

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

SEC. 25. The pound keeper shall allow the impounder a reasonable sum for his trouble, not exceeding half the respective forfeitures mentioned in sections two and three, besides the forfeitures to which he is entitled under those sections.

SEC. 26. The pound keeper's price for keeping and feeding the beasts committed to pound or to his custody as aforesaid, shall be fixed by the municipal officers, and recorded on the town books by the town clerk, and be binding until altered by said officers.

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Compensation to impounder. R. S., c. 30, § 28.

Expense of keeping beasts impounded, how regulated. R. S., c. 30, § 29.

CHAPTER 24.

PAUPERS, THEIR SETTLEMENT AND SUPPORT.

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 31. Paupers without settlement may be removed out of state.
 32. Towns liable to individuals for supplies after notice.
 33. Complaint against paupers intemperate.
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 36. Overseers may prosecute and defend.
 37. Plantations may raise and expend money for support of poor.
 38. Penalty for bringing paupers into a town.
 39. Masters of vessels not to land passengers without consent.
 40. Penalty for violation; lien on vessel.
 41. Towns may appoint visiting officers to prevent landing.

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Settlement,
how acquired.
R. S., c. 32, § 1.

Married
women.

4 Greenl. 293.

Legitimate
children.

Illegitimate
children.

Division of
towns.

Apprentice-
ship.

Residence
five years.

Residence
March 21, 1821.

Incorporation
of towns.
11 Maine, 455.
21 Maine, 58,
266.
30 Maine, 452.
33 Maine, 580.

SEC. 1. Settlements, subjecting towns to pay for the support of persons on account of their poverty or distress, are acquired as follows:

I. A married woman has the settlement of her husband, if he has any in the state; if he has not, her own settlement is not affected by her marriage. When it appears in a suit between towns involving the settlement of a pauper, that a marriage was procured to change it by the agency or collusion of the officers of either town, the settlement is not affected by such marriage.

II. Legitimate children have the settlement of their father, if he has any in the state, if he has not, they have the settlement of their mother within it; but they do not have the settlement of either, acquired after they are of age and have capacity to acquire one. (a)

III. Children, legitimate or illegitimate, do not acquire a settlement by birth in the town where they are born. Illegitimate children have the settlement of their mother, at the time of their birth. (a)

IV. Upon division of a town, a person having a settlement therein and absent at the time, has his settlement in that town, which includes his last dwelling place in the town divided. When part of a town is set off from it and annexed to another, the settlement of a person absent at the time of such annexation is not affected thereby. When a new town, composed in part of one or more existing towns, is incorporated, persons settled in such existing town or towns, who had begun to acquire a settlement therein, and whose homes were in such new town at the time of its incorporation, have the same rights incipient and absolute respecting settlement, as they would have had in the town, where their homes formerly were. (b)

V. A minor who serves as an apprentice in a town four years, and within one year thereafter sets up such trade therein, being then of age, has a settlement therein.

VI. A person of age, having his home in a town five successive years without receiving, directly or indirectly, supplies as a pauper, has a settlement therein. (c)

VII. A person having his home in a town on March twenty-one, eighteen hundred and twenty-one, without having received supplies as a pauper within one year before that date, acquired a settlement therein. (c)

VIII. Persons having their homes in an unincorporated place for five years without receiving supplies as a pauper, and having continued their homes there to the time of its incorporation, acquire settlements therein. Those having homes in such places less than five years before incorporation, and continuing to have

(a) 2 Greenl. 194; 3 Greenl. 388; 4 Greenl. 47, 293; 7 Greenl. 90; 18 Maine, 376; 32 Maine, 60; 36 Maine, 390; 19 Maine, 441; 24 Maine, 281; 7 Greenl. 270; 10 Maine, 409; 11 Maine, 455; 35 Maine, 411.

(b) 1 Greenl. 129; 13 Maine, 299; 19 Maine, 387; 20 Maine, 341; 21 Maine, 334; 23 Maine, 472; 31 Maine, 465; 35 Maine, 184; 39 Maine, 368; 37 Maine, 39.

(c) 10 Maine, 97; 13 Maine, 321; 17 Maine, 117; 18 Maine, 92; 21 Maine, 357; 23 Maine, 410; 24 Maine, 112; 34 Maine, 310; 15 Maine, 479; 18 Maine, 415.

them there afterwards, until five years are completed, acquire settlements therein. CHAP. 24.

