

MAINE STATE LEGISLATURE

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L A W S

OF THE

S T A T E O F M A I N E ;

TO WHICH ARE PREFIXED

THE

C O N S T I T U T I O N O F T H E U . S T A T E S

AND OF SAID STATE,

IN TWO VOLUMES,

W I T H A N A P P E N D I X .

.....
VOL. II.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

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.....
1821.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

VOLUME THE SECOND.

<i>Page.</i>		<i>Page.</i>	
463	Line 7 of page, dele the word <i>whole</i>	663	S. 2 L. 6 of S. dele <i>of</i>
464	Sec. 8 L. 12 of Sec. for <i>towns</i> read <i>town</i>	666	5 2 after the word <i>Governor</i> insert, and <i>Council</i>
484	27 6 at the end of the line insert the word <i>that</i>	666	5 last for <i>his</i> read <i>the</i>
492	43 11 after the word <i>owing</i> insert to	667	L. 3 of the page, dele <i>who</i>
496	47 25 for <i>duty</i> read <i>body</i>	668	S. 10 L. 1 of S. for <i>where</i> read <i>when</i>
500	54 3 at the end of the line dele <i>the</i>	669	L. 3 of p. for <i>effect</i> read <i>affect</i>
506	7 6 after the word or dele to	670	S. 5 L. 7 of S. for <i>the</i> read <i>such</i>
515	L. 28 of p. for <i>highway</i> read <i>highways</i>	671	L. 2 of p. for <i>in</i> read <i>on</i>
517	S. 16 L. 11 of S. after the word <i>be</i> insert <i>the</i>	672	S. 9 L. 3 of S. for <i>make</i> read <i>mark</i>
518	18 9 for <i>of</i> read <i>or</i>	672	11 2 for <i>and</i> read <i>or</i>
520	23 11 before the word <i>proprietors</i> insert <i>the</i>	674	11 8 before the word <i>each</i> insert <i>for</i>
523	L. 6 of p. after the word <i>person</i> insert <i>of</i>	674	2 7 before the word <i>drying</i> insert <i>the</i>
523	last for <i>cannot</i> read <i>can</i>	676	L. 5 of p. for <i>not</i> read <i>none</i>
526	9 for <i>laws</i> read <i>law</i>	677	4 for <i>quality</i> read <i>quantity</i>
533	16 for <i>assessments</i> read <i>assessment</i>	681	Sec. 4 last line of Sec. after the word <i>owner</i> insert <i>or owners</i>
534	13 for <i>appears</i> read <i>appear</i>	682	Sec. 5 L. 2 of Sec. dele <i>away</i>
535	4 at the end of the line insert <i>of</i>	684	2 3 for <i>galo</i> read <i>golo</i>
535	3 from bottom of p. for <i>causes</i> read <i>cause</i>	686	4 2 for <i>on</i> read <i>or</i>
537	S. 12 L. 2 of S. for <i>in</i> read <i>of</i>	687	3 6 before the word <i>stamped</i> insert <i>not</i>
539	L. 11 of p. between the words <i>the</i> and <i>day</i> should be a '—'	688	L. 24 of p. before the word <i>arms</i> at the beginning of the line insert <i>the</i>
539	15 for <i>where</i> read <i>wherein</i>	694	L. 15 of p. after the word <i>shall</i> insert <i>also</i>
543	S. 18 L. 13 of S. dele <i>the</i> before the word <i>said</i>	694	16 after the word <i>of</i> insert <i>the</i>
545	21 7 for <i>and</i> read <i>or</i>	695	12 for <i>usage</i> read <i>usages</i>
546	1 6 for <i>this</i> read <i>thus</i>	716	8 for <i>fixed</i> read <i>affixed</i>
547	2 7 for <i>this</i> read <i>thus</i>	723	6 from bottom of p. dele <i>in</i>
547	2 11 for <i>in capacity</i> read <i>incapacity</i>	734	Sec. 51 L. 4 of Sec. before the word <i>auditing</i> insert <i>the</i>
553	L. 2 of p. at the end of the line insert <i>such</i>	742	L. 4 of p. after the word <i>orders</i> insert <i>to be</i>
