

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SEVENTEENTH LEGISLATURE,

JANUARY SESSION, 1837.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 23, 1820.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1837.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

STATE OF MAINE.

SECRETARY'S OFFICE,
Augusta, May 27, 1837. }

I HEREBY CERTIFY, That the Laws contained in this Pamphlet have been compared with the originals deposited in this Office; and that, (with the exception of the words "do with" in the 18th sect. of chap. 265, which are omitted by the order of the Legislature,) they appear to have been correctly printed.

ASAPH R. NICHOLS, Secretary of State.

SECT. 8. *Be it further enacted*, That the penalties imposed by this Act may be recovered by action of debt, one half to the use of the poor of the town or plantation wherein the offence shall have been committed, and the other half to the use of the person who shall sue therefor.

Action of debt may be maintained for the penalty.

[*Approved by the Governor March 7, 1837.*]

Chapter 264.

AN ADDITIONAL ACT to establish a Court of Common Pleas.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That from and after the passing of this Act, there shall be two terms only of the Court of Common Pleas within and for the County of Oxford, to be holden at Paris on the second Tuesday of June, and the second Tuesday of November annually.

Two terms only of C. C. Pleas to be hereafter held in Oxford County.

SECT. 2. *Be it further enacted*, That all Acts and parts of Acts inconsistent with the provisions of this Act, be and hereby are repealed.

[*Approved by the Governor March 7, 1837.*]

Chapter 265.

AN ACT providing for the disposition and repayment of the public money, apportioned to the State of Maine, on deposit, by the Government of the United States.

WHEREAS under the combined operation of the existing Tariff laws, and the laws regulating the sale of the public lands, an unavoidable surplus of public money, not necessary nor susceptible of an economical expenditure, in the ordinary require-

Preamble respecting surplus revenue.

ments of the National Government, has accumulated in the Treasury of the United States; and by a law of Congress, passed on the twenty-third day of June, eighteen hundred and thirty-six, entitled "AN Act to regulate the deposite of the public money," said surplus is directed to be apportioned among the several States of the Union, on deposite, until repayment thereof shall be required by the Secretary of the Treasury, for the purpose of defraying the wants of the public Treasury:—

AND WHEREAS the Legislature of this State, by an Act passed January twenty-six, eighteen hundred and thirty-seven, providing for the acceptance of that portion of said surplus to which Maine, by the provision of said Act of the United States, shall be entitled, authorized the Treasurer to receive the same: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the portion of the public money of the United States, which shall be received by the Treasurer of this State, in pursuance of the aforesaid Act of Congress, shall be deposited with the several cities, towns and plantations thereof, upon the conditions and in the manner specified in this Act.

Condition on which the same is to be deposited with the towns.

SECT. 2. *Be it further enacted,* That the condition on which any city, town or plantation shall receive its proportion of said money, shall be, that, whenever the whole or any part thereof shall be required for the purposes, and demanded in the manner prescribed in the aforesaid Act of Congress, it shall be promptly and faithfully refunded to the State within sixty days after notice for such repayment shall have been given it by the Treasurer of this State.

—to be refunded in 60 days after notice.

—if not refunded in 60 days, Treasurer of State to issue Execution.

SECT. 3. *Be it further enacted,* That if any city, town or plantation, shall neglect or refuse, for the period of sixty days, after notice as aforesaid

shall have been received by the Clerk or Treasurer thereof, from the State Treasurer, that said money, or any part thereof is required, by the State, to pay the amount so required, into the Treasury of the State, said Treasurer is hereby authorized to issue an execution for the amount so required to be paid, returnable within sixty days against the inhabitants of such city, town or plantation, directed to the Sheriff of the County in which such delinquent city, town or plantation may be situated; and it shall be the duty of such Sheriff to collect such execution in the manner in which he is authorized by law to collect executions, issued from the Judicial Courts against a city, town or plantation.

Sheriff, how to serve execution.

