

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

CHAP. 26.

certain roads,
to have wide
rimmed wheels.
1833, 52, § 1.
1839, 371.

shall pass upon the Mattanawcook state road, nor upon the United States military road, in this state, unless the felloes of the wheels thereof be, at least, four inches in width; and no cart or wagon, drawn by oxen, shall pass upon said roads, or either of them, unless the felloes of the wheels thereof be, at least, six inches in width; provided, that this restriction shall not apply to any cart, wagon or other carriage, the property of the United States, or of this state, nor to any pleasure carriage, nor to any cart or wagon, drawn by two oxen or two horses only, carrying a load, not exceeding fifteen hundred pounds.

Penalty for violation.
1833, 52, § 2.

SECT. 12. If any cart or wagon shall pass upon either of said roads, contrary to the provisions of the preceding section, the owner or driver thereof shall forfeit not less than ten dollars, for each offence, together with one dollar, in addition, for each mile of said road passed, as aforesaid, to the use of the state; to be recovered by complaint before any justice of the peace for the county, in which such offence may have been committed, with costs.

Cart or wagon
may be libeled.
1833, 52, § 2.

SECT. 13. Any such justice of the peace, before whom such complaint may be pending, may also, on libel or complaint therefor, issue his warrant, to seize and detain the carts or wagons, with the teams thereof, found on either of said roads, having been used by any person, in violation of the provisions of section, eleven, of this chapter; which may be held to respond the fine and costs, to be awarded against such owner or driver.

CHAPTER 27.

OF FERRIES.

- SECT. 1. No person to keep a ferry, without license.
2. County commissioners may grant licenses, and establish tolls.
 3. Ferryman liable for damages, through his neglect.
 4. Ferryman to keep a good boat, and attend.
 5. Penalties for neglect.
 6. Towns to provide ferrymen, if commissioners require.
 7. Ferries between towns, to be provided at their joint expense.
 8. Forfeiture, if towns neglect.
 9. Penalty for keeping a ferry, without license.

- SECT. 10. Ferrymen, to level ice, and repair passage way, in winter.
11. Condition of ferryman's bond.
 12. Forfeiture for neglect to repair passage way.
 13. Prohibition of horse or steam ferries. Exceptions.
 14. Persons authorized to use horse or steam ferries, may use other boats.
 15. Penalties for obstructing ferries.
 16. Exception to this liability.
 17. Proprietors of ferries may sink piers.
 18. Mode of recovering forfeitures.

No person to
keep a ferry,
without license.
1821, 176, § 1.
8 Greenl. 365.

SECTION 1. No person shall keep a ferry, and receive pay, unless he shall first obtain a license therefor, from the county commissioners; and such license may be granted for such time, as the commissioners shall think proper, and they may revoke it, when necessary; excepting where ferries are already established by law.

County com-
missioners may

SECT. 2. Said commissioners are hereby authorized to grant licenses to such persons, and for such places, as they shall judge

suitable; excepting where ferries are already established. They shall also establish the fares or tolls, at each ferry by them licensed, for passengers, beasts, vehicles, or other things, there transported; always having regard to the comparative length and situation of each ferry, and the number of persons, passing the same; and, in all cases, taking a bond from each person licensed, as a ferryman, in such penal sum, as they think necessary, to the treasurer of the state, with sufficient sureties, for the faithful performance of his duties.

SECT. 3. Any person, who shall sustain an injury, in his person or property, by the negligence or default of any ferryman, may have a remedy, in an action upon the bond required in the section preceding. In such action, the like proceedings may be had, as in the case of actions brought on the bonds of sheriffs, as provided in chapter, one hundred and four.

SECT. 4. Every keeper of a ferry, shall keep a safe boat, or boats, in good repair, suitable to the waters, where they are to be used; and give ready and due attendance on passengers, on all occasions, according to the regulations, established for his ferry.

