

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,

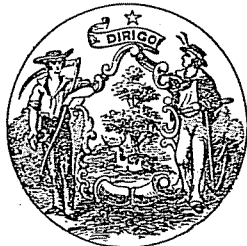
PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

subscribe such oath, and when applied to any other officer or person, they mean that he shall make oath faithfully and impartially to perform the duties required of him in the case specified. CHAP. 2.
30 Me. 319.
41 Me. 226.
42 Me. 367.

XXI. When an act that may be lawfully done by an agent, is done by one authorized to do it, his principal may be regarded as having done it. Acts of agents.
48 Me. 554.

XXII. When a person is required to be disinterested or indifferent in a matter in which other persons are interested, a relationship to either of such persons by consanguinity or affinity within the sixth degree according to the rules of the civil law, or within the degree of second cousins inclusive, except by the written consent of the parties, will disqualify. Disinterested.
1863, c. 162, § 1.
29 Me. 531.
30 Me. 155.
32 Me. 310.
47 Me. 474,
594.
52 Me. 501.

XXIII. The term "municipal officers" shall be construed to include the mayor and aldermen of cities, the selectmen of towns, and the assessors of plantations. Municipal officers.
56 Me. 31.

XXIV. The words "state paper" mean the newspaper designated by the legislature, in which public acts, resolves, advertisements, and notices are required to be published. State paper.

XXV. Abstracts of titles and chapters, marginal and other notes are not to be considered as legal provisions. Abstracts and notes.

XXVI. Acts of incorporation are to be regarded in legal proceedings as public acts, and to be in force on the date of their approval. Incorporations.
24 Me. 139.

SEC. 5. In all cases when a person required to be sworn, is conscientiously scrupulous of taking an oath, he may affirm. Persons to be sworn, may affirm.

SEC. 6. When the words "sworn," "duly sworn," or "sworn according to law," are used in a record or certificate of the administration of an oath, they mean that the oath required by the laws, or the constitution in the case specified, was taken, or taken and subscribed in due form. Sworn, duly sworn, as used in records.

CHAPTER 2.

SOVEREIGNTY. LANDS TAKEN AND CEDED FOR MILITARY PURPOSES. COAST SURVEY. EXPENDITURE OF APPROPRIATIONS. SINKING FUNDS. SEAT OF GOVERNMENT. ORGANIZATION OF THE LEGISLATURE. NOTICE OF PETITIONS FOR LEGISLATION. SECRETARY OF STATE. TREASURER OF STATE. STATE LIBRARY. TENURE AND QUALIFICATION OF OFFICERS.

SOVEREIGNTY. LANDS TAKEN AND CEDED FOR MILITARY PURPOSES. COAST SURVEY.

SEC. 1. Sovereignty of the state.

2. Processes executed in places ceded to United States.

3. Governor may cede.

CHAP. 2. SEC. 4. Compensation for territory ceded.

5. Governor may purchase or take lands for forts and other purposes and may cede the same to the United States.
6. He shall cause the same to be surveyed and a plan filed and recorded in the office of secretary of state.
7. Owners of land to be compensated as provided in section four.
8. Entry on lands for coast survey.
9. Compensation therefor.
10. Report of it to be filed.
11. Tender of amends and costs.
12. Injury to works, penalty.

EXPENDITURE OF APPROPRIATIONS, ACCOUNTS AGAINST THE STATE.

- SEC. 13. Agents and officers of the state not to exceed in expenditures amount of appropriations.
14. Accounts against the state to be audited by the Governor and council and registered.

SINKING FUND.

- SEC. 15. Money reimbursed by the United States to be applied in payment of war loan of 1861, and manner of investment.
16. Deficiency. How provided for.
17. Tax of three-fourths of a mill to each dollar of the state valuation to be assessed in addition to the annual state tax, to be a sinking fund.
18. Interest on amount necessary to reimburse cities, &c., for municipal war debts, and final payment of bonds. Sinking funds therefor.

SEAT OF GOVERNMENT, AND SUPERINTENDENT OF PUBLIC BUILDINGS.

- SEC. 19. Augusta, seat of government.
20. Superintendent of public buildings, and his duties.

ORGANIZATION OF THE LEGISLATURE.

- SEC. 21. Secretary of State to furnish the Secretary of the Senate and the clerk of the House with certified lists of members elect.
22. Duty of the Secretary of the Senate at the organization.
23. Duty of Clerk of the House at same.
24. In case of a vacancy of secretary or clerk, assistants to act.
25. Only those whose names are on the certified lists allowed to take part in the organization.

NOTICE OF PETITIONS FOR LEGISLATION.

- SEC. 26. Notice of petitions affecting individuals or corporations, how to be given.
27. Petitions affecting towns or counties, how served and published.
28. If notice is not given, petition referred to next legislature.
29. Service of notice, how proved.

SECRETARY OF STATE.

- SEC. 30. Secretary of State, oath, duties.
31. Vacancy how filled.
32. Bond of Secretary.
33. Salary of Secretary of State. Account of fees to be kept by him and return thereof made to governor and council.
34. Clerks employed, and their compensation.

CHAP. 2.

35. Salaries of secretary and clerk employed by the year, when paid.
36. Stationery purchased by Secretary of State. Account of distribution to be kept, and account to be rendered to Governor and council.
37. Lists of justices of the peace, justices of the peace and quorum. Trial Justices and notaries public to be furnished to clerks of courts, municipal and police judges and clerks of the United States Courts and pension agents.
38. Clerks of courts to record the same.
39. Notify persons appointed to office.
40. Prepare commissions, record qualifications, report amount received for commissions, engross bills.
41. Cause laws and reports to be published and distributed.
42. Distribute blanks for election returns. Penalty for neglect.
43. Prepare and distribute blanks for railroad reports, arrange information obtained.