SEC. 2. Settlements acquired under existing laws, remain until new ones are acquired. Former settlements are defeated by the acquisition of new ones. Settlements remain, till new ones acquired. R. S., c. 32, § 2.

SEC. 3. Persons who have begun to acquire settlements under existing laws, are not to be affected by a repeal of them, and a re-enactment of their provisions in substance. Revision of laws does not affect them. R. S., c. 32, § 3.

SEC. 4. Towns are to relieve persons having a settlement therein, when on account of poverty, they need relief. They may raise money therefor as for other charges of the town; and may at their annual meeting choose not exceeding twelve legal voters therein to be overseers of the poor. Overseers chosen, money raised, poor relieved. R. S., c. 32, § 4.

SEC. 5. Overseers are to have the care of persons chargeable to their town, and are to cause them to be relieved, and employed, at the expense of the town, and as the town directs, when it does direct. Overseers' duties. R. S., c. 32, § 5.

SEC. 6. Persons chargeable are not to be set up and bid off at auction either for support or service; but towns at their annual meetings, when the warrant contains an article for the purpose, may contract for the support of their poor for a term not exceeding five years. Poor not sold at auction. Towns may contract for their support. 1845, c. 147. 1847, c. 12.

SEC. 7. Towns may unite in the purchase of a farm, or in the erection of buildings, to be used for the support of the poor; and in procuring all necessary furniture and apparatus therefor. For these purposes, each town may choose the number of commissioners agreed upon, to constitute a joint commission to cause the agreement of the towns to be carried into effect. Towns may unite to purchase a farm. 1853, c. 25, § 1.

SEC. 8. The overseers of such towns constitute a joint board of overseers of such farm and buildings. They may at a full meeting establish rules for the management thereof, appoint a superintendent, prescribe his powers and duties, and cause all the paupers of such towns to be supported there. They may receive and support there, paupers of other towns. Towns may raise money for the purposes named in this and the preceding sections. Joint board of overseers; duties. 1853, c. 25, § 2, 3.

SEC. 9. The father, and mother, grandfather, and grandmother, children, and grand children, by consanguinity, living within the state and of sufficient ability, are to support persons chargeable in proportion to their respective ability. Kindred liable. 23 Maine, 420. R. S., c. 32, § 6.

SEC. 10. A town or any kindred, who have incurred any expense for the relief of a pauper, may complain to the supreme judicial court in the county, where any one of such kindred resides; and the court may cause such kindred to be summoned, and upon a hearing or default, may assess and apportion a reasonable sum upon such kindred, as are found to be of sufficient ability, for the support of such pauper to the time of such assessment; and may enforce payment thereof by warrant of distress. Such assessment is not to be made to pay any expense for relief afforded more than six months before the complaint was filed. Court on complaint may assess them. 5 Greenl. 324. R. S., c. 32, § 7.

SEC. 11. Such complaint may be filed with the clerk of the court, who is to issue a summons thereon, returnable and to be Complaint filed, may be amended.

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Summons.
R. S., c. 32,
§ 10, 11.

Assessment
for future sup-
port, may
order with
whom pauper
is to live.
R. S., c. 32,
§ 8, 9.

Court may
alter assess-
ment.
Costs.
R. S., c. 32,
§ 12.

Children may
be bound,
terms and
time.

18 Maine, 415.
R. S., c. 32,
§ 13, 14, 55.

Overseers to
inquire, may
complain of
master.
Court may
discharge
child, who may
be bound
again.

R. S., c. 32,
§ 15, 16, 17, 55.

Suits on bond.
Damages for
benefit of child.
R. S., c. 32,
§ 18, 19.

Child becom-
ing of age, may

served, as writs of summons are; and on suggestion of either party that there are other kindred of ability not named, the complaint may be amended by inserting their names, and they may be summoned in like manner, and be proceeded against as if originally named.

SEC. 12. The court may assess and apportion upon such kindred a sum sufficient for the future support of such pauper, to be paid quarterly, until further order; and direct with whom of such kindred consenting thereto, and for what time, he may dwell, having regard to his comfort and their convenience. On application of the town or person, to whom payment was ordered, the clerk may issue or renew a warrant of distress to collect what may be due for any preceding quarter, returnable to the next term of the court.

SEC. 13. The court may, from time to time, make any further order on complaint of a party interested, and after notice given, alter such assessment or apportionment. On a failure to sustain a complaint, the respondents recover costs.

