

MAINE STATE LEGISLATURE

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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.

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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."

CHAPTER 8.

COUNTY TREASURERS.

- SEC. 1, 2. Time and mode of choice.
3. Oath, bond and tenure of office.
 4. In certain cases to be appointed by governor.
 5. Persons disqualified from holding the office.
 6. Of the treasurer's disbursements, accounts and compensation.
 7. To enforce county taxes.
 8. To receive costs in favor of State.
 9. Financial statement to be published annually, except in Cumberland.
 10. Treasurer of Cumberland, annually to publish financial statement.
 11. Of duties paid on the admission of attorneys.
 12. Registry of all fines and bills of costs.
 13. Schedules of securities taken for fines, &c. on liberation of poor convicts, to be rendered annually to county commissioners.
 14. Copy of sheriff's account to be sent to secretary of state annually.
 15. Treasurer's account to be delivered by him at close of year to clerk of county commissioners, to be sent by him to the secretary of state, with the county estimates.
 16. To account for money or effects of county, yearly, to county commissioners.
 17. Expenses of keeping poor convicts in prison, as allowed by county commissioners, to be charged to state treasurer.
 18. To account for money received from the United States for use of jails.

SEC. 1. In each county some resident thereof shall be chosen treasurer on the second Monday of September eighteen hundred and eighty, and every two years thereafter, by the ballots of persons authorized by the constitution to vote for representatives.

Treasurers to be chosen biennially.
R. S., c. 8, § 2.
1880, c. 239, § 26.

SEC. 2. The meetings for election of treasurers shall be notified, held, and all proceedings therein regulated, returns made, and proceedings thereon had, as provided in section two of chapter seven; and the governor and council shall forthwith notify the county commissioners of the county where such person resides, of his election.

Elections, when and how held.
R. S., c. 8, § 3.
—executive to notify county commissioners.
25 Me., 568.

SEC. 3. The person so elected and accepting shall be sworn before the county commissioners of his county or two justices of the peace, and give bond to the county for the faithful discharge of his duties in such sum as the commissioners order, and with such sureties as they approve in writing thereon, and shall hold his office for two years from the first day of the next January, and until another is chosen and qualified in his place.

Oath, bond, and tenure of office.
R. S., c. 8, § 4.
[See Constitution, Amendment xxiii.]
1880, c. 239, § 27.
69 Me., 364, 366.

SEC. 4. If a person so chosen declines to accept, or a vacancy occurs, the governor, with the advice and consent of council, may appoint a suitable resident of the county, who, having accepted the trust, given bond, and been sworn, as prescribed in the preceding section, shall be treasurer for the remainder of the term and until another is chosen and qualified.

See c. 136, § 13.
Vacancy filled by appointment from the executive.
R. S., c. 8, § 5.

SEC. 5. Neither the attorney general, county attorney, clerk of courts, sheriff of the county, nor any justice of the supreme or superior court, shall be county treasurer.

Persons not eligible.
R. S., c. 8, § 6.
[See Constitution, art. ix, § 2.]

CHAP. 8.

Treasurer to account to county commissioners.—his pay.
R. S., c. 8, § 7.
62 Me., 255.

Enforce payment of taxes.
R. S., c. 8, § 8.
Receive costs in favor of state.
R. S., c. 8, § 9.

Statement to be published annually.
1883, c. 224, § 1.

Treasurer of Cumberland to make annual statement of its finances.
1883, c. 224, § 2.
—publish same for distribution.

Dues for admission of attorneys to be paid to library association.
R. S., c. 8, § 11.
See c. 114, § 2.

Record of fines and bills of costs.
R. S., c. 8, § 12.

Annual schedule of securities taken on discharge of prisoners, to be rendered.
R. S., c. 8, § 13.

Copy of sheriff's account to be transmitted to secretary of state.
R. S., c. 8, § 14.

Also his own account, with county estimate.
R. S., c. 8, § 15.
See c. 6, §§ 88, 89.

SEC. 6. The treasurer shall apply all moneys received by him for the use of the county, toward defraying its expenses, as the county commissioners, and the supreme judicial or superior court by their written order direct; each treasurer shall account with the commissioners of his county for all receipts and payments, and they may allow him reasonable compensation for his services.

SEC. 7. He may enforce payment of taxes, in the manner prescribed for the treasurer of state. (a)

SEC. 8. Costs in all civil actions in the name of the State on scire facias or other process, paid before execution issues, shall be paid to the clerk of the court where the suit is pending, and be by him paid without deduction, to the county treasurer.

