

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. 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>		

CHAPTER CXXII.

An Act ascertaining what shall constitute the legal settlement; and providing for the Relief and Support, Employment and Removal of the Poor.

Repeal of former laws.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That all laws heretofore made, enacting and ascertaining what shall constitute a legal settlement of any person, in any town within this State, so as to subject and oblige such town to support such person, in case of his becoming poor and standing in need of relief, so far as they relate to the manner of gaining a settlement in future, be and they hereby are repealed; but all settlements already gained by force of said laws, or otherwise, shall remain, until lost by gaining others in some of the ways hereafter mentioned.

Settlement gained by force of them confirmed.

Modes of gaining settlement.

SEC. 2. *Be it further enacted,* That legal settlements in any town in this State shall be hereafter gained, so as to subject and oblige such town to relieve and support the persons gaining the same, in case they become poor and stand in need of relief, by the ways and means following and not otherwise, namely: *First,* A married woman shall always follow and have the settlement of her husband, if he have any within this State, otherwise her own at the time of marriage, if she then had any, shall not be lost or suspended by the marriage. *Second,* Legitimate children shall follow and have the settlement of their father, if he shall have any within this State, until they gain a settlement of their own; but if he shall have none, they shall in like manner follow and have the settlement of their mother, if she shall have any. *Third,* Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if any she shall then have within the State, but neither legitimate or illegitimate children shall gain a settlement by birth in the places where they may be born, if neither of their parents shall then have any settlement there. *Fourth,* Any person that shall be admitted an inhabitant by any town at any legal meeting, in the warrant for which an article shall be inserted for that purpose, shall thereby gain a legal settlement therein. *Fifth,* All persons dwelling and having their

Married woman.

Legitimate children.

Illegitimate children.

Admitted by town.

Incorporation

homes in any unincorporated place, at the time when the same shall be incorporated into a town, shall thereby gain a legal settlement therein. *Sixth*, Upon division of towns, every person having a legal settlement therein, but being removed therefrom at the time of such division and not having gained a legal settlement elsewhere, shall have his legal settlement in that town wherein his former dwelling place or home shall happen to fall upon such division; and when any new town shall be incorporated, composed of a part of one or more old incorporated towns, all persons legally settled in the town or towns of which such new town is so composed, and who shall actually dwell and have their homes within the bounds of such new town at the time of its incorporation shall thereby gain legal settlements in such new town. *Seventh*, Any minor who shall serve an apprenticeship to any lawful trade for the space of four years in any town, and actually set up the same therein within one year after the expiration of said term, being then twenty one years old, shall thereby gain a settlement in such town. Any person of the age of twenty one years, who shall hereafter reside in any town within this State for the space of five years together, and shall not during that term receive directly or indirectly, any supplies or support as a pauper from any town, shall thereby gain a settlement in such town. Any person resident in any town at the date of the passage of this Act, who have not within one year previous to that date received support or supplies from some town as a pauper, shall be deemed to have a settlement in the town where he then dwells and has his home. And every legal settlement, when gained, shall continue till lost or defeated by gaining a new one; and upon gaining such new settlement, all former settlements shall be defeated and lost.

of plantations, to include all then dwelling therein. Division of towns.

Apprenticeship.

Residence of five years together without receiving support.

Residence at the time of passing this law, not having been supplied as a pauper for 1 year preceding. Settlement when gained to continue till defeated by a new one.

SEC. 3. *Be it further enacted*, That every town within this State shall be holden to relieve and support all poor and indigent persons, lawfully settled therein, whenever they shall stand in need thereof; and may vote and raise monies therefor, and for their employment, in the same way that monies for other town charges are voted and raised: and may also at their annual meetings, choose any number, not exceeding twelve suitable persons, dwelling therein to be

Towns to support all paupers having settlement therein. May raise monies therefor, and choose overseers of the poor.

RELIEF OF THE POOR.

Overseers of their poor; and where such are not specially chosen, the Selectmen shall be Overseers of the poor.

Overseers to have the care of the poor, and their duty towards them.

