

# MAINE STATE LEGISLATURE

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**L A W S**

OF THE

**S T A T E O F M A I N E ;**

TO WHICH ARE PREFIXED

THE

**C O N S T I T U T I O N O F T H E U . S T A T E S**

AND OF SAID STATE,

IN TWO VOLUMES,

**W I T H A N A P P E N D I X .**

.....  
VOL. II.  
.....

Published according to a resolve of the State, passed  
March 8, 1821.

**BRUNSWICK.**

Printed by J. Griffin, for the State.

.....  
1821.

**ERRATA:**

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

VOLUME THE SECOND.

<i>Page.</i>		<i>Page.</i>	
463	Line 7 of page, dele the word <i>whole</i>	663	S. 2 L. 6 of S. dele <i>of</i>
464	Sec. 8 L. 12 of Sec. for <i>towns</i> read <i>town</i>	666	5 2 after the word <i>Governor</i> insert, and <i>Council</i>
484	27 6 at the end of the line insert the word <i>that</i>	666	5 last for <i>his</i> read <i>the</i>
492	43 11 after the word <i>owing</i> insert to	667	L. 3 of the page, dele <i>who</i>
496	47 25 for <i>duty</i> read <i>body</i>	668	S. 10 L. 1 of S. for <i>where</i> read <i>when</i>
500	54 3 at the end of the line dele <i>the</i>	669	L. 3 of p. for <i>effect</i> read <i>affect</i>
506	7 6 after the word or dele to	670	S. 5 L. 7 of S. for <i>the</i> read <i>such</i>
515	L. 28 of p. for <i>highway</i> read <i>highways</i>	671	L. 2 of p. for <i>in</i> read <i>on</i>
517	S. 16 L. 11 of S. after the word <i>be</i> insert <i>the</i>	672	S. 9 L. 3 of S. for <i>make</i> read <i>mark</i>
518	18 9 for <i>of</i> read <i>or</i>	672	11 2 for <i>and</i> read <i>or</i>
520	23 11 before the word <i>proprietors</i> insert <i>the</i>	674	11 8 before the word <i>each</i> insert <i>for</i>
523	L. 6 of p. after the word <i>person</i> insert <i>of</i>	674	2 7 before the word <i>drying</i> insert <i>the</i>
523	last for <i>cannot</i> read <i>can</i>	676	L. 5 of p. for <i>not</i> read <i>none</i>
526	9 for <i>laws</i> read <i>law</i>	677	4 for <i>quality</i> read <i>quantity</i>
533	16 for <i>assessments</i> read <i>assessment</i>	681	Sec. 4 last line of Sec. after the word <i>owner</i> insert <i>or owners</i>
534	13 for <i>appears</i> read <i>appear</i>	682	Sec. 5 L. 2 of Sec. dele <i>away</i>
535	4 at the end of the line insert <i>of</i>	684	2 3 for <i>galo</i> read <i>golo</i>
535	3 from bottom of p. for <i>causes</i> read <i>cause</i>	686	4 2 for <i>on</i> read <i>or</i>
537	S. 12 L. 2 of S. for <i>in</i> read <i>of</i>	687	3 6 before the word <i>stamped</i> insert <i>not</i>
539	L. 11 of p. between the words <i>the</i> and <i>day</i> should be a '—'	688	L. 24 of p. before the word <i>arms</i> at the beginning of the line insert <i>the</i>
539	15 for <i>where</i> read <i>wherein</i>	694	L. 15 of p. after the word <i>shall</i> insert <i>also</i>
543	S. 18 L. 13 of S. dele <i>the</i> before the word <i>said</i>	694	16 after the word <i>of</i> insert <i>the</i>
545	21 7 for <i>and</i> read <i>or</i>	695	12 for <i>usage</i> read <i>usages</i>
546	1 6 for <i>this</i> read <i>thus</i>	716	8 for <i>fixed</i> read <i>affixed</i>
547	2 7 for <i>this</i> read <i>thus</i>	723	6 from bottom of p. dele <i>in</i>
547	2 11 for <i>in capacity</i> read <i>incapacity</i>	734	Sec. 51 L. 4 of Sec. before the word <i>auditing</i> insert <i>the</i>
