

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. 84.

Duties of treasurer and clerk thereof.
1822, 192, § 3.

Same subject.
1822, 192, § 3.

SECT. 9. The treasurer of each library association, under the direction of the said trustees, shall apply all moneys received of the county treasurer, with all bequests and donations, to form a law library, under the appointed regulations; and the clerk shall keep an exact record of all the proceedings of the association.

SECT. 10. The treasurer shall keep an exact account of all moneys, donations and bequests, belonging to such association, which he shall, annually, settle with the association on oath, in such manner as shall be prescribed; and the said treasurer, librarian and the clerk shall be answerable for all misfeasance, in an action by the association. The treasurer shall, annually in January, and before the second Wednesday, deposit in the office of the state treasurer a statement of the funds received, the year preceding, by such association.

CHAPTER 85.

OF MANAGEMENT OF LANDS, WHARVES, AND OTHER REAL ESTATE, LYING IN COMMON.

- SECT. 1. Warrant for calling meetings.
2. To whom directed.
 - 3, 4, 5. Modes of giving notice.
 6. Officers, and manner of calling future meetings.
 7. Officers to be sworn.
 8. Proceedings at meetings, and by laws.
 9. How votes are to be counted.
 10. No business to be transacted, unless specified in the warrant.
 11. Prosecution and defence of actions.

- SECT. 12. Raising and assessment of moneys.
13. Publication of assessment.
 14. Payment enforced by sale.
 15. Right of redemption.
 16. Treasurer's power and duties.
 17. Management of property: Proxies.
 18. Proprietors' records, how preserved.
 19. Certain corporate powers continued, after final division.

Warrant for calling meetings of proprietors of common lands.
1821, 43, § 1.

To whom directed.
1821, 43, § 1.

Mode of giving notice.
1821, 43, § 1.

SECTION 1. When any five, or a major part of the proprietors of lands lying in common are desirous of a meeting of the proprietors, and shall apply to a justice of the peace throughout the state, or a justice of the peace for the county, in which the lands lie, he may issue his warrant for calling such meeting, at the time and place and for the purposes, distinctly stated in such application, which shall be in writing, and signed by such applicants or their agents.

SECT. 2. Such warrant may be directed to one of the proprietors, requiring him to notify said proprietors, of the time and place of the intended meeting, and the purposes of it.

SECT. 3. If the lands lie in one or more incorporated towns, a notice in writing shall be posted up in some public place within each town, in which any of said lands lie, and published in the newspaper published by the printer to the state, and in one of the newspapers printed in the county, where the lands or any part thereof lie, fourteen days before such meeting.

SECT. 4. If such lands do not lie in any incorporated town, such notice shall be published in the newspaper, published by the printer to the state; and in one other newspaper, if such there be, in the county, where such lands or any part thereof lies, four weeks, successively, next before such meeting.

Same subject.
1821, 43, § 1.

SECT. 5. Such meeting may be warned, by posting up written notifications in some public place, in each and every town and plantation, where any one of said proprietors may reside, fourteen days before the time appointed for the meeting.

Same subject.
1821, 43, § 1.

SECT. 6. At such meeting, so many as assemble in person, or by attorney, may choose a moderator, a clerk, a treasurer, assessors, collector or collectors of taxes, committees and all other needful officers; and by vote decide upon the manner, in which future meetings may be called and notified.

Officers, and manner of calling future meetings.
1821, 43, § 1.

SECT. 7. Such clerk shall be duly sworn, and record all votes passed at all meetings; and the treasurer, assessors and collectors shall be also duly sworn by the moderator or a justice of the peace.

Officers to be sworn.
1821, 43, § 1, 5.

SECT. 8. The proprietors may pass votes, as to the management, improvement, division and disposition of said lands or wharves, and annex penalties to the breach of them, not exceeding three dollars for one offence; provided, such orders or by laws shall be approved by the county commissioners of the county, where the lands may lie; and the penalties shall be disposed of, as said proprietors may direct.

Proceedings at meetings, and by laws.
1821, 43, § 1.

SECT. 9. At all meetings of said proprietors, the votes shall be collected and counted according to the interest, which each proprietor has in the common lands, where the same is known.

How votes are to be counted.
1821, 43, § 1.

