

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>		

and to give
bond before
landing them
to indemnify
the town.

Penalty of neg-
lect.

names and places of residence with the Selectmen or Overseers of the poor of the town where such passengers shall arrive. And the master of such ship or vessel shall not land any such persons, without the permission of the Selectmen unless he shall enter into bonds with sufficient sureties, to the satisfaction of said Selectmen, in a sum not exceeding five hundred dollars for each passenger, to indemnify and save harmless such town as well as the State from all manner of charge and expense, which may arise from such passengers, for and during the term of three years; and if the master of any such ship or vessel shall land any such passengers, without entering their names and giving bonds as aforesaid, he shall forfeit and pay the sum of two hundred dollars for each passenger so landed, to be recovered by action of debt, by any person who shall sue for the same, one moiety thereof to the use of the State, and the other moiety to the prosecutor: *Provided*, That this Act shall not take effect, until the first day of October next, and that nothing in this Act shall be construed to extend to the master of any ship or vessel, in any voyage, on which such ship or vessel, may now be employed.

[Approved June 27, 1820.]

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CHAPTER CXXIV.

An Act for erecting Work Houses for the reception and employment of the Idle and Indigent.

Towns may
erect work
houses;

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That when any town in this State shall see meet to erect or provide a house for the reception, support, and employment of the idle and indigent, such town shall be, and hereby is fully authorized and empowered this to do; and the towns aforesaid, as well as those who have already erected such houses, are hereby empowered, at their annual meeting, for the choice of town officers, to choose three, five, seven, or more Overseers of the said house; who shall have the inspection and government thereof, with full power of appointing a master, and needful assistants for the more immediate care and oversight

and choose
overseers.
Their powers
and duties.

of the persons received into or employed in the said house ; which Overseers, once in every month, and at other times as occasion shall require, shall assemble together for the purpose of determining the most eligible method of discharging the duties of their office : and at their stated monthly meetings shall have power to make needful orders and regulations for such house, which orders shall be binding until the next public meeting of the inhabitants of such town, to whom such orders shall be presented for approbation ; and when by them approved, shall be obligatory, until revoked by the town.

SEC. 2. *Be it further enacted,* That when any number of towns shall agree (at their joint charge, and for their common benefit) to erect or provide a work house for the employment of persons residing in such towns that are indigent or idle ; or to purchase land whereon to erect such house, or for the accommodation thereof, they shall be and hereby are vested with power and authority this to do ; and the ordering and governing the same, making the necessary repairs thereof, appointing a master and other assistants, and the power of removing him or them from their respective offices or trusts for irregular behaviour, in capacity, or for other sufficient cause, shall be vested in Overseers, to be from year to year specially chosen by the several towns, at their annual meeting for the choice of town officers ; each town to choose three, unless all the towns engaged in the undertaking shall agree upon a different number : and in case of the death of an Overseer, or his removal from the town for which he was appointed, the vacancy made thereby may be supplied by such town, at any other public meeting : and if any town concerned shall neglect to choose such Overseers, in such case the person or persons, chosen in the other towns may proceed in all affairs of the said house, any such neglect notwithstanding.

Several towns may join in building work-house, &c.

Mode of choosing the officers and managing the concerns of such work houses.

SEC. 3. *Be it further enacted,* That there shall be stated quarterly meetings of all the Overseers, on the first Tuesday of the months of January, April, July and October, annually, to be held at the work house, in order to inspect the management, and for directing the business thereof ; and besides those stated meetings intermediate ones, to be held at

Overseers to meet quarterly at work houses.

Intermediate meetings.

Their powers and proceedings.

May choose a moderator and clerk.

Overseers may make bye-laws, pay masters, &c. &c.

Compensation of master and assistants to be borne by towns concerned.

Payment may be compelled by action.

the work house, may be called by the Overseers of any town concerned; due notice of the time and occasion thereof being given to the rest in such way and manner as shall be agreed upon by the Overseers, at any general stated meeting: and the said Overseers, when duly assembled, may choose a Moderator; and at their first general meeting annually, after their appointment, they shall likewise choose a Clerk, to enter and record all votes and orders that shall be made and passed by the Overseers, who shall be sworn to the faithful discharge of his trust.

SEC. 4. *Be it further enacted*, That the Overseers for the time being at a general quarterly meeting, provided one half, at the least, of the whole number chosen are present, shall have full power and authority to make all reasonable orders and bye-laws, not repugnant to the laws of this State, for the ordering and regulating the said house, and the affairs thereof: which orders and bye-laws shall continue and be in force, until altered, annulled or reversed by them or their successors in office, and may likewise agree with the master or other assistants, and order meet allowance for their care and service: and all other matters of less importance, relating to the said house, may be transacted at any other meeting duly notified, when only one third part of the Overseers are present; subject nevertheless to be altered or reversed at any general stated meeting.

SEC. 5. *Be it further enacted*, That the yearly stipend, or allowance, to the master and assistants, over and above what is provided for by this Act, for their care and trouble, together with charge of keeping the house in repair, shall be paid by the several towns concerned, in proportion as they are taxed to the State, at the time the expense is incurred; or in such other proportion as all the towns concerned shall agree upon: And, if any town or towns shall refuse or neglect to advance, or reimburse their respective proportions of such allowance or other charges before mentioned, after they shall have been stated and adjusted by the Overseers, the same may be recovered of such delinquent town or towns, in any Court proper to try the same, by action to be brought by such person or persons, as the Overseers shall in writing appoint for that purpose.

