

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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injured or the impounder, in an action on the case, for double the damage or forfeiture, which he might have received by impounding the beast; and when such acts are committed by a minor, or an apprentice, legally bound by deed, such action may be brought against the minor or apprentice, or against his parent or guardian, under whose care he then was.

SEC. 21. In an action for rescuing beasts distrained or impounded, the insufficiency of the fences, or other fact to show the distress or impounding illegal, shall not be given in defence; but to avail himself of such illegalities, the party relying thereon must proceed in replevin.

SEC. 22. Forfeitures mentioned in this chapter may be recovered by the prosecutor in actions of debt, unless otherwise provided; and civil actions therefor must be commenced within ninety days after the forfeiture accrued, unless otherwise limited.

SEC. 23. The pound-keeper's fees shall be twenty-five cents for impounding one or more beasts at one time; twelve cents for recording each certificate or advertisement; and the same for posting or publishing each advertisement, with four cents a mile for necessary travel.

SEC. 24. 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. 25. 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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4 Me., 296.
41 Me., 466,
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48 Me., 207.
52 Me., 219.
53 Me., 58.
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67 Me., 581.
68 Me., 147.
70 Me., 490.
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73 Me., 584,
586.

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R.S., c. 24, § 1.

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, in a suit between towns involving the settlement of a pauper, it appears that a marriage was procured to change it by the agency or collusion of the officers of either town, or of any person having charge of such pauper under authority of either town, the settlement is not affected by such marriage. And no derivative settlement is acquired or changed by a marriage so procured, but the children of such marriage and their descendants have the settlement which they would have had if no such marriage had taken place. And the same rule applies in all controversies touching the settlement of paupers between the town by whose officers a marriage is thus procured and any other town, whether the person whose marriage is thus procured is a pauper at the time of the marriage or becomes so afterwards.

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, but when the parents of such children born after March twenty-four, eighteen hundred and sixty-four, intermarry, they are deemed legitimate and have the settlement of the father. (*a*)

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Illegitimate children.

IV. Upon division of a town, a person having a settlement therein and being 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 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 have 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*)

Division of towns.

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

Apprenticeship.
10 Me., 358.

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

Residence, five years.

VII. A person having his home in a town, 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*)

Residence, March 21, 1821.

VIII. A person having his home in an unincorporated place for five years without receiving supplies as a pauper, and having continued his home there until the time of its incorporation, acquires a settlement therein. Those having homes in such places for less than five years, before incorporation, and continuing to have them there afterwards, until five years are completed, acquire settlements therein.

Incorporation of towns.
11 Me., 457.
21 Me., 61, 269.
30 Me., 458.
33 Me., 580.
55 Me., 119.
66 Me., 572.

SEC. 2. To constitute pauper supplies, they must be applied for in case of adult persons of sound mind, by such persons themselves, or by some person by them duly authorized; or such supplies must be received

Pauper supplies, how constituted.
1873, c. 119.

(*a*) 2 Me., 197; 3 Me., 390; 4 Me., 50, 295; 7 Me., 90, 272; 10 Me., 412; 11 Me., 456; 18 Me., 378; 19 Me., 446; 24 Me., 282; 32 Me., 62; 35 Me., 412; 36 Me., 392; 41 Me., 551; 48 Me., 566; 55 Me., 56, 471; 58 Me., 355; 60 Me., 117; 66 Me., 83; 70 Me., 353, 490; 72 Me., 511; 73 Me., 110; 74 Me., 46.

(*b*) 1 Me., 131; 13 Me., 301; 19 Me., 390; 20 Me., 343; 21 Me., 337; 23 Me., 474; 31 Me., 468; 35 Me., 187; 37 Me., 41; 38 Me., 476; 39 Me., 369; 42 Me., 314, 548; 43 Me., 317; 44 Me., 359; 47 Me., 131; 49 Me., 553; 51 Me., 446, 448; 53 Me., 524; 54 Me., 254; 56 Me., 321; 66 Me., 572; 69 Me., 317; 71 Me., 456.

(*c*) 10 Me., 98; 13 Me., 327; 15 Me., 481; 17 Me., 122; 18 Me., 94, 417; 21 Me., 361; 23 Me., 411; 24 Me., 114; 34 Me., 314; 39 Me., 334; 47 Me., 100, 183; 48 Me., 335, 566; 49 Me., 106; 50 Me., 478; 51 Me., 541; 52 Me., 219; 53 Me., 129, 445; 55 Me., 56, 95; 58 Me., 210; 59 Me., 558; 61 Me., 560; 62 Me., 232; 64 Me., 84, 415; 68 Me., 304, 581; 69 Me., 69-71, 507; 70 Me., 443; 72 Me., 256; 73 Me., 109, 111, 231; 74 Me., 155, 234.

