

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. I.

TITLE FIRST.

Of the sovereignty, the government, revenue and domain of the state; its limits and divisions, and the civil administration thereof.

- CHAPTER 1. Of the publication and construction of Statutes.
2. Of the sovereignty of the state, and of lands ceded to the United States.
 3. Of public lands.
 4. Of the state library.
 5. Of town meetings, town officers and boundaries.
 6. Of the regulation of elections.
 7. Of the secretary of state.
 8. Of the treasurer of state.
 9. Of the tenure of offices.
 10. Of the qualification of officers.
 11. Of registers of deeds.
 12. Of the choice, powers and duties of county treasurers.
 13. Of notices of petitions to the legislature.
 14. Of the assessment and collection of taxes.
 15. Of the indian tribes in the state.

CHAPTER I.

OF THE PUBLICATION AND CONSTRUCTION OF STATUTES.

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| <p>SECT. 1. How to be published.</p> <ol style="list-style-type: none"> 2. Acts of incorporation, public acts. 3. Rules of construction. f. Meaning of words. Technical terms. h. Singular and plural. Masculine. iii. Majority. iv. Annual meeting. v. Grantor and grantee. vi. Highway. vii. Inhabitant. viii. Insane person. ix. Issue. x. Lands and real estate. xi. Month and year. xii. Oath to include affirmation. | <ol style="list-style-type: none"> xiii. Person. xiv. Preceding and following. xv. Seal. xvi. State and United States. xvii. Town. xviii. Will. xix. Written and in writing. xx. Acts of agents. xxi. Duly sworn and sworn according to law. xxii. Persons disinterested or indifferent. <p>SECT. 4. Revised statutes take effect April 2, 1841.</p> <ol style="list-style-type: none"> 5. Titles and abstracts not to be construed as essential parts of the revised statutes. |
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How to be published.

SECTION 1. All public statutes shall be published in the newspaper designated to print the laws of the state, and every statute shall take effect in thirty days from the recess of the legislature passing the same, unless the provisions of any statute shall otherwise prescribe.

Acts of incorporation, public acts.
Rules of construction.

SECT. 2. All acts of incorporation shall be deemed public acts, and may be declared on and given in evidence on the general issue.

SECT. 3. The following rules shall be observed in the construction of the following revised statutes, and all subsequent statutes, unless such construction should be forbidden by the plain meaning of the legislature.

- I. All words and phrases shall be construed according to the common and approved usage of our language ; but technical words and phrases, and such others as have acquired a peculiar and appropriate meaning in law, shall be construed and understood according to such peculiar meaning. CHAP. I.
Meaning of words; technical terms.
- II. Every word, importing the singular number only, may extend to and embrace the plural number, and every word, importing the plural number only, may be applied and confined to the singular number as well as the plural ; and every word, importing the masculine gender only, may extend to and include females as well as males. Singular and plural.
Masculine.
- III. All words, importing a joint authority to three or more public officers or other persons, shall be considered as giving authority to a majority of such officers or persons, unless it shall be otherwise expressly declared in the law giving such authority. Majority.
- IV. The words "annual meeting" when applied to towns, shall be construed to mean the annual meeting, which is required by law to be held in the month of March or April. Annual meeting.
- V. The word "grantor" may be construed to include every person, by whom a freehold estate or interest is conveyed ; and the word "grantee" as meaning the persons, to whom it is conveyed. Grantor and grantee.
- VI. The word "highway" may be construed to include county bridges, and as equivalent to "county road" or "county way." Highway.
- VII. The word "inhabitant" may be construed to mean a resident in any place. Inhabitant.
- VIII. The words "insane person" shall be construed to include every idiot, non compos, lunatic or distracted person. Insane person.
- IX. The word "issue," as applied to the descent of estates, shall be construed to include all the lawful lineal descendants of the ancestor. Issue.
- X. The words "land or lands," and the words "real estate," shall be construed to include lands, all tenements and hereditaments connected therewith, and all rights thereto and interests therein. Lands and real estate.
- XI. The word "month" shall be construed to mean a calendar month, unless otherwise expressed ; and the word "year," a calendar year, unless otherwise expressed ; and the word "year" alone shall be equivalent to the words "year of our Lord." Month and year.
- XII. The word "oath" shall be construed to include affirmation, in all cases, where an affirmation may be substituted for an oath. Oath to include affirmation.
- XIII. The word "person" may extend to and include bodies politic and corporate, as well as individuals. Person.
- XIV. The words "preceding" and "following," when used by way of reference to any section in these revised statutes, shall be construed to mean the section next preceding, or next following that, in which reference is made, unless some other section is expressly designated. Preceding and following.
- XV. In all cases, in which the seal of any court or public office shall be required to be affixed to any paper issuing from such court or office, the word "seal" shall be construed to mean the impression of such official seal made on paper alone, as well as by means of a wafer or wax affixed thereto. Seal.
- XVI. The word "state," when applied to the different parts of the United States, shall be construed to extend to and include the State and United States.