TREASURER OF STATE.

44. Treasurer of state, bond, place of office.
45. Condition of bond.
46. Not to have benefit from deposit, use, or loan of money.
47. Attorney general to prosecute.
48. Deposit of twenty thousand dollars only in a bank.
49. Monthly exhibits of deposits of money filed.
50. Times when and amounts received of land agent.
51. The state tax required by section seventeen, and income thereof to be invested in state bonds and United States bonds.
52. Register of all investments to be kept by state treasurer and his report to exhibit the condition of the sinking fund.
53. Treasurer may sell bonds belonging to the sinking fund and apply the proceeds as contemplated by sections seventeen, fifty-one and fifty-two.
54. Treasurer may issue registered bonds. Date, interest, when payable and how signed.
55. Upon assignment, an equivalent bond to be issued.
56. Such bonds to be cancelled and how registered.
57. Conpon bonds may be converted into registered bonds.
58. Governor and council may declare office vacant in certain cases.
59. To audit contingent funds.
60. May require a new bond, and on failure to give it declare the office vacant.
61. May fill vacancy.
62. Inventory to be taken in such cases.
63. Treasurer's annual report of warrants and sums due.
64. Send warrants for taxes to sheriffs.
65. Issue warrants for collection of taxes.
66. Annual report on the state of the treasury.
67. Names of delinquents to be stated.

STATE LIBRARY.

68. State library to be under control of the Governor and council, as board of trustees.
69. Librarian appointed for a term of three years, and gives bond for faithful performance of duty.
70. Library to be kept open every day excepting sundays and public holidays.
71. Appropriations for library how expended.

CHAP. 2.

72. Librarian to make his annual report in January.
73. Persons allowed to take books and secure for same.
74. Books not allowed to be taken from library, how labelled.
75. Books to be taken by any citizen.
76. Persons not allowed to take at one time more than three volumes, and not to keep the same more than three weeks.
77. Books not to be taken from the library except by members of the legislature and judges.
78. Persons answerable for damage to books.
79. Actions for breach of regulations how prosecuted.
80. Governor may transmit to the governors of the several states and to the British Provinces, laws, resolves and reports.
81. Salary of librarian.
82. Five hundred dollars to be annually expended for the library.
83. Governor and council shall cause to be made a catalogue of all books, &c.

TENURE AND QUALIFICATION OF OFFICERS.

84. Tenure of office during pleasure, not longer than four years.
85. Governor may appoint persons to qualify civil officers.
86. Certain officers to take official oath before Governor and council.
87. All officers may be required to give new bonds.

SOVEREIGNTY. LANDS TAKEN AND CEDED FOR MILITARY PURPOSES.

COAST SURVEY.

Sovereignty.
R. S. c. 2, § 1.

SEC. 1. The jurisdiction and sovereignty of the state extend to all places within the boundaries thereof, subject only to such rights of concurrent jurisdiction as are granted over any places ceded by the state to the United States.

Processes
executed in
places ceded.
R. S. c. 2, § 2.

SEC. 2. Civil, criminal and military processes lawfully issued by an officer of the state may be executed in places ceded to the United States, over which a concurrent jurisdiction has been reserved for such purpose.

Governor may
cede to United
States.
R. S. c. 2, § 3.

SEC. 3. The governor, with consent of the council, may, reserving such jurisdiction, cede to the United States for purposes named in its constitution any territory not exceeding ten acres, and not including any public or private burying ground, dwelling-house or meeting-house, without consent of the owner, or any highway.

Compensation
therefor.
R. S. c. 2, § 4.

SEC. 4. If compensation for such land is not agreed upon, the estate may be taken for the intended purpose by payment of a fair compensation, to be ascertained and determined in the same manner, and by proceedings similar to those provided for ascertaining the damages in locating highways, in chapter eighteen.

Governor may

SEC. 5. The governor by advice of the council, is authorized and

empowered, to take in the name of the state, by purchase and deed, or in the manner herein denoted, any land or lands, or rights of way, for the purpose of erecting, using or maintaining any fort, fortification, arsenal, military connection, way or railroad, with all necessary rights, powers and privileges incident to the use thereof, whenever the governor by and with the advice of the council may determine that the public exigencies require it; and by and with the advice of the council he may deliver possession and cede the jurisdiction thereof to the United States, on such terms and conditions as they deem expedient.

CHAP. 2.

purchase or
take land for
forts and other
purposes.
1862, c. 91, § 1.
1863, c. 196.

May cede the
same to the
United States.

SEC. 6. When the governor and council determine that a public exigency requires the taking of any land or rights as aforesaid, they shall cause the same to be surveyed, located and so described that the same can be identified, and a plan thereof, with a copy of the order in council, shall be filed in the office of the secretary of state, and there recorded. The filing of said plan and copy shall operate to vest the title in the land and rights aforesaid in the State of Maine, or their grantees, to be held during the pleasure of the state, and if transferred to the United States, during the pleasure of the United States.

Shall cause the
same to be sur-
veyed.
1862, c. 81, § 2.
Plan &c. to be
filed and re-
corded in sec-
retary's office.

How vested.
1862, c. 91, § 2.

SEC. 7. The owner of any land or rights, taken as aforesaid, shall have a just compensation therefor, to be determined as prescribed in section four, provided application be made therefor within five years from and after the time the land shall be taken.

