

# 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'

SEC. 15. *Be it further enacted*, That the keepers of the several gaols within this State, shall under the penalties as by law are provided for the custody and safe keeping the prisoners thereof, take custody of, and safely keep all prisoners committed, under the authority of the United States, until they shall be discharged by due course of the laws thereof: *Provided*, That nothing contained in this Act shall be so construed, as to authorize the keepers of the said gaols to take custody of, and keep within said gaols any prisoners committed by any other authority than the Judicial authority of the United States.

Keepers of gaols to receive and detain United States Prisoners committed by judicial authority.

SEC. 16. *Be it further enacted*, That the several Treasurers of the respective counties within this State, and their successors, be and they are hereby authorized and directed, to receive for the use of their respective counties, to defray the county charges arising therein, all such monies as the United States have agreed to pay for the use and keeping of such gaols, and to account for the same according to law.

County Treasurers to receive the monies paid for keeping such prisoners.

[Approved March 19, 1821.]

—:00:—

CHAPTER CXI.

An Act respecting Houses of Correction, and for suppressing and punishing of Rogues, Vagabonds, common Beggars and other idle or disorderly persons.

SEC. 1. **B***e it enacted by the Senate and House of Representatives, in Legislature assembled*, That there shall be erected built or otherwise provided by the Court of Sessions, in every county within this State, at the charge of such county, a fit and convenient house or houses of correction (where such house is not already provided) with convenient accommodations thereunto adjoining and belonging; to be used and employed for the keeping, correcting and setting to work of rogues, vagabonds, common beggars and other idle or disorderly persons. And until such house or houses of correction be erected, built or otherwise provided, the common prison in each county may be made use of for that purpose.

Each county to be provided with a house of correction.

SEC. 2. *Be it further enacted*, That the Court of Sessions in each county may nominate and appoint, at their will and pleasure, a suitable person to be master of such house of correction; and also to make, ordain and establish such

Common prisons to be used as such, until houses of correction are provided.

Court of Sessions may appoint master of such house and establish regulations. &c.

rules and orders as may be necessary (not repugnant to the laws of this State) for the ruling, governing and punishing of such persons as may be there committed.

Court of Sessions in each county may appoint overseers of such house.

SEC. 3. *Be it further enacted*, That the Courts of Sessions in their respective counties, where the circumstances may require it, be, and hereby are authorized and empowered, annually, to appoint three or five suitable and discreet freeholders of their county, living near the house of correction, to be overseers of such house; who shall have power to see that the rules appointed by the said Court, for the government of the house, and the persons therein confined, be duly observed; and also to examine the accounts of the keeper with respect to the earnings of the prisoners, and the expense of the institution; and they shall keep a register of all their proceedings fairly written. They shall have power to make contracts for work to be done in the house, with any person disposed to supply the materials, and to make contracts for letting out any of the persons confined, to employers living, in the estimation of the overseers, conveniently near to the house of correction for the overseers or the master of the house to have the general inspection of the persons so let out, and of the treatment they receive. And the overseers shall receive, out of the wages of the prisoners, such reasonable compensation as the Court of Sessions shall allow.

Power and duty of such overseers.

Their compensation.

Court of Sessions may remove them;

SEC. 4. *Be it further enacted*, That the said Court of Sessions, shall at any time have authority to remove any of the Overseers, and to replace others for the remainder of the year, and to fill up any vacancies of the overseers made by death, resignation or otherwise. They shall also, at every term, inquire into the state of the house of correction; and examine the register and accounts of the Overseers and masters; and make such further regulations and alterations, in the treatment and government of the prisoners, as they shall judge necessary or proper, and not repugnant to the laws of the State.

and examine the register and accounts of overseers.

Rogues, vagabonds, &c. may be sent to the house of correction.

SEC. 5. *Be it further enacted*, That any Justice of the Peace, as well as the Circuit Court of Common Pleas, may send and commit unto the said house, to be kept and governed, according to the rules and orders thereof, all rogues, vagabonds and idle persons going about in any town or place in the county, begging; or persons using any subtle

craft, juggling or unlawful games or plays, or feigning themselves to have knowledge in phisognomy, palmistry, or pretending that they can tell destinies or fortunes, or discover where lost or stolen goods may be found; common pipers, fiddlers, runaways, common drunkards, common night walkers, pilferers, wanton and lascivious persons, in speech, conduct or behaviour; common railers or brawlers, such as neglect their callings or employments, mispend what they earn, and do not provide for themselves for the support of their families; upon conviction of any of the offences or disorders aforesaid, complaint thereof having been made in writing.

SEC. 6. *Be it further enacted,* That when it shall be made to appear to any two Justices, *quorum unus*, that any person being within their county, is lunatic, and so furiously mad, as to render it dangerous to the peace or the safety of the good people, for such lunatic person to go at large; the said Justices shall have full power, by warrant under their hands and seals, to commit such person to the house of correction, there to be detained till he or she be restored to his right mind, or otherwise delivered by due course of law. And every person so committed, shall be kept at his or her own expense, if he or she have estate; otherwise, at the charge of the person or town upon whom his maintenance was regularly to be charged, if he or she had not been committed; and he or she shall, if able, be put to work during his or her confinement.

Two Justices may send lunatics and dangerous persons to house of correction.

SEC. 7. *Be it further enacted,* That any person, standing convicted before the Supreme Judicial Court or Circuit Court of Common Pleas, for any crime punishable in part or in whole by imprisonment, may be sentenced by either of said Courts to suffer his imprisonment, either in the common gaol, or in the house of correction, at their discretion; to be employed and kept to work therein, in the same manner, as persons committed to said house pursuant to the provisions of the fifth section of this Act.