553	L. 2 of p. at the end of the line insert <i>such</i>	742	L. 4 of p. after the word <i>orders</i> insert <i>to be</i>
556	S. 1 L. 18 of p. for <i>master</i> read <i>masters</i>	744	L. 3 from bottom of p. before the word <i>refuse</i> insert <i>shall</i>
557	L. 16 of p. for <i>in</i> read <i>of</i>	745	Sec. 1 L. 6 of Sec. before the word <i>good</i> insert <i>six</i>
560	S. 7 L. 4 of S. for <i>Court of Sessions</i> read <i>Courts of Sessions</i>	746	2 15 before the word <i>advice</i> dele <i>the</i>
566	1 7 for <i>every</i> read <i>any</i>	751	5 11 for <i>owners</i> read <i>owner</i>
570	9 5 after the word <i>them</i> insert <i>as</i>	751	5 15 for <i>taking</i> read <i>taken</i>
572	12 5 after the word <i>fine</i> insert <i>of</i>	751	5 25 for <i>owners</i> read <i>owner</i>
573	1 3 for <i>and</i> read <i>or</i>	753	8 23 for <i>spurs</i> read <i>spar</i>
576	L. 18 of p. for <i>pounds</i> read <i>ounces</i>	754	10 3 after the word <i>or</i> insert <i>any</i>
576	last line of the page dele <i>and</i>	758	L. 2 of p. for <i>sales</i> read <i>sale</i>
591	S. 5 L. 2 of S. before the word <i>action</i> insert <i>an</i>	759	24 for <i>minor</i> read <i>minors</i>
592	3 3 for <i>time</i> read <i>times</i>	761	19 for <i>another</i> read <i>any other</i>
601	L. 11 of p. at the end of the line insert <i>drawn</i>	761	last dele <i>other</i>
	After p. 604 read p. '605' instead of '506'	762	22 before the word <i>fish</i> insert <i>any</i>
604	S. 12 L. 2 of S. after the word <i>passing</i> insert <i>on</i>	766	6 after the word <i>notice</i> insert <i>is</i>
606	for Sec. 14 read Sec. 16	766	Sec. 5 L. 6 of Sec. for <i>damages</i> read <i>damage</i>
608	S. 22 L. 5 of S. for <i>monies</i> read <i>money</i>	769	4 14 dele <i>to the</i>
610	3 18 dele <i>any</i>	772	first word of the p. for <i>damage</i> read <i>damages</i>
614	4 4 for <i>funnel</i> read <i>fund</i>	774	Sec. 2 L. 7 of Sec. for <i>and</i> read <i>or</i>
617	L. 5 of the page dele <i>a</i>	774	2 14 for <i>any</i> read <i>every</i>
617	S. 1 L. 6 of S. for <i>purpose</i> read <i>purposes</i>	775	1 3 for <i>paasing</i> read <i>passing</i>
621	1 9 for <i>such</i> read <i>said</i>	777	L. 17 of p. for <i>these</i> read <i>their</i>
622	3 16 for <i>or</i> read <i>on</i>	780	14 for <i>ninth</i> read <i>twenty ninth</i>
624	2 12 after the word <i>returns</i> insert <i>as</i>	780	35 for <i>sixteenth</i> read <i>seventeenth</i>
626	3 6 before the word <i>Cashier</i> insert <i>the</i>	788	25 for <i>eight</i> read <i>eighth</i>
631	4 3 before the end of the S. for <i>course</i> read <i>course</i>	790	28 after the word <i>Act</i> insert <i>providing</i>
634	16 5 of S. for <i>inspected</i> read <i>uninspected</i>	791	13 after the word <i>for</i> dele <i>the</i>
635	17 last for <i>and</i> read <i>or</i>	791	14 after the word <i>idle</i> dele <i>and</i>
638	L. 9 of p. for <i>and</i> read <i>or</i>	793	5 for <i>galo</i> read <i>golo</i>
642	7 dele <i>who</i>	793	27 after the word <i>Act</i> dele <i>for</i>
643	S. 4 L. 6 of S. dele <i>are</i> after <i>and</i>	797	4 at the end of the line for <i>eight</i> read <i>eighth</i>
650	4 14 before the word <i>also</i> insert <i>as</i>	808	34 for <i>from</i> read <i>upon</i>
656	12 3 for <i>on</i> read <i>or</i>		
658	in the title, after the word <i>Act</i> insert <i>for</i>		

Companies may insure against fire, &c.