SECT. 5. The keeper of every such ferry, for every neglect of keeping a boat or boats, according to such regulations, shall forfeit twenty dollars, and, for every neglect of such attendance, he shall forfeit one dollar, to him, who shall sue therefor, in an action of debt. He shall, in each case, be further liable, in an action on the case, to the party injured, to the amount of his damages.

SECT. 6. Whenever the commissioners of any county shall judge it necessary, to establish a ferry, and no person shall appear, to keep the same for the stated profits thereof, the town or towns, where such ferry may be, shall provide one or more suitable persons to keep, and to attend the same, at such place, and in such times of the year, as the said commissioners shall order; which persons shall be licensed, as aforesaid. The expense of maintaining such ferry, beyond the amount received for tolls, shall be paid by such town or towns.

SECT. 7. When such ferry shall be established, as mentioned in the preceding section, between two towns, they shall maintain the same, either jointly, or alternately, and in such proportions, as the commissioners shall order.

SECT. 8. Any town, neglecting to maintain such ferry, or their proportion of the same, as provided in the two preceding sections, shall forfeit for each month's neglect, forty dollars.

SECT. 9. If any person shall keep a ferry, contrary to the provisions of the first section of this chapter, or shall transport passengers over or across any stated ferry, and demand or receive pay therefor, he shall forfeit, for each day he shall keep such ferry, or for each time, he shall transport passengers, as aforesaid, the sum of four dollars; and shall be further liable, in a special action on the case, to pay such damages, as shall accrue thereby, to the person authorized to keep any such ferry, at or near the place, where the offence is committed.

SECT. 10. At the several ferries in this state, where the tide ebbs and flows, and the waters, at times, may be so frozen, as to

CHAP. 27.

grant licenses, and establish tolls.

1821, 176, § 1, 4.

Ferryman liable for damages, through their default.

Ferryman to keep a good boat and attend.

1821, 176, § 2.

Penalties for neglect.

1821, 176, § 2.

Towns to provide ferrymen, if commissioners require.

1821, 176, § 4.

Ferries between towns, to be provided at their joint expense.

1821, 176, § 5.

Forfeiture, if a town neglect.

1821, 176, § 6.

Penalty for keeping a ferry, without license.

1821, 176, § 3.

Ferryman to level ice, and repair passage

CHAP. 27.

ways, in winter.
1825, 292, § 1.
1839, 410, § 1, 2.

admit a passage for travelers over the ice, it shall be the duty of the keepers of such ferries, so to level the ice, and clear, repair and amend the passage way, to and over the same, from day to day, as that the same may be, at all such times, safe and convenient for travelers, with their teams, sleds and sleighs, at the proper charge and expense of the county, in which such ferry may be: or such passage way may be made from any public landing, which may be sufficiently near to be conveniently connected with the opposite ferry landing.

Condition of ferryman's bond.
1825, 292, § 2.
1839, 410, § 2.

SECT. 11. In the bond, taken pursuant to the provisions of the second section of this chapter, the county commissioners shall further provide for the faithful performance of the duties, required by the section preceding; and the commissioners shall order a meet compensation for such services, when performed, from the treasury of the county; or the commissioners may, if they judge it expedient, contract with some other person, to perform the duties, provided in the preceding section; in which case, they shall give notice to the ferryman, before the closing of the river; and after such notice, and during the continuance of such contract, the duties and liabilities of such ferryman, in relation to such passage way, shall be transferred to the person, with whom the contract is made.

Forfeiture for neglect to repair passage way.
1825, 292, § 2.
1839, 410, § 2.

SECT. 12. Every such ferryman, or other person, contracted with, as provided in the preceding section, as the case may be, for each day's neglect of the duties, required by the tenth section of this chapter, shall forfeit ten dollars; and shall be further liable to pay, in an action on the case, all such special damages, as any person shall sustain by such neglect.

Prohibition of horse or steam ferries.
1830, 457, § 1.

