

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 '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'

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' 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'

CHAPTER LXXXII.

An Act providing for the payment of Costs in Criminal Prosecutions.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That in all cases wherein any costs in any criminal prosecution, commenced either before the Supreme Judicial Court or Circuit Court of Common Pleas in any county in this State, the Court before whom such prosecution so commenced (having cognizance of the offence) shall have power to allow and tax such costs for Justices, officers and their assistants, Jurors and witnesses, and for Court and other charges, upon such prosecution, and previous to its determination, not exceeding the fees that are or may be stated by law; whether the person accused be brought to trial or not, or whether he be convicted or acquitted upon trial: and all such costs so taxed, shall be paid out of the county treasury: *Provided*, That no Justice of the Peace shall hereafter have power to issue summonses for witnesses to appear at any Court, or before any Justice of the Peace, except on complaint brought before himself, to give evidence in behalf of the State upon any criminal suit, unless it be by the request of the Attorney General or County Attorney, which request shall be expressed in the summons: and when any Justice of the Peace shall issue any summons, at the request of the party prosecuted, it shall be so expressed in the summons, and the witness shall therein be required to appear and give evidence upon condition such person prosecuted pays him his legal fees, but not otherwise.

Courts authorized to allow and tax costs in cases before them, for Jurors, witnesses, officers, Justices, &c.

To be paid out of the county treasury.

Justices of the Peace not to summon witnesses for State, in criminal cases, unless, &c.

SEC. 2. *Be it further enacted*, That the Clerk of each of said Courts shall attest and deliver to the county Treasurer copies of all bills of costs allowed by the said Courts, and certificates of all fines and forfeitures imposed and accruing to the State, or to the county, either before the rising thereof or as soon after as may be: and shall also deliver to him a separate certificate of all the bills of costs allowed by said Courts setting down therein the sum total only of each, for the purpose hereafter mentioned; and the Clerks of said Courts shall also be held to return into the

Clerks to deliver to county Treasurer attested copies of bills of costs allowed, and certificates of fines, &c.

And also to return to the State treasury

certificate of fines imposed to use of State. treasury of the State a certificate of all fines and forfeitures imposed to the use of the State by their respective Courts.

Sheriffs, Coroners and Constables to pay fines penalties, costs, &c. by them collected, to the county Treasurer.

SEC. 3. *Be it further enacted,* That all Sheriffs, Coroners and Constables who may hereafter receive any fines, forfeitures or bills of cost, in pursuance of the judgment or sentence of either of said Courts, as well where such fines or forfeitures accrue to the State, as where they accrue to the county, except debts and costs received upon executions in favour of the State, shall forthwith pay the same to the Treasurer of the county in which they shall be received: and if any Sheriff or other officer, receiving such fine or forfeiture, or bills of costs, shall neglect to pay the same for the space of ten days after receipt thereof, he shall forfeit and pay double the amount of such fine or forfeiture, and bill of costs to such county Treasurer; who is hereby empowered and directed to sue for the same forthwith, to be recovered with costs, by action of debt in the Circuit Court of Common Pleas, in the same county, one third of said penalty to the use of such county Treasurer, the other two thirds to the use of the State. And if any Sheriff or other officer, shall permit any person who may be sentenced to pay any fine, forfeiture, or bill of cost, and committed to the custody of such Sheriff or other officer or gaoler, till such sentence be performed, to go at large without payment, unless by order of law, and shall not pay such fine, forfeitures and costs, to the county Treasurer, within twenty days next after such escape, he shall be held to pay double the sum of such fine, forfeitures and costs; and the Treasurer of the county shall have power to sue for and recover the same, in the same manner and to the same use as is herein before provided. And every Sheriff and other officer aforementioned, shall be held to produce to said Courts respectively, at every session thereof in their county, receipts in full from the county Treasurer, for all fines, forfeitures and costs imposed by said Courts respectively, received and paid, previous to the sitting of such Courts, or to assign the cause why they have not received, or not paid the same, in order that such Court, may order a prosecution against such as shall appear to be delinquent.

Penalty for neglect.

How recovered and appropriated.

Penalty for Sheriffs, &c. permitting a person sentenced to pay a fine, &c. to go at large before payment of such fine or costs.

How recovered and appropriated.

