

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.**

**Furthermore, the heading of this chapter
should be numbered "CLXIX."**

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 CLIX.

An Act securing to Mechanics and others, payment for their labour and materials expended in erecting and repairing houses and other buildings with their appurtenances.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That when any contract shall hereafter be made in writing, between the proprietor or proprietors of land on the one part, and any person or persons on the other part, for the erecting or repairing any house or other building, or their appurtenances, or for furnishing labour or materials, for the purpose aforesaid, the person or persons who shall in pursuance of such contract, have furnished labour or materials for such purpose, shall have a lien to secure the payment of the same upon such building, and the lot of land, on which the same stands, and upon the right of redeeming the same, when the same has been previously conveyed in mortgage: *Provided always*, That no such lien shall attach, unless such contracts shall have been recorded in the Registry of Deeds, in the county in which the land, on which such house or other building has been erected or repaired, lies; and no lien created by this Act, shall continue in force more than six months from the time when the last instalment shall fall due, by the contract by which such lien shall be claimed; unless a legal process shall have been commenced, for the purpose of enforcing such lien.

Persons, by contract in writing, furnishing labour or materials in erecting or repairing buildings, to have a lien on the same, and the land on which it stands, for payment.

Provided such contract has been recorded.

No lien to continue more than 6 months after last instalment is due.

Register of deeds to record such contracts.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Register of Deeds, in the county in which any such land may lie, to record all such contracts for the usual fees; and when a contract shall consist of more than one part, the recording of one part shall be sufficient and have the same effect as recording the whole.

SEC. 3. *Be it further enacted*, That any person having a lien upon any building, and the lot of land on which it stands as aforesaid, may petition to the Circuit Court of Common Pleas holden in the county in which the land, mentioned in any such contract, may lie; to order a sale of such land with the appurtenances; in which case the Court

When person having such lien petitions C. C. Pleas for sale of such property, what proceedings are to be had.

shall order notice to be given to all the creditors having a lien as aforesaid, on such estate, to appear and make out their claims under such contracts; and the owner or owners of such estate, to show cause, if any they have, why a decree, that such estate should be sold, should not be passed, by causing each of them to be served with an attested copy of said petition, and the order of Court thereon, fourteen days at least before the time assigned for a hearing upon said petition; or by causing an attested copy of such petition and order to be published, at such times, in such newspaper as the Court shall direct, the last publication to be at least fourteen days before the time assigned for such hearing; and every such creditor, who does not appear and exhibit his claim to the Court, before the sale of such estate shall be decreed as aforesaid, shall not be entitled to the benefit of such lien. And when it shall be made to appear to the Court before which such petition shall be pending, either by the default or confession of the party petitioned against, or by the verdict of a Jury, that any sum of money secured by such contract, had been due and unpaid sixty days at the time of preferring such petition, the Court may enter up judgment against the respondent, in favor of each of such lien creditors, for such sum as may be found due to them respectively, and may order the land and appurtenances, in such contract mentioned, to be sold at public auction, to pay and satisfy the same; saving to the owner or owners of such estate the right of redeeming the same, at any time, within one year from the time of sale, by paying the purchaser, or any person claiming under him, the sum for which it was sold, with interest at the rate of twelve per cent; deducting therefrom the rents and profits, over and above the necessary repairs. And in the hearing upon any such petition, each of such lien creditors shall have a right to contest the claim of the other, by issue to the Jury or otherwise.

SEC. 4. *Be it further enacted*, That whenever the owner of any such estate shall have so failed to perform his contract or contracts, in relation thereto as aforesaid, that in the opinion of the Court, said estate, according to the true intent and meaning of this Act, ought to be sold as aforesaid;

In certain cases court may order a partial payment to the lien creditor.

and the person or persons, or any of them, who have so contracted to furnish labour or materials for erecting or repairing such house or other buildings, and without any default on his, her, or their part, have not fully performed his, her, or their contract, a proportional rate of the sum, stipulated to be paid to such lien contractor, shall be awarded to him, her, or them. And any creditor of the owner of any lot of land, on which an house or other building shall be erected or repaired by contract as aforesaid, who shall have caused such lot of land, with the appurtenances to be attached, to secure the payment of his demand, previously to any such lien creditor entering into, and recording as aforesaid, his contract, for erecting or repairing such house, or other building, or their appurtenances as aforesaid; shall be preferred to any such contracting creditor, so far as relates to the value of said land or building, in the state in which they were at the time when erecting or repairing of such house or building was commenced. And the value of such lot of land, or land and building at the time when the same shall be attached as aforesaid, shall be ascertained by the appraisal of three disinterested free-holders of the county, in which such land shall lie; one to be appointed by the petitioning creditor or creditors, one by the respondent, and one by the officer who shall make the sale. And in case the respondent neglects or refuses to appoint such appraiser, the appointment of two such appraisers shall be made by such officer.

Proceedings, when a creditor attaches the property before the contract is recorded.

SEC. 5. *Be it further enacted,* That in all cases in which the Court shall order and decree, that any such estate shall be sold as aforesaid, the sale shall be made by the Sheriff or his deputy; and if the Sheriff be interested, then by the Coroner of the county in which such estate lies; and such notice shall be given of the time and place of sale, as is provided by law, when the right of redeeming real estate is sold, which has been conveyed in mortgage. And whenever it shall be found by the officer who has made such sale, that the net proceeds of such sale are insufficient to satisfy the sums which shall have been awarded to the lien contract creditors, and attaching creditors, according to the provisions of this Act, it shall be the duty of such officer, after satisfying

this claim of the attaching creditor or creditors, if such there are, to apportion the net proceeds of such sales among the lien creditors, according to the sums to them respectively awarded; and if the net proceeds of the sale of such estate, shall exceed the amount of all the sums ascertained and awarded as aforesaid, it shall be the duty of such officer to pay over the excess to the respondent.

When such contract is satisfied by payment or sale of the property, lien to be discharged on margin of the record.

SEC. 6. *Be it further enacted*, That each and every lien creditor, his executors, administrators, or assigns, having received payment and satisfaction of his, or their demands according to the term of such contract; or when such house or other building shall have been sold, and the proceeds thereof paid over, according to the provisions of this Act, each and every such lien creditor, his executors, administrators, or assigns, shall enter upon the margin of the record of such contract, a discharge of his or their lien upon such house or other building, created by such contract; or by deed duly executed, release the same; and any party in interest shall be entitled to have like remedy for obtaining due discharge of such lien, in case the money shall be paid as aforesaid, as is now by law secured in equity to mortgagers, their heirs, executors, administrators or assigns.

Party in interest to have same remedy to obtain a discharge as mortgagers have in equity. Jury trial in all cases, and right of appeal.

SEC. 7. *Be it further enacted*, That in all cases arising under this Act, every party shall be entitled to a trial by Jury, of any matter of fact in the cause; and any one or more of the parties may appeal from the judgment of the Circuit Court of Common Pleas, to the Supreme Judicial Court, as in other cases.

[Approved February 14, 1821.]

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CHAPTER CLXX.

An Act concerning Apprentices.

At what ages and in what manner minors may be bound as apprentices, and by whose consent.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That minors under the age of fourteen years, may be bound by deed, until that age, as servants or apprentices, by their father; and in case of his decease, by their mother or by their guardian legally appointed; or having no parent or guardian, may bind them