

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

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PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

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BANGOR:  
WHEELER & LYNDE.

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1857.

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pointed to solemnize marriages, and persons appointed to qualify civil officers, shall hold and exercise their respective offices for the term of four years and no longer, unless reappointed; subject to removal at any time within said term by the governor and council.

Governor may appoint persons to qualify civil officers. R. S., c. 9, § 2. Officers to make oath before the governor and council.

SEC. 45. The governor, with advice of council, may appoint, in each county, persons before whom the oaths required by the constitution to qualify civil officers, may be taken and subscribed.

Officers to make oath before magistrate. R. S., c. 10, § 1.

SEC. 46. The justices of the supreme judicial court, attorney general, secretary, treasurer, adjutant general and quarter master general, shall take and subscribe the oath or affirmation required by the constitution before the governor and council, when in session, and in their recess before any two members of the council; and every other person elected or appointed to any civil office, shall take and subscribe the oath before any one member of the council, or before any magistrate commissioned by the governor for that purpose, excepting in cases where the constitution otherwise provides.

Officers may be required to give new bonds.

If new bond is not given office deemed vacant. 1853, c. 31.

SEC. 47. The governor and council may require any officer, who by law gives bond to the state, to give a new bond when they consider it necessary, at the request of a surety or otherwise; and when a new bond is given, the obligees in the former one are discharged from all liability thereon for acts and defaults after the acceptance of the new one; and if he does not give a new and satisfactory bond within the time specified by the governor and council, his office shall be deemed vacant, and filled as provided by law.

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SECTION 1. The inhabitants of each town are a body corporate capable of suing and being sued, and of appointing attorneys and agents.

SEC. 2. Every town meeting, except in the cases mentioned in the two following sections, shall be called by a warrant signed by the selectmen of such town.

SEC. 3. The first town meeting held in town shall be called and notified in the manner prescribed in the act of incorporation; and if no mode is therein prescribed, by any justice of the peace in the same county. When a town once organized, is destitute of officers, a meeting may be called on application to such justice for his warrant for the purpose, made in writing by any three inhabitants thereof. When, by reason of death, removal, or resignation, a majority of the selectmen do not remain

Towns are corporations.  
R. S., c. 5, § 23.  
13 Maine, 466.

Meeting to be called by selectmen.

R. S., c. 5, § 1.

First meeting, how called: when no officers, how called.

R. S., c. 5, § 2.

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Selectmen refusing, how called.  
R. S., c. 5, § 3.

in office, a majority of those remaining in office may call a town meeting.

SEC. 4. In case the selectmen unreasonably refuse to call a town meeting, any ten or more legal voters therein may apply to a justice of the peace in the county, who is hereby authorized to issue his warrant for calling such meeting. When ten or more of the qualified voters in town in writing request the selectmen to insert a particular matter or thing in a warrant for calling a town meeting, they shall insert it in the next warrant, that they issue therefor, or shall call a special meeting for the consideration thereof.

Form of warrant, articles specified in it.  
19 Maine, 184.  
R. S., c. 5, § 4.

SEC. 5. In either case, the warrant shall specify the time and place at which the meeting is to be held; and in distinct articles state the business to be acted upon at such meeting; and no other business, matter, or thing shall be there acted upon.

Warrant, to whom directed.  
R. S., c. 5, § 5.

SEC. 6. The warrant may be directed to any constable of the town, or any individual by name, directing him to warn and notify all persons by law qualified to vote at such meeting, to assemble at the time and place appointed.

Notice, how given.  
Return on warrant.  
25 Maine, 561.  
26 Maine, 172.  
34 Maine, 575.  
R. S., c. 5, § 6,  
7.

SEC. 7. Such meeting shall be notified by the person to whom the warrant is directed by his posting up an attested copy thereof in some public and conspicuous place in said town seven days before the meeting; unless the town has appointed, by vote, in legal meeting, a different mode, which any town may do. In either case, the person who notifies the meeting shall make his return on the warrant, stating the manner of notice, and the time it was given.

Errors in returns, in records, and tax lists may be amended.  
1848, c. 37.  
1855, c. 146.