SECT. 10. No business shall be acted upon at any meeting, except it be distinctly expressed in the warrant for such meeting; and the moderator shall cause all doubtful votes to be made certain, numbering according to the interest of each proprietor.

No business to be transacted, unless specified in the warrant.
1821, 43, § 1, 2.

SECT. 11. Said proprietors may prosecute and defend any suits, by their agent duly appointed, and the certificate of the proprietor's clerk shall be evidence of such agency.

Prosecution and defence of actions.
1821, 43, § 3.

SECT. 12. At any legal meeting, said proprietors may vote, or order the raising of, any money for bringing forward, completing the settlement of, or managing or improving said lands, or which shall be for the common good of the proprietors; and apportion such sum or sums, so raised, upon the several rights of the proprietors, according to their several interests therein.

Raising and assessment of moneys.
1821, 43, § 4.

SECT. 13. The treasurer, collector or committee of the proprietors shall publish the apportionment of the sum, thus raised upon the several proprietors, in the same manner in which a meeting of the proprietors is to be notified, according to the provisions of this chapter.

Publication of assessment.
1821, 43, § 4.

SECT. 14. If any proprietor shall neglect to pay, to the treasurer, collector or committee, his proportion of the money raised, for the term of six months, if he resides in the state, or the term of twelve months, if he resides without the state, then the committee of the proprietors may, from time to time, sell at public auction so much of each delinquent's proportion or right, of and in the common lands, as will be sufficient to satisfy and pay his tax and the

Payment enforced by sale.
1821, 43, § 4.
4 Greenl. 237.
5 Greenl. 345.
7 Greenl. 404.

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reasonable charges of sale; after notice of such intended sale, posted up in the manner before mentioned, and published in two of the newspapers before named, five weeks successively next before the time of sale: and said committee may give deeds of the land sold to the purchaser, to hold in fee simple.

Right of redemption. 1821, 43, § 4.

SECT. 15. The proprietor of the right or proportion, so sold, may redeem the same, at any time within twelve months, by paying to such committee the sum for which the same was sold, with twelve dollars for each one hundred dollars produced by such sale, and in that proportion for a less or greater sum.

Treasurer's power, and duties. 1821, 43, § 5.

SECT. 16. The treasurer may sue for and collect all debts, due to the proprietors, and shall render his account of all moneys, received and paid; and hold his office during the pleasure of the proprietors.

Management of property. Proxies. 1821, 43, § 6. 3 Pick. 396.

SECT. 17. The proprietors of such lands, by a majority of those present at any legal meeting, may order, manage, improve, divide or dispose of the same, as they may decide upon; and any proprietor may vote in person, or by attorney appointed in writing.

Proprietors' records, how preserved. 1821, 43, § 8, 9.

SECT. 18. After a final division of the common property of the proprietors, they shall cause their records to be deposited in the office of the clerk of the town, in which such lands or a part of them may lie; and such town clerk may record votes and certify copies of such records, in like manner as the proprietors' clerk might have done; and the last clerk chosen shall continue in office, till the records are so deposited.

Certain corporate powers continued, after final division. 1821, 43, § 7.

SECT. 19. Such a final division shall not dissolve the corporation, till the end of ten years thereafter; but the last proprietors in common and their heirs shall continue in their corporate capacity, and retain their corporate powers for collecting all debts due to the corporation, and remain liable to pay all debts due therefrom; and may call and hold meetings, vote and raise assessments for payment of their debts, and all other charges necessary for closing their business.

CHAPTER 86.

OF MILLS AND THEIR REPAIRS.

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| <p>SECT. 1, 2. Manner of calling a meeting of mill owners.</p> <p>3. Owners of a moiety or more, may repair or rebuild.</p> <p>4. How to be reimbursed.</p> <p>5. Special contracts not affected.</p> | <p>SECT. 6. Proceedings, if a part owner be a minor, and in certain other cases.</p> <p>7. Owners of grist mills, to furnish scales for weighing grain.</p> <p>8. Toll established.</p> |
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Manner of calling a meeting of mill owners. 1829, 437, § 1.

SECTION 1. When any owner of a mill, or of the dam necessary to the working thereof, is of opinion, that it is necessary the same should be rebuilt or repaired, in whole or in part, on his written application to a justice of the peace in the county where such mill or dam is situate, to call a meeting of the owners, expressing the object, time and place of the meeting, such justice may issue