Sheriff and other officers to produce to the Courts, &c. County Treasurer's receipts for such sums, &c.

Justices of Peace to pay

SEC. 4. *Be it further enacted,* That every Justice of the Peace, be, and he hereby is directed to pay all fines and for-

feitures by him received upon convictions and sentences before himself, as well those which accrue to the State as those which accrue to the county, to the Treasurer of the county whereof he is Justice of the Peace; and that he render his account and pay such fines on or before the first day of October next, and afterwards once in every six months. And if any Justice of the Peace shall neglect to account for, and pay in such fines and forfeitures to the Treasurer of the county, whereof he is Justice as aforesaid, he shall forfeit and pay for every such neglect the sum of thirty dollars to such county Treasurer, to be by him recovered as aforesaid with costs, one half of such forfeiture to his own use, and the other half to the use of the State. And it shall be the duty of every county Treasurer, from time to time, to call upon the Justices of the Peace within his county, and require them to account to him for and pay in such fines and forfeitures, and to prosecute such as shall be delinquent.

finer and forfeitures received by him to the county treasurer and account semi-annually.

Penalty for neglect how recovered and applied.

Duty of county treasurer to require Justices so to account, and prosecute for neglect.

County treasurer to transmit to State treasurer an account, on oath, of bills of costs in Courts.

Mode of adjusting and payment of balance of such accounts.

Penalty for neglect of this duty by county Treasurer.

Sec. 5. *Be it further enacted,* That every county Treasurer, shall, within two months after the rising of the Supreme Judicial Court, make out and transmit to the Treasurer of the State an account upon oath, therein charging the State with all bills of costs allowed and taxed by said Court, and by the Circuit Court of Common Pleas in and for each county respectively, for which the Clerk's certificates above mentioned shall be sufficient vouchers; and a commission of five per cent. on all monies received and paid, and giving credit for all fines, forfeitures and costs accruing to the State and by him received as aforesaid, and pay the balance of such account, if in favour of the State, to the Treasurer thereof; but if such balance be in favour of the county Treasurer, it shall be paid him or his order, out of any unappropriated monies in the Treasury, as soon as may be by the Treasurer of the State, said account having been first laid by him before the Governor and Council for their examination and allowance, and their warrant thereupon by him obtained for payment of the same. And any county Treasurer who shall neglect to make out and transmit his account as aforesaid, and to pay the balance if any be due, to the State, as aforesaid, within the time aforesaid, shall forfeit and pay the sum of one hundred dollars to the use of the State, to be recovered

Mode of recovering penalty.

Attorney General required to prosecute such delinquents.

with costs, by action of debt, in the Circuit Court of Common Pleas, in the county whereof he is Treasurer: and the Attorney General, upon notice of such neglect, from the Treasurer of the State, which he is hereby required forthwith to give, shall be, and hereby is authorized and required to prosecute such action without delay, to final judgment and execution. And the said county Treasurer shall be also held notwithstanding the recovery of the penalty aforesaid, to account for and pay the balance of all such fines, forfeitures and costs, accruing to the State, into the Treasury thereof.

County treasurer to render a general account annually to Governor and Council, of fines, bills of costs, &c.

SEC. 6. *Be it further enacted*, That it shall be the duty of every county Treasurer, in addition to the accounts required by the fifth section of this Act to be exhibited, to make out and exhibit on the third Wednesday of January annually, to the Governor and Council a general account of their proceedings, therein crediting the State for all monies by them respectively received, by warrants on the Treasury, or for fines, forfeitures and bills of cost, and from whom: and in the same account charging the State for all payments by them actually made before that time, and the balance due, if any, to credit to the State in a new account; and every county Treasurer shall at the same time, make out and transmit as aforesaid, an account of all sums due, and to whom, on any bills of cost allowed and taxed by the Supreme Judicial Court and Circuit Court of Common Pleas, and also an account of all fines and forfeitures, and bills of cost within their counties respectively, which belong to the State, and which may be then remaining unpaid, and from whom the same shall be due; and shall be further held to make out and exhibit such other statements, accounts and returns, as the Governor and Council shall judge to be necessary or expedient, for a just and accurate settlement of said Treasury transactions with the State under this Act, and as the said Governor and Council shall from time to time require.