SECT. 4. *Be it further enacted*, That it shall be the duty of the Treasurer of the State, as soon as may be after the Census of the State shall have been completed, as hereinafter provided, to assign to each city, town and plantation thereof, its due share of the public money which shall have been received by him, in proportion to the population of such city, town or plantation, as ascertained by said Census; and he shall thereupon, notify the several Treasurers of said cities, towns and plantations, of the amount thus apportioned to them.

Treasurer of State after Census to assign to cities towns and plantations their share, in proportion to population.

—to notify cities &c. accordingly.

SECT. 5. *Be it further enacted*, That the inhabitants of any city, town or plantation in this State, who shall by a vote, in legal town meeting assembled, determine to draw the sum apportioned to them as aforesaid, from the Treasury of the State, and shall duly authorize an Agent to receive the same, shall be entitled to receive from the Treasurer of the State said sum, on depositing such certified copy, and receipt therefor, signed by said Agent, as are prescribed in this Act.

Towns voting to receive its proportion, to authorize an Agent for that purpose who shall deposit a receipt therefor, &c.

SECT. 6. *Be it further enacted*, That the same notice shall be given for calling all city, town and plantation meetings, held for the purpose of acting on any of the provisions of this Act, as is

How town meetings are to be called to act upon subject.

—who may vote
at such meetings.

required by law for the annual meetings for the choice of city, town and plantation officers; at which meetings all the inhabitants of such cities, towns and plantations, shall be deemed legal voters, who are qualified to vote in town affairs.

SECT. 7. *Be it further enacted,* That the form of the vote of each city, town or plantation agreeing as aforesaid to receive its proportion of the said money from the State, upon the conditions specified in this Act, shall be in substance as follows :

At a legal meeting of the inhabitants of the _____ of _____ qualified to vote in _____ affairs, held on the _____ day of _____ the following votes were passed.

—form of vote to
be passed by
town, &c.

VOTED, That this _____ will receive its proportion of the money which is, or may be, deposited with this State, by the United States, in pursuance of "An Act to regulate the deposit of the public money," on the condition specified in the Act of this State, entitled "An Act providing for the disposition and repayment of the public money, apportioned to the State of Maine, on deposit, by the Government of the United States."

VOTED, That _____ be and hereby is appointed the Agent of this _____ to demand and receive from the Treasurer of this State, the proportion of said money belonging to this _____. And the said _____ is authorized to sign a receipt therefor, conformably to the requirements of said Act of this State, which shall be obligatory upon this _____.

And such Agent shall lodge with the State Treasurer, an attested copy of the aforesaid votes, upon the back of which he shall make and sign a receipt substantially as follows :

—form of receipt
to be deposited by
Agent with the
Treasurer of
State.

Received on the _____ day of _____ from _____ Treasurer of Maine, the sum of _____ being a portion of the public money received by said State, from the United States, to which the _____ of _____ is entitled; which is received by said _____ in pursuance of the within vote, and when required, the same sum is to be repaid by said _____ of _____ into the Treasury of the State, in all respects conformably to the Act entitled "An Act providing for the disposition and repayment of the public money, apportioned to the State of Maine, on deposit, by the Government of the United States."

A. B. Agent for the _____ of _____.

Treasurer of
State to provide
Blanks.

SECT. 8. *Be it further enacted,* That the Treasurer of this State shall cause a suitable number of Blanks of the form aforesaid, to be prepared, and seasonably distributed, together with the copies of this Act, to each city, town and organized plantation in this State.

SECT. 9. *Be it further enacted,* That in case any city, town or plantation shall vote to have its proportion remain in the Treasury of the State for the use of such city, town or plantation, the Treasurer of the State, shall, at the expense and risk of such city, town or plantation, loan the same on such terms, not exceeding the rate of six per cent. per annum, and on such security as he shall consider safe and expedient; and such security shall be held in trust for such city, town or plantation. And the interest received therefrom shall be payable annually, on the first day of January, at the State Treasury, to such agent or Attorney as may be appointed by such city, town or plantation for that purpose. And if any city, town or plantation shall, at such meeting, vote *to refuse* to receive its proportion of said money, on the terms and conditions specified in this Act, said proportion, with the interest which may accrue therefrom, shall remain in the Treasury subject to the future action of the Legislature. *Provided, however,*—That any city, town or plantation which shall have voted to have its proportion of said money remain in the Treasury, and receive the interest thereon, may draw the principal therefrom in one year after it shall have given notice in writing to said Treasurer of its intention so to do.