Owner of lands
how compen-
sated.
1862, c. 91, § 3.
1865, c. 310.

SEC. 8. Persons employed under the government of the United States in the coast survey, may enter on any land in this state, and erect thereon such buildings and do such other acts, as the objects of the survey require.

Coast survey.
R. S. c. 2, § 5.

SEC. 9. If satisfactory compensation therefor is not made to the owner by the officers or agents of the United States under whose direction such lands are taken, he may make complaint to the county commissioners in due form, who after notice to the parties not less than fourteen days, of the time and place of hearing, shall view the premises, hear the parties, and assess the damages sustained by the taking of the land for said purposes, including the time it will be required to be used therefor, and order them to be paid at such time as they direct, and award costs to the prevailing party.

Compensation
for use of land.
R. S. c. 2, § 6.

SEC. 10. The commissioners shall file in the office of the clerk of the supreme judicial court a report of their doings, which shall be conclusive upon the parties, unless one of them, within thirty days after the term of the court next after it is so filed, files in court his petition for a new trial, which, after due notice to the opposite party, may, for due cause, be granted, to be had in the supreme judicial court.

Report of it
filed.
R. S. c. 2, § 7.

Appeal allow-
ed.

CHAP. 2.

Tender of
amends.
1860, c. 125, § 1.

Costs, how
taxed.

Injury to
works.
Liability for
damages.
R. S. c. 2, § 9.

Agent or off-
icer of state not
to exceed ap-
propriations.
1862, c. 101, § 1.

Unless direct-
ed by gov-
ernor.
See c. 9, § 5.

Accounts
against state
to be audited
by governor
and council
and registered.
1859, c. 95, § 1.

Money reim-
bursed by U.
S. to be applied
for payment of
war loan of
1861.
1866, c. 14, § 1.

Manner of
investment
and payment
defined.

Deficiency
how provided
for.
1866, c. 14, § 2.

SEC. 11. The person so entering upon land may tender to the party injured sufficient amends therefor, and if the damages finally assessed do not exceed the tender, judgment shall be rendered against the owner for costs. The costs recovered by the prevailing party shall be taxed as in case of appeal from the judgments of a trial justice.

SEC. 12. If a person willfully injures said buildings, works, or apparatus used therewith, he shall be liable to a penalty not exceeding fifty dollars, to be recovered by indictment to the use of a person prosecuting therefor; and shall also be liable in a civil action for the damages.

EXPENDITURES OF APPROPRIATIONS. ACCOUNTS AGAINST THE STATE.

SEC. 13. No agent or officer of the state, or of any department thereof, whose duty it may be to expend money under an appropriation by the legislature, and who shall exceed in his expenditure said appropriation, shall have any claim for reimbursement therefor; nor shall his account for such excess be audited or allowed, unless such excess of expenditure shall have been previously specifically authorized in writing by the governor.

SEC. 14. All accounts against the state, including those of the state prison, state reform school, insane hospital, and land department and all other claims shall be presented to and audited by the governor and council, and shall then be registered by the secretary of state in suitable books, to be kept by him for that purpose, wherein also shall be entered against said accounts all payments made thereon.

SINKING FUNDS.

SEC. 15. All sums of money that may be reimbursed by the United States in liquidation of claims for advances made by the State of Maine for the outfit, equipment and other necessities furnished to troops raised in this state for the service of the United States in the year eighteen hundred and sixty-one, are pledged and set apart for the principal of the war loan negotiated under the resolve approved April twenty-fifth, eighteen hundred and sixty-one; and the same, together with any interest which may accrue thereon, shall be held as a fund for that specific purpose; and the said fund shall be invested, registered and made available for the payment of the said loan at its maturity, in the same manner, and by the same authority, as prescribed in sections fifty-one, fifty-two and fifty-three, and shall be applied to the extinguishment of the said war loan.

SEC. 16. If the fund provided for by the preceding section shall prove insufficient to pay all the bonds issued under the resolve aforesaid, payment thereof may be made from the fund created under the following section, and in the manner therein prescribed, to the extent of such deficiency.

SEC. 17. There shall be raised by taxation each year, a sum equal to three-fourths of one mill on every dollar of the state valuation, to be assessed and collected at the same time, and in the same manner as the annual state tax shall be assessed and collected, and in addition thereto; and the sum so raised is hereby pledged and held as a sinking fund to be invested as provided in sections fifty-one, fifty-two and fifty-three, and applied for the payment of the principal of the bonds of this state, issued by the authority of the several resolves, approved January thirty-first, eighteen hundred and sixty three, March twenty-sixth, eighteen hundred sixty-three, and March nineteenth, eighteen hundred and sixty-four.

CHAP. 2.

Tax of 3-4 of a mill to each dollar of state valuation, to be assessed in addition to annual state tax. 1865, c. 286, §1.

Sum so raised to be a sinking fund.

Sinking fund how applied.

SEC. 18. There shall be raised by taxation each year, commencing with eighteen hundred and sixty-nine, the interest on such sums as have been found due under the provisions of the act of March 7th, 1868, providing for the equalization of municipal war debts and limited assumption and reimbursement thereof by the state, together with such sum for a sinking fund as invested year by year will meet the payment of the bonds provided for in the fourth section of said act, at their maturity, to be assessed and collected at the same time and in the same manner as the usual state tax, and in addition thereto; and the last named sum so raised is pledged and shall be held as a sinking fund to be invested as provided in sections fifty-one and fifty-two, and applied to the payment of the principal of the bonds issued by the authority of the fourth section of said act.

