

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'

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.

such county in manner as aforesaid, after his having been imprisoned three months for costs as aforesaid. And when the costs aforesaid are not obtained by means of the liberation, they shall be paid as is provided by law for the payment of costs where there is no conviction. And the several Sheriffs are hereby required duly to execute the aforesaid orders, and to make return of their doings therein to the respective Courts.

Costs how paid when not obtained of convict.

SEC. 2. *Be it further enacted,* That the Justices of the Supreme Judicial Court, and the Justices of the several Circuit Courts of Common Pleas, within this State, be, and they hereby are authorized, at any term of their respective Courts, on motion made for that purpose, to order the Sheriff of said county, to liberate from prison any poor convict who shall have been committed to prison by the order of any Justice of the Peace, or of the said Circuit Court of Common Pleas, or of the Supreme Judicial Court within said county, when it shall be made to appear to said Circuit Court of Common Pleas, or the Supreme Judicial Court, that said convict has lain in prison for the term of three months, for fine and costs only, and that he stands committed for no other cause, and that he has not estate sufficient to pay said fine and costs: upon condition, however, that the Court shall order said convict to give his own note for the amount of said fine and cost, payable to the Treasurer of said county, to the use of said county. And upon condition that before the Justices of the Supreme Judicial Court and Circuit Courts of Common Pleas shall liberate such poor convict, they shall require of said convict a schedule in writing signed by him or her, stating the particulars of the property by him or her owned, together with an oath in writing by him or her signed, that the schedule contains a true account of all property of which he or she is the owner in possession, reversion or remainder, to his or her knowledge and belief. And that he or she has not sufficient wherewith to support him or herself in prison or to pay prison charges. And has not directly or indirectly sold, conveyed or intrusted to any person since the sentence passed by which said convict was committed to prison, any goods, effects or credits, nor any real estate, with intent to

When prisoner has been confined 3 months for fine and costs, and is unable to pay, S. J. Court or C. C. Com. Pleas may order him liberated on giving note to county treasurer for amount of costs.

In such case prisoner must give, under oath, a schedule of his property, &c.

Penalty for giving false schedule.

evade the performance of the sentence against him or her. And if any such convict shall knowingly and wilfully make any false schedule or oath in relation to the matters aforesaid, or any of them, and be thereof convicted in the Supreme Judicial Court, he or she shall receive no benefit from the said liberation, but shall be liable to be again imprisoned till he or she performs the original sentence.

[Approved March 17, 1821.]

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CHAPTER LXXXIV.

An Act regulating the Selection, Empannelling and Service of Jurors.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That the Selectmen, in each town in this State, on or before the second Monday of September next, shall provide and at all times cause to be kept in their respective towns, one Jury box; and shall, once at least in every three years afterwards prepare a list of such persons, under the age of seventy years, in their respective towns, as they shall judge best qualified to serve as Jurors, being persons of good moral character, and qualified as the Constitution directs, to vote in the choice of Representatives, excepting the Governor, Counsellors, Judges and Clerks of the Common Law Courts, Secretary and Treasurer of the State, Loan officers and Revenue officers, Judges and Registers of Probate, Registers of Deeds, settled Ministers of the Gospel, officers of any College, Preceptors of Incorporated Academies, Physicians and Surgeons regularly authorized, Cashiers of incorporated Banks, Sheriffs and their Deputies, Marshals and their Deputies, Counsellors and Attornies at Law, Justices of the Court of Sessions, Criers of the Judicial Courts, Constables and constant Ferymen; and having written their names upon tickets, they shall cause them to be placed in the Jury box, and shall then lay the whole of their doings before the town for a revision, who may confirm the same, or make such alterations therein as they may deem proper: and the said box shall be held and kept by the Town Clerk; and the persons whose names shall be continued in said box, shall be liable to be drawn,

Selectmen to keep a Jury box.

Once in 3 years prepare a list.

Persons exempted from serving as Jurors.

Box to be kept by town clerk.