SEC. 9. Except in the county of Cumberland, each treasurer shall publish annually, in January, in some newspaper in his county, if any, to be designated by the county commissioners, otherwise in the state paper, a full and fair statement of the financial concerns of his county, with the items of receipts and expenditures.

SEC. 10. The treasurer of the county of Cumberland shall, at the end of each year, in connection with the commissioners, make a statement of its financial condition, showing in detail all moneys received into and paid out of its treasury, and other facts and statistics necessary to exhibit the true state of its finances; and shall publish in pamphlet form a reasonable number of copies for distribution among its citizens.

SEC. 11. Every treasurer shall pay to the treasurer of the law library association in his county, all money received from persons admitted as attorneys in the supreme judicial court, and shall annually file in the state treasurer's office, before the second Wednesday of January, a list of persons paying the same.

SEC. 12. He shall enter in a suitable book an account of all fines, forfeitures, and bills of costs accruing to the State, which are, from time to time, certified to him by the clerk of the judicial courts of the county, and he shall note in said book when any of said sums are paid.

SEC. 13. He shall, within three months before the first Wednesday of each January, lay before the county commissioners a schedule of all notes and securities taken by the sheriff of such county for fines and costs on the liberation of poor convicts from prison, and by him delivered to said treasurer.

SEC. 14. He shall, at the expense of his county, make and transmit to the secretary of state by the eleventh day of each January, a true and attested copy of the account rendered and returned to him by the sheriff, showing the amount thereof retained by said sheriff, and the amount paid to such treasurer.

SEC. 15. He shall, annually, prepare and deliver his account as treasurer to the close of every year, to the clerk of the county commissioners, to be by him inclosed with the estimates for county taxes made by said commissioners, and transmitted to the secretary of state.

(a) See c. 6, §§ 77, 82, 83, 101, 110, 111, 116, 153, 159, 160, 164, 187.

SEC. 16. Every treasurer holding money or effects belonging to his county, shall, annually, and oftener if required, exhibit an account thereof to the county commissioners for adjustment.

SEC. 17. He may charge to the State the sums paid by him from the treasury to the jailer of his county, for keeping and supporting poor convicts in prison, and allowed to him by the county commissioners, and two and a half per cent. for his services in this particular duty, and the same shall be included in his account to be rendered to the treasurer of state as aforesaid.

SEC. 18. He shall receive, for the county, all money paid by the United States for the use and keeping of county jails, and account therefor according to law.

CHAP. 8.

Accountable
to co. com'rs.
R. S., c. 8, § 16.
69 Me., 364.

Expenses of
keeping poor
convicts in
prison.
R. S., c. 8, § 17.

Account for
money paid
by U. S. for
use of jails.
R. S. c. 8, § 18.

CHAPTER 9.

INDIAN TRIBES.

- SEC. 1. Indian agents, how appointed, and their tenure of office.
2. Vacancies, how filled.
3. Agents of both tribes to be sworn and to give bonds. Their duties.
4. Agents to keep a record of proceedings and settle accounts annually, or oftener, with the governor and council.
5. Agents not to exceed appropriations unless by order of the governor.
6. Make printed reports annually to governor and council in December.
7. Certain contracts void, unless allowed by the agent.
8. Limitation of leases and other contracts.
9. Agents may sue in their own names for the benefit of the Indians.

PENOBSCOT TRIBE.

- SEC. 10. What payments to be made by agent of Penobscots.
11. Islands may be leased by agent, and avails placed in state treasury; at agent's risk, if he leases on credit.
12. Agent to record return and land certificates of Indian commissioners.
13. Any Indian holding land under such certificate may deed to another.
14. Indian not to sell or lease lot, but by agent's permission, nor to commit waste.
15. Surveys and plans of islands to be deemed authentic. Water privileges, and wood and timber lands reserved for public use of tribe.
16. When and to whom unassigned lands may be assigned, during pleasure of legislature.
17. Assignment to be accompanied by agent's certificate. Form.
18. Abandonment of tribe works forfeiture of lands.
19. Record of owner's death and description of lands to be kept.
20. Conveyances by Indians, to be by release deed; inoperative, until recorded.
21. When deeds made and deposited with agent, may be delivered after grantor's death.
22. Copies of deeds and certificates admissible in evidence.
23. Island shores may be leased for booms, but not exceeding five years. Notice of leasing how published.
24. Agent may lease reserved privileges for mills, booms and fisheries.
25. Appropriation of the interest on the price of the four townships purchased of Penobscot Indians, and of other moneys and rents.
26. Census to be taken each January by school committee of Oldtown.
27. Election in October, 1884, and thereafter biennially.