

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'

by declared liable for any malfeasance or misfeasance of which they may be guilty in relation to any such execution which may be delivered to them; which execution said Justice is authorized to renew at any time within one year from the time the last execution was returnable. Renewable in 1 year.

SEC. 3. *Be it further enacted,* That whenever three years shall have elapsed after the time of payment limited by any such recognisance without any execution having been issued on the same, or whenever the Justice who took the same shall have deceased or removed from the State or become otherwise disqualified, the Conusee may have his action of debt on the same, in the same manner as a creditor is entitled to have his action on any judgment of any Court of record in this State. Conusee may sue on recognisance in certain cases.

[Approved January 27, 1821.]

CHAPTER LXXVIII.

An Act for rendering the decision of Civil Causes as speedy and as little expensive as possible.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That when any persons who may have a dispute, of what nature soever, shall agree to have the dispute determined by referees mutually chosen by the parties for the purpose, it shall and may be lawful for the person or persons making the demand in the action, to make out a particular statement thereof under his or their hands in writing, and to lodge the same with some one Justice of the Peace; and the said Justice of the Peace, upon application of the parties for the purpose, shall make out an agreement to be annexed to the aforesaid demand, and to be by them or their lawful agents or attornies, subscribed, and acknowledged in substance as follows:—Town of A— in the county of S—, 182 . Know all men, that A. B. of — in the county of — [addition] and C. D. of — in the county of — [addition] have agreed to submit the demand made by the said A. B. against the said C. D. which is hereunto annexed, (and all other demands, as the cause may be,) to the determination of E. F. G. H. and I. K. the report Persons having matter in dispute may refer the same by rule before Justice of the Peace.

Demand in writing and signed.

Form of submission,

of whom, or the major part of whom, being made as soon as may be to any Circuit Court of Common Pleas, to be holden in and for the said county of S—, judgment thereon to be final. And if either of the parties shall neglect to appear before the referees, after proper notice being given them, of the time and place appointed by the referees, for hearing the parties in this action, the referees shall have power to proceed ex parte. A. B. C. D.—S—ss.—182 .

and acknowl- Then the above named A. B. and C. D. personally appear-
edgment. ed, and acknowledged the above instrument by them sub-
scribed to be their free act. Before me, L. M. Justice of
the Peace.

Report to be
made to next
C. C. Com.
Pleas.

SEC. 2. *Be it further enacted*, That the determination of the referees who may be appointed agreeably to this Act, shall be made to the next Circuit Court of Common Pleas, to be holden in and for the county in which the Justice of the Peace may have lived at the time he issued the agreement as aforesaid; and the Circuit Court of Common Pleas to whom the report of the referees may be made as aforesaid, shall have cognizance thereof in the same way and manner, and the same doings shall be had thereon, as though the same had been made by referees appointed by a rule of the same Court.

Report may
by consent of
parties be
made known
to them before
Court; .

SEC. 3. *Be it further enacted*, That where the parties shall agree that the determination of the referees may be made known, prior to its being made to the Circuit Court of Common Pleas as aforesaid, it shall and may be lawful for the referees to make known the determination to the parties, without its affecting in any degree the validity thereof; and if the determination shall be so made known to the parties, it shall and may be lawful for the party who may be found indebted agreeably to the determination aforesaid, to discharge him or themselves therefrom, and thereby prevent any further process thereon, by paying the same unto the person or persons to whom it may be so awarded.

and sum
awarded paid.

Power of re-
ferees.

SEC. 4. *Be it further enacted*, That the referees who may be appointed in pursuance of this Act, shall be vested with all the authority, which is possessed by referees appointed by a rule of Court. And witnesses shall be summoned to appear before them, and be sworn in the same

manner as witnesses before referees appointed by a rule of Court as aforesaid.

SEC. 5. *Be it further enacted*, That upon any report of referees returned into any Circuit Court of Common Pleas, in pursuance of this Act, and also upon any report made by referees appointed by a rule of any Circuit Court of Common Pleas, wherein it is agreed, at the time of entering into such rule, that the report of said referees shall be final, the judgment of said Circuit Court of Common Pleas, shall be final accordingly.

Judgment on reports of referees to be final.

[Approved January 27, 1821.]

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CHAPTER LXXIX.

An Act directing the proceedings against Forcible Entry and Detainer.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That two Justices of the Peace, quorum unus, shall have authority to inquire by a Jury, as hereinafter directed, as well against those who make unlawful and forcible entry into lands or tenements, and with a strong hand detain the same, as against those who, having a lawful and peaceable entry into lands or tenements, unlawfully and by force hold the same; and if it be found upon such inquiry, that an unlawful and forcible entry hath been made, and that the same lands or tenements are held and detained with force and strong hand, or that the same after a lawful entry are held unlawfully and with force and a strong hand, then that such Justices shall cause the party complaining to have restitution thereof.

Two Justices, quorum unus, may inquire and decide by Jury.

SEC. 2. *Be it further enacted*, That when complaint shall be formally made in writing to any two Justices of the Peace, quorum unus, of any unlawful and forcible entry into any lands or tenements and detainer as aforesaid, or of any unlawful and forcible detainer of the same after a peaceable entry, they shall make out their warrant under their hands and seal, directed to the Sheriff of the same county or his deputy, commanding him in behalf of the State, to cause to come before them, twelve good and lawful men of the same county, and they shall be empannelled to inquire into the

Mode of proceeding on complaint to Justices.

Jury to be empannelled.