

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)

FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY LORING, SHORT & HARMON
AND
WILLIAM M. MARKS, PRINTER.
1884.

FARMINGTON STATE TEACHERS COLLEGE
LIBRARY

ERRATA:

**The following two leaves are
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

ERRORS.

ERROR IN THE TEXT OF THE REVISED STATUTES.

Page 63, § 3, line one.—Erase the last word “may.”

ERROR IN THE TEXT OF THE REPEALING ACT.

Page 999.—Transfer “Chapter 48, Section 6, of an act to facilitate the prompt administration of justice by establishing a superior court in Kennebec County,” from the year 1879 to 1878.

ERROR IN THE COMMISSIONER’S NOTES.

Pages 177, 178.—Erase the last two lines of page 177, and the first three lines of page 178.

ERRORS IN THE MARGINAL REFERENCES.

- Page 59, § 6, ¶ xx.—Erase “*R. S.*, c. 1, ¶ xx”, and supply, at the bottom of the page, “*R. S.*, c. 1, § 4”
- “ 66, § 24.—Erase “*Resolve of 1837, c. 52.*”
- “ 69, § 44.—Supply “*Resolve of 1840, c. 107.*”
- “ 72, § 68.—Erase “*See c. 6, §§ 40-67.*”
- “ “ § 70.—Erase “*R. S.*, c. 2, § 66.”
- “ 79, § 12, (note b).—“*See c. 18, § 73*” should read “*See c. 18, § 75.*”
“*See c. 30, § 15*” should read “*See c. 30, § 16.*”
- “ “ § 14.—Supply “*See c. 18, § 75.*”
- “ 83, § 40.—“*R. S.*, c. 3, § 34” should read “*R. S.*, c. 3, § 33.”
- “ 84, § 46.—“*See c. 18, § 67*” should read “*See c. 18, § 59.*”
- “ 86, § 59, ¶ i, (note b).—“*See c. 17, §§ 25-29*” should read “*See c. 17, §§ 27, 28.*”
- “ “ “ ¶ vi, (note e).—“*See c. 18, § 15*” should read “*See c. 18, § 17.*”
- “ 92, note.—“*c. 18, §§ 39, 103*” should read “*c. 18, §§ 39, 97.*”
- “ 97, § 16.—Erase “*R. S.*, c. 4, § 16.”
- “ 108, § 86.—“*Art. ii, § 2*” should read “*Art. ii, § 1, ¶ 2.*”
- “ 117, § 28.—Erase the first reference to “1878, c. 31, § 1.” Also erase “*R. S.*, c. 5, § 26.”
- “ 176, § 27.—“*Resolve of 1883, c. 20*” should read “*Resolve of 1883, c. 86.*”
- “ 183, § 5.—“*See § 93, ¶ 6*” should read “*See § 93, ¶ v.*”
- “ 202, § 102.—“1883, c. 229” should read “*See c. 115, § 1.*”
- “ 209, § 1.—Supply “1880, c. 215.”
- “ 210, § 7.—Supply “1880, c. 215.”
- “ 249, § 44.—“1875, c. 25, § 6” should read “1875, c. 25, § 6.”
- “ 270, § 16.—Supply “1880, c. 215.”
- “ 330, § 26.—“*See c. 40, § 77*” should read “*See c. 40, § 74.*”
- “ “ § 28.—“*See c. 40, § 38*” should read “*See c. 40, §§ 33, 40.*”
- “ 374, § 23.—“*See § 17*” should read “1880, c. 234, § 1.”
- “ 384, § 74.—Add “1883, c. 138, § 3.”
“1883, c. 144, § 4.”
- “ 506, § 1.—Supply “*See 1880, c. 215.*”
- “ 642, § 80, bottom of the page.—Supply “1878, c. 48, § 6.”
- “ 709, § 105.—“*See c. 134, § 13*” should read “*See c. 134, § 19.*”
- “ 773, § 42.—Supply “1883, c. 198, § 2.”
- “ 804, § 35.—“*See c. 134, § 26*” should read “*c. 134, § 26.*”
- “ 861, § 1.—“*R. S.*, c. 2, § 20,” } should read “1883, c. 221.”
“*R. S.*, c. 115, § 1.” }
- “ 862, § 4.—“*See c. 63, §§ 32 to 39*” should read “*See c. 63, § 35.*”

ERRORS IN CITATIONS OF CASES.