Interest on amount necessary to reimburse cities &c., and final payment of bonds how to be paid. 1868, c. 225, § 5.

SEAT OF GOVERNMENT AND SUPERINTENDENT OF PUBLIC BUILDINGS.

SEC. 19. The city of Augusta shall be the seat of government until otherwise provided by the legislature.

Government seat, Augusta. R. S. c. 2, § 10.

SEC. 20. The governor with the advice and consent of council shall appoint the superintendent of public buildings, whose duties shall be to take charge of the public buildings and all the furniture and other property connected therewith, to preserve the same from injury, at all proper times to open and ventilate the several apartments, and constantly to keep every part thereof properly swept and cleansed, take charge of the geological department or cabinet of minerals, to preserve the same from injury and in proper condition for exhibition, and at all suitable hours, to personally attend visitors who may wish to view the same or any part of the public buildings entrusted to his care, free of expense, to take care of the public grounds, fences, forest trees, and all other property not before enumerated pertaining to the public buildings; and under the direction of the governor and council, to superintend and cause all necessary repairs to be made upon the public buildings and furniture thereof, upon the fences and walks of the public grounds, set out suitable ornamental and forest trees, and to secure and keep the same as

Superintendent of public buildings, appointment of.

Duties of superintendent of public buildings. Resolve 1837, c. 52.

CHAP. 2. much as possible from injury or decay; and to make all purchases of furniture, lights, wood, and any and every other thing necessary for the use and convenience of all the apartments of the state house, strict economy being required in all contracts for repairs and purchases, which are not to be made upon the credit of himself or the state. He shall give bond to the state in the sum of two thousand dollars, for the preservation of said property and the faithful discharge of his trust. In addition to the above named duties the governor and council may require him to perform any other duties from time to time that the public interest may require, and without extra compensation. He shall receive in full for all his services, a salary of one thousand dollars per annum, without allowance of fees or perquisites.

Salary &c.
1866, c. 37 § 1.
1868, c. 213 § 1.

ORGANIZATION OF THE LEGISLATURE.

Secretary of
state to furnish
secretary of
senate and
clerk of house
with certified
lists of mem-
bers elect.
1869, c. 67, § 1.

SEC. 21. The secretary of state shall on or before the day preceding the meeting of the legislature annually furnish to the secretary of the preceding senate, a certified roll, under the seal of the state, of the names and residences of senators elect, according to the report of the governor and council; and to the clerk of the preceding house of representatives a certified roll, under the seal of the state, of the names and residences of the representatives elect according to the report of the governor and council, and report the vacancies if any exist.

Duty of secre-
tary of senate
at organiza-
tion.
1869, c. 67, § 2.

SEC. 22. The secretary of the preceding senate at the time and place appointed for the meeting of the legislature, shall call the senators elect present to order, and from the certified roll furnished him as aforesaid, call their names, and if a quorum respond, he shall preside until they are qualified and a president is elected; if no quorum appear he shall preside, and the senators elect present shall adjourn from day to day, but transact no business except to go into conventions to fill vacancies until a quorum appear, and are qualified and a president is elected.

Duty of clerk
of house of
representa-
tives at organ-
ization.
1869, c. 67, § 2.

SEC. 23. The clerk of the preceding house of representatives in like manner shall call the representatives elect to order and preside until they shall be qualified and elect a speaker; if no quorum appear he shall preside, and the representatives elect present shall adjourn from day to day, until a quorum appear and are qualified, and a speaker is elected.

In case of va-
cancy of secre-
tary or clerk,
assistants to
act.
1869, c. 67, § 3.

SEC. 24. In case of vacancy in the office of such secretary or clerk, or absence or inability of either to perform the duties aforesaid, they shall be performed by the assistants.

Only those
whose names
are on the cer-
tified lists to
take part in the organization. 1869, c. 67, § 4.

SEC. 25. No person shall be allowed to vote or take part in the organization of either branch of the legislature as a member, unless his name appears upon the certified roll of that branch.

NOTICE OF PETITIONS FOR LEGISLATION.

CHAP. 2.

SEC. 26. Notice of any petition to be presented to the legislature for legislation affecting the rights of individuals or corporations, may be given by serving such individuals or corporations with a true copy of the petition at least fourteen days before the commencement of the next session, or by publishing such copy three weeks successively in some newspaper printed in the counties in which such individuals reside, or such corporations are established; or if no newspaper is there published, then in the state paper, the last publication to be at least fourteen days before the session; and if further service be deemed necessary, or if notice is defective or insufficient, further notice may be ordered.

Notice of petitions affecting individuals or corporations, how to be given.

How to be published.

1860, c. 127, § 1.

Last publication of.

If insufficient.

SEC. 27. Notice of any petition affecting the rights or interests of any town or county may be given to such town by serving it with a true copy of the petition at least fourteen days before the session, and to such county, by publishing as prescribed in the preceding section.

Affecting town or county, how served and published.

1860, c. 127, § 2.

SEC. 28. Petitions mentioned in the preceding sections without proof of notice as prescribed, shall be referred with an order of notice, to the next legislature.

Not given and proved, effect.

1860, c. 127, § 3.

SEC. 29. Service of the notice of such petitions may be made by any sheriff, constable or coroner, and proved by the proper return of such officer, and also by acknowledgement in writing, of the adverse party on the petition, or if the notice is given by publication, then by the newspapers, or the affidavit of the printer.

Service by what officer.

How proved.

1860, c. 127, § 4.

SECRETARY OF STATE.