SEC. 14. The minor children of parents chargeable, or of parents unable in the opinion of overseers to maintain them, and such children chargeable themselves, may, without their consent, be bound by the overseers, by deed of indenture, as apprentices or as servants to any citizen of the state, to continue till the males are twenty-one, and the females eighteen years of age or are married, unless sooner discharged by the death of their master. Provision is to be made in such deed for the instruction of males to read, write, and cypher, and for females to read and write; and for such further instruction and benefit within or at the end of the term, as the overseers think reasonable.

SEC. 15. The overseers are to inquire into the treatment of such children, and to protect and defend them in the enjoyment of their rights in reference to their masters and others. They may complain to the supreme judicial court in the county, where their town is, or where the master resides, against such master for abuse, ill-treatment, or neglect, of a child bound to him. The court is to cause him to be notified, and upon a hearing of the parties or on default, may, for sufficient cause proved, discharge the child with costs; or dismiss the complaint, with or without costs at discretion. Any child so discharged, or whose master has deceased, may be bound anew for the remainder of the time.

SEC. 16. The overseers, by a suit on the deed of indenture, may recover damages for breaches of its covenants. The amount so recovered, deducting reasonable charges, is to be placed in the treasury of the town, to be applied by the overseers to the benefit of the child during his term, or be paid to him at its expiration. The court, on trial of such suit, for sufficient cause exhibited, may discharge the child. Such suit is not abated by the death of overseers or by the expiration of their term of office; but shall proceed in their names, or in the names of the survivors.

SEC. 17. Such child, within two years after the expiration of his term, may commence an action of trespass or case, or a suit

on the deed, to recover damages for a breach of its covenants, or for injuries, other than such as have been tried in a suit between the overseers and master. He is for this purpose entitled to the custody of the deed of indenture when necessary, or to a copy of it, and he may sue upon it as assignee without an assignment of it.

SEC. 18. When a child so bound departs from service without leave, his master or a person in his behalf may complain on oath to a justice of the peace in the county, where he resides, or where the child is found, who is to issue a warrant and cause such child to be brought before him, and when the complaint is supported, he is to order the child to be returned to his master, though he resides in another county, or commit him to a jail or house of correction to remain not exceeding twenty days, unless sooner discharged by his master. A person, who entices such a child to leave his master, or harbors him knowing that he has so departed, is liable to the master for all his damages.

SEC. 19. A master may complain to the court in the county, where he resides, or where the overseers making the indenture resided, for gross misbehavior of the child, and the court, after notice to the child and to the overseers of the town binding, may discharge the child.

SEC. 20. Overseers may set to work, or by deed bind to service upon reasonable terms, for a time not exceeding one year, persons having settlements in their town or having none in the state, married or not married, able of body, upwards of twenty-one years of age, having no apparent means of support and living idly; and all persons liable to be sent to the house of correction.

SEC. 21. A person so bound may complain to the court, in the county where he or the overseers reside, and the court, after notice to the overseers and master, may, upon a hearing, dismiss such complaint, or discharge him from the master and overseers, and award costs to either party or against the town at discretion.

SEC. 22. Persons living in places not incorporated and needing relief are under the care of the overseers of the adjoining town, where they are liable to be taxed; and such overseers may bind to service the children of such persons, as they may those of paupers of their own town, and may bind out persons described in section twenty, in the manner therein provided, residing in such unincorporated place, as if in their own town, such persons being entitled to a like remedy and relief. When relief is provided for paupers residing in such places, the towns furnishing it are entitled to the same remedies against the towns where they have a settlement, as if such persons resided in their own town.

SEC. 23. A person residing in a place not incorporated, may provide relief and medical aid for persons sick, wounded, or dangerously injured, residing in such place, or may cause him to be buried, and recover the amount necessarily expended of the town where such person had a settlement, if, within sixty days

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sue master for damages.

R. S., c. 32,
§ 20.

When child departs, he may be arrested and returned. Those enticing or harboring, liable.

R. S., c. 32,
§ 21, 22.

Child may be discharged on complaint of master.

R. S., c. 32,
§ 23.

Persons of age, may be bound for one year.

R. S., c. 32,
§ 24.

Person bound may complain to court.

R. S., c. 32,
§ 25.

Persons and children in places not incorporated, may be bound. Relief provided for paupers in such places.

