

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

GENERAL INDEX.

[The GENERAL INDEX is divided alphabetically by first letter of the entries. The following information is taken from the first page (p. [1077]) of the GENERAL INDEX.]

EXPLANATIONS.

REFERENCES TO THE CONSTITUTION OF THE UNITED STATES ARE IN SMALL CAPITALS.

References to the Constitution of Maine are in italics.

In case of cross references from one title to another, the latter title is indicated by small capitals.

Cross references from one catch word to another in the same title are indicated by italics.

Where the contents of an entire chapter are referred to, the title is printed in bold face capitals; and any kindred references not belonging to such chapter are enclosed in parentheses.

NUISANCES, CHAP. 17—Continued.

- if places so assigned become, such assignment may be revoked, and the places abated by the supreme court, upon complaint, § 7, 233.
- manufacture of gunpowder, when a nuisance, § 8, 233, 234.
- burning bricks, when a nuisance, § 9, 234.
- water mills and dams, when nuisances, and when not, § 10, 234.
- fences, and buildings fronting on public ways, when not deemed, § 10, 234.
- persons convicted of causing or continuing, how punished, § 11, 234.
- to be abated on conviction, § 11, 234.
- persons injured by, may have action at law for damages, § 12, 234.
- may be abated or removed by order of court; form of warrant therefor, § 13, 234, 235.
- warrant may be stayed, if defendant gives security for the discontinuance of, § 14, 235.
- expenses of abating, how paid; persons committed to jail on such warrant may have the privilege of the poor debtor's oath, § 15, 235.
- courts may issue injunction, to stay or prevent, § 16, 235.
- stationary steam engines shall not be used without license, § 17, 235, 236.
- license, how applied for; how obtained, and to whom furnished, §§ 17, 18, 235, 236.
- such engines used without license shall be deemed, § 19, 236.
- municipal officers are authorized to remove such engines, § 20, 236.
- steam boilers must be furnished with fusible safety plug, § 21, 236.
- penalty for using boiler without such plug, or for removing it, § 22, 236.
- persons blasting rocks must give notice; no explosion shall be made after sunset, § 23, 236.
- penalty for violation, § 24, 236.
- dilapidated and dangerous buildings may be adjudged, § 25, 236.
- power of municipal officers in such cases; owner to be notified, § 25, 236, 237.
- may be abated; owner shall pay expense; payment, how enforced, § 26, 237.
- owner aggrieved may apply to supreme court, or any justice thereof, § 27, 237.
- application, when to be made, § 27, 237.
- action, how entered; costs, how paid, §§ 27, 28, 237.
- sections twenty-five to twenty-eight shall not be in force, unless the town so votes, § 29, 237.
- (governor and council may appoint county constables to enforce the law as to, § 62, 314.)
- (if owner fails to provide fire-escapes and safe-guards, when ordered, building is a, § 29, 297.)
- (railroad crossings, not legally established, shall be deemed, § 28, 474.)
- (supreme court has equity power in cases of, § 6, v, 627.)
- (lotteries and schemes of chance are declared to be, § 13, 923, 924.)

NUCUPATIVE WILLS,

- where and when, may be made, and what testimony is required to prove, §§ 18-20, 609, 610.
- how to be admitted to probate, and what notice is required, § 16, 539.

OATH,

- OF THE PRESIDENT, U. S. C., ART. II, SEC. 1, ¶ 8, PAGE 14.
- OF ALL OTHER PUBLIC OFFICERS OF THE UNITED STATES AND OF THE SEVERAL STATES, TO SUPPORT THE CONSTITUTION OF THE UNITED STATES, ART. VI, ¶ 3, PAGE 18.
- all public officers are required, to take and subscribe, to support the constitution of Maine, C. N., Art. LX, § 1, pages 49, 50.*
- the word "oath" may include an affirmation, § 6, xi, 59.
- meaning of words "sworn", "duly sworn", or "sworn according to law", § 6, xx, 59.
- persons conscientiously scrupulous of taking, may affirm, § 7, 60; § 104, 708.
- jurors may affirm, § 76, 705; § 3, 942.
- of office, persons may be appointed in each county to administer, § 88, 74.
- of secretary of state, § 35, 68.
- certain state officers, to be taken before governor and council, § 89, 74, 75.
- town clerk, § 16, 80.
- town and parish officers; to be recorded; penalty for neglect to take, §§ 22-24, 80, 81.
- assessors, penalty for refusing to take, § 112, 149.
- register of deeds, § 3, 166.
- county treasurer, § 3, 169.
- pilots, § 1, 341.
- inspector general of beef and pork, and his deputies, §§ 1, 3, 347.
- oath of deputies may be administered to them by the inspector general, § 29, 352.
- cashiers and clerks in banks, § 9, 413.
- clerks of manufacturing corporations, § 2, 437.
- secretaries of stock insurance companies, § 4, 444.