SEC. 8. When omissions or errors exist in the records or tax lists of a town or school district, or in the returns of warrants for meetings thereof, they may be amended, on oath, according to the fact, by the officer whose duty it was to have made them correctly, while in or after he ceases to be in office. If the original warrant is lost or destroyed, the return, or an amendment of it, may be made upon a copy thereof.

Who are legal voters.  
R. S., c. 5, § 8.

SEC. 9. Every person, who is qualified by the constitution of this state to vote for governor, senators, and representatives, in the town in which he resides, is entitled to vote in the election of all town officers, and in all the business affairs thereof.

Annual meeting in March, officers then chosen.  
R. S., c. 5, § 9.  
1853, c. 42, § 1.

SEC. 10. The annual town meetings in the state shall be held in the month of March, and the qualified voters in each town shall then choose by a major vote a clerk, three, five, or seven, inhabitants of the town to be selectmen, and overseers of the poor, when other overseers are not chosen, three or more assessors, two or more fence viewers, treasurer, surveyors of highways, surveyors of lumber, tythingmen, sealers of leather, measurers of wood and bark, constables, collectors of taxes, and other usual town officers, who shall be duly sworn.

Officers to be chosen by ballot.  
Exceptions.  
R. S., c. 5, § 10.

SEC. 11. The election of moderator, town clerk, selectmen, assessors, treasurer, school committee, and town agent, shall be by ballot; and all other of said officers may be by ballot, or other method agreed on by a vote of the town.

SEC. 12. If from any cause the town fails or neglects to

choose, at the annual meeting, any of such officers as are not required to be chosen by ballot, or if after such officers are chosen there is, for any cause, a vacancy in any such office, the municipal officers may fill such offices and vacancies, by the written appointment of proper persons, who shall be summoned by the constable and required to appear and take the oath of office as is provided in section fifteen, subject to the penalties provided in section sixteen. Such appointment and oath shall be recorded as in case of a choice by the town.

SEC. 13. During the election of moderator of town meeting, the clerk shall preside; when he is absent from any such meeting either of the selectmen or of the assessors, and if neither of those is present, any constable may lawfully do all the duties of clerk in receiving and counting the votes for moderator. The moderator may call on the voters to give in their ballots for a clerk pro tempore, who shall be sworn by the moderator, or a justice of the peace.

SEC. 14. The town clerk, before entering on the duties of his office, shall be sworn before the moderator, or a justice of the peace, truly to record all votes passed in that and other town meetings during the ensuing year and until another clerk is chosen and sworn in his stead; and faithfully to discharge all the other duties of his office.

SEC. 15. The town clerk or any two of the selectmen shall forthwith make out a list of the names of all persons chosen into office, of whom an oath is required by law, and deliver it to a constable with a warrant to him directed; and he shall within three days from the day of receiving it, summon each of the persons therein named to appear before the town clerk, within seven days from the time of notice, to take the oath of office by law required; and at the end of ten days after receiving his warrant, the constable shall return it or forfeit six dollars for the use of the town; and the town shall allow him a reasonable compensation for his services.

SEC. 16. Every person so notified and neglecting to take the oath required of him within said seven days, except officers for whose neglect a different penalty is provided, shall forfeit five dollars, two-thirds to the use of the town, and the other to the use of the prosecutor.

SEC. 17. Any town or parish officer may be sworn by the town or parish clerk, or by any magistrate or person authorized by law, who shall give to the officer sworn, except when sworn in presence of such clerk, a certificate of the oath administered, which he shall return to such clerk within seven days, to be placed on file. In either case, the clerk shall record the name of the officer and of his office, by whom sworn, and the time of taking the oath and returning the certificate. Any town, school district, parish, or corporation clerk elected to any office and duly sworn, may record his own election, the fact that he was sworn, when and by whom. The record herein required shall be sufficient evidence that any such officer was duly sworn. If any officer fails to return such certificate, or any clerk to record

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Vacancies,  
how supplied.

Who is to  
preside in  
meeting.  
17 Maine, 444.  
R. S., c. 5, § 11.

Clerk to be  
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R. S., c. 5, § 12.

Officers chosen,  
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R. S., c. 5, § 13.

Penalty for  
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R. S., c. 5, § 14.

Town or parish  
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17 Maine, 444.