But on no one risk more than 10 per cent. of capital.

Meetings of stockholders how to be called.

SEC. 8. *Be it further enacted,* That all insurance companies, which may hereafter be incorporated, shall be authorized, whether particularly expressed in their acts of incorporation or not, to make insurance against fire, on any dwelling houses or other buildings; and on merchandize or other property within the United States; on such terms and conditions as may be agreed upon by the parties: *Provided,* No sum shall be insured on any one risk against fire, exceeding ten per cent of the capital stock actually paid in.

SEC. 9. *Be it further enacted,* That in addition to the mode, which may be pointed out in the charter of any insurance company, which is or may be incorporated, for calling meetings of the stockholders, it shall be the duty of the secretary at any time, on the application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders to be holden at such time and place, and for the purposes mentioned in such application, by giving notice of the same, as provided in the act incorporating such company for giving notice of meetings.

[Approved February 24, 1821.]

## CHAPTER CXL.

An Act enabling Proprietors of Aqueducts to manage the same.

Meeting of proprietors, how to be called.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That when any number of persons shall, by writing associate and become proprietors of any aqueduct, or of any funds raised for making and constructing the same, for the purpose of conveying fresh water by subterraneous or other pipes, into any town or place within this State; it shall be lawful for the proprietors of a major part of the shares, to apply, in writing, to some Justice of the Peace for the county in which the said aqueduct may be, or is proposed to be placed; when it shall be or proposed to be placed so as to extend into several counties, application may be made to a Justice of the Peace of either of such counties, stating in such written application the name and style of their association, the objects of their proposed meeting and requesting such Justice to is-

sue his warrant to some one of the proprietors so applying, directing him to call such meeting: And such Justice is hereby authorized to issue his warrant accordingly, therein stating the time and place, and objects of the said meeting. And such proprietor shall notify and warn such meeting, by posting up the said warrant or a true copy thereof, with his notice, seven days at least before the said meeting, in some public place in the town and towns in which the said aqueduct may be or is proposed to be placed.

SEC. 2. *Be it further enacted,* That the proprietors of any such aqueduct or fund, duly met and assembled in pursuance of any such warrant, and their successors, shall be a corporation and body politic, by the name and style aforesaid; and at such meeting of said proprietors, or of any number of them, they shall have power to agree upon the method of calling future meetings of the corporation.

Proprietors thus assembled to be corporation.

May agree on mode of calling future meetings.

SEC. 3. *Be it further enacted,* That at any legal meeting of said proprietors, or of any number of them, they shall have power to choose a Clerk, whose duty it shall be fairly and truly to enter and record, in a book or books to be provided and kept for that purpose, this Act and all rules, by-laws, votes and proceedings of such corporation; which book or books shall at all times be subject to the inspection of any person appointed for that purpose by the Legislature. And the said Clerk shall be sworn to the faithful discharge of the duties of his office; and at any such meeting the said proprietors or any number of them duly met as aforesaid, shall have power to elect a Moderator, and any such number of directors to manage the prudential business of said corporation, as to them may appear expedient; and such directors, or a major part of them, are hereby authorized from time to time to assess such taxes on the proprietors of the shares in such aqueduct, or in the funds which may be raised for making and constructing such aqueduct, as they shall find necessary; and on the neglect or refusal of any proprietor to pay such tax, to sell at public vendue so many of his or her shares as will be sufficient to pay such taxes, with necessary intervening charges; first advertising the sale of such share or shares in some newspaper printed in the county, or by posting up notifications there-

May choose clerk.

