators shall recover seizin and possession of any lands, tenements or hereditaments, mortgaged as aforesaid, if any mortgagor, his heirs, executors, administrators or assigns, shall within the time limited for redeeming the estate mortgaged, redeem the mortgaged premises, the executors or administrators shall be entitled to receive the said redemption money, and are hereby authorized, empowered and directed to discharge the said mortgaged premises by release, quitclaim or other legal conveyance.

Executors and administrators having so recovered seizin of mortgaged estate, may receive redemption money & discharge mortgage.

SEC. 11. *Be it further enacted,* That in case the purchaser of any right in equity to redeem mortgaged real estate taken and sold on execution and redeemed from such sale by the execution debtor or debtors, within one year next after the time of executing, by the officer to the purchaser aforesaid, the deed thereof by the payment, by the debtor or debtors of such sum, as may by such sale, have been satisfied on such execution, with the interest thereof, deducting the rents and profits the purchaser or any under him may have received over and above repairs made by the purchaser or any under him, shall have satisfied and paid the mortgagee, his heirs or assigns, the sum due on said mortgage, the mortgagor shall have the right to redeem such mortgaged estate of such purchaser, or any under him, at the time and in the way and manner he might have redeemed the same of the mortgagee, had no such sale been made, and at such time only.

Mode of redeeming an estate from the purchaser of a right in equity taken on execution.

[Approved February 5, 1821.]

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CHAPTER XL.

An Act concerning Dower.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That when the heir or tenant of the freehold, shall not within one month next after demand, assign and set out to the widow of the deceased her dower in all lands, tenements or hereditaments whereof

Dower to be assigned within one month after demand —if not widow may sue:

by law she is or may be dowable, according to the true intentment of the law, then such widow may sue for and recover the same by writ of dower, of such heir, or tenant of the freehold.

and in such suit she may recover damages also, from time of demand.

SEC. 2. *Be it further enacted,* That upon rendering judgment for any woman to recover her dower in any lands, tenements or hereditaments, reasonable damages shall be awarded to her from the time of such demand and refusal: And a writ of seizin shall be directed to the Sheriff of the county or his deputy, who shall cause her dower in such estate to be set out to her by three disinterested freeholders of the same county, who shall be under oath to set out the same equally and impartially, without favour or affection, as conveniently as may be.

Sheriff, on writ of seizin to cause dower to be set off by 3 disinterested freeholders on oath.

Dower of rents and profits may be assigned of rents and profits.

SEC. 3. *Be it further enacted,* That of estates of which a woman is dowable, and where no division can be conveniently made by metes and bounds, dower shall be assigned in a special manner, as of a third part of the rents or profits to be computed and ascertained in manner as aforesaid.

Alien widow of a citizen dowable.

SEC. 4. *Be it further enacted,* That the widow of any citizen of the United States, who may have been, or who shall be an alien at the time of intermarriage with such citizen, shall be entitled to dower in her husband's estate in this State in the same manner as other widows are by virtue of this Act.

Where husband dies seized, widow entitled to one third of rents, income, &c. until dower shall be assigned.

SEC. 5. *Be it further enacted,* That in all cases, where any person has died or shall die, seized of any estate, leaving a widow who is lawfully entitled to dower therein, such widow shall be entitled to have and receive one undivided net third part of the rents, income and profits of such estate until the heir or heirs of such deceased person shall assign and set out to such widow her dower according to law, or until the same shall be actually assigned and set out to her under a judgment of Court, or on order of a Court of Probate.

Nature of the estate of which a widow may be endowed;

SEC. 6. *Be it further enacted,* That the estate in which a widow shall have a right to claim dower by this Act, in all such lands, tenements and hereditaments of which the husband was seized, in fee, either in possession, reversion or remainder, at any time during the marriage, except where

such widow, by her own consent, may have been provided for by way of jointure, prior to the marriage, or where she may have relinquished her right of dower by deed under her hand and seal.

except where she may have released her dower.

[Approved February 19, 1821.]

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CHAPTER XLI.

An Act to provide for the Location of certain Lands.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That wherever in the grant of any township, or parts thereof heretofore made, or which may be made hereafter, there may be certain lots therein reserved for the use of said township, and for public uses, and the lots so reserved as aforesaid, shall not be located by the grantee or grantees of such township, or part thereof by the time the said township may be incorporated, it shall and may be lawful for the Justices of the Circuit Court of Common Pleas within the county where such land lies, on application made to them by the assessors of such town, or a major part of them, and no sufficient cause being shown to the contrary, to appoint a committee, by issuing their warrant under the seal of said Court, directed to three disinterested freeholders of said county, requiring them as soon as may be to locate the several lots in said township reserved as aforesaid, and to designate the several uses for which the said lots were respectively reserved in the original grant of the said town, or of the parts thereof; the said lots to be of an average quality with the residue of lands in the said town.

Reserved lots may be located by the C. C. Com. Pleas on application of Assessors, &c.

by a committee of 3 disinterested freeholders,

designating the several uses for which they were reserved in the grant.

SEC. 2. *Be it further enacted,* That the said committee previous to their proceeding to execute the warrant aforesaid, shall be sworn to the faithful discharge of their duty by any Justice of the Peace within said county, a certificate thereof to be made on the back of said warrant; and shall give notice of their appointment, and of the time and place of their meeting to execute said warrant, by causing the same to be published in one or more newspapers printed in the State, and by posting up written notifications in two or more pub-

Committee to be sworn,

and give notice.