556	S. 1 L. 18 of p. for <i>master</i> read <i>masters</i>	744	L. 3 from bottom of p. before the word <i>refuse</i> insert <i>shall</i>
557	L. 16 of p. for <i>in</i> read <i>of</i>	745	Sec. 1 L. 6 of Sec. before the word <i>good</i> insert <i>six</i>
560	S. 7 L. 4 of S. for <i>Court of Sessions</i> read <i>Courts of Sessions</i>	746	2 15 before the word <i>advice</i> dele <i>the</i>
566	1 7 for <i>every</i> read <i>any</i>	751	5 11 for <i>owners</i> read <i>owner</i>
570	9 5 after the word <i>them</i> insert <i>as</i>	751	5 15 for <i>taking</i> read <i>taken</i>
572	12 5 after the word <i>fine</i> insert <i>of</i>	751	5 25 for <i>owners</i> read <i>owner</i>
573	1 3 for <i>and</i> read <i>or</i>	753	8 23 for <i>spurs</i> read <i>spar</i>
576	L. 18 of p. for <i>pounds</i> read <i>ounces</i>	754	10 3 after the word <i>or</i> insert <i>any</i>
576	last line of the page dele <i>and</i>	758	L. 2 of p. for <i>sales</i> read <i>sale</i>
591	S. 5 L. 2 of S. before the word <i>action</i> insert <i>an</i>	759	24 for <i>minor</i> read <i>minors</i>
592	3 3 for <i>time</i> read <i>times</i>	761	19 for <i>another</i> read <i>any other</i>
601	L. 11 of p. at the end of the line insert <i>drawn</i>	761	last dele <i>other</i>
	After p. 604 read p. '605' instead of '506'	762	22 before the word <i>fish</i> insert <i>any</i>
604	S. 12 L. 2 of S. after the word <i>passing</i> insert <i>on</i>	766	6 after the word <i>notice</i> insert <i>is</i>
606	for Sec. 14 read Sec. 16	766	Sec. 5 L. 6 of Sec. for <i>damages</i> read <i>damage</i>
608	S. 22 L. 5 of S. for <i>monies</i> read <i>money</i>	769	4 14 dele <i>to the</i>
610	3 18 dele <i>any</i>	772	first word of the p. for <i>damage</i> read <i>damages</i>
614	4 4 for <i>funnel</i> read <i>fund</i>	774	Sec. 2 L. 7 of Sec. for <i>and</i> read <i>or</i>
617	L. 5 of the page dele <i>a</i>	774	2 14 for <i>any</i> read <i>every</i>
617	S. 1 L. 6 of S. for <i>purpose</i> read <i>purposes</i>	775	1 3 for <i>paasing</i> read <i>passing</i>
621	1 9 for <i>such</i> read <i>said</i>	777	L. 17 of p. for <i>these</i> read <i>their</i>
622	3 16 for <i>or</i> read <i>on</i>	780	14 for <i>ninth</i> read <i>twenty ninth</i>
624	2 12 after the word <i>returns</i> insert <i>as</i>	780	35 for <i>sixteenth</i> read <i>seventeenth</i>
626	3 6 before the word <i>Cashier</i> insert <i>the</i>	788	25 for <i>eight</i> read <i>eighth</i>
631	4 3 before the end of the S. for <i>course</i> read <i>course</i>	790	28 after the word <i>Act</i> insert <i>providing</i>
634	16 5 of S. for <i>inspected</i> read <i>uninspected</i>	791	13 after the word <i>for</i> dele <i>the</i>
635	17 last for <i>and</i> read <i>or</i>	791	14 after the word <i>idle</i> dele <i>and</i>
638	L. 9 of p. for <i>and</i> read <i>or</i>	793	5 for <i>galo</i> read <i>golo</i>
642	7 dele <i>who</i>	793	27 after the word <i>Act</i> dele <i>for</i>
643	S. 4 L. 6 of S. dele <i>are</i> after <i>and</i>	797	4 at the end of the line for <i>eight</i> read <i>eighth</i>
650	4 14 before the word <i>also</i> insert <i>as</i>	808	34 for <i>from</i> read <i>upon</i>
656	12 3 for <i>on</i> read <i>or</i>		
658	in the title, after the word <i>Act</i> insert <i>for</i>		

CHAPTER CXIV.