Mode of mak-  
ing record.

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Record to be  
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Fees for recording oath.  
R. S., c. 5, § 15.  
Vacancies may be filled at any town meeting.  
R. S., c. 5, § 16.

such oath within ten days, he shall forfeit five dollars. Town clerks shall be paid by the town five cents for each oath recorded by *him*. [them.]

Moderator to be first chosen, his duties.  
R. S., c. 5, § 17.

SEC. 18. When by reason of the non-acceptance, death, or removal, of a person duly chosen into a town office, or by reason of insanity, or other incompetency, there is a vacancy, or want of officers, the town may make a new choice of officers; and they shall be duly sworn, if an oath is required, and have the same power as if elected at the annual meeting.

Moderator to be obeyed.  
R. S., c. 5, § 18.

SEC. 19. At every town meeting a moderator shall be first chosen and sworn by a justice of the peace, or by the person presiding at the meeting when he is chosen. Said moderator shall regulate the business of the meeting; and when a vote declared by him is, immediately after such declaration, questioned by seven or more, he shall make the vote certain by polling the voters, or in such other way as the meeting directs.

SEC. 20. No person shall speak in meeting before leave is obtained of the moderator, nor when any other person is speaking; and all shall be silent at the command of the moderator on pain of forfeiting one dollar for every breach of such order for the use of the town.

His powers.  
R. S., c. 5, § 19.

SEC. 21. If any person, after notice from the moderator, persists in disorderly conduct, the moderator may direct him to withdraw from the meeting; and by his refusal he shall forfeit three dollars to the use of the town; and the moderator may cause him to be removed from the meeting by a constable, and detained in confinement for three hours, unless the meeting is sooner dissolved or adjourned.

Relating to meetings for choice of state officers.  
R. S., c. 5, § 20.  
Folded votes not received. Votes not to be examined till poll is closed. Penalty.  
R. S., c. 5, § 21.

SEC. 22. Town meetings for the choice of governor, senators, and representatives, shall be as the constitution directs; and the foregoing sections are [not] applicable to them.

SEC. 23. The moderator, or other person presiding at a town meeting, shall not receive any vote folded or doubled, or permit any person before the poll is closed, without the consent of the voter, to read or examine his ballot with a view of ascertaining the name of any candidate thereon, on penalty of twenty dollars.

## ELECTION OF CITY OFFICERS.

Assessors and subordinate officers of cities, how chosen.

SEC. 24. The assessors and subordinate officers of cities shall be chosen on the second Monday of March annually, or as soon after as practicable, and hold their offices one year therefrom, and until others are chosen and qualified in their stead.

Mayor to have casting vote in choice of officers.

SEC. 25. In the election of any city officers by ballot in the board of aldermen or in convention of the aldermen and common council, in which the mayor has a right to give a casting vote, if two or more candidates have each half of the ballots cast, he shall determine and declare which of them, not exceeding the number to be chosen, is elected.

## POWER OF TOWNS TO RAISE MONEY.

Money may be raised, for what purposes.

SEC. 26. The qualified voters of a town, at a legal town meeting, may raise such sums, as are necessary for the mainte-

nance and support of schools and the poor; for making and repairing highways, and town ways and bridges; for purchasing and fencing burying grounds; for purchasing or building and keeping in repair a hearse and house therefor, for the exclusive use of its citizens; and for other necessary town charges.

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3 Greenl. 191.  
R. S., c. 5, § 22.

TOWN AND CITY BY-LAWS AND ORDINANCES.

SEC. 27. Towns, cities, and village corporations may make such by-laws or ordinances as they think proper, not inconsistent with the laws of the state, and enforce them by suitable penalties, for the purposes and with the limitations following:

Towns and cities may make by-laws.  
36 Maine, 317.  
39 Maine, 35.

First. For managing their prudential affairs as they judge conducive to their peace and good order, and annex penalties not exceeding five dollars for one offence, subject to the approval of the county commissioners, or a judge of the supreme judicial court.

For managing prudential affairs.  
R. S., c. 5, § 22.

Second. For establishing such police regulations as they may deem necessary for the prevention of crime, the protection of property, and the preservation of good order.

For establishing police regulations.