- Page 10, § 8, ¶ iii, (note c).—"14 *Pet.*, 504" should read "14 *Pet.*, 540."
 " 16, § 1, (note b).—"10 *Me.*, 483" should read "10 *Me.*, 283."
 " 78, § 5, (note a).—"13 *Me.*, 472, 489" should read "13 *Me.*, 472."
 " " § 7, (note b).—"12 *Me.*, 589" should read "12 *Me.*, 489."
 " 147, § 97.—"58 *Me.*, 528" should read "58 *Me.*, 532."
 " 166, § 1.—"64 *Me.*, 549" should read "64 *Me.*, 599."
 " 200, § 93, ¶ iv.—Erase "20 *Me.*, 545."
 " 211, § 19.—"3 *Me.*, 347" should read "3 *Me.*, 249."
 " 241, § 5, (note b).—"68 *Me.*, 28" should read "63 *Me.*, 28."
 " 257, § 80, (note a), Construction of ways.—"26 *Me.*, 340" should read "26 *Me.*, 240."
 " 397, § 1, (note a).—Erase "66 *Me.*, 526."
 " 521, § 2, (note a).—Erase "60 *Me.*, 377."
 " " § 9.—Erase "60 *Me.*, 533."
 " 563, § 10.—"31 *Me.*, 286" should read "31 *Me.*, 254."
 " 597, § 23.—"4 *Me.*, 19" should read "4 *Me.*, 8."
 " 705, § 78.—"43 *Me.*, 438" should read "48 *Me.*, 438."
 " 728, § 12.—Erase "68 *Me.*, 30."
 " 750, § 5.—Erase "20 *Me.*, 325."
 " 765, § 1, (note a).—Erase "73 *Me.*, 228."
 " 814, § 19, (note c).—Erase "71 *Me.*, 543."
 " 817, § 8, (note b).—"27 *Me.*, 363" should read "27 *Me.*, 362."
 " 885, § 1.—Erase "62 *Me.*, 285."
 " 886, § 8.—"36 *Me.*, 225" should read "36 *Me.*, 227."
 " 933, § 4.—"34 *Me.*, 478" should read "39 *Me.*, 478."

OMISSION IN REFERENCE INDEX TABLE, PART I.

Page 1060.—Supply "1878, c. 48, § 6," with a reference to "R. S., c. 77, § 80."

TITLE ONE.

The State: its sovereignty, divisions, domain, revenue; parts
of its civil and military administrations.

- CHAP. 1. Divisions of the State. Constitutional Amendments. Statutes. Rules of construction.
2. Sovereignty and Jurisdiction. Lands taken and ceded for military purposes. U. S. coast survey. Expenditure of appropriations. Sinking fund. Seat of government. Organization of the legislature. Notice of petitions for legislation. Secretary of State. Treasurer of State, and State bonds. State Library. Tenure of office and qualification of officers.
 3. Towns, their meetings, officers, powers, and duties.
 4. Elections.
 5. Public lands, their sale and settlement. Land agent. Location and care of lots for public uses.
 6. Assessment and collection of taxes.
 7. Registry of deeds.
 8. County treasurers.
 9. Indian tribes.
 10. The militia.

CHAPTER 1.

DIVISIONS OF THE STATE. CONSTITUTIONAL AMENDMENTS. STATUTES. RULES OF CONSTRUCTION.

- SEC. 1. Divisions into Counties, districts, towns and plantations.
2. When constitutional amendments take effect.
 3. Proclamation and publication thereof.
 4. Secretary to give notice of approval of public acts.
 5. Time when acts become effective, and construction of acts repealing other acts.
 6. Rules of construction.
 - I. Meaning of words, phrases, and technical terms.
 - II. Singular and plural. Masculine and feminine.
 - III. Majority authorized to act.
 - IV. Annual meeting.
 - V. Grantor and grantee.
 - VI. Highway.
 - VII. Inhabitant.
 - VIII. Insane. Idiots, non compos and lunatics.
 - IX. Issue.
 - X. Lands and real estate.
 - XI. Month. Year.
 - XII. Oath.
 - XIII. Person.
 - XIV. Preceding and following.
 - XV. Seal.
 - XVI. United States and State.
 - XVII. Town.
 - XVIII. Written. Signature.
 - XIX. Will. Codicil.
 - XX. Sworn. Duly sworn. Sworn according to law, as applied to public officers.