An Act regulating Towns, Town-Meetings and the choice of Town Officers,

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That every male citizen of this State, of twenty one years of age and upwards, except paupers and persons under guardianship, who has resided within any town or plantation for one year next preceding his voting and during said term has been taxed for his poll, or any estate in any tax voted to be raised by said town or plantation, shall be entitled to vote in such town or plantation in the election of all town or plantation officers, and in all other town or plantation affairs: *Provided*, Whenever the inhabitants of any town are legally assembled to act on any subject relating exclusively to parishes, no person, who is not a member of said parish and liable to be assessed for parochial charges, shall be permitted to vote in such meetings. And the citizens aforesaid, in any town shall, in the month of March or April annually, assemble at such time and place in the same town, as they shall be notified to attend by the Constable or Constables of the town, or such others as the Selectmen shall appoint to notify the same; and the citizens aforesaid shall then and there, by a major vote, choose a clerk (who shall be under oath truly to record all votes passed, in such and other town meetings during the year and until another Clerk shall be chosen and sworn in his stead; and also faithfully to discharge all the other duties of his said office;) three, five or seven able and discreet persons of good conversation, inhabiting in the town to be Selectmen, and Overseers of the poor, where other persons shall not be particularly chosen to that office (which any town may do if they shall think it necessary and convenient) three or more Assessors, two or more judicious persons for Fence Viewers, Treasurer, Surveyors of Highways, Surveyors of Lumber, Wardens, Tythingmen, Sealers of Leather, Measurers of Wood, Clerks of the Market, Constables, and other usual town officers; the election of Moderator of such meetings, Town Clerks, Selectmen and Assessors, shall be by written ballots, and all other of said of-

Qualification
of voters:

Proviso as to
voting on pa-
rochial ques-
tions.

Annual meet-
ings to be hol-
den in March
or April.

Town officers
then to be
chosen.

Certain offi-
cers by ballot.

Town Clerk to give list of officers chosen to Constable.

Constable's duty thereupon.

Penalty for officers' not appearing to be sworn.

Mode of being sworn and certificate of oath.

Clerk to make record, &c.

ficers by ballot or such other method as the voters agree upon; and during the election of the Moderator for any town meeting, the town Clerk shall preside, and shall have all powers and do all the duties which the Moderator of a town meeting by law has and does perform. And the town Clerk, or two of the Selectmen, shall forthwith make out a list of the names of all those who shall be then chosen into office, of whom an oath is by law required, and deliver the same to some Constable or Constables of the same town, together with a warrant to him or them directed, who is hereby required, within three days after receiving such warrant, to notify and summon each of the said persons to appear before the town Clerk, within seven days from the time of such notice, to take the oath by law prescribed to the office, into which they are severally chosen; and every person who shall neglect to appear before the town Clerk, within the said seven days, and take the oath of office unto which he is chosen and summoned as aforesaid, unless such person is by law exempted from serving in the office; which oath the town Clerk is hereby authorized to administer, shall forfeit and pay to him or them that will inform or prosecute therefor, the sum of five dollars, except those officers, for whose neglect a different penalty is provided, two thirds for the use of the town, and the other third to the use of the prosecutor: *Provided always*, That any person who shall take the oath of office before a Justice of the Peace, and file a certificate thereof with the town Clerk within the said ten days, shall be exempted from the said fine; and every Constable shall, at the expiration of the term of ten days from the time of receiving such warrant, make a return into the Clerks office of the same town, of the warrant to him committed as aforesaid, with his doings thereon, for a neglect of which, he shall forfeit and pay the sum of six dollars, to be to the use of the town; the Constable to be allowed such reasonable sum for his services upon this and other town business as the inhabitants shall agree upon. And the town Clerk shall make a record of such persons as shall from time to time be sworn into office before him, or of such as shall file certificates of their being sworn, as aforesaid; and no person shall be obliged to serve in any town office two years successively.