Courts may confine convicted persons in common gaol, or house of correction.

SEC. 8. *Be it further enacted,* That either of said Courts may sentence any person standing convicted before them respectively, of an offence punishable in whole or in part by fine, to pay such fine with the costs of prosecution; and in case he does not pay the same within ten days, that he be immediately thereafter conveyed to the house of correction;

Courts may sentence convicts to house of correction conditionally, viz. on non-payment of fine and costs.

therein to be safely held; employed and kept to work, in the same manner as persons committed to said house pursuant to this Act, for any term of time not exceeding six months. And the expense of keeping, supporting and employing such offender, after deducting the net amount of his earnings, shall be allowed by the Justices of the Court of Sessions, and paid to the keeper out of the county Treasury, in the same manner, and with the same right of reimbursement from the treasury of the State, as the accounts of gaolers for the prison charges of persons confined in gaol, on charge of conviction of crimes and offences committed against the said State.

Expenses how to be paid.

Court of Sessions to provide materials for work, &c.

and establish rules thereto relating—

profits of labour, how distributed.

Mode of management.

Power of the master of house of correction over

SEC. 9. *Be it further enacted,* That the Courts of Sessions in their respective counties, shall provide and cause to be kept at the expense of their counties, suitable materials, sufficient at all times to employ and keep at work such as are or may be committed to the house of correction by force of any laws of this State; and shall from time to time make and establish all necessary rules and regulations, touching the employment of persons so committed; the procurement and preservation of said materials, the keeping of accounts of the expense and cost of such materials, and the labour performed by the persons committed to the said house, and the settling of the same. And the persons committed shall be allowed two third parts only of what they earn; and the residue shall be to the use of the master or keeper of the house, unless such persons are masters or heads of families, then the whole profit of their labour, or so much thereof as the Court of Sessions shall order, shall be for the relief and support of such persons and their families. And if any person committed as aforesaid, shall be unable to work, or be weak and sick, or the profits of whose work shall not be sufficient for supporting him or her, then to be comfortably provided for and taken care of by the master of the same house, who shall be reimbursed the same by the parent, master, town or State who are by law obliged to maintain and support such persons, when unable to support themselves, as the case may require.

SEC. 10. *Be it further enacted,* That the master of such house of correction, to be appointed as aforesaid, shall have power and authority and shall set all such convicts, rogues,



vagabonds, beggars and other idle and disorderly persons, <sup>persons con-  
fined.</sup> as aforesaid, that shall be duly sent or committed unto his custody, to work and labour (if they be able) for such time as they shall continue and remain in the said house; and to punish them by putting shackles or fetters upon them; and also from time to time, in case they be stubborn, disorderly, idle or refractory, and do not perform their tasks, and in good condition according as they shall be reasonably stinted, or to abridge them of their food, as the case shall require, until they be reduced to better order.

SEC. 11. *Be it further enacted,* That the master of said <sup>Master's com-  
pensation.</sup> house of correction shall, for his care, labour and service in looking after the several persons that shall from time to time, be committed to his care and custody, over and above one third part of their net earnings, have such reasonable allowance made him, as the Court of Sessions shall order and direct, to be paid him by the parent or master of such as are under their immediate care and custody; otherwise by the town to which such persons belong, if within this State, or at the charge of the State, if they belong to no particular town within it. And the master or keeper of every such house shall keep an exact account of all profits and earnings that shall arise from the labour of all such as shall be committed unto his care and custody, as well as the particular time of their commitment and liberation, and present <sup>His account to  
be allowed by  
Court of Ses-  
sions.</sup> the same account (upon oath if required) unto the Court of Sessions for the same county annually, and also whenever he shall by them be thereunto directed.

SEC. 12. *Be it further enacted,* That whenever there shall <sup>Mode of ob-  
taining such  
compensation.</sup> be due to any keeper of such house for the care, trouble and expense of keeping, supporting and employing any person committed as aforesaid, any sum or sums of money, and the same shall have been allowed, and duly certified by said Court, or their committee, he shall have a right to demand and recover the same of such person, his parent, master or kindred, who may be liable by law to maintain him, or of the town wherein he is lawfully settled; and if such person, parent, master, kindred or town shall refuse or neglect to pay such sum, for the space of fourteen days after the same shall have been demanded, in writing, of him or them respectively, or of one of the Selectmen of the town, the

said keeper shall have, and be entitled to an action of the case to recover such sum against the person so committed, or his parent or master, if any he have, liable by law to maintain him, or against the town in which he is legally settled, in case he has not sufficient estate nor kindred who are able and obliged by law to maintain him, and may declare therein, in a general indebitatus assumpsit, and recover judgment for such sum as shall be found due to him with legal interest from the time the same was demanded and costs. And if the person so committed have kindred who are able and obliged by law to maintain him, the said keeper may have like remedy for recovering such sums of them, as is provided for towns which have been at expense for the relief and support of paupers, by an Act, entitled, "An Act ascertaining what shall constitute the legal settlement, and providing for the relief and support, employment and removal of the poor."

Mode of procuring discharge from house of correction.

SEC. 13. *Be it further enacted,* That whenever any person, committed pursuant to the provisions of the fifth section of this Act, shall apply to the master of the said house for a discharge therefrom, the said master shall signify the same to the overseers of the poor of the town in which such house of correction shall be, or to the overseers of the poor of such town as the person so committed shall belong to, and the major part of either of the Overseers of the poor aforesaid, upon its being made to appear to them that the ends of such commitment have been answered, are hereby empowered to issue their order to the master of such house of correction to discharge the said person from his or her said confinement; the charges arising therefrom being first paid in manner as is herein before provided. And the said master is hereby required to discharge him or her accordingly.

[Approved March 15, 1821.]