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Settlements remain.
R.S., c. 24, § 2.
1883, c. 176.
55 Me., 119.
58 Me., 355.
71 Me., 456.

Bridge-tender or toll-keeper.
1876, c. 82.

Inmates of the National Home at Togus, settlement of, established.
1883, c. 188, § 1.

Towns relieving former inmates, to be re-imbursed by state.
1883, c. 188, § 2.

Orphan asylum at Bath.
1881, c. 70.
See special laws of 1866, c. 163.
Soldiers not to be considered paupers.
1875, c. 21.
71 Me., 574.

Revision of laws does not affect settlements.
R. S., c. 24, § 3.

Overseers to be chosen, money raised, poor relieved.
R.S., c. 24, § 4.

Overseers' duties.
R.S., c. 24, § 5.
64 Me., 415.
70 Me., 115.

When overseers of poor are to be designated by governor to take charge of local immigration.

by such persons, or by some person authorized by them, with a full knowledge that they are such supplies; and all care, whether medical or otherwise, furnished to said persons is subject to the same rule. (a)

SEC. 3. Settlements acquired under existing laws, remain until new ones are acquired. Former settlements are defeated by the acquisition of new ones. Whenever a person, having a pauper settlement in a town, has lived, or shall live, for five years in any unincorporated place or places in the state, he and those who derive their settlement from him lose their settlement in such town.

SEC. 4. No person acquires a pauper settlement in a town by reason of his residing in said town as tender of a draw-bridge, or as toll-keeper of a bridge owned by another town, and living in a toll-house owned by such other town.

SEC. 5. Inmates of the National Home for Disabled Volunteer Soldiers at Togus, in the county of Kennebec, and persons subject to the rules and regulations thereof, or receiving rations therefrom, have their settlement in the respective towns in which they had a legal settlement when their connection with said National Home commenced, so long as such connection continues therewith.

SEC. 6. If a town furnishes relief to any such person, who becomes a pauper after his connection with said National Home has ceased, having no legal settlement in the state, or to his family, the State shall reimburse such town for the relief furnished, to such an amount as the governor and council adjudge to have been necessarily expended therefor.

SEC. 7. No child acquires a pauper settlement in the city of Bath, by reason of being an inmate of the Bath Military and Naval Orphan Asylum.

SEC. 8. No soldier who served by enlistment in the army or navy of the United States, in the war of eighteen hundred and sixty-one, and in consequence of injury sustained in said service, has or may become dependent upon any town, shall be considered a pauper, or be subject to disfranchisement for that cause.

SEC. 9. Persons who have begun to acquire settlements under existing laws, are not affected by a repeal of them, and a re-enactment of their provisions in substance.

SEC. 10. Towns shall relieve persons having a settlement therein, when, on account of poverty, they need relief. They may raise money therefor as for other town charges; and may at their annual meeting choose not exceeding twelve legal voters therein to be overseers of the poor.

SEC. 11. Overseers shall have the care of persons chargeable to their town, and cause them to be relieved and employed at the expense of the town, and the town may direct their employment.

SEC. 12. Whenever the governor has knowledge that, under the provisions of an act of Congress approved August three, eighteen hundred and eighty-two, officers are necessary in any town to take charge of the local affairs of immigration and to provide for the support and relief of immigrants falling into distress, he shall designate for such duty the board

(a) 64 Me., 246; 67 Me., 492; 68 Me., 369; 69 Me., 226; 70 Me., 116.

of overseers of the poor and their successors in such town, or any member or members of such board.

SEC. 13. Persons chargeable shall not be set up and bid off at auction either for support or service; but towns at their annual meetings, under a warrant for the purpose, may contract for the support of their poor for a term not exceeding five years.

SEC. 14. 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.

SEC. 15. 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.

SEC. 16. The father, mother, grandfather, grandmother, children, and grandchildren, by consanguinity, living within the state and of sufficient ability, shall support persons chargeable, in proportion to their respective ability. (a)

SEC. 17. A town or any kindred, who have incurred expense for the relief of a pauper, may complain to the supreme judicial court in the county where any of them 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 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 shall not be made to pay any expense for relief afforded more than six months before the complaint was filed.

