

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.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

ing twenty-five cents, for each of its ratable polls in the year next preceding that in which such appropriation is made. CHAP. 55.

SEC. 11. Any town may receive, in its corporate capacity, and hold and manage, any devise, bequest, or donation, for the establishment, increase, or maintenance of a public library therein. May receive and manage donations for that purpose. 1854, c. 106, § 3.

CHAPTER 56.

PROPRIETORS OF LANDS, WHARVES, AND OTHER REAL ESTATE, IN COMMON.

- SEC. 1. Warrant for calling meetings. To whom directed.
2. Modes of giving notice.
 3. Officers, and manner of calling future meetings.
 4. Officers to be sworn.
 5. No business to be transacted, unless specified in the warrant. How votes are to be counted. May pass by-laws, subject to approval of county commissioners, and annex penalties.
 6. Prosecution and defence of actions.
 7. Raising and assessment of moneys. Publication of assessment.
 8. Payment enforced by sale.
 9. Right of redemption.
 10. Treasurer's power and duties.
 11. Management of property. Proxies.
 12. Proprietors' records, how preserved.
 13. Certain corporate powers continued after final division.
 14. Money raised for highways.

SEC. 1. When any five, or a majority of the proprietors of lands lying in common, are desirous of a meeting of the proprietors, and apply in a writing, signed by them or their agents, 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 a meeting, at the time and place, and for the purposes distinctly stated in the application, directed to one of the proprietors, requiring him to give notice thereof. Warrant for calling meetings. To whom directed. R. S., c. 85, § 1, 2.

SEC. 2. If the lands lie in one or more incorporated towns, a notice in writing shall be posted up in some public place in each, and published in the state paper, and in one of the newspapers printed in the county where any part of them lies, fourteen days before the meeting; but if not, it shall be published in the state paper, and in one other newspaper, if any, in the county where any part of them lies, four weeks successively next before the meeting; or the meeting may be warned by posting written notifications, in some public place in each town where any proprietor resides, fourteen days before the time appointed therefor. Modes of giving notice. R. S., c. 85, § 3, 4, 5.

SEC. 3. At such meeting, such as assemble in person or by attorney may choose a moderator, clerk, treasurer, assessors, collector or collectors of taxes, committees, and other needful officers; and by vote decide upon the manner of calling and notifying future meetings. Officers, and manner of calling future meetings. 18 Maine, 213. R. S., c. 85, § 6.

CHAP. 56.

Officers to be sworn.
R. S., c. 85, § 7.

No business to be transacted, unless specified in the warrant.

How votes are to be counted.
R. S., c. 85, § 8, 9, 10.

Prosecution and defence of actions.
R. S., c. 85, § 11.

Raising and assessment of moneys.
Publication of assessment.
R. S., c. 85, § 12, 13.

Payment enforced by sale.
4 Greenl. 237.
5 Greenl. 345.
7 Greenl. 404.
R. S., c. 85, § 14.

Right of redemption.
R. S., c. 85, § 15.

Treasurer's powers and duties.
R. S., c. 85, § 16.

Management of property.
Proxies.
R. S., c. 85, § 17.

Proprietors' records, how preserved.
R. S., c. 85, § 18.

SEC. 4. The clerk shall record the votes passed at all meetings; and he, the treasurer, assessors, and collectors, shall be duly sworn by the moderator or a justice of the peace.

SEC. 5. No business shall be acted upon at any meeting, unless it is distinctly expressed in the warrant therefor; the proprietors' votes shall be counted according to the interest of each in the common lands, if known, and in that way the moderator shall make certain all doubtful votes; and they may pass by-laws as to the management, improvement, division, and disposition of their lands, or wharves, subject to the approval of the county commissioners of the county where the lands lie, and annex penalties to the breach of them, not exceeding three dollars for one offence, to be disposed of as they direct.