CHAP. 1.

- XXI. Acts of agents.
 XXII. Disinterested. Indifferent.
 XXIII. Municipal officers.
 XXIV. State paper.
 XXV. Abstracts and notes.
 XXVI. Acts of incorporation. Limitation.

SEC. 7. Persons to be sworn, may affirm.

Divisions into counties, towns and plantations.
 R. S., c. 1, § 1.
 72 Me., 432.

When constitutional amendments take effect,
 1883, c. 102,
 § 1.

Proclamation and publication thereof.
 1883, c. 102,
 § 2.

Secretary to give notice of approval of public acts.
 R. S., c. 1, § 2.
 See c. 2, § 44.

Acts become effective in thirty days after recess.
 R. S., c. 1, § 3.
 21 Me., 60.
 30 Me., 489.
 52 Me., 158.
 —construction of acts repealing other acts.
 23 Me., 237.
 45 Me., 73, 514.
 49 Me., 533.

Rules of construction.
 R. S., c. 1, § 4.

Meaning of words and technical phrases.
 47 Me., 347.
 49 Me., 525.

Singular; plural; gender.
 48 Me., 550.
 72 Me., 428.

Majority may act.

SECTION 1. The State is divided into counties, districts, towns, and plantations.

SEC. 2. Unless otherwise provided in the resolve submitting it, every constitutional amendment shall take effect and become part of the constitution, on the first Wednesday of January following its adoption by the people.

SEC. 3. Within thirty days after it appears that a constitutional amendment has been adopted, the governor shall make proclamation thereof, and the secretary of state shall forthwith cause such proclamation to be published in the state paper, and it shall also be prefixed to the next volume of acts and resolves.

SEC. 4. When a public act is approved by the governor, the secretary of state shall give written notice thereof to the presiding officers of the senate and house, describing it by its title, and the date of its approval, which shall be entered on the journal of each house.

SEC. 5. A statute becomes effective in thirty days after the recess of the legislature passing it, unless a different time is named therein. The repeal of an act or resolve passed after March four, eighteen hundred and seventy, does not revive any statute in force before the act or resolve took effect. The repeal of an act does not affect any punishment, penalty or forfeiture incurred before the repeal takes effect, or any suit, or proceeding pending at the time of the repeal, for an offence committed or for recovery of a penalty or forfeiture incurred under the act repealed. Actions pending at the time of the passage or repeal of an act, are not affected thereby. (a)

SEC. 6. The following rules shall be observed in the construction of statutes, unless such construction is inconsistent with the plain meaning of the enactment.

I. Words and phrases shall be construed according to the common meaning of the language. Technical words and phrases, and such as have a peculiar meaning convey such technical or peculiar meaning. (b)

II. Words of the singular number may include the plural; and words of the plural number may include the singular. Words of the masculine gender may include the feminine.

III. Words giving authority to three or more persons authorize a majority to act, when the enactment does not otherwise determine. (c)

(a) 61 Me., 24; 63 Me., 29, 30; 64 Me., 134, 435; 65 Me., 129; 68 Me., 396, 520, 527; 70 Me., 278; 71 Me., 404; 73 Me., 212.

(b) 58 Me., 170, 328; 63 Me., 63; 64 Me., 129; 72 Me., 461; See c. 49, § 87.

(c) 39 Me., 223; 48 Me., 358-9, 406; 62 Me., 519; 63 Me., 265; 64 Me., 262.