SEC. 30. The secretary of state shall take and subscribe the oath or affirmation prescribed by the constitution, keep his office at the seat of government; have the custody of the state seal, and keep and preserve in such office, at the expense of the state, all the records.

Secretary's oath and duties.

R. S. c. 2 § 11.

SEC. 31. When a vacancy happens in the office of secretary in the recess of the legislature, by death, resignation, or otherwise, the governor, with advice of council, shall appoint a suitable person to act as secretary of state, until one is elected by the legislature; and the person thus appointed shall take the oath required to be taken by the elected secretary; and have the same compensation, to be paid quarter yearly, while he performs the duties of the appointment.

Vacancy how filled.

R. S. c. 2, § 12.

SEC. 32. The secretary, elected or appointed, shall give bond to the state, to be deposited in the office of the treasurer, in such sum, as the governor and council direct, with good and sufficient sureties, with condition that he will faithfully appropriate according to law all moneys belonging to the state, which come to his hands, and render annually a true account thereof to the governor and council.

Bond and condition.

R. S. c. 2, § 13.

SEC. 33. The secretary of state shall be paid an annual salary of

Salary estab-

CHAP. 2. fifteen hundred dollars, which shall be a full compensation for all services rendered by him by virtue of his office; he shall keep an accurate account of all fees received by him in his office, and shall in the month of December in each year, make return thereof, under oath, to the governor and council, and pay over the amount of such fees to the state treasurer.

lished.
1864, c. 256, § 1.
Shall keep account of fees.
Shall make returns to governor and council, &c.

Clerks employed by secretary of state.
Resolve 1868, c. 275.

Salaries how paid.
1864, c. 256, § 3.

SEC. 34. The number and compensation of clerks employed by the secretary of state, shall be determined by the governor and council.

SEC. 35. The salaries of the secretary of state and clerks employed in his office by the year, shall be paid quarterly; and no compensation shall be allowed to any other person employed by him, otherwise than by the provisions of this chapter.

Stationary, how purchased.
1864, c. 256, § 4.

Shall keep an account of all distributed.

Shall be examined by council.

SEC. 36. All stationary required for the use of the several departments of the state shall be purchased by the secretary of state, who shall carefully compare every lot received, with the invoice, and ascertain that a full delivery of the amount charged is made; he shall also keep an accurate account of all that is distributed to the respective departments, and annually render an account of the amount purchased, distributed and remaining on hand, stating the several articles separately, which accounts, with the original invoices, shall be examined and the stock on hand compared therewith, by the council, in December of each year.

Lists of justices of the peace &c., to be furnished clerks of courts.
1864, c. 264, § 1.
1865, c. 292.
1866, c. 35.
1870, c. 118, § 1.

SEC. 37. The secretary of state shall on the first day of June and of December, forward to the clerks of the state courts, registers of probate courts, judges of municipal and police courts, clerks of United States courts and United States pension agents in this state, a list of all justices of the peace, justices of the peace and quorum, trial justices, and notaries public in this state, whose commissions shall then be in force, and the evidence of whose qualifications has been filed in his office, within the six months next preceding the time of forwarding such lists, which shall contain the name and residence of every such officer, the date of his commission and the county or counties for which he is commissioned.

Clerks of courts shall record lists.
1864, c. 264, § 2.
Record &c. shall be deemed legal.
Notify officers appointed.
R. S. c. 2, § 14.

SEC. 38. The clerks of courts in each county shall record such lists in a book kept for that purpose; and such record and copies thereof, duly attested by him, shall be deemed legal, but not conclusive evidence of the due appointment and qualification of such officers.

SEC. 39. The secretary of state shall notify every person appointed to any office, upon which a duty is required to be paid, of his appointment, and on the receipt of the evidence of its payment, shall cause the proper commission to be immediately made, under the direction of the governor, and delivered to such officer, or to any person appointed by him to receive it.

SEC. 40. He shall prepare and present to the governor and coun-

Prepare com-

cil under seal of state, in order that the same may receive the signature of the governor, a commission for every person, who is appointed or elected to any office, for which by the constitution or laws a commission is required; enter in a book kept for that purpose the time when and by whom any commission is taken from his office, and the time when any certificate of the qualification of any officer is filed in his office; and annually on the first day of January, certify to the treasurer of state the amount paid to the several county treasurers for duties on commissions by him delivered the year preceding. He shall cause all bills passed by both branches of the legislature to be engrossed, under his special direction, for the use of the legislature.

CHAP. 2.
missions.
R. S. c. 2, § 15.
Record qualifications.
Report duties received.

SEC. 41. As soon as may be after its approval he shall cause each public act to be published, with the date of its approval, in the state paper;* and procure the usual number of each volume of Maine Reports and distribute them and the laws, when published, to such corporations, officers, and other persons, as the legislature direct.

Engross bills.

Cause laws to be published and distributed and Me. reports.
R. S. c. 2, § 16.
Sec c. 1, § 2.

SEC. 42. He shall cause all blanks for election returns, required by law, to be seasonably distributed to the several towns, by delivering them to their representatives, or other persons or officers authorized to receive them, or by enclosing and sealing them in packets directed to such towns, and delivering the same to the sheriffs of the counties to which they belong; and such sheriffs shall forthwith deliver them to the selectmen, assessors, or clerks of such towns, and take their receipt therefor. If any secretary or sheriff neglects this duty, he shall forfeit one hundred dollars for each offence.

Distribute blanks for election.
R. S. c. 2, § 17.

Penalty for neglect by secretary or sheriff.

