

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> | | |

CHAPTER CXXXV.

An Act concerning Parishes.

How parishes and religious societies may be incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That any persons twenty one years of age, or upwards, desirous of incorporating themselves into a parish or religious society, may apply to any Justice of the Peace in the county where the majority of such applicants reside, who shall issue his warrant to one of such applicants, directing him to notify them to meet at some suitable place, in the manner by this Act provided for the purpose of incorporating themselves into a parish or religious society. And such persons so assembled, may choose a Clerk, and such other parish officers, as they may think proper; and thereupon shall be, and hereby are declared to be a body politic, to be known by such name and style as they may see fit to adopt; and shall have all the powers and privileges incident by law to parishes and religious societies.

May elect officers and become bodies politic, with parish powers.

May take and hold real estate of annual income 3,000 dollars.

SEC. 2. *Be it further enacted,* That every parish or religious society shall have power to take by gift, grant or purchase any estate real or personal, until the clear annual income of such parish or society arising from such estate, shall amount to three thousand dollars; and to give and grant or bargain and sell the same; and shall have power to order and establish such regulations and bye-laws for the management of their affairs as they may see fit: *Provided,* The same be not contrary to the laws of this State.

Mode of calling parish or society meetings and proceedings.

SEC. 3. *Be it further enacted,* That the inhabitants of each parish or religious society may meet annually and at such other time as they may deem proper, in the town where the religious meetings of such parish or society are usually held, at such time and place as they shall be notified to attend by the Assessors or standing committee of such parish or society, or by such other person as may have the warrant of such Assessors or committee therefor, such meetings to be notified seven days at least before the holding of the same, by written advertisements posted up at the principal outer door of the meeting house or place of worship of such parish or

society, or in such other mode as any parish or society may agree upon at any legal meeting of the same; and being so assembled may, by written ballot or otherwise, elect a Clerk, who shall be sworn or affirmed to the faithful discharge of his office, two or more Assessors, a Collector, Treasurer, and a standing committee, or such other officers as may be deemed proper for the convenient management of their concerns. And the Assessors of such parish or society shall have power to manage the prudential affairs thereof, when no other persons are appointed for that purpose.

SEC. 4. *Be it further enacted,* That the Moderator of any meeting of any parish or religious society, shall have power to regulate and manage the business of such meeting, to preserve due order and decorum therein, to remove therefrom every person guilty of irregular and disorderly conduct and to administer the oath of office to the Clerk. And when any vote declared by the Moderator, shall immediately be questioned by any person present, the Moderator shall make the same certain in such manner as a majority of the members present may desire.

Government of such meetings by moderator.

SEC. 5. *Be it further enacted,* That when any five members of any parish or religious society shall signify in writing their desire to have any article inserted in the warrant or notification for calling the next meeting thereof, it shall be the duty of the Assessors to insert the same accordingly. And if such Assessors unreasonably refuse to call a meeting; or any parish or religious society be destitute of Assessors, or other officers empowered to notify a meeting of the same, any Justice of the Peace within the county upon application in writing of five members of such parish or society, may issue his warrant to any suitable person therein who may notify a meeting thereof accordingly; and where any parish or religious society shall not establish the method of calling meetings of the same, such meetings may be notified and called in the manner herein before provided for the calling of annual meetings.

Justice of peace may call a meeting in certain cases.

SEC. 6. *Be it further enacted,* That every parish and religious society may at any legal meeting thereof, grant and vote such monies as they may judge necessary for the support of the public ministry of religion, for the building, re-

May vote and assess monies, and collect them,

on pews in part or wholly.

Proviso.

Pews may be sold for taxes.

Mode of proceeding.

Each man's pew tax to be paid to his own designated teacher, unless, &c.

pairing, enlarging or removing of houses of public worship and for all other necessary parish charges; and may assess the same on the polls and estates of the several members thereof, and cause the same to be collected, conforming to the laws providing for the assessment and collection of State taxes; and where any house of public worship belongs to the members of a parish or religious society it shall be lawful for such parish or society if they see cause to assess any monies voted aforesaid either wholly or in part upon the pews and seats of all individual proprietors therein: *Provided*, That such individual proprietors of pews and seats whether members of such society or not may be present and vote in granting all sums to be assessed on such seats and pews in manner aforesaid. And if the taxes or any of them so assessed on said pews and seats shall remain unpaid for the space of six months after the assessment thereof, the Treasurer of such parish or religious society shall sell such pews and seats at public vendue to the highest bidder; first posting up a notification of such intended sale at the principal outer door of such house of public worship, at least three weeks before the time of sale, therein setting forth the numbers of the pews or seats if any, and the amount of taxes due thereon; and shall make, execute and deliver to the purchaser sufficient deeds of conveyance of the same, and the monies arising from such sale over and above the taxes and incidental reasonable charges, said Treasurer shall pay over to the former owners of the pews and seats so sold respectively, or their assigns on demand.