SECT. 13. No person, keeping a ferry under a license as aforesaid, shall, by virtue of such license, use, employ or put in operation, at such ferry, any boat, propelled or worked by steam, horse, or team power, under penalty of forfeiture of his license, and to be further liable to pay such damages, as may accrue thereby, to any person or corporation. Provided, that this prohibition shall not apply to any such ferryman, who had built, purchased, or had in operation any such steam, horse, or team boat, at his ferry, on the sixth day of March, in the year eighteen hundred and thirty.

Exceptions.

Persons, authorized to use horse or steam ferries, may use other boats.
1830, 457, § 2.

SECT. 14. Any person or corporation, by law authorized and required to keep, use and employ horse, steam or team boats, at any ferry, may, notwithstanding the requirements of their license, in the night, or at any other time, when the passage of such ferry would be dangerous for said boats, use any other kind of boats, that shall be safe and convenient, for the transportation of passengers, and whatever else, he or they may be liable to transport.

Penalties for obstructing ferries.
1833, 66, § 1, 2, 4.
1840, 26.

SECT. 15. No person, except whilst necessarily obliged in the night time, or by stress of weather, shall anchor, moor, or deposit any vessel, boat, raft or water craft in any river, at a place where there is a ferry, authorized by law; nor at any time shall place any weir or other obstacle, in such manner as to obstruct the passage of the ferry boat, in its ordinary routes; under penalty of forfeiting twenty dollars, to the use of the proprietors of the ferry, if the offence be committed wilfully, or if the offence be committed inadvertently, and the person, committing the same, shall neglect

or refuse to remove such vessel, boat, raft, water craft, or other obstruction within thirty minutes, if practicable, after notice of the improper position of the same, to be recovered in a special action on the case.

SECT. 16. No person shall be liable to the penalty of the preceding section, for anchoring his vessel, boat, or raft, for the purpose of hauling into any wharf, pier, landing or dock, if he shall not be guilty of unreasonable hindrance to the business of the ferry, by delay or wilful mismanagement in so doing.

Exception to this liability. 1833, 66, § 2.

SECT. 17. The proprietors of any ferry may sink one or more piers, near their ferry ways, either above or below the same, on either side of the river, for the purpose of steadying or guiding their boats, in times of high winds or freshets; provided that no such pier shall be of greater length, or breadth, than twelve feet, nor so sunk, as to injure the proprietors of any wharf, pier, or landing, at which vessels may previously have taken in, or discharged, their freights.

Proprietors of ferries may sink piers. 1833, 66, § 3.

SECT. 18. Any forfeiture, mentioned in this chapter, not otherwise appropriated, shall accrue to the use of the state; and may be recovered by indictment, in the district court in the county, where the same may have been incurred.

Mode of recovering forfeitures. 1833, 66, § 2.

CHAPTER 28.

OF WORK HOUSES.

- SECT. 1. Towns may provide work houses. Persons liable to commitment.
2. Towns may choose overseers of such houses.
3. Duties of such overseers.
4. Contiguous towns may unite, in building work houses.
5. Joint board of overseers, and their powers in such case.
6. How chosen, and mode of proceeding.
7. Quarterly and other meetings of such board.
8. Choice of officers.
9. By laws, when and how made.
10. Duties and proceedings.
11. Proportion in which expenses are to be paid.
12. Mode of recovery from delinquent town.

- SECT. 13. Overseers may order commitment of certain persons.
14. Neither town may commit more than its proportion.
15. Idlers having no settlement may be committed.
16. Delinquent town may be deprived of the right to occupy the house.
17. Either town may furnish additional materials for labor.
18. Master to keep a registry.
19. Controversy between master and overseers, how determined.
20. Each town liable for its own commitments. Mode of discharge.
21. Persons committed, to be kept employed.
22. Work houses may be discontinued.
23. Certain special laws, not affected by this chapter.

SECTION 1. Any town may erect or provide a work house, for the employment and support of persons of the following description, that is to say: all poor and indigent persons, that are maintained by, or receive alms from, the town; all persons, who, being able of body, and not having estate or means, otherwise, to maintain them-

Towns may provide work houses. Persons liable to commitment. 1831, 124, § 1, 7.