SEC. 4. *Be it further enacted,* That said Overseers shall have the care and oversight of all such poor and indigent persons, so settled in their respective towns, and shall see that they are suitably relieved, supported and employed, either in the work house or other tenements belonging to such towns, or in such other way and manner as they at any legal meeting shall direct; or otherwise at the discretion of said Overseers, at the cost of such town.

Certain kindred of paupers liable to support them.

SEC. 5. *Provided always: Be it further enacted,* That the kindred of any such poor person, if any he shall have in the line or degree of father or grand father, mother or grand mother, children or grand children, by consanguinity, living within this State, of sufficient ability, shall be holden to support such pauper in proportion to such ability. And the Circuit Court of Common Pleas, in the county where any one of such kindred to be charged shall reside, upon complaint made by any town or kindred who shall have been at any expense for the relief and support of any such pauper; which complaint being filed in the Clerk's office of such Court and summons thereon issued, directed to and served by any proper officer to serve original summons, and in the manner they are by law to be served, fourteen days before the sitting of such Court, shall be sufficient to hold the persons summoned to answer thereto; may on due hearing, either upon the appearance or default of the kindred so summoned, assess and apportion such sum as they shall judge reasonable therefor, upon such of said kindred as they shall judge of sufficient ability, and according thereto, to the time of such assessment, with costs; and may enforce payment thereof by warrant of distress: *Provided,* Such assessment shall not extend to any expense for any relief afforded more than six months previous to the filing of such complaint. And may further assess and apportion upon them such weekly sum for the future as they shall judge sufficient for the support of such pauper, to be paid quarterly till further order of Court, and upon application from time to time of the town or kindred to whom the same shall have been ordered to be paid, the Clerk of the said Court shall issue,

Mode of proceeding to compel such support, by complaint in the Court of Com. Pleas.

Court may further assess a weekly sum to be contributed by such kindred;

and may renew a warrant of distress for the arrears of any preceding quarter. And the Court may further order with whom of such kindred that may desire it, such pauper may live and be relieved, and for such time with one, and such with another, as they shall judge proper, having regard to the comfort of the pauper as well as the convenience of the kindred. And upon suggestion, other kindred of ability not named in the complaint, may be notified, and the process may be continued, and upon due notice whether they appear or are defaulted, the Court may proceed against them in the same manner as if they had been named in the complaint. But if such complaint be not entered, or be discontinued or withdrawn, or be adjudged groundless, the respondents shall recover costs. And such Court may take further order from time to time in the premises, upon application of any party interested, and may alter such assessments and apportionment as the circumstances may vary.

and with which of them the pauper may reside.

SEC. 6. *Be it further enacted*, That said Overseers be and they are hereby empowered, from time to time to bind out by deed indented or poll, as apprentices, to be instructed and employed in any lawful art, trade, or mystery, or as servants to be employed in any lawful work or labour, any male or female children, whose parents become actually chargeable to their town, also whose parents shall be thought by said Overseers to be unable to maintain them (whether they receive alms or are so chargeable or not,) to any citizen of this State, that is to say, male children till they come to the age of twenty one years; and females till they come to the age of eighteen years, or are married; which binding shall be as valid and effectual in law as if such children had been of the full age of twenty one years, and had, by a like deed, bound themselves, or their parents had been consenting thereto: Provision to be made in such deed for the instructing of male children, so bound out, to read, write and cypher; and of females to read and write, and for such other instruction, benefit and allowance, either within or at the end of the term, as to the Overseers may seem fit and reasonable.

Overseers may bind out children of paupers as apprentices or servants.

Provision to be made in the indentures for instruction of such children.