When towns vote to have their proportion remain in State Treasury, how to be disposed of.

When towns refuse to receive their proportion how to be disposed of.

SECT. 10. *Be it further enacted,* That if any city, town or plantation shall not, on or before the first day of May next, give notice to the Treasurer of the State, of its intention to draw from the Treasury its proportion of said money, said Treasurer, shall, as soon as the proportion of said city, town or plantation shall be ascertained, proceed to loan the same in the manner prescribed in the ninth Section of this Act.

Treasurer authorized to loan the proportion of such towns as shall not notify by the 1st day of May.

SECT. 11. *Be it further enacted,* That for the purpose of ascertaining the population of the several cities, towns and plantations, in this State, the

Census to be taken.
—who are not to be enumerated.

Aldermen of cities, the Selectmen of towns, and the Assessors of plantations, are hereby authorized, at the expense of their respective cities, towns and plantations, to cause the number of the inhabitants thereof, (omitting in such enumeration, foreigners not naturalized, whose residence has not been established at least four years in any of the cities, towns or plantations, or other place wherein such enumeration is to be made—and Indians not taxed) to be taken according to the directions of this Act. The said enumeration shall distinguish all persons under the age of four years; those of four and under twenty-one; and those of twenty-one and upwards, belonging to each city, town and plantation in this State, on the first day of March, eighteen hundred and thirty-seven.

Oath to be taken by persons employed to take the Census.

SECT. 12. *Be it further enacted,* That said Aldermen, Selectmen or Assessors, or such person or persons as shall be appointed by them for that purpose, shall respectively, before entering upon the performance of their duty as aforesaid, take and subscribe an oath or affirmation, before some Justice of the Peace, for the faithful performance of their duties, in substance as follows:—

—form of oath.

I _____ of _____ do solemnly swear, (or affirm) that I will truly and faithfully make a full and perfect enumeration and description of the persons resident within the _____ of _____ on the first day of March, eighteen hundred and thirty-seven, and return the same to the Treasurer of Maine, agreeably to the directions of an Act, entitled "An Act providing for the disposition and repayment of the public money apportioned to the State of Maine, on deposit, by the Government of the United States," according to the best of my ability—and that I will make said enumeration and description by actual inquiry at every dwelling house in said _____ or personal inquiry of the head of every family and not otherwise.

Census to be taken and returned to Treasurer of State by 20th of April.

SECT. 13. *Be it further enacted,* That said enumeration shall be fully completed, and accurate returns thereof made to the Treasurer of the State, on or before the twentieth day of April next, which returns shall be made in a schedule, the form of

which (with the form of the oath specified in this section) shall be provided and furnished by said Treasurer, and they shall distinguish the several families by the name of their master, mistress or head. And the person taking such enumeration, shall take and subscribe upon the returns rendered by him, an oath or affirmation as follows:—

Returns how to be made.

—to be sworn to.

I ——— do solemnly swear (or affirm) that the number of persons set forth in the return made by me agreeably to the provisions of the Act entitled "An Act providing for the disposition and repayment of the public money, apportioned to the State of Maine, on deposit, by the Government of the United States," has been ascertained by an actual inquiry at every dwelling house, or a personal inquiry of the head of every family, in conformity with the provisions of said Act; and that the return aforesaid is correct and true according to the best of my knowledge and belief.

—form of oath.

A. B.

And the blank forms which the Treasurer is to transmit, shall be forwarded to the Sheriffs of the respective Counties, whose duty it shall be to cause the same to be, forthwith, distributed to the clerks of the respective cities, towns and plantations—and the Sheriffs' bills therefor shall be presented to the Legislature for allowance.

