

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:
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AND
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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."

SEC. 3. Said commissioners shall furnish the clerk of the court a sufficient number of blank licenses, signed by at least a majority of them, to meet all calls therefor; they shall be charged to him, and he shall account therefor once in three months to said commissioners.

SEC. 4. All moneys paid for such licenses, shall be paid to the clerk of the court, and be by him paid to the treasurer of state or deposited in the nearest bank where state funds are deposited, or in such other place as is agreed upon with the treasurer of state, once in three months, except fifty cents for each license, taking receipts therefor. Such receipts, licenses not issued, and fifty cents for each license issued and recorded, shall be allowed to such clerk by said commissioners on payment for signed licenses received by him.

SEC. 5. Every such licensee shall exhibit his license when required by a trial justice, constable, or other peace officer; and for refusal, he forfeits fifty dollars; and his carriages, goods, wares and merchandise, employed under such license, on complaint before a justice of a police or municipal court or trial justice in said county, may be seized on his warrant, and detained in the custody of the officer until payment of said penalty or the discharge of the accused; and if he is convicted, and said property is not redeemed within twenty days thereafter, it shall be forfeited, and sold as if taken on execution, and the net proceeds distributed as hereinafter provided.

SEC. 6. Such penalties and forfeitures may be recovered by indictment, or action of debt in the name of the prosecutor, half to the town where the offence is committed, and half to his own use; any trial justice, or police, or municipal judge, in the county may, on complaint for a violation of this chapter, issue his warrant for the arrest of the accused and the seizure of the property alleged to be forfeited; and if, on examination, he finds probable cause to believe that he is guilty, he shall order him to recognize, with sufficient sureties, to appear before the next supreme judicial court for said county, and in default thereof, shall commit him, and order the detention of said property by the officer in whose custody it is, until trial in said court; and on conviction, said property shall be decreed forfeited to the uses aforesaid, and be sold as if taken on execution.

SEC. 7. In some conspicuous place on every carriage employed by a licensee, shall be painted in letters at least one inch wide, his name, and the words, "Licensed by C. C."

CHAP. 44.

Signed blanks, to be furnished clerk, and accounted for quarterly.
R.S., c. 44, § 3.
Clerk to pay over to state treasurer quarterly.
R.S., c. 44, § 4.
—what fees to be allowed clerk by commissioners.

License to be shown, when required; penalty, with seizure and forfeiture of goods and carriages on refusal.
R.S., c. 44, § 5.

Penalties, how recovered, and proceedings at the trial.
R.S., c. 44, § 6.

What must be painted on pedlar's carriage.
R.S., c. 44, § 7.

CHAPTER 45.

INTEREST.

Six per cent., the legal rate of interest unless parties otherwise agree in writing.

In the absence of an agreement in writing, the legal rate of interest is six per cent. a year. (a)

Rate six per cent., unless by written agreement.
R.S., c. 45, § 1.

(a) 66 Me., 219, 283, 526; 68 Me., 526; 73 Me., 471.