SEC. 7. *Be it further enacted*, That it shall be the duty of said Overseers, to inquire into the usage of children al-

Overseers to inquire as to treatment of

such apprentices. ready legally bound out, or that may be bound out by force of this Act, and to defend them from injuries. And upon complaint by such Overseers, made to the Circuit Court of Common Pleas in the county where their town is, or where the child may be bound, against the master of any such child, for abuse, ill treatment or neglect; said Court (having duly notified the party complained of) may proceed to hear the complaint, and if the same be supported, and the cause shall be judged sufficient, may liberate and discharge such child from his or her master, with costs, for which execution may be awarded; otherwise the complaint shall be dismissed but without costs, unless it appears groundless and without probable cause; in which case costs shall be allowed the respondent. And any apprentice or servant, so discharged, or whose master shall decease, may be bound out anew for the remainder of the term, in manner aforesaid. And such Overseers may also have remedy, by action on such deed, against any person liable thereby for recovery of damages for breaches of any of the covenants therein contained, which, when recovered, shall be placed in the town treasury, deducting reasonable charges, and disposed of by the Overseers, at their discretion, for the benefit and relief of such apprentice or servant within the term; the remainder if any, to be paid to him at the expiration thereof; and the Court before which such cause shall be tried originally, and on the appeal, may also, upon the plaintiff's request, if they see cause, liberate and discharge such apprentice or servant from his master, if it hath not then been already done in the method before directed by this Act. And such apprentice or servant shall have like remedy when their term is expired, for damages for the causes aforesaid, other than such (if any) for which damages may have been recovered as aforesaid, by action upon such deed to be delivered them for that purpose, and on which no endorsement shall be necessary: *Provided*, Such action be commenced within two years after the expiration of the term; and where such deed shall have before been put in suit, an attested copy from the proper officer may be used and have the same force as the original. And no action brought by Overseers shall abate by the death of some of them, or

C. C. Common Pleas may discharge such child from his master in certain cases;

and he may be bound anew in certain cases.

Overseers may have remedy on indentures: Proceedings in such cases.

Action not to abate by death of some of the

by their being succeeded in office, pending the action, but it shall proceed in the name of the original plaintiffs or the survivors of them. And in case of elopement, any such apprentice or servant may be apprehended by any Justice of the Peace the county where he is bound, or where he may be found, upon the complaint of the master, or any other on his behalf, and returned to his master by any person to whom the warrant may be directed; or may be first sent to the house of correction, at the Justice's discretion. And every person enticing any such apprentice or servant to elope from his master, or harbouring him, knowing him to have eloped, shall be liable to the master's action for all damages sustained thereby. And the Circuit Court of Common Pleas, either in the county where the Overseers binding, or the master of any apprentice or servant bound, live, may also upon complaint of such master, for gross misbehaviour, discharge such apprentice or servant from his apprenticeship or service, after due notice to such Overseers and hearing thereupon.

overseers, &c. &c.

Apprentice eloping may be arrested and returned.

Persons enticing away such servants liable to damages.

Court may also discharge such apprentice, on complaint of master.

Overseers may bind out paupers in certain cases.

Persons aggrieved by doings of overseers herein, may complain to C. C. Com. Pleas.

Proceedings in such Court.

SEC. 8. *Be it further enacted,* That said Overseers shall have power to set to work, or bind out to service by deed, as aforesaid, for a term not exceeding one whole year at a time, all such persons residing and lawfully settled in their respective towns, or who have no such settlement within this State, married or unmarried, upwards of twenty one years of age, as are able of body, but have no visible means of support, who live idly and exercise no ordinary or daily lawful trade or business to get their living by; and also all persons who are liable by any law to be sent to the house of correction, upon such terms and conditions as they shall think proper. *Provided always,* That any person thinking him or herself aggrieved by the doings of said Overseers in the premises may apply, by complaint, to the Circuit Court of Common Pleas in the county where they are bound, or where the Overseers who bound them dwell, for relief; which Court, after due notice to the Overseers and to their masters, shall have power, after due hearing and examination, if they find sufficient causes, to liberate and discharge the party complaining from his or her master, and to release him or her from the care of the Overseers; oth-

erwise to dismiss the complaint, and to give costs to either party or not, as the Court may think reasonable.

Paupers in unincorporated places to be under care of overseers of the adjoining town, where such unincorporated place is taxed.

Power and duty of such overseers respecting such paupers.

