

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'

CHAPTER CI.

An Act concerning Notaries Public.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That every Notary Public shall constantly keep a seal of office, whereon shall be engraven, his name, and the words Notary Public, and Maine, together with the arms of the State or such other device as he may choose.

Notaries Public to have seal of office with device, &c. thereon.

SEC. 2. *Be it further enacted,* That it shall be the duty of each Notary Public, to note or enter of record, whenever requested, all losses or damages sustained or apprehended, by sea or land, and also all averages and such other matters as by mercantile usages, appertain to his office, and cause protest thereof to be duly and formally made. And all facts, extracts from documents and circumstances by him so noted, shall be sworn to, and subscribed by all the persons appearing to protest; and the Notary Public shall note, extend, and record the protest of the persons so appearing and deposing; and he shall grant authenticated copies thereof, under his signature and notarial seal, to all such as demand and pay for the same.

Duties of Notaries as to protests on marine losses, &c.

SEC. 3. *Be it further enacted,* That every Notary Public, when a foreign or inland Bill of Exchange, not duly honored by the drawee, is committed to him shall on request, go in person with such bill to the drawee and demand of him, or at his usual abode, acceptance or payment thereof, (as the case may be) and if he neglect or refuse to accept, or to pay the same, the said Notary Public shall note a protest thereof, and immediately enter of record a copy of said bill; and also the answer or reason given, why the drawee refuses to accept or pay the said bill, or his absence or silence, as the case may be, and on request, he shall, to any demandant, furnish a copy of his record, in due form of a protest, under his hand and notarial seal: and in like manner, all notices to endorsers of promissory notes, and of the assignments of all obligations, contracts or other writings obligatory signed, may be given, noted of record, protested and certified on request of the person interested.

—As to foreign or inland bills of exchange.

Notices on promissory notes to endorsers and others.

Notaries may take depositions in perpetuam and to be used out of State.

—May grant warrants of survey on vessels, &c.

—To keep records of their acts, &c.

Records of Notary, on his decease or removal, to be deposited in Clerk's office.

Penalty for neglect to deposit such records.

Penalty for destroying or injuring them.

Clerks to keep and certify copies of such records.

SEC. 4. *Be it further enacted*, That every Notary Public duly sworn, be and he hereby is fully authorized and empowered to take depositions in perpetual remembrance of the thing, and depositions to be used or sent out of this State, to grant warrants of survey on vessels damaged, and to certify country products; and in general, to do and perform all acts and things usually done by Notaries Public.

SEC. 5. *Be it further enacted*, That it shall be the duty of every Notary Public, to note and record at length, in a book of records kept for the purpose, all acts, protests, depositions, and other things by him noted, or done in his official capacity: and all copies or certificates by him granted, shall be under his hand and notarial seal.

SEC. 6. *Be it further enacted*, That on the death, resignation, or removal from office of any Notary Public within this State, the records of the said Notary Public, together with all the papers relating to the business of the office shall be deposited in the office of the Clerk of the Judicial Courts for the same county, in which the said Notary Public resided, and any Notary Public who, on his resignation, or removal from office, shall neglect to deposit such records and papers in the Clerk's office as aforesaid, for the space of three months, shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars. And if any executor or administrator of any deceased Notary Public, shall neglect to lodge said records or papers aforesaid, which shall come into his hands, in the Clerk's office, for the space of three months after his acceptance of that trust, he shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars. And if any person shall knowingly destroy, deface, or conceal any records or papers of any Notary Public, he shall forfeit and pay a sum not less than two hundred dollars, nor more than one thousand dollars and shall be moreover liable to an action for damages by the party injured.

SEC. 7. *Be it further enacted*, That it shall be the duty of the several Clerks of the Courts aforesaid, to receive and safe keep, all the records and papers directed by this Act, to be deposited in their offices, and give attested copies of any of said records or papers, when required; for which

service each Clerk shall be allowed the same fees, as are or may be allowed by law to Notaries Public. And copies so given by the said Clerks, are hereby declared to be as valid as if the same had been given by the said Notaries. And all forfeitures under this Act, shall be, one half to the State, the other half to him or them who shall sue for the same, to be recovered in action of debt in the county where such Notary Public resided.

Forfeitures,
how distribut-
ed.

[Approved March 17, 1821.]

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CHAPTER CII.

An Act establishing the Duties to be paid by certain Officers therein named.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That every Sheriff, every Clerk of any Court of record, every county Attorney, every Judge of Probate, every Register of Probate, every Justice of the Peace, every Coroner, every Notary Public, and every Inspector General, duly commissioned under the Government of the Commonwealth of Massachusetts, whether sworn to act as such or not, shall on or before the first day of February next take and subscribe the oaths required of like officers by the Constitution and Laws of this State, and each such Sheriff of the counties of York, Cumberland, Lincoln or Kennebec shall pay fifty dollars, and of any other county twenty five dollars, each such Clerk of the county of York, Cumberland, Lincoln or Kennebec, shall pay forty dollars, and of any other county twenty five dollars, each county Attorney shall pay five dollars, each such Judge of Probate shall pay seven dollars, each such Register of Probate shall pay ten dollars, each such Justice of the Peace shall pay five dollars, each such Coroner shall pay three dollars, and each such Inspector General shall pay twenty dollars to the Treasurer of his county; and if such Sheriff, Clerk, county Attorney, Judge of Probate, Register of Probate, Justice of the Peace, Coroner or Inspector General shall fail either to take such oath, or to pay the money hereby required, on or before the first day of February next, he shall be thereafterwards disqualified to act under the same

Officers com-
missioned by
Massachusetts

to take and
subscribe
oaths,

and to pay du-
ties to county
treasurer.

Disqualified to
act on failure.