SEC. 43. The secretary shall prepare the necessary printed blank forms for reports of railroad corporations, and transmit a suitable number thereof to each in the month of November annually. He shall arrange the information contained in the reports in a tabular form, and prepare it in a single document for the use of the legislature during its session.

Prepare blanks for reports of railroads—arrange information.
R. S. c. 2, § 18.

TREASURER OF STATE.

SEC. 44. The treasurer of state shall keep his office at the seat of government, and give the bond required by the constitution, in the penal sum of not less than one hundred and fifty thousand dollars to the State of Maine, with good and sufficient sureties residing therein.

Treasurer's office.
Bond.
R. S. c. 2, § 26.
52 Me. 551.

SEC. 45. The condition of the bond shall be for the faithful discharge of all the duties of his office, the fidelity of all persons by him entrusted with any of the concerns thereof, and that during his continuance in office he will not engage in trade or commerce, or as a broker, agent, or factor, for any merchant or trader; and that he, or his executors, administrators, or sureties, or their executors or administrators, shall render a just and true account of all his agents' and

Condition of bond.
R. S. c. 2 § 27.
52 Me. 551.

* See Resolves of 1833, c. 16, 1842, c. 60, 1854, c. 190. 1857, c. 73. 2 Me. 303. 9 Me. 54. 21 Me. 53. 39 Me. 291. 16 Me. 69.

CHAP. 2. servants' doings and transactions in the office, to the legislature, or such committee as they appoint, on the first Wednesday of January annually, previous to the choice of a new treasurer, and at any other time, when required by the legislature, or the governor and council; and that he will settle and adjust said account, and faithfully deliver over to his successor in office, or to such person as the legislature appoints, all moneys, books, property, and appurtenances of the said office, in his, or any of his agents' possession, and pay over all balances found due on such adjustment. Such bond, when approved as the constitution prescribes, shall be lodged in the secretary's office.

Treasurer not to receive benefit from, use, or loan, money of the state.
R. S. c. 2 § 28.
52 Me. 551.

SEC. 46. The treasurer shall not in any way receive for his own use any interest, premium, gratuity, or benefit, by reason of any money belonging to the state, or of any loan obtained for the state, or for keeping on hand or circulating the bills of any bank; but whatever is so received shall be accounted for to the state. He shall not loan, use in his own business, or for his own benefit, any such money, or permit any other person to do it, unless authorized by law, upon pain of forfeiting a sum equal to the amount so used or loaned, to be recovered by indictment.

Attorney general to prosecute.
R. S. c. 2, § 29.

SEC. 47. When the attorney general receives satisfactory information, that a treasurer of state has violated any of the provisions of the preceding section, he shall cause him to be indicted therefor and prosecute such indictment to final judgment.

\$20,000 only in a bank.
R. S. c. 2, § 30.
52 Me. 551.

SEC. 48. No greater amount of the money of the state than twenty thousand dollars shall be on deposit in a bank, unless it is necessary for the purpose of paying bonds of the state and interest, becoming payable at such bank.

Monthly exhibits.
R. S. c. 2, § 31.
52 Me. 551.

SEC. 49. At the expiration of each month, the treasurer shall prepare an exhibit showing the banks and places, in which moneys of the state have been kept or deposited during the past month, and the amount in each at the time of such exhibit, and file it in the office of the secretary of state, to be open to public inspection.

Time when and amount received of land agent.
R. S. c. 2, § 32.

SEC. 50. In his annual report he shall state the time, when each sum was received of the land agent, and the amount of it.

Certain taxes and income of the same to be invested in state bonds and bonds of the U. S.
1865, c. 286 § 2.
Proceeds of investments.
1865, c. 286, § 2.
1868, c. 225, § 5.

SEC. 51. The state treasurer, with the advice of the governor, shall from time to time, as the taxes for sinking funds provided for in sections seventeen and eighteen shall be received into the treasury, invest the same, as well as the income thereof, as the same may accrue, in any of the bonds of this state or of the registered bonds of the United States; and as such bonds fall due and are paid, the proceeds thereof shall be reinvested in like manner and be held by said treasurer for the purposes mentioned in said sections seventeen and eighteen.

Register to be kept by treas-

SEC. 52. The treasurer shall keep a register of all such invest-

ments, showing the date, amount, and number of each bond, by whom issued and the time when it will mature, and in his annual report to the legislature of the transactions of his department, he shall include an exhibit of the condition of said sinking funds.

SEC. 53. On the approach of the maturity of any bonds for the payment of which the said sinking fund named in section seventeen is pledged, the said treasurer with the approval of the governor, shall sell or dispose of such portion of the bonds belonging to the said fund as may be necessary to meet the bonds as they mature, and shall apply the proceeds thereof to their payment as contemplated in section seventeen and the last two preceding sections.

SEC. 54. The treasurer of state is hereby authorized to issue registered bonds, transferable by assignment, in pieces of not less than one thousand dollars, and of any multiple of one thousand, in exchange for, and in lieu of, any coupon bonds which have been issued under the laws of this state, bearing the same rate of interest and maturing at the same time as the bonds which he may receive therefor in exchange; but the place of payment prescribed therein shall be the state treasury, and not elsewhere; and the said bonds shall be signed by the treasurer, countersigned by the governor, and attested by the secretary of state, with the seal of the state.

SEC. 55. Upon due assignment of any such registered bond and delivery thereof to the state treasurer, an equivalent bond or bonds, in form as aforesaid shall be issued to the assignee in substitution therefor.

