

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.

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>	672 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 CXXV.

An Act for keeping Watches and Wards in towns, and for preventing disorders in streets and public places.

Persons liable to watch. SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That all male persons of the age of eighteen years and upwards, being able of body, or having estate sufficient to hire, shall in their respective towns, be liable to watch and ward, either in their own persons, or by some other sufficient person or persons in their room when duly warned to attend the same in the manner hereinafter mentioned, except all persons who shall live more than two miles from the place where the watch or ward is kept; and except Ministers of the gospel.

Justices and selectmen to have power to establish a watch from 9 o'clock to sunrise,

also a ward in day time.

Mode of proceeding and warning watch by constable.

Duty of watch, &c.

SEC. 2. *Be it further enacted,* That the Justices of the Peace, together with the Selectmen of each town in this State, shall have power from time to time, to direct and order a suitable watch or watches to be kept nightly within such town from and after nine o'clock in the evening until sunrise in the morning; and also a ward to be kept in the day time and evenings when they shall think the same watch or ward necessary; and to appoint the number of persons whereof the same shall consist, the place or places wherein they shall be kept, and the hour or hours for keeping the same; and to give orders in writing accordingly, signed by a major part of such Justices and Selectmen, directed to any Constable or Constables of the town empowering and requiring him or them from time to time, to warn such watch or ward, and to see that all persons, so warned by him, or them, do attend and do their duty in such manner as shall be required; and in the warning thereof to take care that some able householders, or other sufficient persons be joined in each watch or ward. And such Constable or Constables shall charge the watch to see that all disturbances and disorders in the night be prevented and suppressed; and to examine all persons whom they shall see walking abroad in the night after ten o'clock, and whom they shall have reason to suspect of any unlawful intention or design, of their business abroad at such season and whither they are

going; and in case they give not reasonable satisfaction therein, then to secure by imprisonment or otherwise, all disorderly and suspicious persons to be safely kept until morning; then to carry them before one of the next Justices of the Peace to be examined and proceeded against, according to the nature of their offences, as is by law directed. And such watchmen shall walk the rounds in and about the streets, wharves, lanes and principal inhabited parts within such town, to prevent any danger by fire, and to see that good order is kept, taking particular observation and inspection of all houses and families of evil fame and shall strictly observe the charge to be given them as aforesaid. And each Constable when attending watch or ward, shall carry with him the usual badge of his office.

SEC. 3. *Be it further enacted,* That in any town wherein the said Justices and Selectmen shall judge that a watch may be kept more for the benefit and safety thereof in any other manner than is herein before directed, and the inhabitants thereof shall agree to support the charge of the same; the Justices of the Court of Sessions within the county wherein such town lies, upon application made, are hereby empowered to direct and order the rule for apportioning and levying such sum upon the inhabitants and residents in such town as shall be granted by the town for that purpose, in such manner as they shall judge most equal and just, by poll, estate, or both to be applied accordingly.

When Justices and selectmen judge that a more effectual watch may be kept, and towns agree, Court of Sessions may direct as to assessment to defray expense.

SEC. 4. *Be it further enacted,* That whenever a watch shall be so appointed and agreed upon different from a Constable's watch, the number and qualifications of the persons, whereof it shall consist, shall also be agreed upon by the said inhabitants of the town, observing the rule prescribed in the first section of this Act; and one sober, discreet, able bodied householder shall be appointed officer of the watch by said Justices and Selectmen, to take the charge and command of such watch, who, as the badge of his office, shall carry a quarter pike with a spire on the top thereof; and every watchmen as well in this, as in the Constable's watch, shall carry a staff with a bill fastened thereon, as is usual. And the powers and duties of the said officer and watchmen shall

Towns to agree as to the qualifications of watch.

Duty of watchmen.

Their power.

be the same as are before prescribed in the second section of this Act, in the case of a Constable's watch.

Penalty for neglecting to watch when warned.

SEC. 5. *Be it further enacted,* That if any person liable to watch or ward as aforesaid, being duly warned by the officer of the watch or Constable, or by other person appointed by such officer or Constable, shall refuse or neglect to appear and attend his duty in that respect, either by himself or some other sufficient person in his stead, and be thereof convicted before a Justice of the Peace, either by the oath of the Constable, officer or other sufficient testimony on oath, without a just and reasonable excuse to be made and given for the same, he shall forfeit and pay for each offence the sum of one dollar, to the use of the town with costs of prosecution, to be levied by distress and sale of the goods and chattels of such offender, or otherwise be committed to prison until the same shall be paid. And if any Constable or officer of the watch shall neglect or refuse to observe and perform the orders he shall from time to time receive, he shall forfeit and pay to the use of said town, a sum not exceeding ten dollars, to be levied as aforesaid.

Penalty for neglect of duty by constable.

When Justices and selectmen walk by night to inspect, &c. constable and watch to attend them, &c.

SEC. 6. *Be it further enacted,* That when the said Justices of the Peace and Selectmen shall think fit to walk by night to inspect the order of the town wherein they dwell, such of said Constables and watchmen shall attend them as shall be required to do the same, and obey their lawful commands.

Gaoler's fees for committing, &c.

SEC. 7. *Be it further enacted,* That the fee to the gaoler for each person taken up in the night, and committed to be secured only till the next day, shall be twenty five cents and no more.

Penalty for riding with naked scythes, &c. in highways.

SEC. 8. *Be it further enacted,* That if any person shall ride with a naked scythe, ground and hung in a sneath, on the highways or through any lanes, streets or alleys, the person so offending shall forfeit and pay for each offence two dollars.

Penalty for assembling in night, with images, pageants, &c.

SEC. 9. *Be it further enacted,* That if any persons to the number of three or more, between sunset and sunrise, being assembled together in any of the streets or lanes in any town, shall have any kind of imagery or pageantry for a public show, although none of the company so assembled,

shall be armed or disguised, or exact, demand, or ask any money or thing of value, every person being of such company shall forfeit and pay the sum of eight dollars, or be imprisoned not exceeding one month.

SEC. 10. *Be it further enacted,* That if any person or persons shall set fire to any pile of combustible stuff, or be any ways concerned in causing or making a bonfire in any street or lane, or any other part of any town within this State, such bonfire being within ten rods of any house or building, every person so offending, shall, for each offence, forfeit and pay the sum of eight dollars, or be imprisoned not exceeding one month. The several fines in the eighth, ninth and tenth sections of this Act, shall be recovered, with costs of prosecution, one moiety of said fines to the use of the town wherein the offence shall be committed; and the other moiety to him or them who shall sue for the same. And all masters are hereby made liable to pay the several fines as aforesaid in this and the two next preceding sections, for the offences of their servants; and all parents for the offences of their children under age and not being servants.

Penalty for making bonfires, &c. in the street.

Fines how recovered.

Parents liable for fines in certain cases.

[Approved February 24, 1821.]

CHAPTER CXXVI.

An Act to diffuse the benefits of Inoculation for the Kine Pock.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That it shall be the duty of every town, and plantation within this State, wherein no board of health shall be established by law, at their annual meetings for the choice of town officers, to choose, in the manner in which other town officers are by law chosen, three or more suitable persons whose duty it shall be to superintend the inoculation of the inhabitants of such town, or plantation, with the kine pock.

Each town required to choose superintendants of inoculation,

SEC. 2. *Be it further enacted,* That it shall and may be lawful for the inhabitants of any town, or plantation, at any of their said annual meetings, to provide for the inoculation of the inhabitants of such town or plantation with the

and may provide for inoculation and raise necessary funds therefor.