Who must be sworn.

May choose directors,

who may assess taxes on the shares,

and sell them at public auction

after 20 days' notice, of in some public places in the town and towns wherein such aqueduct may be, or is proposed to be placed, twenty days at least previous to such sale; and the overplus monies (if any there may be) arising from such sale, shall be paid to the owner or owners of the share or shares so sold. And the said proprietors, or any number of them duly met as aforesaid, may, at any of their meetings, elect any other officer or officers, or act upon any other thing necessary for carrying into effect the objects of their institution: *Provided*, That the subject matter thereof be expressed in the warrant or notification for such meeting.

May choose other officers.

Each proprietor entitled to one vote for each share, and to vote by proxy.

SEC. 4. *Be it further enacted*, That in all meetings of such proprietors, each proprietor shall be entitled to one vote for each and every share he or she may hold in such aqueduct or funnel, and they are also hereby respectively empowered to depute and appoint any other person to appear and vote for him or them in such meetings; the appointment to be in writing, signed by the person or persons to be represented, and filed with, or recorded by the Clerk of such corporation.

Proprietors may order fines and penalties for breach of their laws.

SEC. 5. *Be it further enacted*, That the said proprietors, or any number of them, duly met as aforesaid, may at any of their meetings, enjoin and order fines and penalties, for the breach of any bye-law of such corporation, not exceeding thirty dollars for any one breach.

Corporation may take and hold real estate,

SEC. 6. *Be it further enacted*, That any such corporation shall have power to purchase, take and hold any real estate necessary for the purpose of their institution: *Provided*, That the real estate which any one aqueduct corporation may hold, shall not exceed thirty thousand dollars in value. And all such real estate shall during the continuance of such corporation, be deemed and considered, to all intents and purposes, as personal estate, and as such, with the other interest and estate in such propriety, shall be transferable by such mode of transfer as such corporations, at any of their meetings, shall agree on and determine: *Provided however*, That the transfer shall be in writing, and recorded by the Clerk of the corporation in the book or books aforesaid within three months next after such transfer shall be made.

not exceeding 30,000 dollars, and to be deemed personal estate.

Mode of transfer.

SEC. 7. *Be it further enacted,* That such proprietors or corporation, when they shall find it necessary, shall have power to enter upon, dig up and open any such parts of the streets, highways or townways in any place within this State, for the purpose of placing such pipes as may be necessary for making and constructing such aqueduct, or for repairing or extending the same, as the Selectmen of the town or the major part of them for the time being, shall in writing, authorize and allow: *Provided,* Such Selectmen shall not have power to authorize and allow any such streets, highway or townway to be entered upon, dug up or opened, so as to obstruct or hinder the citizens of the State or others from conveniently passing therein with their teams and carriages.

May, by leave of selectmen dig up roads, streets, &c. to lay pipes.

Not obstructing travellers.

SEC. 8. *Be it further enacted,* That to the end that the proprietors of the shares in any such corporate property may be known, it shall be the duty of the Clerk of any such corporation, at or immediately after the first meeting, to enter in the book or books aforesaid, the names of the several proprietors, and the shares and parts of shares each proprietor shall own, and when any share or part of a share, shall afterwards be sold for taxes or otherwise transferred; such sale or transfer shall be entered by said Clerk in such book or books, in such form, and for such fees, as the director shall appoint; and no person shall be deemed a proprietor whose share or interest shall not be so entered.

Clerk to keep a record of the names and shares of all the proprietors.

In case of sale of a share, record to be made of it.

SEC. 9. *Be it further enacted,* That notwithstanding the dissolution of any such corporation, all contracts made by or with such corporation shall remain in full force, and the last proprietors or share holders shall have a corporate capacity, until all contracts and agreements, made by or with them prior to such dissolution, shall be performed; and are and shall be capable and liable, in and by the same name and capacity, as before such dissolution, to sue and be sued; and by their agent or agents, to prosecute and defend in all actions, suits and demands, respecting such contracts and agreements, until final judgment and execution. And if no corporate property can be found to satisfy any judgment which may be recovered against them as aforesaid, and such judgment shall not be satisfied within six months after the same shall have been recovered, it shall be lawful for the judg-

Corporation to continue till all debts are paid.