SEC. 9. *Be it further enacted,* That the poor persons standing in need of relief, living without the bounds of any incorporated town, shall be under the care of the Overseers of the poor, appointed in the adjoining town wherein the inhabitants of such unincorporated place are usually taxed: and the same Overseers shall have the like authority to bind out the children of such poor persons, as they are vested with, respecting the children of persons in like circumstances, inhabitants of the town in which they are appointed. And such Overseers may also set to work, or bind out as aforesaid, for a space not exceeding one whole year at a time, all such persons above the age of twenty one years, married or unmarried, residing in their county, but without the bounds of any town, as are able of body, but have no visible means of support; or who live idly, using no ordinary daily lawful trade or business to get their living by; or who are liable by any law to be sent to the house of correction; and shall receive and apply their earnings (deducting reasonable charges) to the support of them or their families, if any they have, at their discretion; saving to such persons the like remedy for relief, if they think themselves aggrieved, as is by this Act provided for persons set to work, or bound out for like causes by Overseers of towns. And for the prevention of poverty as well as lewdness,

Persons keeping houses of ill fame may be prosecuted on complaint of overseers.

Proceedings in such case.

SEC. 10. *Be it further enacted,* That any person who shall be suspected of keeping a house of ill fame, resorted to for the purposes of prostitution or lewdness, may be apprehended by warrant from any Justice of the Peace in the county, upon complaint of the Overseers of the town wherein such house shall be; and upon conviction of such offence, before such Justice, or before the Circuit Court of Common Pleas, or presentment of the Grand Jury, may be ordered to the house of correction, for a term not exceeding one month; and after such conviction, shall not be allowed to keep lodgers or boarders, in any town without the license of the Overseers of the poor thereof.

Overseers to provide for immediate re-

SEC. 11. *Be it further enacted,* That it shall also be the duty of said Overseers in their respective towns, to provide

for the immediate comfort and relief of all persons residing or found therein, not belonging thereto, but having lawful settlements in other towns, when they fall into distress and stand in need of immediate relief, and until they shall be removed to the places of their lawful settlements; the expenses whereof, incurred within three months next before notice given to the town to be charged, as also of their removal or of their burial, in case of their decease, may be sued for and recovered, either in a civil action by the town incurring the same, against the town wherein such persons had such settlements, or in the method by complaint, hereafter prescribed in and by this Act: *Provided*, Such action or complaint for damages be commenced or preferred within two years after the cause of action arose, but not otherwise. And in such civil action the settlement of the pauper shall not be contested by the defendants, if it hath been then adjudged to be in their town upon such process as is herein after prescribed; otherwise it may be: and a recovery in such action shall bar the town against which the same shall be had, from disputing the settlement of such pauper in such town, with the town so recovering, in any future action or process, brought and prosecuted for the support or removal of such pauper.

SEC. 12. *Be it further enacted*, That the Overseers of the poor in any town, in which there is a county gaol, are hereby authorized and directed, at their discretion, by their order in writing, to set to work, under their own direction, or the direction of any other suitable person, any debtor committed to prison upon mesne process or execution, and actually chargeable to any town or district in this State for his support: And the order of said Overseers shall remain in force, until they shall revoke the same, or such prisoner shall provide for himself: *Provided however*, That no prisoner shall be required to labour more than is necessary to pay the expense of his support. And no prisoner shall be chargeable to any town as a pauper, while such order of the Overseers respecting him shall remain in force, except for the deficiency of his earnings to pay the expense of his support.

SEC. 13. *Provided nevertheless: Be it further enacted*, That every town which shall be liable for, and shall have paid

liel of persons in distress, &c. found in their towns, but settled elsewhere.

Such expenses, incurred within 3 months before notice, may be recovered of the town where the pauper is legally settled.

Provided suit be commenced within 2 years after action accrues.

Settlement of pauper not to be contested, in case.

Recovery in such action to be a bar against contesting the settlement in a subsequent action.

Overseers of towns containing a gaol, may by their order, set to work any prisoner for debt chargeable to any town in the State.

Provided, such prisoner shall not be required to labour more than is necessary for his own support. No prisoner to be chargeable to a town, as pauper during continuance of such order, except, &c.