SEC. 18. Such complaint may be filed with the clerk of the court, who shall issue a summons thereon, returnable and to be 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. 19. 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 may 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 returnable to the next term of the court, to collect what may be due for any preceding quarter.

CHAP. 24.

1883, c. 171.

Poor not sold at auction.—towns may contract for support.
R. S., c. 24, § 6.

Towns may unite to purchase a farm.
R. S., c. 24, § 7.

Joint board of overseers; duties.
R. S., c. 24, § 8.

Kindred liable.
R. S., c. 24, § 9.

Court on complaint may assess kindred.
R. S., c. 24, § 10.
5 Me., 325.
64 Me., 203.
66 Me., 539.

Complaint filed, may be amended.

—summons.
R. S., c. 24, § 11.
See c. 81,
§§ 17, 18.

Assessment for future support; court may order with whom pauper is to live.
R. S., c. 24, § 12.
64 Me., 203.

(a) 23 Me., 427; 45 Me., 370; 51 Me., 415; 53 Me., 61; 64 Me., 202, 203; 66 Me., 539.

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Court may alter assessment; costs. R.S., c. 24, § 13. 64 Me., 203.
 Children may be bound; terms and time. R.S., c. 24, § 14. 10 Me., 356. 18 Me., 417.

SEC. 20. 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 failure to sustain a complaint, the respondents recover costs.

SEC. 21. The minor children of parents chargeable, or of parents unable in the opinion of the overseers to maintain them, and minor 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 until 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 shall be made in such deed for the instruction of males to read, write, and cipher, 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.

Overseers to inquire, and may complain of master. R.S., c. 24, § 15.

SEC. 22. The overseers shall inquire into the treatment of such children, and 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 shall 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 died, may be bound anew for the remainder of the time.

—court may discharge child, who may be bound again.

Suits on bonds. R.S., c. 24, § 16.
 —damages to be for benefit of child.

SEC. 23. 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, shall be placed in the treasury of the town, to be applied by the overseers for the benefit of the child during his term, or be paid to him at its expiration. The court, on trial 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; but shall proceed in their names, or in the names of the survivors.

Child becoming of age, may sue master for damages. R.S., c. 24, § 17.

SEC. 24. 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.

When child departs, he may be arrested and returned; those enticing or harboring, liable. R.S., c. 24, § 18.

SEC. 25. When a child so bound departs from service without leave, his master or a person in his behalf may complain on oath to a trial justice in the county, where he resides, or where the child is found, who shall issue a warrant and cause such child to be brought before him, and when the complaint is supported, he shall 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. 26. 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. 27. 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 unmarried, able-bodied, 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. 28. 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. 29. Persons found in places not incorporated and needing relief, are under the care of the overseers of the oldest incorporated adjoining town, or the nearest incorporated town where there are none adjoining, who shall furnish relief to such persons, as if they were found in such towns; 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-seven, in the manner therein provided, residing in such unincorporated place, as if in their own town, and such persons shall be entitled to a like remedy and relief. When relief is so provided, the towns furnishing it have the same remedies against the towns of their settlement as if they resided in the town so furnishing relief. And when such paupers have no legal settlement in the state, and have not lived in the town furnishing them relief, the State shall re-imburse said town for the relief furnished, to such amount as the governor and council adjudge to have been necessarily expended therefor.

SEC. 30. When persons residing in an unincorporated place, and having no pauper settlement in the state, remove from such place to any town in which they have never resided before such removal, and there need relief, and the same is furnished to them by such town, the State shall re-imburse said town for such relief so furnished, in the same manner and under the same restrictions as to the amount re-imbursed as provided in the preceding section.

SEC. 31. Whenever towns that are compelled to care for and furnish relief to state paupers in unincorporated places, for reasons of economy desire to remove the same into their own town, their overseers of the poor may make a written request, stating their reasons to the governor and council, who shall examine the same, and if in their judgment such state paupers would thereby be supported with less expense to the State, may permit in writing such transfer to be made. Whenever state paupers are thus transferred and maintained in a town for such purposes, they do not become paupers of such town by reason of residence therein, while so maintained.

SEC. 32. Plantations having a population of two hundred or more,

CHAP. 24.

Child may be discharged on complaint of master.

R.S., c. 24, § 19.

Person of age, may be bound for one year.

R.S., c. 24, § 20.

See c. 21, § 1.

Person bound may complain to court.

R.S., c. 24, § 21.

