

MAINE STATE LEGISLATURE

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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. 89. children of the parties; and may determine, with which of the parents, the children or any of them shall remain; and the court may, from time to time, revise and alter such decree, as to the custody, care and maintenance of the children; as the circumstances of all concerned may require, or render expedient.

Power of the court, as to compulsory processes. 1821, 71, § 2, 5.

SECT. 28. The court, in the execution of the powers given to them in this chapter, may employ such compulsory process, as they may deem proper, whether by execution or attachment, or such other form, as shall be effectual.

Decrees of other states, when void in this state. 14 Mass. 227. 1 Pick. 506.

SECT. 29. When an inhabitant of this state shall go into any other state or country, in order to obtain a divorce for any cause, which had occurred here, and whilst the parties resided here, or for any cause which would not authorize a divorce by the laws of this state, a divorce, so obtained, shall be of no force or effect in this state.

When valid, in this state. 9 Greenl. 140.

SECT. 30. In all other cases, a divorce, decreed in any other state or country, according to the law of the place, by a court having jurisdiction of the cause and of both the parties, shall be valid in this state.

Either party may have a trial by jury. 1839, 377.

SECT. 31. In all cases of libel for divorce from the bond of matrimony, either party shall be entitled to a trial by jury, on requesting it; and, if the jury shall find the facts, stated in the libel, to be true, and if such facts shall be sufficient, by the laws of the state, to authorize a divorce, the court shall thereupon decree a divorce, as prayed for in the libel.

Court may grant a new trial. 1839, 377.

SECT. 32. The justices of the supreme judicial court may, at their discretion, and on such conditions as they may impose, grant a new trial in cases of divorce, whenever they shall judge it reasonable, and whenever the parties have not lived together, since the former trial; on application of the party, aggrieved by the judgment then given; provided such new trial shall not be granted, after the lapse of three years after the former judgment.

CHAPTER 90.

OF MASTERS, APPRENTICES AND SERVANTS.

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| <p>SECT. 1. Binding of minors, under fourteen years of age.</p> <p>2. Binding minors, above the age of fourteen.</p> <p>3. Indentures, in such cases.</p> <p>4. By whom indentures shall be kept.</p> <p>5. Consideration, how secured.</p> <p>6. Indentures to be binding.</p> <p>7. Void, on the death of the master.</p> | <p>SECT. 8. Minor not to be transferred, nor transported from the state.</p> <p>9. Proceedings, for discharge of apprentice for ill treatment.</p> <p>10. Proceedings, to discharge him for misbehavior.</p> <p>11. How recovered, in case he absconds.</p> |
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Binding of minors, under fourteen years of age. 1821, 170, § 1.

SECTION 1. Children, under the age of fourteen years, may be bound as apprentices or servants, until that age, without their consent, by their father; if living; and if not, by their mother or legal guardian: and, if they have no parent or guardian, they may bind

themselves, with the approbation of the selectmen of the town, or assessors of the plantation, where such minor-children reside.

SECT. 2. Minors, above the age of fourteen years, may be bound in the same manner with their consent; which shall be distinctly expressed in the indenture and testified by their signing the same; 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.

SECT. 3. No minor of any age shall be bound as aforesaid, unless by an indenture of two parts, signed, sealed and delivered by both parties; and, when the minor shall bind himself, as aforesaid, by the consent of the selectmen or assessors before mentioned, their consent and approbation shall be certified in writing, by them signed on each part of the indenture.

SECT. 4. One part of the indenture shall be kept by the master or mistress, to whom the minor is bound, and the other part, by the parent or guardian, for the use of the minor; and, when made by the approbation of the selectmen, or assessors, as aforesaid, it shall be deposited with the town or plantation clerk.

SECT. 5. All considerations allowed by the master or mistress, in any contract of service or apprenticeship, shall be secured by the indenture to the sole use of the minor; and to be paid to such minor, without any control on the part of the parent or guardian, at any time.

SECT. 6. All indentures, made in the manner and form prescribed in this chapter, shall be binding and effectual in law, against all parties thereto.

SECT. 7. No indenture, between any minor, his parent or guardian, and any master or mistress, or their executors and administrators, shall be binding on such minor, parent or guardian, after the decease of such master or mistress; but, on the death of such master or mistress, the indenture shall be deemed void from that time; and the minor may be bound out in the manner aforesaid.

SECT. 8. A minor, bound in manner aforesaid, as an apprentice or servant to any master or mistress, shall not be transferable by such master or mistress, to another person, nor shall such master or mistress have any authority to transport such apprentice or servant beyond the jurisdiction, within which the indenture was made, and with reference to the laws of which, such parties contracted.

SECT. 9. Parents and guardians, who have bound minors, and selectmen and assessors, who have given approbation to the binding of minors, by their own act, shall have a right to inquire into their usage, and defend them from the cruelty or other injury of their masters and mistresses; and such parents, guardians and selectmen may complain to the district court of the county, of which such master or mistress is an inhabitant, against them for any such cruelty, neglect or injury; and said court, after giving due notice to the person complained of, may hear and decide on such complaint; and, if the same shall be supported, may render judgment, that the minor be discharged from his apprenticeship or service, with costs against the respondent, and award execution accordingly; in which case the indenture shall be void, from the time of the rendition of

CHAP. 90.

Binding of minors, above the age of fourteen. 1821, 170, § 1. 10 Pick. 68.

Indentures, in such cases. 1821, 170, § 1. 13 Maine, 151.

By whom indentures shall be kept. 1821, 170, § 1.

Consideration, how secured. 1821, 170, § 1. 7 Mass. 145.

Indentures to be binding. 1821, 170, § 1.

Void, on the death of master. 1821, 170, § 2.

Minor, not to be transferred, nor transported out of the state. 8 Mass. 299.

Proceedings, for discharge of apprentice, for ill treatment. 1821, 170, § 3. 4 Pick. 106.

CHAP. 90. such judgment. If the complaint be not supported, the court shall award costs for such respondent, against the parent, guardian or selectmen or assessors, where the complaint shall appear, to the court, to have been made without probable cause, and issue execution accordingly.

Proceedings, to discharge him for misbehavior. 1821, 170, § 4.

SECT. 10. If any apprentice or servant shall be guilty of any gross neglect or misbehavior, or wilful refusal to do his duty, the master or mistress may complain thereof to said court, in the county where the complainant lives; and the court shall, after giving notice to such apprentice or servant, and all persons interested, by means of signing or approving the indenture, hear and decide the cause; and, if the complaint is supported, may discharge the said master or mistress, from the obligation of said indenture, with costs, and award execution therefor; and the apprentice or servant may be bound out anew.

How recovered, in case he absconds. 1821, 170, § 5.

SECT. 11. If any apprentice or servant, bound as aforesaid, shall depart from the service of his master or mistress, any justice of the peace of the county, where the delinquent may be found, on complaint of such master or mistress, may issue his warrant against him, and cause him to be brought before such justice; who, upon a hearing, may order such apprentice or servant to be returned to the place of his duty, or commit him to the jail of said county, for a term not exceeding twenty days, unless sooner discharged by the master or mistress. And the warrant of such justice shall authorize the officer, to convey such delinquent to his master or mistress, though they may reside in another county. The expenses, attending the above proceedings, shall be paid by the complainant, and may be recovered by action on the deed of indenture; and, if recovered of a guardian, they shall be a valid and proper article of charge in his guardianship account.