Towns supporting poor prisoners, may

recover the expense, of the creditor who committed them:

Creditor in such cases may discharge debtor's body without prejudice to his demand, against his property.

No part of this section to apply to debts contracted before March 14, 1820.

Prison keeper's compensation for keeping pauper prisoners.

Persons actually chargeable to a town may be removed to place of their legal settlement.

Mode of proceeding.

Form of complaint.

any of the charges of maintaining in prison, any person as a pauper, hereafter committed on mesne process or execution, in any civil action, may recover the same in an action at law against the creditor, at whose suit such debtor shall have been committed, and for the time he shall continue so imprisoned, at the suit of such creditor, at the rate of one dollar and twenty five cents for the support of such debtor, per week. *Provided however,* That said creditor may, at any time, discharge his debtor, committed as aforesaid from prison, and such discharge shall not operate to release the debtor from the debt and costs on which he was committed; but such debt and costs, together with all sums which the creditor may have paid for the support of the debtor, in manner as herein before provided, shall be and remain a legal claim against the goods and estate of the debtor; his or her body being forever thereafter exempted from arrest therefor: *Provided also,* That no part of this section shall apply to any commitment for debts contracted, or for any cause of action which accrued on or previous to the fourteenth day of March eighteen hundred and twenty.

SEC. 14. *Be it further enacted,* That the keeper of the prison shall be entitled to receive at and after the rate of one dollar and twenty five cents per week, and no more, for the support of each debtor being a pauper in close confinement.

SEC. 15. *Be it further enacted,* That all persons actually chargeable, or who, through age or infirmity, idleness or dissoluteness, are likely to become chargeable to the places wherein they are found, but in which they have no lawful settlement, may be removed to the places of their lawful settlements, if they have any within the State. And in order to effect such removal, (and also to recover the expense incurred for the relief of such persons, if said Overseers choose that mode, in preference to a civil action) said Overseers may apply, by complaint to any Justice of the Peace in their county, not an inhabitant of their town, which complaint may be in substance as follows:

To ——— a Justice of the Peace, and for the county of ———. The town of ——— in the said county, by the subscribers, Overseers of their poor, complain and show that

— now resident in said town is poor, and become chargeable (or is likely to become chargeable) to said town; and that his lawful settlement is in — in the county of —. Wherefore your complainants pray that after a due course of proceedings had, the lawful settlement of said — may be adjudged to be in said town of —, and that he may be removed thither by warrant accordingly. Your complainants further pray judgment for damages, for expenses incurred on account of said —, an account whereof is annexed; and for such as may accrue until the time of judgment, and for costs. Dated at said — the day of — A. D. 182 .

A. B. &c. Overseers.

Upon which complaint such Justice shall make out and annex thereto a summons, directed to the Sheriff, or his deputy, of the county where the town to be summoned is, in substance as follows:

SEAL. — ss. To the Sheriff of the county of —, or his deputy, Greeting.

In the name of the State of Maine, you are hereby required to summon the town of — in said county of — to appear, if they see fit before me the subscriber, a Justice of the Peace in and for said county of —, on the — day of — at — of the clock in the — noon, to shew cause, if any they have, why the prayer of the above written complaint should not be granted; by leaving an attested copy thereof, and of this summons, with the Overseers of the said town of — or some one of them, thirty days before said — day of —: and make return hereof, and of your doings herein, unto me, the said Justice, on or before the said — day of —. Hereof fail not. Given under my hand and seal the — day of — in the year of our Lord —

Form of summons on such complaint.

T. P.

And such officer shall serve and return the same, his being an inhabitant of the town to be summoned notwithstanding, for the same fees as for other writs of summons. And such Justice shall summon the party to be removed, and other witnesses, and may, if he see cause, compel the appearance of the former by warrant, to be examined; and shall hear his objections to such removal, and may, for good cause, continue the process once, not exceeding three months;

Proceedings on such complaint.

and after due examination and hearing, whether the town summoned appears or not, shall proceed to give judgment for or against the complainants, and make a record thereof in substance as follows :

Form of record by Justice.