Persons in unincorporated places needing relief are under care of assessors of oldest adjoining or nearest town.

1879, c. 162, § 1.

16 Me., 139.

55 Me., 96.

60 Me., 153.

65 Me., 598.

68 Me., 593.

—they and their children may be bound out.

See § 26.

—remedy of towns so relieving state paupers.

1883, c. 231.

Towns relieving persons removing from unincorporated place, to be re-imbursed by state.

1883, c. 231.

On request of relieving town, governor and council may permit removal.

1879, c. 162, § 2.

—removed paupers gain no residence.

Certain large plantations

CHAP. 24.

to maintain
their paupers.
1879, c. 162, § 3.

Persons
needing relief
in certain
plantations,
under care of
assessors.
1881, c. 65.

—plantations to
relieve them,
the same as
towns.

—state paupers not
affected.

Individuals
may relieve
the sick in
such places,
and bury the
dead.
R.S., c. 24, § 23.
65 Me., 398.

Overseers to
relieve persons
having
settlement in
other towns.
R.S., c. 24, § 24.
1881, c. 93, § 3.
64 Me., 413.

See § 17.

Recovery,
effect of.
R.S., c. 24, § 25.
33 Me., 181,
354.
53 Me., 130.
Overseers'
notice and
request to
town liable.
R.S., c. 24, § 27.

and a valuation of at least one hundred thousand dollars, shall hereafter support the paupers therein, in the same manner that towns now do, and the expenses therefor shall not be chargeable to the State.

SEC. 33. Persons found in plantations having a population of more than two hundred, to be determined by the returns of the county commissioners, as provided by section seventy of chapter three, and a state valuation of forty thousand dollars, and needing relief, are under the care of the assessors of such plantations; and the duties and powers of such assessors relative to such persons, are the same in every respect as overseers of the poor in towns have in like cases; and such plantations shall assess and raise all moneys necessary to defray the expense incurred in the care of such persons; and plantations so furnishing relief, have the same remedies against the towns of their settlement, that towns have in like cases. But this section does not extend to, or affect the laws concerning so-called state paupers or paupers' settlements.

SEC. 34. A person residing in a place not incorporated, may provide relief and medical aid for any other sick, wounded, or injured resident, and in case of his death may cause him to be buried, and may recover the amount necessarily expended, of the town where such person had a settlement, if, within sixty days thereafter, he has delivered into a post office, postage paid, a written notice signed by him informing the overseers of such town 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.

SEC. 35. Overseers shall relieve persons destitute, found in their towns and having no settlement therein, and in case of death, decently bury them, or dispose of their bodies according to section three of chapter thirteen; the expenses whereof and of their removal incurred within three months before notice given to the town chargeable, may be recovered of the town liable, by the town incurring them, 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 provided in this chapter. (a)

SEC. 36. 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. 37. Overseers shall send a written notice, signed by one or more of them, stating the facts respecting a person chargeable in their town, to the 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. (b)

(a) 3 Me., 454; 15 Me., 365; 16 Me., 385; 26 Me., 463; 27 Me., 493; 28 Me., 296; 29 Me., 316; 33 Me., 453; 38 Me., 476; 40 Me., 288; 41 Me., 484; 42 Me., 568; 43 Me., 318; 46 Me., 560; 48 Me., 356, 420; 49 Me., 385, 554; 50 Me., 518; 51 Me., 603; 53 Me., 42, 445; 55 Me., 119; 62 Me., 247; 67 Me., 533; 71 Me., 576.

(b) 1 Me., 229, 331; 3 Me., 198; 4 Me., 478; 15 Me., 172; 21 Me., 303, 445; 26 Me., 66; 31 Me., 126; 41 Me., 600; 45 Me., 408; 46 Me., 460, 560; 48 Me., 356, 420; 53 Me., 38, 42; 56 Me., 12; 59 Me., 295; 62 Me., 233; 63 Me., 580, 583; 72 Me., 204.