- CHAP. 1.** district of Columbia and the several territories, so called; and the words "United States" shall be construed to include district and territories.
- Town.** XVII. The word "town" shall be construed to include all cities and organized plantations, unless such construction would be repugnant to the provision of any act specially relating to them.
- Will.** XVIII. The word "will" shall be construed to include codicil, as well as will.
- Written and in writing.** XIX. The words "written" and "in writing" may be construed to include printing, lithographing and any other mode of representing words and letters; provided however, that in all cases, where the written signature of any person is by law required, it shall be the proper hand writing of such person, or, if he cannot write his name, his mark.
- Acts of agents.** XX. When a statute requires an act to be done, which may by law be done as well by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.
- Duly sworn, and sworn according to law. 13 Pick. 305.** XXI. Whenever the expression "duly sworn" or "sworn according to law" is used or applied to any officer, who is required to take and subscribe the oath prescribed in the constitution, it shall be construed to mean, that such officer had taken and subscribed the same, as well as made oath faithfully and impartially to perform the duties of the office, to which he had been elected or appointed; and when applied to any person, other than such officer, it shall be construed to mean that such person had taken an oath, faithfully and impartially to perform the duties assigned him in the case specified.
- Persons disinterested or indifferent.** XXII. When a person is required to be disinterested or indifferent in acting upon any question, in which other parties are interested, any relationship in either of said parties, either by consanguinity or affinity, within the sixth degree, inclusive, according to the rules of the civil law, or within the degree of second cousin, inclusive, shall be construed to disqualify such person from acting on such question, unless by the express consent of the parties interested therein.
- Revised statutes take effect April 2, 1841.** SECT. 4. All the chapters of these revised statutes shall take effect from and after the first day of April, in the year one thousand eight hundred and forty one, except where other provision is expressly made.
- Titles and abstracts not to be construed as essential parts of the revised statutes.** SECT. 5. The titles of the several chapters, and the abstracts of the several sections, are not to be construed as essential parts of the revised code.

CHAPTER 2.

OF THE SOVEREIGNTY OF THE STATE, AND OF LANDS CEDED TO THE UNITED STATES.

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| <p>SECT. 1. Sovereignty of the state.</p> <p>2. Where jurisdiction concurrent with the United States.</p> <p>3. Future cessions to the U. States.</p> | <p>4. Compensation for land, so taken.</p> <p>5. Effect of such cession.</p> <p>6. Seat of government.</p> |
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**The following page(s) from
“An Act to Amend the Revised Statutes”
include amendments to this chapter.**

Sect. 14. In case of insurrection, governor may detach, into actual service, an adequate military force.

SECTION 28. (R. S. ch. 167.) General provisions relating to crimes and punishments.

Sect. 16. Convict sentenced for life to the state prison and committed, to be regarded as civilly dead. Distribution of his estate.

SECTION 29. (General repealing act.)

Sect. 1. Repeal of certain acts relating to banks and banking.

SECTION 30. Time when this act shall take effect.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN LEGISLATURE ASSEMBLED, That the act passed on the twenty second day of October last, entitled "an act for revising, arranging, and amending the public laws of the state," be amended as follows:

SECTION 1. The first chapter shall be amended in the third section, by striking out from the twelfth clause the words, "in all cases, where an affirmation may be substituted for an oath," and inserting the following, "and in all cases, where a person, required to be sworn, is conscientiously scrupulous of taking an oath, he may affirm"; so that the clause, as amended, will be as follows:

R. S. ch. 1.

XII. The word, "oath," shall be construed to include, "affirmation"; and in all cases, where a person, required to be sworn, is conscientiously scrupulous of taking an oath, he may affirm.

Affirmation may be substituted for an oath by persons conscientiously scrupulous.
1821, 86, § 1.

The same chapter shall be further amended, in the fourth section, by striking out the words, "first day of April," and inserting the words, "from and after the thirty first day of July"; and by adding at the close of the section the words, "and also excepting chapter, sixteen, entitled, 'Of the Militia,' which shall take effect from and after the first day of January, in the year one thousand eight hundred and forty two"; so that the fourth section, as amended, shall be as follows:

SECT. 4. All the chapters of these revised statutes shall take effect from and after the thirty first day of July, in the year one thousand eight hundred and forty one, except where other provision is expressly made, and also excepting chapter, sixteen, entitled, "Of the Militia," which shall take effect from and after the first day of January, in the year, one thousand eight hundred and forty two.

Revised statutes take effect August 1, 1841.

SECTION 2. The fourteenth chapter shall be amended in the tenth section, by striking out the words, "January first, in the year of our Lord one thousand eight hundred and forty one," and inserting the words, "the time when the revised statutes shall take effect"; so that the section, as amended, shall be as follows:

R. S. ch. 14.

SECT. 10. All laws, now in force, relating to the collection of taxes, shall be and remain in full force, for all the purposes of collecting any taxes, which may have been assessed, prior to the time when the revised statutes shall take effect.

Laws retained in force, for the purposes of taxes assessed prior to August 1, 1841.

The same chapter shall be amended, in the thirty second section, by striking out the words, "treasurer of the county," and inserting the words, "commissioners of the county"; so that the section, as amended, shall be as follows:

SECT. 32. All assessors, chosen or appointed as above provided, shall duly observe all such warrants, as they shall receive, while in office, from the state treasurer, or the commissioners of the county in which they reside, pursuant to any act of the legislature, imposing it for the use of the state, or granting it for the use of the county.

Assessors to observe warrants of state treasurer and of county commissioners.

The same chapter shall be amended, in the thirty fourth section, by striking out the words, "county treasurer's warrant to them to assess," and inserting