SEC. 56. All bonds thus received by the treasurer for exchange shall be effectually effaced and cancelled; and retained in the office of the treasurer, and the secretary of state as well as the treasurer shall keep a register of all such bonds, showing the serial number, date, amount of each certificate, to whom issued, when payable, and also a like description of the bonds received in lieu therefor.

SEC. 57. All coupon bonds issued by this state belonging to either of the sinking funds of this state, may be converted into bonds registered in the name of the treasurer, and any coupon bonds so issued and held by, or deposited with, the treasurer for trust purposes, may be converted into the registered form of bonds hereby authorized, whenever the parties depositing them shall desire it.

SEC. 58. Upon the written complaint of a person, that the treasurer is insane, insolvent, or has absconded, or concealed himself to avoid his creditors, is absent from the state and neglecting his duties to the hazard of the trust reposed in him, has violated any of the provisions of section forty-six or has failed faithfully to perform the duties of his office, the governor and council shall forthwith examine into the truth of the charges, and if any of them is found to be true, they shall remove him and declare the office to be vacant.

CHAP. 2.

urer of state.
1865, c. 286, § 3.

Annual report
of treasurer to
exhibit condi-
tion of sink-
ing funds.

Treasurer to
sell bonds be-
longing to
sinking funds
and apply pro-
ceeds as con-
templated by
this chapter.
1863, c. 286,
§ 4.

Treasurer may
issue register-
ed bonds.
1870, c. 148, § 1.

Date, interest,
when payable,
and how sign-
ed.

Upon assign-
ment an equiv-
alent bond to
be issued.
1870, c. 148,
§ 2.

Such bonds to
be canceled
and how reg-
istered.
1870, c. 148,
§ 3.

Coupon bonds
may be con-
verted into
registered
bonds.
1870, c. 148,
§ 4.

Governor and
council to ex-
amine into
truth of com-
plaints.
R. S. c. 2, § 33.

May declare
office vacant.

CHAP. 2.

Governor and council to audit contingent fund.

R. S. c. 2, § 34.

May require a new bond.

R. S. c. 2, § 35.

May appoint a commissioner to fill vacancy.

R. S. c. 2, § 36.

Inventory for commissioner.

Receipt therefor.

R. S. c. 2, § 37.

Annual report of warrants and amounts due.

R. S. c. 2, § 38.

Send warrants to sheriffs for taxes.

R. S. c. 2, § 39.

To issue warrants for collection of taxes.

R. S. c. 2, § 40.

Report annual state of treasury.

R. S. c. 2, § 41.

SEC. 59. They shall audit his account of any contingent fund appropriated for him or his office; and any balance found due shall be paid by him to the state.

SEC. 60. When it appears to them, that his bond is not sufficient for the full security of the state, they shall call upon him to procure a new bond; and if he neglects for ten days after a written demand, to file a new bond to their satisfaction, they shall remove him and declare the office vacant.

SEC. 61. In case of a vacancy in the office of treasurer, the governor, with consent of council, shall appoint a commissioner to perform the duties of the office during the residue of the term for which he was chosen, unless another is sooner elected by the legislature; and the person so appointed shall, before entering on the duties of his office, take and subscribe the oaths, and give bond with the same conditions, to the acceptance of the governor and council, as are required of the treasurer.

SEC. 62. When such commissioner is appointed, the secretary of state and the attorney general, or two impartial citizens to be appointed by warrant under the hand and seal of the governor, as soon as practicable, having given notice to the sureties, or any two of them, of the late treasurer, or of the treasurer to be superseded, shall take a true account and inventory of all moneys, notes, books of account and other property, belonging to the state, which were in the hands of such treasurer, or of any of his agents, and deliver it to such commissioner, he giving a receipt therefor, which shall be lodged in the secretary's office.

SEC. 63. The treasurer, on the first Wednesday of January annually, shall lay before the governor and council a statement of the amount of all warrants in favor of the state, and of any other sums of money, or balances due from the several sheriffs in the state, and certify the names of the sureties in their bonds.

SEC. 64. He shall send such warrants, as he is ordered to issue, for assessing any tax, inclosed to the sheriff of each county to be transmitted by him to the assessors of the towns within such county.

SEC. 65. He shall issue warrants or executions against delinquent towns, assessors, constables and collectors, to enforce the collection and payment of state taxes in cases prescribed in the sixth chapter.

SEC. 66. He shall annually, on the first Monday after the meeting of the legislature, lay before the two houses thereof a printed detailed account of the state of the treasury; distinguishing, in the receipts and expenditures, the sums due at the close of the preceding year, from those that became due during the current year, and what sums are due to and from the treasury, and the resources of the state for the ensuing year.

SEC. 67. He shall report the names of any officers, who have not settled their accounts, as by law required, or who have not paid over the money in their hands belonging to the state, and the amount due from each.

CHAP. 2.

Names of delinquents.
R. S. c. 2, § 42.

STATE LIBRARY.

SEC. 68. The state library shall be under the management and control of the governor and council as a board of trustees.

Governor and council, board of trustees.
1861, c. 25, § 1.

SEC. 69. They shall appoint a librarian of the state library, who shall hold his office three years unless sooner removed, and shall give bond to the state in such sum and with such sureties as shall be approved by the governor and council, for the faithful performance of the duties of his office.

Librarian, appointment of.
Term three years.
Bond of.
1861, c. 25, § 2.

SEC. 70. The library shall be kept open every day in the year, Sundays and the usual public holidays excepted, during the usual business hours.

When to be kept open.
1861, c. 25, § 3.

