

# 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>                   |              |  |

to be considered the true bounds.

In other cases sixty years prescription necessary to justify continuance of fence, &c.

records, or by any other boundaries; and such buildings or fences have been upheld, maintained and continued for more than forty years, such fences or buildings shall be deemed and taken to be the true ancient boundaries thereof; but no length of time (under three score years) shall justify the continuance of a fence or building on any town or private way, or on any public highway, a common training field, burying place, landing place or other piece of land appropriated for the general use, ease or convenience of the community at large, or for the inhabitants of any particular county, town, or parish, but the same may be removed by order of the Circuit Court of Common Pleas, or the Supreme Judicial Court, as a nuisance, upon the presentment of a Grand Jury.

[Approved March 2, 1821.]

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## CHAPTER CXIX.

An Act for enabling Proprietors of Private Ways and Bridges to repair them in equal proportion.

How meetings of such proprietors are to be called.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That when and so often as any number of the proprietors and rightful occupants of any private way or bridge, where there are four, or more than four of them, shall judge a proprietors' meeting necessary, three of them applying to a Justice of the Peace within and for the county where the said way or bridge lies, such Justice is hereby authorized and empowered to grant a warrant for calling the same; or otherwise one fourth part of the said proprietors may, of themselves, call such meeting; in either case to be done by warrant under the hand of the said Justice, posted up in some public place or places, in the town or towns where the said proprietors and rightful occupants live respectively, seven days at least before the time appointed for such meeting, signifying the time, place and business thereof; and the major part of the proprietors and rightful occupants so assembled, shall have full power to determine by a major vote on any other way of calling meetings in future, and to choose a Clerk and surveyor, who shall be sworn to the faithful discharge of their

May agree on the mode of calling future meetings and choose clerk and surveyor—to be sworn.

respective trusts, as town officers are; and to determine what repairs on the said way or ways, bridge or bridges, are necessary; and also each proprietor's and occupant's proportion of labour and materials necessary for repairing the said way or ways, bridge or bridges; and such surveyor, so chosen and sworn, shall have the same power with respect to such ways or bridges, as the surveyors of highways are by law invested with; and shall be governed by the same rules as are prescribed by law for their direction; and in case of neglect or refusal of any proprietor or occupant, in attending the said work by himself or other sufficient person in his stead; or furnishing materials when required by the said surveyors, necessary for the repair of the said ways or bridges, agreeable to the determination of the said proprietors; he or she shall be subject to the same fines and penalties as are provided in case of town highways, and to be recovered in the same manner:

Proceedings as to repairs.

SEC. 2. *Be it further enacted*, That if any surveyor, chosen as is provided by this Act, shall refuse or neglect to accept that trust, and take the oath aforesaid, he shall forfeit and pay the sum of four dollars, to be recovered in manner aforesaid: and all fines and forfeitures incurred by breach of this Act, shall be applied for the use of the propriety for repairing the said ways or bridges.

Penalty on surveyor's refusal to accept.

Fines how applied.

SEC. 3. *Be it further enacted*, That it shall and may be lawful for said proprietors, and the rightful occupants of private ways and bridges, at any meeting legally assembled for that purpose, to authorize their surveyor, or any other person or persons to contract by the year, or for a longer or a shorter time, for the making and keeping in repair any private way or ways, bridge or bridges; and at any such meeting may vote to raise any sum or sums of money they may deem necessary for carrying such contracts into effect; and may choose Assessors, who shall assess all sums of money so raised on each proprietor's or occupant's proportion therein; and shall also deliver true lists of said assessments to the said surveyor, with warrants of distress in form, as to substance, as is prescribed by law for collecting town taxes; and every such surveyor is hereby authorized and empowered to levy and collect all taxes or assessments for

May authorize their surveyor to make contracts for repairing, &c.

and raise money to carry them into effect.

May assess and collect taxes, &c. as in case of highways.

Penalty on surveyor for neglect.

the purposes aforesaid, in the same way and manner as surveyors of highways are empowered to collect town highway taxes, in and by "An Act directing the method of laying out, and making provision for the repair and amendment of highways;" and if any such surveyor shall neglect or refuse to pay over the monies so collected to such person or persons as he, in his warrant of distress shall be required, when demanded, he shall be liable to the same penalties as in and by the said laws is provided, in case of surveyors failing to pay over monies to the town Treasurer in the like case.

[Approved February 28, 1821.]

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## CHAPTER CXX.

An Act making provision for erecting Guide Posts upon public Roads.

Towns, &c. to erect and keep guide posts.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That it shall be the duty of the inhabitants of the several towns in this State, and also such plantations as are assessed in any public tax, to provide, erect, and keep in repair such guide posts upon all public roads, at such places, and in such manner, as is hereafter in this Act provided.

Selectmen, &c. to direct where they shall be placed, and a record of such places to be made.

SEC. 2. *Be it further enacted,* That the Selectmen of the several towns, and the Assessors of all plantations, assessed in any public tax, in this State, be and they hereby are authorized and required from time to time to fix and determine upon such places at the corners and angles of all roads in the several towns and plantations aforesaid, at which the said guide posts shall be erected and kept, as in their judgment shall be found necessary and convenient, and shall cause a fair record thereof to be entered and kept among the records of the said towns or plantations.

Manner of their construction.

SEC. 3. *Be it further enacted,* That the guide posts to be erected and kept in pursuance of this Act, shall be constructed in manner following, that is to say; there shall be erected at the several corners or angles of the roads aforesaid, at such places as shall be ordered by the Selectmen of