16 Maine, 137.
R. S., c. 32,
§ 26, 27.

Individuals may relieve the sick in such places.

1850, c. 191,
§ 1, 2.

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after such relief was afforded, he has delivered into a post office, postage paid, a written notice signed by him informing them of the name of the person relieved, the nature of his sickness or injury, if known, and the amount expended. Towns paying such expenses or costs may recover the amount with interest of the person relieved, or of any one liable for his support.

Overseers to relieve persons having settlements in other towns.

15 Maine, 363.
27 Maine, 489.
28 Maine, 289.
29 Maine, 313.
33 Maine, 453.
38 Maine, 472.
R. S., c. 32,
§ 29, 46.

Recovery estops to deny settlement.

33 Maine, 179,
352.
R. S., c. 32,
§ 30.

Overseers where there is a jail, duties. Liability of creditor to pay.

R. S., c. 32,
§ 31, 32.

Notice to be given of relief to town liable.

15 Maine, 169.
21 Maine, 298,
443.
31 Maine, 124.
R. S., c. 32,
§ 42.

Answer to be returned within two months.

1 Greenl. 329.
3 Greenl. 197,
453.
4 Greenl. 298,
475.
5 Greenl. 31.
30 Maine, 211.
R. S., c. 32,
§ 43.

Notice by mail sufficient.

21 Maine, 298,
443.
R. S., c. 32,
§ 44.

Persons removed, returning may be sent to house of correction.

R. S., c. 32,
§ 45.

SEC. 24. Overseers are to relieve persons destitute, found in their towns and having no settlement therein, and in case of de- cease, decently bury them; the expenses whereof and of their removal incurred within three months before notice given to the town chargeable, may be recovered by the town incurring them against the town liable, in an action commenced within two years after the cause of action accrued, and not otherwise; and may be recovered of their kindred in the manner before provid- ed in this chapter.

SEC. 25. A recovery in such an action against a town estops it from disputing the settlement of the pauper with the town recovering, in any future action brought for the support of the same pauper.

SEC. 26. Overseers of a town, in which there is a county jail, may, by their written order, set to work so far as necessary for his support, any debtor committed, and then chargeable to any town in the state for his support. The town where he has a set- tlement, is liable to pay the expenses incurred, not so paid by him; and the town incurring them may recover the same of the creditor, at whose suit he was committed, at the rate fixed by law for his support.

SEC. 27. Overseers are to send a written notice, signed by one or more of them, stating the facts respecting a person charge- able in their town, to overseers of the town where his settlement is alleged to be, requesting them to remove him, which they may do by a written order directed to a person named therein, who is authorized to execute it.

SEC. 28. Overseers receiving such notice are within two months, if the pauper is not removed, to return a written answer, signed by one or more of them, stating their objections to his removal; and if they fail to do so, the overseers requesting his removal may cause him to be removed to that town in the man- ner provided in the preceding section; and the overseers of the town to which he is sent are to receive him and provide for his support; and their town is estopped to deny his settlement therein, in an action brought to recover for the expenses incurred for his previous support and for his removal.

SEC. 29. When a written notice or answer provided for in this chapter is sent by mail, postage paid, and it arrives at the post office where the overseers to whom it is directed reside, it is to be deemed a sufficient notice or answer.

SEC. 30. A person removed, as provided in this chapter, to the place of his settlement, who voluntarily returns to the town from which he was removed, without the consent of the overseers, on conviction thereof before a justice of the peace, may be sent to the house of correction as a vagabond.

SEC. 31. Overseers may make complaint, that a pauper chargeable to their town has no settlement in the state, to a justice of the peace, who may, if he thinks proper, by his warrant directed to a person named therein, cause such pauper to be conveyed, at the expense of such town, beyond the limits of this state to the place where he belongs.

SEC. 32. Towns are to pay expenses necessarily incurred for the relief of paupers by an inhabitant not liable for their support, after notice and request to the overseers, until provision is made for them.

SEC. 33. When a person in their town, notoriously subject to habits of intemperance, is in need of relief, the overseers are to make complaint to a justice of the peace in the county, who is to issue a warrant and cause such person to be brought before him, and upon a hearing and proof of such habits, he is to order him to be committed to the house of correction, to be there supported by the town where he has a settlement, and if no such town, at the expense of the county, until discharged by the overseers of the town in which the house of correction is situated, or by two justices of the peace and quorum.