Third. Respecting infectious diseases and health.

Respecting infectious diseases.  
1855, c. 149, § 2.

Fourth. For regulating the going at large of dogs, swine, and cattle therein.

Regulating going at large of dogs and other animals.

Fifth. Respecting the measure and sale of wood, bark, and coal brought to market, and the teams coming therewith.

Respecting measure and sale of wood, bark and coal.  
1855, c. 149, § 2.

Sixth. For reserving and setting off such portions of their streets for side-walks as they deem proper, and keeping them clear of snow and other obstructions, and for planting and preserving trees by the side thereof.

Reserving streets for side-walks and keeping them clear of obstructions and planting trees.  
1855, c. 149, § 1.  
37 Maine, 329.

Seventh. Respecting the erection of wooden buildings therein, and defining their proportions and dimensions; and any building erected contrary to a by-law or ordinance adopted under this specification, shall be deemed a nuisance and dealt with accordingly.

Respecting erection of wooden buildings.  
1855, c. 149, § 3.

Eighth. For the due regulation of omnibuses, stages, hackney coaches, wagons, carts, drays, hand-carts, and all other vehicles, used wholly or partly therein for business, pleasure, or the conveyance of passengers by horse power or otherwise, and by establishing the rates of fare, their routes and places of standing, and in any other respect; but by-laws and ordinances for this purpose shall be published one week at least before they take effect, in some newspaper printed therein, and penalties for their breach shall not exceed twenty dollars for one offence, to be recovered by complaint to the use of such city, town or corporation.

For regulation of omnibuses and fares.  
Such by-laws to be published.  
1850, c. 156, § 3.

Ninth. For the effectual protection of persons against injury from the sliding of snow and ice from the roofs of buildings therein; but the authorities of such cities, towns and corporations shall notify the owners of the buildings of by-laws or ordinances adopted under this specification, and if they do not comply with them in thirty days after notice, they shall be liable for all injury sustained by any person in consequence thereof; and said authorities, at the expense of their cities, towns or corporations, may place the required guards or other obstructions

For the protection of persons from the sliding of snow and ice from roofs.



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on the roof of such buildings and the reasonable charges therefor may be recovered of such owners.

## TOWN LINES.

Perambulations, proceedings respecting them.  
R. S., c. 5, § 25.

SEC. 28. The municipal officers of the most ancient town shall give ten days notice in writing to such officers of the adjoining towns of the time and place of meeting for perambulation; and the officers who neglect their duty in notifying or attending in person, or by substitutes, shall forfeit and pay ten dollars, two-thirds to the use of the town, which complies with its duty, and the other third to any two or more of said officers of the town complying, to be recovered at any time within two years after the forfeiture is incurred; and the proceedings of such officers, after every such renewal of boundaries, shall be recorded in their town books.

Monuments may be erected at angles.  
R. S., c. 5, § 26.

SEC. 29. All towns, which, since the twenty-second day of March, eighteen hundred and twenty-eight, have perambulated, or hereafter perambulate their several lines as by law prescribed, and set up stone monuments, at least two feet high, at all the corners and several angles, and where the lines cross highways, or on or near the banks of all rivers, bays, lakes, or ponds, which said lines cross, or which are the boundaries of said lines, shall be exempted from the duty of perambulating said lines, except once in every ten years commencing in ten years from the time the stone monuments were so erected.

Disputed lines of towns, how settled.  
R. S., c. 5, § 27.

SEC. 30. When a town petitions the supreme judicial court, stating that a controversy exists between it and an adjoining one respecting a town line or lines, and praying that it may be run by commissioners appointed by the court, the court, after due notice to all parties concerned, may appoint three commissioners, who shall, after giving notice to all persons interested of the time and place of meeting, ascertain and determine the line or lines in dispute, and describe them by courses and distances, and make, set, and mention in their return, suitable monuments and marks for the permanent establishment of such lines, and make duplicate returns of their proceedings; one of which shall be returned to the court, and the other to the office of the secretary of state; and such line or lines, shall be deemed in every court of law and for every purpose the true dividing line or lines between such towns.

Compensation, how made.  
R. S., c. 5, § 28.