_____ ss. At a Court held before me _____ Esq. a Justice of the Peace in and for the county of _____, at _____ in said county, on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____. The town of _____ in the county of _____ complainants against the town of _____ in the county of _____; shewing that _____ now resident in said town of _____, is poor _____ and become chargeable, to that town (or is likely to become chargeable, as the fact may be) and that said town of _____ is the place of his lawful settlement, and praying it may be so adjudged, and that he may be removed thither : (and for damages for expenses incurred on account of such pauper, or that may be incurred, and for costs :) The parties appear (or the complainants appear) but the said town of _____, although solemnly called, doth not appear, but makes default ; (as the case may be.) And after due examination and hearing, and on due consideration of the premises had, I do adjudge the same to be true ; and I do also adjudge that the lawful settlement of the said _____ is in the town of _____, and that he be removed thither, and that the complainants recover costs (or that the complainants recover the sum of _____, damages for expenses incurred to this time for the support of said _____ as the case may require) [or if in the favour of the town complained of, say,] I adjudge that the said _____ is not likely to become chargeable to said town of _____, or that the lawful settlement of said _____ is not in said town of _____ ; and that said town of _____ recover costs. Recorded by me. _____ Justice of the Peace.

No costs, however, to be awarded for such town if defaulted ; but if the complaint be not entered, or be discontinued, or not prosecuted, the town complained of appearing, and praying therefor, shall recover costs. And upon judgment of removal, such Justice may issue his warrant of removal directed to, and to be executed by any Constable of the town from whence the person is to be removed, and to any particular person by name in the following form :

Justice may issue his warrant of removal ;

(SEAL.) ——— ss. To any Constable of the town of ———
in the county of ———, or to ——— Greeting.

Whereas, at a Court held on ——— before me ———, form thereof.
Esquire, a Justice of the Peace in and for the county of
———, on the ——— day of ———, it was adjudged by
me the said Justice, that ——— now resident in said town
of ———, is chargeable, (or likely to become chargeable, as
the case may be) thereto; that his lawful settlement is in
the town of ——— in the County of ———, and that he be
removed thither. I do therefore, in the name of the State
of Maine, hereby authorize and require you forthwith to
take, remove and convey, by land or water, as may be
most convenient, the said ——— to the said town of ———, and
him deliver to the Overseers of the Poor thereof, or some
one of them; who are hereby required to receive and pro-
vide for him as an inhabitant of that town. And of this
warrant and of your doings herein, you are to make return
to me, as soon as may be after you shall have executed the
same. Given under my hand and seal the ——— day of ———,
in the year of our Lord one thousand eight hundred and
———. J. P.

And such Overseers shall be obliged to receive and pro-
vide for such person accordingly; and said Justice may al-
so award execution for damages and costs; and may tax in
costs a reasonable sum for the expense of removal; and the
execution may be issued to, and may be executed by a
proper officer in the county where the town is, against which
it issues: *Provided always*, That either party, as also any
person who shall be adjudged likely to become chargeable,
and ordered to be removed, aggrieved at the judgment of
such Justice, may appeal therefrom to the next Circuit Court
of Common Pleas to be holden in and for the same county;
and shall produce copies, and enter and prosecute the same
as other appeals are. And said Court shall hear and de-
termine the same without a Jury, and may award like war-
rant for removal, and like execution for damages and costs,
mutatis mutandis; or may on complaint, affirm the judgment
of the Justice with additional damages and costs, where the
appeal is not prosecuted, and carry such judgment into ex-
ecution.

Justice may
award execu-
tion for dam-
ages and costs.

Appeal allow-
ed to C. C.
Com. Pleas.

Proceedings
on such ap-
peal.

Complaint may be made originally to C. C. Com. Pleas.

Proceedings in said Court on such complaint.

May be corrected on error in Supreme Jud. Court.

Proceedings thereon in Sup. Judicial Court.

Depositions may be used in such cases.

Overseers, before legal process, may send written notice to the town supposed to be chargeable, &c. to remove the pauper.

