

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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. II.
.....

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 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>		

he or they shall have an action or actions against the town or plantation, to recover the full value of the estate so levied upon and taken, with interest thereon, computed at the rate of twelve per centum per annum, from the time the said estate was taken, with legal costs of suit: and at the trial, the plaintiff or plaintiffs shall be admitted to prove the real and true value of the estate so taken, at the time the same was levied upon. And in order that such action or actions may be supported against a plantation:

mode and nature of indemnity for such inhabitants.

SEC. 64. *Be it further enacted*, That each plantation in this State, from which any State tax or taxes now remain due and unassessed, or from which any State or county tax shall hereafter be required as aforesaid, be and hereby is made a body politic and corporate for the purposes aforesaid, and liable to such action or actions, with full power to defend the same in the same manner as towns by law may defend suits against them.

Plantations subject to same liabilities as towns in such cases.

[Approved March 21, 1821.]

—:00:—

CHAPTER CXVII.

An Act to provide for the Education of Youth.

Whereas the Constitution of this State has declared that a general diffusion of the advantages of education is essential to the preservation of the rights and liberties of the people, and has made it the duty of the Legislature to require the several towns to make suitable provision at their own expense for the support and maintenance of public schools:

Preamble.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That every town and plantation shall annually raise and expend for the maintenance and support of schools therein, to be taught by school masters duly qualified, a sum of money including the income of any incorporated school fund not less than forty cents for each inhabitant, the number to be computed according to the next preceding census of the State, by which the representation thereof has been apportioned: *Provided*, That a part, not exceeding one third of the money allotted to any district, may, if the district so determine, be applied to the support of a school taught by a mistress, or when the sum so allotted to a district in any year, shall not exceed thirty

Amount of money to be annually raised and expended for schools, in each town and plantation.

five dollars, the whole may be expended in the same manner.

Duty of presidents and instructors of colleges, and preceptors of academies towards their pupils.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Presidents, Professors, and Tutors of Colleges, and the preceptors and teachers of academies, and all other instructors of youth, to take diligent care and exert their best endeavours to impress on the minds of children and youth committed to their care and instruction, the principles of piety and justice, and a sacred regard to truth, love to their country, humanity and universal benevolence; sobriety, industry, and frugality; chastity, moderation and temperance; and all other virtues which are the ornaments of human society: and it shall be the duty of such instructors to endeavour to lead those under their care (as their ages and capacities will admit) into a particular understanding of the tendency of the before mentioned virtues, to preserve and perfect a republican constitution, and secure the blessings of liberty as well as to promote their future happiness, and the tendency of the opposite vices to slavery and ruin.

School committee to be chosen at annual meetings.

SEC. 3. *Be it further enacted*, That there shall be chosen by ballot at the annual meeting, in each town and plantation, a superintending school committee, consisting of not less than three nor more than seven persons, whose duty it shall be, to examine school masters, and mistresses, proposing to teach school therein. And it shall be the duty of such committee to visit and inspect the schools in their respective towns and plantations, and inquire into the regulations and discipline thereof, and the proficiency of the scholars therein, and use their influence and best endeavours, that the youth in the several districts regularly attend the schools; and the said committee shall have the power to dismiss any school master or mistress who shall be found incapable, or unfit to teach any school, notwithstanding their having procured the requisite certificates; but the towns and plantations shall be bound to pay such instructors for the time they have been employed; and the superintending committee shall have power to direct what school books shall be used in the respective schools; and at the meeting for the choice of town officers, there shall be chosen an agent for each school district, whose duty it shall be, to hire the school masters, or

Duty and powers of such committee.

Towns to choose agents for each school district.

mistresses for their respective districts, and to provide the necessary fuel and utensils for the schools. If any parent, master or guardian, shall, after notice given him by the master or mistress of any school, refuse or neglect to furnish their several scholars with suitable books, the Selectmen of the town or Assessors of the plantation thereof, on being notified by such master or mistress, shall furnish the same at the expense of the town or plantation, which expense shall be added to the next town or plantation tax of such parent, master or guardian.

School books to be furnished by parents, guardians, &c.

In case of neglect, how supplied.