Blank forms to be distributed by Sheriffs.

Sheriffs to lay their accounts before Legislature.

SECT. 14. *Be it further enacted,* That every person whose usual place of abode shall be in any family on said first day of March next, shall be returned as of such family.

Persons to be returned as belonging to the family in which they resided on 1st of March.

SECT. 15. *Be it further enacted,* That each and every individual of the age of sixteen years and upwards, belonging to any family, who is liable to be enumerated pursuant to the provisions of this Act, whether such individual be the head of the family or not, shall be, and is required to render to the person appointed to take the enumeration in the city, town, or plantation where such individual resides, if required, a true account, to the best of his or her knowledge, of the persons belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered in an action of

Who are required to give information to persons employed to take the census.

—to forfeit \$20 for refusing to give information.

debt, by such person, appointed as aforesaid, to the use of the city, town, or plantation in which the parties reside.

Treasurer of State to cause Census to be taken if towns neglect to do it.

SECT. 16. *Be it further enacted*, That in case any city, town, or organized plantation shall neglect to have the enumeration provided for in this Act, made and returned according to the provisions thereof, it shall be the duty of the Treasurer of State, as soon as may be, after the time for making said returns shall have expired, to cause such enumeration to be taken by some suitable person or persons, to be by him appointed, who shall be under oath and proceed in the same manner as provided for in the twelfth and thirteenth sections of this Act, at the expense of such delinquent city, town or plantation, to be deducted from the proportion payable to said city town or plantation.

Persons not living in any town &c. to be included in the apportionment.

SECT. 17. *Be it further enacted*, That in computing the number of inhabitants on which the apportionment is to be made, the Treasurer shall include all persons resident in any part of the State, upon lands not included within the bounds of any city, town or organized plantation, and not excluded by the terms and condition of enumeration named in the eleventh section of this Act. And for the purpose of ascertaining the number of such inhabitants, it shall be the duty of the County Commissioners, of the County in which said lands are situated, forthwith to appoint some person or persons, whose duty it shall be to take and return to the State Treasurer the enumeration of persons resident on said lands conforming in the mode of procedure to the requirements of this Act, relative to the enumerations to be taken in cities or towns.—And the expenses thereof, having been first audited and allowed by said County Commissioners, shall be paid from the Treasury of the State. *Provided, however*, That the first instalment of said money, received from the Government of the United States

County Commissioners to ascertain the number of such persons.

Expense to be paid by State.

First instalment, how to be apportioned.

shall be apportioned by the Treasurer of State, among the several cities, towns and plantations thereof, upon the basis adopted by him in the distribution of the school fund of eighteen hundred and thirty-seven. And said Treasurer is hereby authorized and directed to pay the same, to the several Agents (for the purpose appointed) on their producing, signing and depositing in his office, the vouchers and receipts required by the seventh sections of this Act. And on receiving the returns of the census, required by this Act, said Treasurer shall so apportion, to the several cities, towns and plantations, their share of the second instalment of said public money, paid to this State, as that the aggregate of both instalments shall be based upon their population as ascertained by said census.

Second instalment to be apportioned so that the aggregate of both instalments shall be based upon the population as ascertained by the census.

SECT. 18. *Be it further enacted*, That any city, town or organized plantation is hereby authorized to appropriate its portion of the surplus revenue, or any part thereof for the same purposes that they have a right to any monies accruing in the Treasury from taxation; also to loan the same in such manner as they deem expedient, on receiving safe and ample security therefor.

Towns, how to appropriate the surplus.

—may loan on safe and ample security.

[Approved by the Governor March 8, 1837.]

Chapter 266.

AN ACT relating to Municipal Courts.

SECTION 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That no person shall act as a Recorder in any Municipal Court, unless such person is a Justice of the Peace and is duly qualified as such, and in the absence or in case of the sickness of both the Judge

Recorders of Municipal Courts must be Justices of the Peace.