SEC. 34. A town, which has incurred expense for the support of a pauper, whether he has a settlement in that town or not, may recover it of him, his executors, or administrators, in an action of assumpsit.

SEC. 35. Upon the decease of a pauper then chargeable, the overseers may take into their custody all his personal property, and if no administration on his estate is taken within thirty days, may sell so much thereof, as is necessary to repay the expenses incurred. They have the same remedy to recover any property of such pauper, not delivered to them, as his administrator would have.

SEC. 36. For all purposes provided for in this chapter, its overseers, or any person appointed by them in writing, may prosecute and defend a town.

SEC. 37. Plantations, at legal meetings called for the purpose, may raise and expend money for support of the poor, to be applied by their assessors.

SEC. 38. Whoever brings into and leaves in a town where he has no settlement, a poor person, knowing him to be so, with intent to charge such town with his support, forfeits a sum not exceeding one hundred dollars, to be recovered, to the use of such town, in an action of debt.

SEC. 39. When a vessel, with passengers on board having no settlement in this state, arrives at any port or harbor within any town in the state, the master thereof shall leave a list of their names, and of the places from which they came first on board, with the overseers of the poor of such town, before they come on shore. He shall not land them without permission of the municipal officers, unless he gives bond to the town, with sureties approved by said officers, in a sum not exceeding five hundred dollars for each passenger, to save the town harmless from all expense on account of such passengers, as paupers, for three

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Foreign paupers may be removed.

8 Greenl. 71.
R. S., c. 32,

§ 47.
1856, c. 206.

Towns liable to individuals.

20 Maine, 442.

36 Maine, 376.

37 Maine, 9.

R. S., c. 32,

§ 48.

Overseers to complain of persons intemperate.

R. S., c. 32,

§ 49.

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Penalty.
If not paid,
vessel may be
sold.
R. S., c. 32,
§ 56.

Towns may
appoint offi-
cers to prevent
passengers
landing.
R. S., c. 32,
§ 58.

years. The said officers, instead of such bond, may require payment of a sum not exceeding two dollars for each passenger.

SEC. 40. The master of such vessel, for a violation of any provision of the preceding section, forfeits two hundred dollars for each passenger coming on shore, to be recovered in an action of debt, by the municipal officers of the town, one half to the use of the town, and the other to the use of the state; and there shall be a lien on such vessel to secure such penalties, which may be enforced by an attachment of the vessel within sixty days, though the defendant is not its owner; and it may be sold on execution like other personal property, and after deducting the amount of penalties and costs, the balance shall be paid to the owner on demand.

SEC. 41. A town accessible by vessels may appoint visiting officers, who, on the arrival of a vessel with passengers on board, are to go on board of her, and there remain until the provisions of section thirty-nine are complied with; and they are to prevent the landing of any passenger in violation of such provisions; and to inform the municipal officers of any violation or attempt to violate such provisions. They are to be paid by the master a reasonable compensation to be fixed by said officers.

CHAPTER 25.

KEEPING WATCH AND WARD IN TOWNS, AND OF DISORDERS IN STREETS AND PUBLIC PLACES.

- SEC. 1. Who are liable to keep watch and ward.
2. Power of selectmen and justices to order watch and ward to be kept, and proceedings.
 3. Charge of constable and powers of watch.
 4. Duties of watch.
 5. Badges of constable and watch.
 6. Expense of watch otherwise kept, how defrayed.
 7. Proceedings in such case.
 8. Penalty for neglect of duty by a watch.
 9. Penalty for neglect of constable or officer.
 10. Constable and watchmen to attend justices when walking the rounds.
 11. Penalty for riding with a naked scythe.
 12. Certain pageantry prohibited in streets in the night. Bonfires in streets and towns prohibited.
 13. Fines, how recovered and appropriated.
 14. Masters and parents liable for minors.

Who are liable
to keep watch
and ward.
R. S., c. 31, § 1.

SEC. 1. Every male person except ministers of the gospel, twenty-one years of age or upwards, who is able bodied or has estate sufficient to hire a substitute, when duly warned, shall be liable to watch and ward in his town, either in person or by a sufficient substitute; unless he resides more than two miles from the place where the watch or ward is kept.

Power of se-
lectmen and

SEC. 2. The justices of the peace and municipal officers resident in any town have power, from time to time, to direct and