SEC. 4. *Be it further enacted,* That no person shall be employed as a school master, unless he shall be a citizen of the United States, and shall produce a certificate from the superintending school committee of the town, or plantation where the school is to be kept, and also from some person of liberal education, literary pursuits and good moral character residing within the county, that he is well qualified to instruct youth in reading, in writing the English language grammatically, and in arithmetic, and other branches of learning usually taught in public schools; and also a certificate from the Selectmen of the town or Assessors of the plantation where he belongs, that, to the best of their knowledge, he is a person of sober life and conversation, and sustains a good moral character. And no person shall be employed as a school mistress unless she shall produce a certificate from the superintending school committee of the town or plantation where the school is to be kept, that she is suitably qualified to teach the English language grammatically, and the rudiments of arithmetic, and produce satisfactory evidence of her good moral character.

No alien to be employed as a schoolmaster.

Certificate of qualifications of master and mistresses to be produced.

SEC. 5. *Be it further enacted,* That it shall be the duty of the Assessors of each town and plantation to assign to each school district, a proportion of the money raised in each year for the support of schools according to the number of children therein, between the ages of four and twenty one years; and the Assessors of towns shall certify such assignment to the Selectmen: *Provided,* That whenever any town or plantation shall raise a sum of money exceeding that required by this Act, such surplus may be distributed among the several school districts, in such manner as the

Assessors to assign to each district its share of money.

Proviso.

Penalty for neglecting to raise and expend the money required by this Act.

Penalty for teaching school without certificate.

Penalties how to be recovered.

Duty of Grand Jurors as to this act.

Each town and plantation may determine the number and limits of school districts. Districts made corporations.

School districts may raise money for sundry purposes.

town or plantation may determine. And if any town or plantation shall fail to raise and expend annually for the support of schools the amount of money required by this Act, they shall forfeit and pay a sum not less than twice, nor more than four times the amount of such failure or deficiency.

And any person who shall teach any school required by this Act, without producing prior to his commencing the same the certificates required by this Act, shall forfeit and pay seventy five cents for each day he shall so teach such school, and shall be barred from recovering of any town, plantation, or person, any pay for teaching such school.

SEC. 6. *Be it further enacted*, That all forfeitures and penalties for a breach of this Act, shall be recovered by indictment or information, before any Court of competent jurisdiction; and it shall be the duty of all Grand Jurors, to make due presentment thereof, in all cases that shall come to their knowledge, and such penalty when recovered, shall, in all instances be paid into the treasury of the town, or plantation where the same was incurred for the support of schools therein, in addition to the sum annually required to be raised by this Act, and the cost of prosecution into the county treasury. And if any town or plantation shall neglect for the space of one year so to appropriate and expend any fine or penalty, they shall forfeit the same, to be recovered in an action of debt to the use of the person who may sue therefor.

SEC. 7. *Be it further enacted*, That the several towns and plantations, be, and they hereby are authorized and empowered to determine the number, and define the limits of school districts within the same; and each and every school district in this State is hereby made a body corporate, with power to sue or to be sued, and to take and hold any estate, real or personal, for the purpose of supporting a school or schools therein, and to apply the same agreeably to the provisions of this Act, independently of the money raised by the town for that purpose.

SEC. 8. *Be it further enacted*, That the inhabitants of any school district, qualified to vote in town affairs, be and they hereby are empowered, at any district meeting called in manner hereinafter provided, to raise money for the pur-

pose of erecting, repairing, purchasing or removing a school house and of purchasing land upon which the same may stand, and utensils therefor, and to determine where the said school house shall be erected or located in said district; and also to determine at what age the youth within such district may be admitted into a school kept by a master or mistress, and whether any scholars shall be admitted into such school from other school districts.

and direct as to admission of scholars.

SEC. 9. *Be it further enacted,* That for the purposes aforesaid, all lands, whether improved or unimproved, shall be taxed in the district in which they lie; and the Assessors of any town or plantation, shall assess in the same manner as town taxes are assessed on the polls and estates of the inhabitants composing any school district, in their town or plantation, and on lands lying within the same, belonging to persons not living therein, all monies voted to be raised by the inhabitants of such district, for the purpose aforesaid, within thirty days after the Clerk of the district shall have certified to said Assessors the sum voted by the said district, to be raised as aforesaid. And it shall be the duty of said Assessors to make a warrant in due form of law, directed to one of the Collectors of their town or plantation, requiring and empowering said Collector to levy and collect the tax, so assessed, and pay the same, within a time limited by said warrant, to the Treasurer of the town or plantation, to whom a certificate of the assessment shall be made by the Assessors; and the money so collected and paid shall be at the disposal of the committee of the district, to be by them applied agreeably to the vote of their district as aforesaid. And such Collector in collecting such taxes shall have the same powers and be holden to proceed in the same manner, as is by law provided in collecting town taxes.