SEC. 16. *Be it further enacted*, That such complaint may be originally made by said Overseers, if they see fit, to the Circuit Court of Common Pleas in their County, by filing the same with the Clerk of said Court and procuring a like summons from him, *mutatis mutandis*, and causing the same to be served in time and manner as aforesaid; as also summons for the party, to be removed, and for witnesses; and such Court, upon such complaint shall proceed to hear, determine, adjudge and grant warrant and execution in the same manner as in cases coming before them by appeal; and in all their adjudications in the premises, they shall state the facts upon which their judgments are founded; to the end that error therein, if any, may be corrected by writ of error, in the Supreme Judicial Court; to which either party aggrieved shall be entitled, if purchased within a year, but not otherwise; and upon which, if judgment be reversed such judgment shall be given as ought to have been given below; and the plaintiffs in error shall be restored to all they lost by such erroneous judgment with costs; but if the judgment be affirmed, the defendants shall recover costs. And said Supreme Judicial Court may send to said Circuit Court of Common Pleas, and require them to state that some material ones were omitted in the statement aforesaid; or to explain such as do not appear to the Court to be clearly stated; unless a new statement be agreed to by the parties. And depositions may be used before the Justice, as well as the Circuit Court of Common Pleas, on the trial of such complaints, when taken legally and for legal cause. And when expenses for support of a pauper are prayed for in such complaint, the same complaint may be proceeded upon to judgment, so far as respects his settlement and such expenses; the decease of the pauper pending the complaint notwithstanding.

SEC. 17. *Provided always: Be it further enacted*, That said Overseers may in all cases, if they judge it expedient, previous to any such application to any Justice of the Peace, or of the Circuit Court of Common Pleas, to send a written notification, stating the facts relating to any person actually become chargeable to their town, to one or more of the Overseers of the place where his settlement is supposed to

be, and requesting them to remove him, which they shall have power to do by a written order directed to any particular person by name, who is hereby authorized and required to obey the same; and if such removal is not effected, nor objected to by them, in writing, after such notice, to be delivered in writing, within two months after such notice to the Overseers of the town requesting such removal, or to some one of them; then such Overseers may remove such person by land or water as is most convenient, by a written order directed to, and to be served by any persons who shall be particularly mentioned in such order, to said place of his supposed settlement, the Overseers whereof shall be obliged to receive and provide for him; and their town shall be liable for the expenses of his support and removal; to be recovered by action as aforesaid, by the town incurring the same; and shall be barred from contesting the question of settlement with the plaintiffs in such an action. And if any person lawfully removed agreeably to this Act, to the place of his lawful settlement within this State, shall voluntarily return to the town from which he was removed, without their consent, he shall be deemed a vagabond; and upon conviction thereof, before any Justice of the Peace in the same county, may be sent to the house of correction.

Sec. 18. *Be it further enacted,* That said Overseers shall also relieve and support, and in case of their decease, decently bury all poor persons residing or found in their towns, having no lawful settlements within this State, when they stand in need; and may employ them, as other paupers may be, the expense whereof may be recovered of their relations, if they have any, chargeable by law for their support, in manner herein before pointed out, otherwise it shall be paid out of the respective town treasuries; and all monies accruing for licenses granted to retailers, innholders and victuallers, shall be paid into the respective town treasuries, where such licenses are granted for the benefit of the poor of the said town; any law to the contrary notwithstanding; and upon complaint of such Overseers any Justice of the Peace in his county may by warrant directed to, and which may be executed by, any Constable of their town, or any particular person by name, cause such pauper to be

If no removal, nor objection be made within 2 months, overseers may remove the pauper to his place of settlement.

And such place shall be liable to pay such expense and be barred from contesting the settlement of the pauper: Pauper returning, after such removal to be punished as a vagabond.

Overseers to support, or bury poor persons found in their towns, having no settlement in this State, or may employ them. Expenses how paid.

Money for licenses on retailers, innholders, &c. to be paid into town treasuries for benefit of the poor.