If judgments against corporation cannot

be satisfied by corporate property, private estate of members liable.

Provided action be brought within six years from dissolution. Estate holden at the time of dissolution, shall be deemed real estate and held in common.

Shares may be attached and taken in execution.

Manner.

And taken on execution and sold.

Manner.

Penalty for injuring aqueducts wantonly, &c.

Mode of recovery.

Towns may lay pipes, connected with the corporation's aqueduct to draw off water in case of fire.

ment creditor to satisfy his judgment and execution out of the private estate of such proprietors or of any of them, in the same way and manner as if the judgment had been against him or them, in his or their private capacity: *Provided*, That each and every such action shall be commenced within six years next after such dissolution; or within the like time next after such right of action shall accrue. And in case any such corporation shall at its dissolution, be seized or possessed of any estate, the several proprietors at such dissolution shall become tenants in common thereof, in such proportions as they shall respectively then hold their shares and parts of shares therein; and upon such tenure as the corporation would have held the same, had not provision been herein made for making all their property personal estate.

And all shares in such aqueducts shall be liable to be attached on mesne process, and taken in execution for the debts of the owner thereof: *Provided*, That when any share or part of a share or shares shall be so attached, an attested copy of the process shall be left with the Clerk of the corporation, fourteen days before the day of the sitting of the Court, to which the same shall be returnable. And when any such share or part of a share or shares shall be taken and sold on execution, the officer shall leave with such Clerk an attested copy of the execution, and of his return thereon, within ten days next after such sale.

SEC. 10. *Be it further enacted*, That if any person shall maliciously or wantonly injure any such aqueduct, he or she shall forfeit and pay a sum not exceeding twenty dollars, to be recovered by indictment in the Supreme Judicial Court or Circuit Court of Common Pleas; one moiety thereof to the prosecutor, and the other moiety thereof to the use of the town in which such offence shall have been committed; and shall also be liable to pay treble damages to the corporation so injured, to be recovered by action on the case, with costs of suit.

SEC. 11. *Be it further enacted*, That any town in which any such aqueduct shall be placed, shall have the privilege of placing conductors into and from the pipes and conductors laid by any such corporation, for the purpose of drawing such water therefrom, as may be necessary when

any building shall be on fire in such town; and of withdrawing water therefrom on such occasions, without paying such corporation any price therefor: *Provided*, That every such town shall be holden to secure such conductors so by them placed in such a manner that water cannot be drawn therefrom, unless by the orders of the Selectmen or fire wards of the town wherein the same may be. Proviso.

[Approved March 8, 1821.]

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### CHAPTER CXLI.

An Act to enable the Proprietors of Social, Military and Law Libraries to manage the same.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in Legislature assembled*, That any seven or more persons, capable of contracting, in any town in this State, who shall become proprietors in common of any library, may form themselves into a society or body politic, for the express purpose of holding, increasing, preserving and using such library; and to that end, any five or more of them, may, by an application in writing, by them signed, to any Justice of the Peace within the same county wherein the said town may be, stating the purposes of their meeting, and requesting him to issue his warrant for calling a meeting of the said proprietors; and the said Justice may grant his warrant to one of them, directing him to call a meeting of the said proprietors at the time and place, and for the purposes expressed in such warrant; and said meeting shall be called by posting up the purport of said warrant in some public place in the said town where the said library shall be kept, seven days at least before the time of said meeting; and the proprietors being thus met and organized, they may then agree and determine upon a method of calling future meetings; and in all cases votes shall be determined by counting and allowing one vote to each share. And the proprietors of any such library shall have power to possess and hold, to them, their successors and assigns, real or personal estate, to any amount not exceeding five thousand dollars, over and above the value of their books. Proprietors of libraries may incorporate themselves,  
  
and hold estate not exceeding 5000 dollars.