Mode of assessing and collecting monies raised for support of schools.

SEC. 10. *Be it further enacted,* That the Treasurer of any town or plantation, who shall receive a certificate of the assessment of a district tax, shall have the same authority to enforce the collection and payment thereof, as of town or plantation taxes. And the Assessors of any town or plantation, shall have the same power to abate such district tax, as they have to abate a town or plantation tax. And the Assessors, Collector and Treasurer, shall be allowed by the

Powers of town and plantation treasurers as to district taxes.

Compensation of assessors,

collectors and school district the same compensation for assessing, collecting and paying any district tax as they are allowed by the town or plantation for similar services.

Mode of calling district meetings.

SEC. 11. *Be it further enacted,* That it shall be the duty of the Selectmen of any town, or Assessors of any plantation, upon application made to them in writing, by three or more freeholders residing within any school district, in such town or plantation, to issue their warrant, directed to one of the persons making such application, requiring him to warn the inhabitants of such district, qualified to vote in town affairs, to meet at such time and place in the same district as shall in the same warrant be appointed.—And the warning aforesaid shall be by notifying personally every person in the district qualified to vote in town affairs, or by leaving at his usual place of abode, a notification in writing, expressing therein the time, place and purpose of the meeting, seven days at least before the time appointed for holding the same: *Provided,* That any town or plantation, at the request of such district, may, at any legal meeting thereof, determine the manner in which notice of future meetings in such district may be given. And such inhabitants so assembled, may choose a Moderator, and also a Clerk, who shall be sworn faithfully to discharge the duties of his office before a Justice of the Peace, or before the Moderator, and it shall be the duty of such Clerk to make a fair record of all votes passed at any meeting of the district, and to certify the same when required; and may also choose a committee to superintend the laying out and expending the money raised by such district agreeably to their vote, for the purposes aforesaid, to examine and allow such accounts as they may think proper, and to draw orders on the town or plantation treasury for the amount of the money raised.

Proceedings when met.

When a district refuses to raise money, the town or plantation may raise and assess it on the district, and collect it.

SEC. 12. *Be it further enacted,* That whenever at any legal meeting of a school district, called for the purpose of raising money, for the erecting, repairing, purchasing or removing of a school house, or for purchasing land on which the same may stand, or for procuring utensils therefor, a majority of the voters present are opposed to the raising of money for any such purpose, it shall be lawful for the Selectmen of the town, or Assessors of the plantation in which such

district is situated, on application in writing of any five or more freeholders, inhabitants of such school district, to insert in their warrant for calling the next town or plantation meeting, an article requiring the opinion of the town or plantation, relative to such subject as proposed in the said district meeting; and if a majority of the voters present in such town or plantation meeting, shall think it necessary and expedient, they may grant a sum sufficient for any of the purposes aforesaid, to be assessed on the polls and estates in said school district, to be collected and paid as is in this Act provided.

SEC. 13. *Be it further enacted,* That when the inhabitants of any school district cannot agree where to erect or locate a school house in their district, the Selectmen of the town or Assessors of the plantation, to which such district belongs, upon application made to them in writing by the committee of the district, chosen to superintend the building or purchasing of such school house, are hereby authorized and empowered to determine on the place where such school house shall be erected or located.

If district cannot agree where school house is to be placed, selectmen, &c. may decide.

[Approved March 15, 1821.]

CHAPTER CXVIII.

An Act directing the method of laying out, and making provision for the Repair and Amendment of Highways.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That when a new highway from town to town, or place to place, shall be wanting, or where an highway already laid out, stated and established, may or can with greater convenience be turned or altered, upon application made to the Court of Sessions within the same county, and it being determined by them to be of common convenience or necessity, to have such new way laid out, or old way altered, due notice of such application having before such adjudication been given to the towns interested, the said Court are hereby authorized and empowered by warrant under the seal thereof, to appoint a committee of three or five disinterested freeholders in the same county,

Court of Sessions to lay out highways, adjudged necessary, after due notice given,

by committee of 3 or 5 freeholders; who