Substance and form of such account.

Sums allowed by Courts to individuals, on criminal prosecutions, not to be paid, un-

SEC. 7. *Be it further enacted*, That all sums taxed or allowed, or which may hereafter be taxed or allowed, and all other charges which have arisen or may arise, in any criminal prosecution before the Supreme Judicial Court, or any

Circuit Court of Common Pleas, and which by law are chargeable to the State, shall be claimed and demanded by the person or persons who are or may be entitled to receive the same of the county Treasurer, within three years next after the same were or may be taxed or allowed, and not afterwards. And all persons not claiming or demanding such allowances, within the time above limited, shall be forever afterwards debarred therefrom. And it shall be the duty of every county Treasurer in his general account, required to be exhibited to the Governor and Council on the third Wednesday of January, to credit the State with all such sums allowed by either of said Courts remaining in the county treasury not claimed or demanded within the time abovementioned; and also for all sums taxed in any bill of cost on a criminal prosecution, for the fees of the Attorney General when no other person is entitled thereto, and the amount of such sums shall be deducted from the county Treasurer's account against the State; and every county Treasurer shall account with his county, for all sums received out of the treasury of the State, for Jury fees, and for gaoler's charges for the maintenance of prisoners.

less demanded within three years.

Sums not demanded within that time, to be credited to the State by the county treasurer.

Sums taxed for fees of Attorney General, in cases, &c. to be credited State.

SEC. 8. *Be it further enacted*, That the charges of supporting prisoners, committed by due process of law, unable to support themselves, who now are, or hereafter may be confined in any gaol, upon charge or conviction of crimes and offences committed against the said State, shall be, and hereby are made the proper charge thereof: *Provided however*, That in no case shall there be allowed by the State, more than at the rate of one dollar a week for any such prisoner, or more than the actual charges incurred for his support, being less than that sum: and the said charges shall be examined, allowed and paid as follows, to wit: The gaol keeper of each gaol in the State, shall render on oath, to the Court of Sessions of the county at each term thereof, an account of the charges incurred for the support of prisoners in the respective gaols, committed as aforesaid, stating therein the time when each prisoner was committed, for what offence, how long held, and when discharged (if discharged) and shall exhibit the warrants of commitment and discharge, and leave copies thereof with the said Court; and in the

How prisoners are to be supported, who are not able to support themselves—and mode of proceeding in such cases.

same account, the said gaol keeper shall credit all monies and effects whatever, received or to be received of the prisoner, or of any persons on his account, and the said Court shall examine the said account, and inquire what part thereof the prisoner may be able to pay; and for such part as he shall be found unable to pay, the said Court shall make a reasonable allowance to the said gaol keeper, to be paid out of the county treasury.

Compensation allowed by State to county treasurer.

SEC. 9. *Be it further enacted,* That every county Treasurer shall charge to the State, not exceeding the rate aforesaid, the several sums he shall so pay out of the county treasury, with two and a half per cent. for his services, and shall include the same in the accounts which he is required to render to the Treasurer of the State in and by this Act. And said payments shall make part of the debit of said accounts against the State, to be settled, allowed and discharged, as in this Act is provided.

[Approved March 19, 1821.]

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CHAPTER LXXXIII.

An Act authorizing Courts to liberate or dispose of poor Convicts in service.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That where any person shall have been convicted of any crime, either before a Justice of the Peace, or any Circuit Court of Common Pleas, or in the Supreme Judicial Court, and imprisoned three months for costs of prosecution only, the Circuit Court of Common Pleas, for the county where the person has been imprisoned, may order the Sheriff to dispose of such convict in service to any person whomsoever, for a term not exceeding two years, for the payment of the costs for which he has been imprisoned as aforesaid; and if such disposal cannot be made, the same Court may order the Sheriff to liberate such convict, on such terms, or on such conditions as they may think most beneficial to the State and county. And either of said Courts holden for the same county, may, at any term hereafter, on motion as aforesaid, order the Sheriff of their respective counties to liberate any convict in

Persons imprisoned for three months for costs, after conviction before Sup. Jud. Court, C. O. Com. Pleas, or Justice of the Peace, may be disposed of in service;

and if such disposal cannot be made, convict may be liberated on such conditions as the Courts may direct.