

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> | | |

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

selves, with the approbation of the Selectmen or major part of them, of the town where such minors reside. And all minors of the age of fourteen years or upwards may be bound by deed as apprentices or servants, females to the age of eighteen years, or to the time of their marriage within that age; and males to the age of twenty one years, by their father; and in case of his decease, by their mother, or guardian legally appointed, having the minor's consent expressed in the deed: And any such minors having no father, mother or guardian within the State may, by deed, bind themselves with the approbation of the Selectmen or the major part of them, of the town where they reside: *Provided*, That in every case there shall be two deeds of the same form and tenor, executed by both parties; one to be kept by each; and where made by the approbation of the Selectmen, they, after having examined the terms of the deeds, shall express their approbation thereon, and sign the same: *Provided also*, That all considerations which shall be allowed by the master or mistress in any contract of service or apprenticeship, shall be secured to the sole use of the minor thereby engaged. And all contracts which shall be made by any parent or guardian or by any minor for him or herself pursuant to this Act, shall be good and effectual in law against all parties, and the minor thereby engaged, according to the tenor thereof.

Indentures to be in two parts, of the same form, executed by both parties.

All considerations allowed by master or mistress, to be secured to the minors.

SEC. 2. *Be it further enacted*, That no covenant of apprenticeship entered into by any minor, his parent or guardian, for the purpose of such minor's learning or being instructed in any trade or mystery, and made to any master and the wife of such master; or to the executors, administrators or assigns of such master, shall be binding on such minor, parent or guardian, after the decease of the master; but on the death of such master, the said covenant shall be deemed void from that time; and in any such case any minor may be bound out anew, in the manner herein before prescribed.

No indenture to be binding on the minor after the death of the master, but void from that time.

SEC. 3. *Be it further enacted*, That it shall be the right and duty of parents and guardians, and of Selectmen for the time being, binding minors as aforesaid, to inquire into their usage and defend them from the cruelties, neglects or breach

Parents, guardians and selectmen to inquire into treatment of minors.

and may complain to C. C. Com. Pleas against master for wrongs done to the minors.

Court may proceed with or without Jury :

and for good reasons discharge the minor from his apprenticeship or service ; or award costs against complainants.

In case of gross misbehaviour of apprentice or servant bound, master or mistress may complain to C. C. Com. Pleas. Court after notice, to proceed as before,

and for good cause may discharge the master or mistress from their indentures.

of covenant of their masters or mistresses ; and such parents, guardians or Selectmen, for the time being, may complain to the Circuit Court of Common Pleas in the county whereof such master or mistress is an inhabitant, against him or her for any personal cruelty, neglect or breach of covenant : and the Court, after having duly notified the party complained against, shall proceed to hear and determine such complaint, with or without a Jury, according as the allegations of the parties may be. And if the same complaint shall be supported, the Court may render judgment, that the said minor be discharged from his or her apprenticeship or service, with costs against the master or mistress ; and award execution accordingly : in which case the deed of service or apprenticeship shall be deemed void from the time of rendering such judgment, and the minor may be bound out anew. But if such complaint shall not be supported, the Court shall award costs to the respondent against the parent, guardian or Selectmen where the complaint of the Selectmen shall be without probable cause, and execution accordingly.

SEC. 4. *Be it further enacted,* That if any servant or apprentice bound as aforesaid, shall be guilty of any gross misbehaviour, wilful neglect or refusal of his or her duty, the master or mistress may complain thereof to the Circuit Court of Common Pleas in the county whereof he or she is an inhabitant ; and the said Court, after having duly notified such servant or apprentice, and all persons covenanting on his or her behalf ; and the Selectmen for the time being of the town, (where Selectmen shall approve as aforesaid) shall proceed to hear and decide on such complaint, with or without Jury as the allegations of the parties may be ; and if the said complaint shall be supported, the Court may render judgment, that the master or mistress shall be discharged from the contract of service or apprenticeship, and every article thereof obligatory on him or her, with costs, and award execution for costs accordingly against the parent, guardian or minor, where the minor shall engage as aforesaid, for him or herself : and any servant or apprentice whose master or mistress shall be discharged as aforesaid may be bound out anew.

SEC. 5. *Be it further enacted*, That if any servant or apprentice, bound as aforesaid, shall depart from the service of his or her master or mistress, it shall be lawful for any Justice of the Peace of the county where such servant or apprentice may be found, on complaint made to him by the master or mistress, or by any one in his or her behalf, on oath, to issue his warrant to the Sheriff, his deputy or any Constable within the county directing him to apprehend such servant or apprentice, and to bring him or her before the said Justice, who upon the hearing shall order the said servant or apprentice to be returned to the place of his or her duty; or to commit him or her to the common gaol of the county, there to remain for a term not exceeding twenty days, unless sooner discharged by his or her master or mistress: And the Justice's warrant for returning such servant or apprentice to the place of his or her duty, directed to any officer or other person by name, shall authorize him to convey any such servant or apprentice to such place, notwithstanding it may be in another county in the State; and the costs of the process and commitment by the said Justice, shall be paid by the master or mistress, to be recovered by him or her on the deed or covenant: and when recovered of the guardian, the same with all further costs he may be held to pay, shall be a proper article of charge in his guardianship account.

Justice of peace, on complaint, may cause absconding apprentices, &c. to be arrested,

and returned to the place of his duty or commit him to prison, &c.

Such warrant shall justify the officer in carrying the apprentice to his master though in another county.

Costs, how to be paid.

[Approved February 23, 1821.]

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CHAPTER CLXXI.

An Act against Hawkers, Pedlars and Petty Chapmen.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That from and after the first day of May next, every hawker, pedlar, petty chapman, or other person going from town to town, on foot, or with a horse or horses, carriage or carriages, or otherwise carrying to sell, or exposing to sale, any feathers, indigo, tin ware, books, medicines, nostrums, essences, or any goods, wares or other merchandize in this State, shall forfeit a sum

Penalty for carrying certain articles from town to town for the purpose of sale