Such paupers may be sent out of State.

or employed in work house, &c.

Town liable to pay expense incurred by inhabitant, &c. for relief of pauper.

Intemperate pauper may be sent to the house of correction, to be maintained at the expense of town where he is settled, or of the county, in case.

Towns having incurred expense in supporting pauper, &c. may recover the same against him or his representatives.

On death of pauper overseers may take possession of his effects.

If there be no administration within 30 days such effects may be sold to

sent and conveyed by land or water to any other State, or to any place beyond sea, where he belongs, if the Justice thinks proper, he may be conveniently removed at the expense of the town; but if he cannot be so removed, he may be sent to and relieved and employed in the house of correction or work house, at the expense of the town; and every town shall be holden to pay any expense which shall be necessarily incurred for the relief of any pauper by any inhabitant, not liable by law for his or her support, after notice and request made to the Overseers of the said town, and until provision shall be made by them.

And where any poor person being in any town in this State, and standing in need of assistance for support, and who is notoriously subject to habits of intemperance, it shall be the duty of the Overseers of the poor in such town, to apply by complaint signed by a majority of said Overseers, to any Justice of the Peace in such county, who shall issue a warrant thereon against such person; and after a hearing before such Justice, if he shall adjudge, that such person is notoriously subject to habits of intemperance, he shall order him committed to the house of correction, to be supported at the expense of the town, in which he has a settlement; and when not an inhabitant within the State, at the expense of the county, till discharged by the joint order of the Overseers of the town in which such house of correction is situated, and two Justices of the Peace, *unus quorum*.

SEC. 19. *Be it further enacted*, That the inhabitants of any town within this State, who have incurred expense for the support of any pauper, whether he was legally chargeable to them by means of his settlement or not, may recover the same against such person, his executors or administrators, in an action of assumpsit, for money paid, laid out, and expended for his use.

SEC. 20 *Be it further enacted*, That upon the death of any pauper, who at the time of his decease shall be actually chargeable to any town within this State, the Overseers of the poor of such town may take into their possession all the personal property belonging to such pauper. And if no administration shall be taken upon the estate of such pauper, within thirty days after his decease, said Overseers

may sell so much of such property, as may be necessary to repay the expenses incurred for such pauper. And if any part of such property shall be withheld from said Overseers, they shall have the same remedy for the recovery of such property; or the value thereof, that an administrator of the estate of said pauper might have in like case.

pay expenses, &c. by overseers. Overseers may have same remedy to recover effects withheld, as administrators.

SEC. 21. *Be it further enacted,* That in all actions and prosecutions by complaint founded on this Act, for or against any town, or against any individual, the Overseers of the poor thereof, or any person, by writing, under their hands, appointed, shall and may appear, prosecute or defend the same to final judgment and execution, in behalf of such town; and every act and thing required or authorized by them to be done by this Act, may be done by them, or the major part of them.

In all actions, &c. by complaint, &c. overseers may appear by themselves or attorney, &c.

SEC. 22. *Be it further enacted,* That if any person shall bring and leave any poor and indigent person in any town in this State, wherein such pauper is not lawfully settled, knowing him to be poor and indigent; he shall forfeit and pay the sum of sixty dollars for every such offence; to be sued for and recovered by, and to the use of such town, by action of debt, in any Court proper to try the same.

Penalty for bringing or leaving a pauper in any town where he has no settlement.

SEC. 23. *Be it further enacted,* That the plantations in this State, be and they hereby are, empowered to raise money for the relief and support of the poor therein; to be applied by the Assessors thereof; and all monies accruing for licenses as aforesaid, in plantations, shall be paid into the respective treasuries thereof for this purpose.

Plantations may raise money for support of poor, and receive duty on licenses.

[Approved March 21, 1821.]

CHAPTER CXXIII.

An Act to prevent the introduction of Paupers from foreign ports or places.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That when any ship or vessel having any passengers on board, who have no settlement within this State, shall arrive at any port or harbour within the State, the master of such ship or vessel shall, before such passengers come on shore, leave a list of their

Master to leave the names of passengers with the overseers,