SEC. 6. *Be it further enacted,* That any two or more of the Overseers in any town, already provided with such house, and any two or more of the Overseers in any town that, either by themselves or in conjunction with other towns, shall hereafter erect a work house, be, and they are hereby authorized, empowered, and directed to commit to such house by writing, under the hands of the said Overseers, to be employed and governed, according to the rules and orders of the house, any person or persons, residing in such town that are in this Act declared liable to be sent thither: *Provided,* That no greater number of persons belonging to any town, be received into the house, than such town's proportion of the said house to be allotted them, can accommodate, when the receiving them will exclude or incommode such as belong to other towns; and an order of commitment from two or more Overseers, directed to a Constable of the same town, shall, by such Constable, be obeyed and executed.

Any two overseers may commit to work house, by warrant, such persons as are liable to be sent.

No town to send more than its proper share.

SEC. 7. *Be it further enacted,* That the persons who shall be liable to be sent unto, employed and governed in any work house erected or to be erected by one or more towns, in pursuance of this Act, are, all poor and indigent persons that are maintained by, or receive alms from, the town; also all persons able of body to work and not having estate or means otherwise to maintain themselves who refuse or neglect so to do; live a dissolute, vagrant life, and exercise no ordinary calling or lawful business, sufficient to gain an honest livelihood; and all such as having some ratable estate, but not sufficient to render them liable to pay any tax for such property equal to two thirds of a poll tax, do neglect the due care and improvement thereof; and such as spend their time and property in public houses, to the neglect of their proper business; or by otherwise mis-spending what they earn, to the impoverishment of themselves and their families, are likely to become chargeable to the town or to the State.

Description of persons liable to be sent to and employed and governed in work houses.

SEC. 8. *Be it further enacted,* That when any foreigner or other person, not a legal inhabitant of any town within this State, shall become idle or indigent, it shall be the duty of the Overseers of the town in which such person resides, or any two of them to commit such idle or indigent person to

Idle or indigent foreigners may be sent to such house and employed there.

the work house belonging to the same town, or in which such town is interested; and the person or persons so committed, shall be under the care of the keeper of such house, and be employed, if capable of labour, in the same way and manner as is herein before directed, and shall be subject to the same rules and regulations as others committed to said house. And such Overseers shall keep a fair account of the charge of supporting such idle or indigent person from time to time, and shall exhibit the same once in every year, at the least, to the Legislature, for allowance and payment, deducting therefrom the amount of such person's earnings.

Overseers to keep a fair account, to be laid before the Legislature for allowance.

Penalty for towns neglecting to furnish its proportion of furniture, materials, &c.

SEC. 9. *Be it further enacted,* That if any town shall refuse or neglect to provide its proportion of the needful furniture for such house, or the materials, implements or other necessary apparatus for carrying on the work there to be performed, according to their agreement, or as shall be directed by the Overseers, such town shall be deprived of the privilege of sending any person thither, until they shall comply with such agreement or direction.

Towns may furnish more than its proportion of materials and tools in certain cases.

SEC. 10. *Be it further enacted,* That beside the aforesaid proportion of materials and other things to be found by the towns concerned, each town may likewise provide such other materials and tools for work, as the Overseers for such town shall determine, any person by them committed to the said house, can be employed about, more advantageously: and the master of the house shall receive such materials and tools, and keep them separate and apart from those sent from any other town, and shall be accountable to the Overseers of each town concerned, as well for the prime costs, as for all profits and earnings that shall be made by the labour of those belonging to such town under his care; and shall keep a register of the names of the persons committed to such work house, and of the towns to which they respectively belong, with the time of their being received into, and discharged therefrom, and of their earnings, that the same may appear to any of the Overseers whenever they shall incline to inspect them: and all controversies between the master or keeper of such house, and the Overseers of any town, touching his accounts, or other his affairs what-

Master to keep distinct account, and be accountable for prime cost, as well as profits.

And shall keep a register, &c.

Overseers to settle controversies, &c. respecting

ever respecting the work house, may be determined by the Overseers of the house at a general or quarterly meeting.

SEC. 11. *Be it further enacted,* That no town shall be chargeable for the relief or support of any person committed to the said house, who was not sent thither by the Overseers belonging to such town; nor shall any person orderly committed to the said house be discharged therefrom, but by the Overseers that made the commitment, or by the Overseers at a general or quarterly meeting, or otherwise by the Circuit Court of Common Pleas in the same county, upon application to them made for that purpose. And every person thus committed if fit and able to work shall be kept diligently employed in labour, during his or her continuance there: and in case the person so committed, shall be idle and not perform such reasonable task or stint as shall be assigned; or shall be stubborn and disorderly, they shall be punished according to the orders that shall be made for ruling, governing and punishing the persons there committed, not repugnant to the laws of this State.

master's accounts, &c.

No town liable to support any one not sent by overseers of such town.

How persons may be discharged from said house.

SEC. 12. *Be it further enacted,* That one third part of the profits or earnings of the work done by the persons detained in such house shall be to the master for, and towards his support, over and above such further annual stipend as the Overseers may allow him: and the prime stock, together with the other two thirds of the profits shall be disposed of by the Overseers of the respective towns, to whom it belongs, either to the master towards his services, or for the support of the families of the persons there detained; if any such they have, or otherwise for the use of such town as occasion shall require.

Profits of labour how divided.

SEC. 13. *Be it further enacted,* That any work house erected or provided as aforesaid, may be discontinued or applied to any other use whenever the town or towns concerned, shall find their circumstances require it, and shall agree thus to do.

Towns may discontinue work houses, &c.

[Approved March 15, 1821.]