

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

INTRODUCTION.

THE report which formed the basis of these Revised Statutes was made to the legislature, on the first of January, 1840, by the Hon. Prentiss Mellen, Hon. Samuel E. Smith and Ebenezer Everett, Esq., the last commissioners appointed under the resolve of February 28, 1837, having been employed but little more than one year in its preparation. The printing of their report having been completed early in March, it was referred to a joint select committee, consisting of seven members of the senate, and twenty members of the house of representatives. This committee was authorized to sit during the recess, and the legislature adjourned to the seventeenth of September following. The committee met on the fourth of June, and, after a session of fifty six days, returned to the legislature the report of the revising commissioners, with various amendments. At the adjournment, the legislature, in a session of thirty six days closing on the twenty second of October, passed the act called the Revised Statutes. By a resolve of the last mentioned date, the undersigned were appointed commissioners, with directions, carefully to examine the copies of the Revised Statutes, transcribed from the originals in the secretary of state's office, revise the proof sheets, prepare suitable abstracts and marginal notes to the sections, and an exact and copious index of the whole, and personally to superintend the publication thereof; and that said statutes should be printed according to uniform rules of orthography and punctuation. Having performed these duties, with such care and ability as we could, we present this volume to the people of Maine.

Prefixed to the volume, are the constitutions of the United States and of Maine, with the several amendments which have been adopted thereto. Subjoined, are the other public acts of 1840 and 1841, with a list of acts unrepealed, and an appendix containing extracts from laws descriptive of the boundaries of the several counties, and certain other laws deemed desirable as subjects of reference.

In executing the duties of this commission, where a superfluous word has been found in the original, evidently inserted by mistake, it has been printed in

italics, and inclosed in brackets; where a word has been found manifestly wanting to sustain the sense, it has been printed in the roman character, and inclosed in brackets; and where an obviously wrong word has been used, it has been printed in italics, and succeeded by the word supposed to have been intended, in roman letters, and in brackets. By a careful comparison of this work, section by section, with the accumulated body of the public laws of twenty years, comprising nearly a thousand statutes, which are here condensed, a few instances have been discovered, of omissions of provisions of the existing laws, somewhat important, which were probably unintentional on the part of the revising commissioners and of the legislature. These, with other subjects, have been embodied in the act of amendment, passed by the present legislature, and inserted in this volume.

With a view to add to the usefulness and convenience of the work, we have subjoined to the marginal notes, references to statutes heretofore in force, containing corresponding provisions. We have also added, with considerable labor, references to the decisions in the Maine and Massachusetts reports, upon the various matters which are here made subjects of legislation. It will not be understood, however, that all the provisions of the former statutes have been substantially incorporated into, or that all the decisions are in accordance with, the sections, to which the references are affixed, though such is generally the fact; yet, in many instances, it will be found, that the former statute has been only partially retained, or wholly abrogated, or that a new principle is adopted, precisely the reverse of that contained in the statute or decision to which reference is made. The intention has been, to facilitate a reference, not merely to those laws and decisions, here re-enacted or confirmed, but also to the supposed deficiencies and desiderata in former laws, which are here intended to be supplied, and to the history of the legislation upon the subjects connected therewith.

The index has been to us a work of no small difficulty. It contains a distinct, alphabetical *sub index* to each chapter, and the chapters, so prepared, are arranged, in the general index, in the alphabetical order of their subjects. We have thought, that this plan, when understood, would facilitate research, especially in the long chapters. The abstracts at the heads of the several chapters in the body of the work will serve as a guide to those who wish to examine them in a more analytical method.

Though great care has been used in the correction of the proof sheets, a few errors have since been discovered, which are noted in the table of errata. We

have compared the text of the Revised Statutes, contained in this volume, with the originals in the office of the secretary of state, and, with these exceptions, they appear to be correctly printed.

It will not be out of place here to remark, in respect to the distinguished individual, who was at the head of the revising commissioners, and who had also been chairman of the board of jurisprudence by whom the revision of 1821 was prepared, and for fourteen years, until he arrived at the constitutional limit, the chief expounder of the laws of this state, that he entered upon this work, with the ardor of youth, the vigor of middle age, and a maturity of intellect, ripened by the suns, yet scarcely chilled by the frosts of seventy four years. By him the major part of this work was prepared. This crowning labor of his useful life, he was permitted to accomplish, and to witness its adoption by the legislature, but not its publication. On the thirty first day of December, 1840, he rested from his earthly labors, in the seventy seventh year of his age. The memory of the kindness of disposition, the shining social powers, the purity of principle, and the exemplary life of the late chief justice Mellen is embalmed in the hearts of numerous friends; and a monument of his industry and ability as a lawyer, a legislator and a jurist will ever stand in high relief upon the legal history of the state.

PHILIP EASTMAN,
EBEN'R EVERETT.

AUGUSTA, MAY 17, 1841.