SEC. 31. The court may allow the commissioners a proper compensation for their services, and issue a warrant of distress according to law for its collection of said towns in equal proportions.

## PENALTY FOR NEGLECT OF DUTY.

Penalty for neglect of official duty.  
1846, c. 196, § 3.

SEC. 32. Any town officer, who neglects to perform any duty lawfully required of him, shall forfeit not exceeding twenty dollars for every such neglect, for which no other penalty is provided by law, to be recovered in an action of debt in the name and to the use of the town by the treasurer thereof.

## ORGANIZATION OF UNINCORPORATED TOWNSHIPS.

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SEC. 33. The county commissioners of the several counties where unincorporated townships are situated, shall once in five years from the first day of July, eighteen hundred and fifty-seven, when there is no United States census taken within said five years, cause a census of the inhabitants of such townships to be made; and when return thereof is made to them, they shall determine what townships have not less than three hundred inhabitants; make a suitable description and designation thereof and return them to the secretary of state.

Unincorporated townships, census of, to be taken by county com. and returns to be made to secretary of state of such as have not less than three hundred inhabitants.

SEC. 34. They shall, in March thereafter, issue a warrant to some principal inhabitant of each township so returned, directing him to notify the inhabitants thereof to assemble at a time and place therein designated, to organize such township into a plantation, and choose all necessary plantation officers; by posting a copy thereof in two public places in such township, fourteen days before the day of the meeting; and he shall return it with his doings thereon to such meeting.

To issue warrant for meeting to organize.

Notice to be posted fourteen days.

SEC. 35. At such meeting, the inhabitants shall organize themselves into a plantation by choosing all such officers; and thereafter such plantations shall possess all the powers and privileges, and be subject to all the duties of plantations organized under section forty-four of chapter fourteen of the revised statutes of eighteen hundred and forty, except so much thereof as imposes on such plantations liabilities for damages for want of repairs of the highways thereof, and under the provisions of the general laws of the state in reference to such plantations; and their officers shall have the same powers and be subjected to the same penalties as officers of plantations organized under said forty-fourth section.

Meetings to choose officers; and plantations to have powers and to be subject to duties of organized plantations.

Exceptions.

Officers to have powers, and be subject to duties as officers of plantations.

SEC. 36. From the time appointed for the first meeting of any such township, the territory so described and designated, and the inhabitants thereof shall cease to constitute a part of any plantation organized under the act of October second, eighteen hundred and forty; and at all general elections in the state, the qualified voters thereof shall vote only in the plantations organized under this law, at meetings called for that purpose; and the returns of such votes shall be made by the assessors and clerk thereof like the returns of votes in towns.

Township so organized not to constitute a part of any other plantation and votes to be given in such plantations only.

Returns of votes to be made as returns of towns.

SEC. 37. The assessors first chosen in such plantations, shall immediately take an inventory of the polls and valuation of the property therein as inventories and valuations are taken in towns; and return them on or before the first day of June following, to the county commissioners of their county; who shall thereafter assess on such plantations their ratable proportion of all county taxes according to such valuations; and such taxes shall be assessed and collected in such plantations as in towns.

Assessors to make inventories of polls and valuation of property and make return thereof same as in towns.

County com. to assess county taxes on such plantations and manner of assessing and collecting.

SEC. 38. If the assessors of any such plantation neglect to make and return such valuation, the county commissioners may appoint three or more suitable persons of the county to be assessors therein, who shall be sworn, and make and return the valu-

County com. may appoint

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 assessors, if assessors fail to make and return valuation, and such valuation shall be the basis for taxation.  
 Sections not to apply to islands on the coast; nor to Madawaska and Van Buren until 1860.

ation required, within the time fixed by said commissioners, and it shall be the basis of the assessment of county taxes on such plantation, which shall be collected as if the valuation had been made by the assessors of the plantation.

**SEC. 39.** The preceding six sections shall not apply to any islands lying on the sea coast of the state; and the plantations of Madawaska and Van Buren in the county of Aroostook are exempt therefrom for three years from the fifteenth day of April eighteen hundred and fifty-seven, but afterwards the county commissioners shall organize them as hereinbefore provided.

## CHAPTER 4.

### ELECTIONS.

#### LISTS OF VOTERS.

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