SEC. 6. The proprietors may prosecute and defend any suits by their agent, and the certificate of the proprietors' clerk shall be evidence of such agency.

SEC. 7. At any legal meeting, the proprietors may raise any money for bringing forward, completing the settlement of, managing or improving said lands, or for their common good, and assess the same according to their interests in the lands; and the treasurer, collector, or committee shall publish such assessment as a meeting of the proprietors is to be notified by the provisions of this chapter.

SEC. 8. If any proprietor neglects to pay to the treasurer, collector, or committee, his assessment for the term of six months, if he resides in the state, or twelve months, if he resides without the state, then the committee may, from time to time, sell at public auction so much of each delinquent's right in the common lands, as will be sufficient to pay his tax and the reasonable charges of sale, after notice of such sale, posted up as aforesaid, and published in two of the newspapers before named five weeks successively next before the time of sale; and may give deeds thereof in fee to the purchaser.

SEC. 9. The proprietor of the right so sold may redeem it, at any time within twelve months, by paying to the committee the sum for which it was sold, with twelve dollars for each one hundred dollars produced by such sale, and in that proportion for a greater or less sum.

SEC. 10. 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.

SEC. 11. A majority of proprietors present at any legal meeting, may order, manage, improve, divide, or dispose of their lands as they choose; and they may vote in person, or by attorney appointed in writing.

SEC. 12. After a final division of their common property, they shall cause their records to be deposited in the office of the clerk of the town in which such lands or part of them lie; and such town clerk may record votes, and certify copies of such records, as the proprietors' clerk might have done; and the last

clerk chosen shall continue in office till the records are so deposited.

CHAP. 56.

SEC. 13. 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, for collecting all debts due to the corporation, and remain liable to pay all debts due therefrom; and may call and hold meetings, vote assessments for payment of their debts, and all other charges necessary for closing their business.

Certain corporate powers continued after final division.
R. S., c. 85,
§ 19.

SEC. 14. The owners of an unincorporate township or tract of land are authorized to call meetings to raise money, and to choose officers to assess and collect it, for making and repairing highways laid out under the provisions of section thirty, chapter eighteen.

Money raised for highways.
R. S., c. 25,
§ 56.

CHAPTER 57.

MILLS AND THEIR REPAIRS.

- SEC. 1. Manner of calling a meeting of mill owners.
2. Owners of half or more may repair or rebuild.
 3. How to be reimbursed. Special contracts not affected.
 4. Proceedings if a part owner be a minor, and in certain other cases.
 5. Owners of grist mills to furnish scales for weighing grain.
 6. Toll established.

SEC. 1. When an owner of a mill, or of the dam necessary for working it, thinks it necessary to rebuild or repair it in whole or in part, he may apply in writing to a justice of the peace in the county where it is situated, or if situated partly in one county and partly in another, to a justice in either, to call a meeting of the owners, stating the object, time, and place of the meeting, and such justice may issue his warrant for the purpose, directed to such owner, which shall be published in some newspaper printed in the county, if any, three weeks successively, the last publication to be not less than ten, nor more than thirty days before the meeting; or a true copy of the warrant may be delivered to each of said owners, or left at his last and usual place of abode; and either notice shall be binding on all the owners.

Manner of calling a meeting of mill owners.
31 Maine, 34.
R. S., c. 86, § 1.

SEC. 2. At such meeting, whether all the owners attend or not, the owners in interest of at least one-half of such mill or dam may rebuild or repair, one or both, so far as to make them serviceable; and shall be reimbursed what they advanced therefor beyond their proportions, with interest in the meantime, out of said mill or its profits.

Owners of half or more may repair or rebuild.
31 Maine, 34.
R. S., c. 86, § 3.

SEC. 3. If they are not reimbursed by the profits of the mill, or paid by the other owners, within six months after the work is completed, they may charge one per cent. a month on the amount advanced, from the end of six months till so reimbursed

How to be reimbursed.
R. S., c. 86, § 4.