SEC. 2. *Be it further enacted,* That when by reason of non acceptance, death or removal of any person chosen to office in any town at the annual meeting for the choice of town officers, or at any other time, or by reason of a person's becoming non compos, there is a vacancy, or want of such officers, the town being orderly assembled in the manner this Act directs, may proceed to a new choice of officers to supply and fill such vacancy; and the person or persons, thus chosen and sworn before the town Clerk or a Justice of the Peace, (in case an oath of office is by law required) shall have the same power and authority to discharge the duties of the office, as though chosen at the annual meeting for the choice of town officers.

Vacancies in town offices how to be filled.

SEC. 3. *Be it further enacted,* That at every town meeting, a Moderator shall be first chosen by a majority of votes, who shall be thereby empowered to manage and regulate the business of the meeting; and when a vote declared by the Moderator, shall immediately after such declaration, be scrupled or questioned by seven or more of the voters present, the Moderator shall make the vote certain by polling the voters, or such other way as the meeting shall desire. And no person shall speak in the meeting before leave first had and obtained from the Moderator, nor when any other person is orderly speaking; and all persons shall be silent at the desire of the Moderator on pain of forfeiting one dollar for the breach of every such order, to the use of the town; and if any person shall, after notice from the moderator persist in his disorderly behaviour, then it shall be lawful for the Moderator to direct such disorderly person to withdraw from the meeting; and such disorderly person upon his refusal or neglect to withdraw, shall forfeit and pay a fine of three dollars, to the use of the same town; and may also by direction of the Moderator be carried out of the meeting by some Constable of said town, and put into some place of confinement, and there be detained for the space of three hours, unless the town meeting shall sooner adjourn or dissolve: *Provided always,* That town meetings for the choice of Governor, Senators and Representatives, shall be had as the Constitution directs; any thing in this Act contained to the contrary notwithstanding. And the Moderator

Power and duty of moderator.

Proviso as to town meetings for choice of State officers.

Moderator

may administer oaths, in certain cases.

of any town meeting chosen as aforesaid, is hereby authorized, in case no Justice of the Peace be present, to administer to the Clerk in open town meeting, the oath by law prescribed to the same office.

Penalty if selectmen or moderator permit votes to be inspected before closing the poll.

SEC. 4. *Be it further enacted,* That if the Moderator or Selectmen presiding at any town meeting, without the consent of the voter, shall read or examine, or permit any other person to read or examine the name or names written on his ballot or ticket, with a view to ascertain the name of the candidate voted for, before the poll is closed, the Moderator, Selectmen or Selectman so offending, shall each of them on conviction, forfeit and pay to the use of such town, the sum of twenty dollars, to be recovered by indictment in any Court proper to try the same.

Mode of calling town meetings.

SEC. 5. *Be it further enacted,* That when there shall be occasion of a town meeting, the Constable or Constables, or such other person as shall be appointed for that purpose by warrant from the Selectmen, or the major part of them, shall summon and notify the inhabitants of such town, to assemble at such time and place, in the same town, as the Selectmen shall order; the manner of summoning the inhabitants to be such as the town shall agree upon; and when ten or more of the freeholders of a town shall signify in writing their desire to have any matter or thing inserted in a warrant for calling a meeting, the Selectmen are hereby required to insert the same in the next warrant they shall issue for a meeting, or call a meeting for the express purpose of considering thereof; and no matter or thing shall be acted upon in such a manner as to have any legal operation whatever, unless the subject matter thereof be inserted in the warrant for calling the meeting; and in case the Selectmen shall unreasonably deny to call a meeting upon any public occasion, any ten or more of the freeholders of such town may apply to a Justice of the Peace within and for the same county, who is hereby authorized and empowered to issue his warrant under his hand and seal directed to the Constable or Constables of the town, if any such there be, otherwise to any of the freeholders applying therefor, directing him or them to notify and warn the inhabitants qualified to vote in town affairs, to assemble at such time and place in the same town, as the

Nothing to be acted upon which is not included in warrant for meeting. Justice of peace may call meetings in case, &c.

said Justice shall in his said warrant direct, and for the purpose in the same warrant expressed: And when by reason of death, removal or resignation of Selectmen, a major part of the number originally chosen shall not remain in office within any town; in every such case, a major part of the survivors, or of such as remain in office, shall have the same power to call a town meeting as a major part of the whole whole number first chosen.