SEC. 7. *Be it further enacted*, That all monies paid by any person for the support of public worship, or of public teachers of religion by a tax on any pew or seat, shall, if such person require it be paid over to such teacher of his own religious sect as he may designate, he leaving a written notice of such designation with the Clerk of such society on or before their annual meeting; unless such owner shall use such seat or pew by attending public worship himself, his family or other person occupying the same under him; and it shall be sufficient that such teacher be ordained and qualified agreeably to the usages of his particular sect or communion.

SEC. 8. *Be it further enacted,* That any person may become a member of any parish or religious society now existing or hereafter to be created by being accepted by the society of which he wishes to become a member, at a legal meeting of the same and giving notice thereof in writing to the Clerk of the society which he is about to leave; which notice and the time of receiving the same, it shall be the duty of such Clerk to record. But every person ceasing to be a member of any parish or religious society shall be liable to be taxed for all monies raised by such parish or society before his ceasing to be a member thereof: *Provided,* That no person shall be compelled to join or be classed with any parish or religious society without his or her consent, and when any person shall choose to withdraw from any parish or religious society, and shall leave a written notice thereof with the Clerk of such society, he or she shall be no longer liable to pay any part of any future expenses which may be incurred by such society.

Mode of becoming a member of a society, &c.

To pay taxes assessed on him by a parish, before his leaving it.

Mode of withdrawing, &c.

SEC. 9. *Be it further enacted,* That the records of every parish or religious society shall be free to the inspection of every member thereof, and of the Clerk of any other parish or religious society. And it shall be the duty of each Clerk to make and attest copies of record upon request and reasonable compensation therefor.

Records of every parish to be open to inspection.

SEC. 10. *Be it further enacted,* That the minister or ministers of every parish or religious society of every denomination are, and shall be deemed capable of taking in succession any estate granted to the minister and his successors or for the use of the ministry, or of the poor of the church, and of prosecuting and defending all actions, petitions and processes touching the same, and no alienation by any minister, of any estate granted to the minister and his successors or for the use of the ministry shall be valid any longer than during such alienors continuing minister. And the deacons, elders, trustees, stewards, or other presiding officers of every church or religious society having by its usages no settled minister, shall be deemed capable of taking in succession any estate granted to them to the use of such church or of the poor thereof: and of prosecuting and defending all actions, petitions and processes touching the same. But no alienation of such

Ministers of all parishes may take estates in succession, &c. Mode of alienation by such ministers,

and by deacons and elders in certain cases.

Mode of alienation by such.

estate by such deacons, elders, trustees, stewards, or presiding officers shall be valid any longer than during the alienors continuing in office: *Provided however,* That such deacons, elders, trustees, stewards, or presiding officers, may with the assent of the church or society alienate in fee any estate acquired by them or by such church or society by purchase; and no minister, deacons, elders, trustees, stewards or other presiding officers shall be deemed capable of taking any estate granted as aforesaid, so long as the clear annual income of any prior grants to such minister, deacons, elders, trustees, stewards, or presiding officers or their predecessors, or to the church, shall be and remain equal to the sum of three thousand dollars.

Limitation as to amount of estate.

SEC. 11. *Be it further enacted,* That all laws now in force in this State inconsistent with the provisions of this Act, be and they are hereby repealed.

[Approved March 13, 1821.]

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CHAPTER CXXXVI.

An Act for recording Births and Deaths by the Clerks of towns.

Town clerk to record births and deaths.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That it shall be the duty of every town Clerk within this State, to record all births and deaths which shall happen within his town and come to his knowledge, together with the time of such birth or death, and the names of his or her parents, if known, for the fees allowed by law, to be paid by his town.

Parents to give him notice of births and deaths,

also each householder.

Each master of alms house or ship or vessel.

SEC. 2. *Be it further enacted,* That it shall be the duty of parents to give notice to the Clerk of the town in which they dwell, of all the births and deaths of their children; and it shall be the duty of every householder to give notice of every birth and death which may happen in his house; and of the eldest person next of kin to give such notice of the death of his kindred; and it shall be the duty of the master or keeper of any almshouse, workhouse or prison; and of the master or commander of any ship or vessel, to give notice of every birth and death which may happen in the house or vessel under his care or charge, to the Clerk