SEC. 71. All sums of money appropriated by the legislature for the purchase of books, shall be expended by the librarian under the direction of the governor.

Appropriation, how expended.
1861, c. 25, § 4.

SEC. 72. The librarian shall report to the legislature annually, in January, the receipts and expenditures on account of the library with a list of all books, maps and charts acquired during the preceding year, specifying those obtained by purchase, donation and exchange, and those, if any, which have been lost or are missing, and make such suggestions in relation to the library as shall lead to its improvement.

Librarian shall report annually in January.
1861, c. 25, § 5.

SEC. 73. Books may be taken from the library by the governor, members of the council and of the legislature, judges of the judicial courts, secretary of state, deputy secretary of state, treasurer of state, adjutant general, attorney general, land agent, reporter of decisions, counsel engaged in the argument of causes before the law courts in the middle district, superintendent of public buildings, superintendent of common schools, superintendent of the insane hospital, chaplains, secretary and assistant secretary of the senate, chaplains, clerk and assistant clerk of the house, secretary and members of the board of agriculture, during the session of the board, but this privilege to the members of the legislature and those officially connected therewith, is limited to the time the legislature is in session. Any person taking books from the library shall first give sufficient personal security for their return within twenty days.

Persons allowed to take books.
1861, c. 25, § 6.

SEC. 74. The librarian shall cause such books as are not allowed to be taken from the library, to be labelled with the following words, "Not allowed to be taken from the library," and the books so labelled shall not be removed from it.

What books to be labelled and not taken from the library.

R. S. c. 2, § 23.
Books to be taken by any

SEC. 75. He may, upon the written application of any citizen for

CHAP. 2. good reasons therein set forth, and when he thinks it would be safe so to do, deliver to him, during the recess of the legislature, books not so labelled, taking his receipt therefor, and fixing time for their return.

Not to be taken at one time more than three volumes. 1861, c. 25, § 7.

Not to be kept more than three weeks.

Books not to be taken from the library. 1861, c. 25, § 8.

Damages to books, persons answerable for. 1861, c. 25, § 9.

Action for breach of regulations, how prosecuted. 1861, c. 25, § 10.

Governor may transmit laws to the several states. 1861, c. 25, § 11.

Salary of librarian \$1000. 1865, c. 325, § 1.

Appropriation annually \$500. 1861, c. 25, § 14.

Catalogue. 1861, c. 25, § 15. 1862, c. 94.

Tenure of office. R. S. c. 2, § 44.

SEC. 76. No person authorized to take books from the library shall be permitted to have at any one time more than three volumes, nor shall the same be retained more than three weeks, and all shall be returned on or before the first day of January, annually.

SEC. 77. The following books shall not be taken from the library room, except for the use of either house or of the committees of the legislature during its session, or for use in the supreme judicial court in term time; all books presented by the United States, or any of the states; all works, books, and documents relating to the laws or legislative proceedings of the United States, or of other states or countries; all digests, reports of decisions, and works relating to the science of the law, and Vattermare's exchanges.

SEC. 78. Every person shall be answerable for all damage done by him to any book, and in case of the loss of a volume belonging to a set, the person answerable therefor shall procure a new volume or pay in money the value of the set.

SEC. 79. Actions for the breach of said regulations may be brought by the librarian in his own name for the use of the state, and in case of his death or removal from office, the action shall survive and be prosecuted by his successor.

SEC. 80. The governor may transmit to the governors of the several states and of the several British North American provinces, three copies of all the laws and resolves published by order of the legislature, one copy of all public documents printed and bound by the like order, and one copy of the printed decisions of the supreme judicial courts.

SEC. 81. The annual salary of the librarian shall be ten hundred dollars to be paid quarterly out of any money in the treasury not otherwise appropriated, and the librarian shall employ his leisure time in preparing an index of the public documents of the state.

SEC. 82. Five hundred dollars shall be annually appropriated for the library and be expended in purchasing or otherwise procuring such books, maps, charts and works, as shall be deemed most useful, and in binding and keeping in good condition the works therein.

SEC. 83. The governor and council shall from time to time cause to be made and printed a catalogue of all books, maps, charts and works in the library and such as are annually added thereto.

TENURE OF OFFICES AND QUALIFICATIONS OF OFFICERS.

SEC. 84. All civil officers, appointed by the governor and council, whose tenure of office is not provided for by law or limited by the

constitution, otherwise than during the pleasure of the governor and council, except ministers of the gospel appointed 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. CHAP. 3.

Sec. 85. 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. Governor may appoint persons to qualify civil officers. R. S. c. 2, § 45.

Sec. 86. 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 to make oath before the governor and council. R. S. c. 2, § 46.
Officers to make oath before magistrate.

Sec. 87. 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. Officers may be required to give new bonds.
If new bond is not given office deemed vacant. R. S. c. 2, § 47.

CHAPTER 3.

TOWNS, THEIR MEETINGS, POWERS AND DUTIES.

Sec. 1. Towns are corporations.

2. Town meetings to be called by selectmen.
3. Call of first meeting after incorporation, and of one when no officers.
4. Selectmen refusing, call may be made by justice on request of 10 voters; same number may require an article to be inserted in warrant.
5. Form of warrant. Articles to be specified.
6. Warrant may be directed to constable or individual.
7. Mode of notice; return, to state the manner.
8. Errors in return, and in town records, and tax lists, how corrected.
9. Who are entitled to vote.
10. Annual meetings to be in March. Officers then chosen.
11. What officers are to be chosen by ballot.
12. Vacancies may be filled by municipal officers.
13. Clerk to preside for choice of moderator.