SEC. 38. Overseers receiving such notice shall within two months, if the pauper is not removed, 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 manner provided in section thirty-seven; and the overseers of the town to which he is sent shall 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. 39. 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 sufficient. (a)

SEC. 40. When the removal of a pauper to the town of his alleged settlement is sought, under section thirty-seven, and the person to whom the order of the overseers is directed, requests him to go with him in obedience thereto, and he refuses to go, or resists the service of such order, the person to whom it is directed may make complaint in writing, by him signed, of the facts aforesaid, to any judge of a police or municipal court or trial justice within the county where said pauper is then domiciled. Said magistrate shall thereupon, by proper order or process, cause said pauper to be brought forthwith before him by any officer to whom the same is directed, to answer said complaint and show cause why he should not be so removed. The complaint may be amended at any time before judgment thereon, according to the facts. The complainant and the pauper shall both be heard, and if upon such hearing the magistrate finds that the town to which it is proposed to remove such pauper is liable for his maintenance and support, he shall issue his order, under his hand and seal, commanding the person to whom it is directed to take said pauper and transport him to the town aforesaid, and deliver him to the custody of the overseers of the poor thereof. The person to whom said last named order is directed shall have all the authority to execute the same according to the precept thereof, that the sheriff or his deputy has in executing warrants in criminal proceedings. In the foregoing proceedings, the fees and costs shall be the same as for like services in criminal cases, and shall be paid by the town seeking to remove such pauper.

SEC. 41. 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, may be sent to the house of correction as a vagabond.

SEC. 42. On complaint of overseers, that a pauper chargeable to their town has no settlement in the state, any trial justice, may, 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 the state to the place where he belongs; but this section does not apply to the families of volunteers enlisted in the state, who may have been mustered into the service of the United States.

SEC. 43. Towns shall pay expenses necessarily incurred for the

(a) 21 Me., 303, 445; 48 Me., 422.

CHAP. 24.

Answer to be returned within two months.
R.S., c. 24, § 28.
3 Me., 454.
4 Me., 302.
5 Me., 34.
30 Me., 213.
48 Me., 422.
53 Me., 43.
63 Me., 582.
72 Me., 204.

Notice and answer by mail sufficient.
R.S., c. 24, § 29.

Overseers' complaint if pauper refuses to be removed to town of settlement.
1879, c. 137.

—pauper to be brought before magistrate to answer complaint.

—proceedings.

—person executing order of magistrate has same power as sheriff in executing criminal warrants.
—fees and costs.

Person removed, returning, may be sent to house of correction.
R.S., c. 24, § 30.
Foreign paupers may be removed.
R.S., c. 24, § 31.

—not to apply to families of volunteers.

Towns liable to

CHAP. 24. relief of paupers by an inhabitant not liable for their support, after notice and request to the overseers, until provision is made for them. (a)

individuals relieving.
R.S., c. 24, § 32.
Overseers to complain of intemperate paupers.
R.S., c. 24, § 33.
11 Me., 212.
51 Me., 460.
See c. 21, § 12.

SEC. 44. When a person in their town, notoriously subject to habits of intemperance, is in need of relief, the overseers shall make complaint to a trial justice in the county, who shall issue a warrant and cause such person to be brought before him, and upon a hearing and proof of such habits, he shall order him to be committed to the house of correction, to be there supported by the town where he has a settlement, and if there is 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.

Towns may recover of paupers.
R.S., c. 24, § 34.

SEC. 45. 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. (b)

Overseers to take possession of property of paupers deceased.
R.S., c. 24, § 35.
8 Me., 318.

SEC. 46. Upon the death 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, they 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.

May prosecute and defend.
R.S., c. 24, § 36.

SEC. 47. For all purposes provided for in this chapter, its overseers, or any person appointed by them in writing, may prosecute and defend a town.

Plantations may raise money.
R.S., c. 24, § 37.
7 Me., 125, 133.
61 Me., 449.

SEC. 48. Any plantation, at a legal meeting called for the purpose, may raise and expend money for the support of the poor, to be applied by its assessors.

Penalty for bringing paupers into a town.
R.S., c. 24, § 38.
2 Me., 7.
50 Me., 336.

SEC. 49. 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 not exceeding one hundred dollars, to be recovered for such town, in an action of debt.

Liability of common carriers, bringing non-resident paupers into state.
1875, c. 41, § 1.
—proviso.

SEC. 50. Any common carrier who brings into the state a person not having a settlement therein, shall remove him beyond the state, if he falls into distress within a year; *provided*, that such person is delivered on board a boat or at a station of such carrier, by the overseers or municipal officers requesting such removal; and in default thereof, such carrier is liable in assumpsit for the expense of such person's support after such default.

(a) 20 Me., 445; 36 Me., 378; 37 Me., 10; 48 Me., 561; 49 Me., 33; 53 Me., 61; 63 Me., 492; 65 Me., 597; 67 Me., 552; 70 Me., 501.

(b) 4 Me., 262; 22 Me., 448; 41 Me., 600; 66 Me., 62.