- IV. The words "annual meeting," applied to towns, mean the annual meeting required by law for choice of town officers. **CHAP. 1.**
Annual meeting.
62 Me., 517.
- V. The word "grantor" means the person who conveys a freehold estate or interest in land; and the word "grantee," the person to whom it is conveyed. **Grantor and Grantee.**
- VI. The word "highway" may include a county bridge, county road or county way. (a) **Highway.**
See c. 18, § 87;
c. 19, § 1.
- VII. The word "inhabitant" means a person having an established residence in a place. **Inhabitant.**
37 Me., 372.
- VIII. The words "insane person" may include an idiotic, non compos, lunatic, or distracted person: but in reference to idiotic or non compos persons this rule does not apply to chapter one hundred and forty-three. **Insane.**
49 Me., 361.
53 Me., 207.
—insane hospital.
1874, c. 213.
- IX. The word "issue," applied to the descent of estates, includes all lawful lineal descendants of the ancestor. **Issue.**
R. S., c. 1, § 4.
- X. The words "land or lands," and the words "real estate," include lands and all tenements and hereditaments connected therewith, and all rights thereto and interests therein. **Lands and real estate.**
See c. 6, § 3.
69 Me., 347.
- XI. The word "month" means a calendar month; and the word "year," a calendar year, unless otherwise expressed. The word "year," used for a date, means year of our Lord. (b) **Month.**
See c. 11, § 87,
¶ 1.
—year.
- XII. The word "oath" includes an affirmation, when affirmation is allowed. **Oath.**
- XIII. The word "person" may include a body corporate. **Person.**
70 Me., 181.
- XIV. By the words "preceding" or "following," used with reference to a section, is meant the section next preceding or following that in which it is used, when not otherwise expressed. **Preceding and following.**
- XV. When the seal of a court, magistrate, or public officer, is to be affixed to a paper, the word "seal" may mean an impression made on the paper for that purpose with or without wafer or wax. **Seal.**
33 Me., 427.
34 Me., 222.
36 Me., 368.
66 Me., 227.
- XVI. The words "United States" include territories and the District of Columbia. The word "state," used with reference to any organized portion thereof, may mean a territory or said district. **United States.**
—state.
- XVII. The word "town" includes cities and plantations, unless otherwise expressed or implied. (c) **Town.**
- XVIII. The words "in writing" and "written" include printing and other modes of making legible words. When the signature of a person is required, he must write it or make his mark. **Written and signature.**
56 Me., 392.
68 Me., 387,
587.
- XIX. The word "will" includes a codicil.
- XX. The words "sworn," "duly sworn," or "sworn according to law," used in a statute, record, or certificate of administration of an oath, refer to the oath required by the constitution or laws in the case specified, and include every necessary subscription to such oath. (d) **Sworn, duly sworn, sworn according to law.**
R. S., c. 1,
¶ xx.
R. S., c. 1, § 6.

(a) 18 Me., 412; 26 Me., 409; 34 Me., 12; 59 Me., 368, 452.

(b) 47 Me., 393; 64 Me., 332.

(c) 56 Me., 31; 66 Me., 155; 71 Me., 142.

(d) 30 Me., 326; 41 Me., 226; 42 Me., 376; 58 Me., 532.

CHAP. 1.

Agents' acts.

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. (a)

Disinterested, or indifferent.

XXII. When a person is required to be disinterested or indifferent in a matter in which others are interested, a relationship by consanguinity or affinity within the sixth degree according to the civil law, or within the degree of second cousins inclusive, except by written consent of the parties, will disqualify. (b)

Municipal officers.
56 Me., 31.
71 Me., 142.
74 Me., 369.
State paper.

XXIII. The term "municipal officers" includes the mayor and aldermen of cities, the selectmen of towns, and the assessors of plantations.

[Resolve of 1848, c. 112.
See c. 79, § 7.]

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.

Abstracts and notes.

XXV. Abstracts of titles and chapters, and marginal and other notes are not legal provisions.

Acts of incorporation.
24 Me., 143.
69 Me., 317.

XXVI. Acts of incorporation shall be regarded in legal proceedings as public acts, and be in force on the date of their approval. All acts of incorporation granted since February fifteen, eighteen hundred and seventy-one, become null and void in four years from the day when the same take effect, unless such corporations shall have organized and commenced actual business under their charters.

—limitation.
1871, c., 185.Affirmations.
R. S., c. 1, § 5.

SEC. 7. When a person required to be sworn, is conscientiously scrupulous of taking an oath, he may affirm.

CHAPTER 2.

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

SOVEREIGNTY AND JURISDICTION. LANDS TAKEN AND CEDED FOR MILITARY PURPOSES. U. S. COAST SURVEY.

- SEC. 1. Sovereignty and Jurisdiction of the State.
 2. Its processes to be executed in places ceded to the United States.
 3. Governor may cede.
 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. Governor shall cause the same to be surveyed and a plan filed and recorded in the office of secretary of state.

(a) 48 Me., 554; 59 Me., 175; 68 Me., 92, 387.

(b) 29 Me., 542; 30 Me., 156; 32 Me., 311; 47 Me., 476, 594; 52 Me., 501; 59 Me., 264; 66 Me., 352; 68 Me., 219; 73 Me., 58.