If majority of selectmen die or vacate their offices, a majority of survivors, &c. may call meetings.

SEC. 6. *Be it further enacted*, That the citizens of any town, qualified as aforesaid, at the annual meeting for the choice of town officers, or at any other town meeting, regularly warned, may grant and vote such sum or sums of money as they shall judge necessary for the settlement, maintenance and support of the ministry, schools, the poor, and other necessary charges, arising within the same town, to be assessed upon the polls and property within the same, as by law provided; and they are also hereby empowered to make and agree upon such necessary rules, orders and bye-laws, for the directing, managing and ordering the prudential affairs of such town, as they shall judge most conducive to the peace, welfare and good order thereof; and to annex penalties for the observance of the same not exceeding five dollars for one offence, to enure to such uses as they shall therein direct: *Provided*, They be not repugnant to the general laws of this State: *And provided also*, Such orders and bye-laws shall have the approbation of the Court of Sessions of the same county.

Towns, at legal meetings may raise monies, &c.

and make bye-laws,

to be approved by Court of sessions.

SEC. 7. *Be it further enacted*, That the inhabitants of every town within this State, are hereby declared to be a body politic and corporate; and as such may commence and prosecute any suit or action in any Court proper to try the same; and may also defend any suit or action commenced against them; and for this purpose the said inhabitants qualified and convened in manner aforesaid, may nominate and appoint one or more agents or attorneys. The choice of the agent or attorney, certified by the town Clerk, shall be deemed and taken sufficient evidence of such appointment. And when any suit shall be commenced against any town, a copy of the writ or original summons, or such other legal process as may issue against them, shall be left with the Clerk of

Towns made bodies politic and corporate, and may sue and be sued.

Choice of an agent, how proved.

Writs against towns to be served 30 days before Court.

such town, or with one of the Selectmen, thirty days at least before the day of the sitting of the Court, unto which the same shall be returnable.

Boundaries of towns established, and lines to be run every five years, &c. by selectmen, &c.

SEC. 8. *Be it further enacted,* That the bounds of all townships shall be and remain as heretofore granted, settled and established. And to prevent an interference of jurisdiction, the lines between towns shall be run and the marks renewed within three years from the last day of March next, and once every five years forever after, by two or more of the Selectmen of each town or such other persons as they shall in writing appoint to run and renew the same; and their proceedings, after every such renewal of boundaries, shall be recorded in the respective town books; the Selectmen of the most ancient town to give ten days notice in writing unto the Selectmen of the adjoining towns, of the time and place of meeting for such perambulation: and the Selectmen who shall neglect their duty in notifying or attending, either personally or by their substitutes, to perambulate the line at the time and places assigned as aforesaid, shall severally forfeit and pay the sum of ten dollars, two thirds to the use of the town which shall comply with their duty as aforesaid, and the other third part unto any two or more of the Selectmen of the town so complying, who are hereby empowered to inform or sue therefor in the Circuit Court of Common Pleas for the same county, at any time within two years after the forfeiture shall be incurred and not afterwards.

Mode of proceeding in such cases.

[Approved March 19, 1821.]

CHAPTER CXV.

An Act regulating Elections.

Assessors to make a list of votes for State officers, &c. before 1st. of August annually.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That it shall be the duty of the Assessors of each town within this State, on or before the first day of August annually, to make out and deliver to the Selectmen thereof, a correct and alphabetical list of all such inhabitants of their respective towns as shall appear to them qualified by the Constitution of this State, or of the