OATH—*Continued.*

- of office, of registers of probate, § 14, 530.
- of clerks of courts, § 2, 649, 650.
- sheriffs, § 1, 658.
- trial justices, § 2, 716.
- warden, and other officers of the state prison, §§ 5, 6, 964.
- notaries public may administer, § 1, 333.
- may administer, when justice of the peace can, § 3, 334.
- of master of vessel, carrying pickled and other fish from the state, § 13, 372.
- of insured, in case of loss, § 21, 446.
- insured may be required to submit to examination under, § 21, 446.
- commissioner of insurance may administer, § 64, 454.
- of libellant in divorce, when residence of libellee is unknown, § 4, 521.
- required in probate proceedings, before whom to be taken, § 11, 530.
- judge of probate may appoint commissioner to administer, in certain cases, § 12, 530.
- of public administrator, licensed to sell real or personal estate, § 25, 541.
- of commissioners, to assign dower, or make partition of real estate, § 2, 549; § 10, 550.
- commissioners of insolvent estates may administer, § 5, 556.
- of one of two or more joint guardians, to their account, is sufficient, § 24, 565.
- judge of court of insolvency may administer, § 4, 574.
- register of, may administer; exception, § 7, 574, 575.
- form of, in proving insolvency claim; shall be prima facie evidence of facts, § 25, 579.
- to be taken by persons licensed to sell, lease or exchange real estate, § 5, 595.
- at private sale, or on advantageous offer, § 12, 596.
- petitioner for license to sell land, may be examined under, by probate judge, § 10, 595.
- form of, for traverse jurors, in civil cases, § 76, 705.
- manner of administering, § 103, 708.
- of applicant for admission to the bar, § 25, 653.
- of commissioners, to make partition of real estate, § 13, 750.
- required, to specifications in writ to enforce lien on vessel, § 10, 768.
- may be administered by commissioners of deeds in other states, § 3, 837.
- of commissioner, to take acknowledgments and depositions in other states, § 4, 838.
- required, before the arrest of a debtor, about to leave the state, § 2, 844.
- to be administered to poor debtor, § 30, 849.
- conviction, or other disqualification, not to preclude a debtor from taking, § 44, 852.
- may be administered by justices of the peace and municipal and police judges, unless otherwise expressed, § 2, 933.
- women, appointed by the governor and council, may administer, § 2, 933.
- of grand and traverse jurors in criminal cases, § 2, 942; § 21, 945.
- to witness before grand jury, may be administered by State's attorney, or by foreman, § 6, 942.
- of jurors and witnesses, in coroners' inquests, §§ 3, 5, 959, 960:

OATS,

- standard weight of a bushel of, § 57, 357.

OBJECTIONS,

- to competency of deponent or to interrogatories, when to be made, § 18, 833.

OBSCENE,

- writing or drawings, on school-houses or out-buildings, punishment for, § 116, 205.
- books and pictures, penalty for making or circulating, § 13, 905.
- warrants to search for, § 14, 905.

OBSTRUCTION,

- of railroads, penalty for wilful, § 6, 881, 882.
- officer in serving process, how punished, §§ 20, 21, 896.
- the execution of the laws, how punished, § 23, 897.
- officer in enforcing the law to prevent cruelty to animals, how punished, § 43, 910.

OFFENCES,

- and misdemeanors, supreme court has general cognizance of, § 2, 626.
- to be prosecuted by indictment; exceptions, § 13, 931; § 1, 937.
- when penalty for, may be stayed, on reparation of private injury, § 18, 940.
- persons held to answer for*, upon indictment, § 1, 937.
- on complaint to municipal and police courts, and trial justices, §§ 5, 6, 933.
- upon information in cases authorized by statute, § 54, 480; § 1, i, 937; § 42, 971.
- in proceedings before courts martial, § 1, ii, 937.
- not to be punished for, unless duly convicted, § 1, 947.

OFFENCES—*Continued.*

concealing and compounding of, how punished, § 17, 896.

attempts to commit, how punished, § 8, 930.

penalty for, when no other is provided, § 1, 947.

AGAINST THE SOVEREIGNTY OF THE STATE, CHAP. 117, 878-880. See SOVEREIGNTY OF THE STATE, OFFENCES AGAINST.

LIVES AND PERSONS OF INDIVIDUALS, CHAP. 118, 880-884. See LIVES AND PERSONS OF INDIVIDUALS, OFFENCES AGAINST.

HABITATIONS AND OTHER BUILDINGS, CHAP. 119, 884-886. See HABITATIONS AND OTHER BUILDINGS, OFFENCES AGAINST.

PUBLIC JUSTICE, CHAP. 122, 892-897. See JUSTICE, PUBLIC, OFFENCES AGAINST.

PUBLIC PEACE, CHAP. 123, 897-901. See PEACE, PUBLIC, OFFENCES AGAINST.

CHASTITY, MORALITY AND DECENCY, CHAP. 124, 901-911. See CHASTITY, MORALITY AND DECENCY, OFFENCES AGAINST.

PUBLIC HEALTH, SAFETY AND POLICY, CHAP. 128, 921-925. See HEALTH, SAFETY AND POLICY, PUBLIC, OFFENCES AGAINST. See CRIMES; *also* CRIMINAL CASES.

OFFENSIVE TRADES,

places for the exercise of, may be assigned by municipal officers, § 6, 233.

OFFER,

advantageous, for real estate, probate court may authorize the acceptance of, § 12, 596.

to be defaulted, how to be made, and effect thereof, § 25, 698.

in actions of trespass, § 24, 698.

injuries may make, in actions for injuries received by defects in ways, § 27, 698.

in actions to enforce liens on vessels, § 15, 769.

OFFICE,

penalty for breaking and entering, with intent to commit felony, § 8, 886.

and committing larceny therein, § 2, 887.

falsely assuming to hold State, penalty for, § 9, 880.

OFFICERS,

HOUSE OF REPRESENTATIVES TO CHOOSE ITS OWN, U. S. C., ART. I, SEC. 2, ¶ 5, PAGE 7.

SENATE TO CHOOSE ITS OWN, U. S. C., ART. I, SEC. 3, ¶ 5, PAGE 8.

CIVIL, MAY BE REMOVED BY IMPEACHMENT, U. S. C., ART. II, SEC. 4, PAGE 15.

civil, may be removed by impeachment, C. M., Art. IX, § 5, page 50.

any, may be removed by governor, on address, C. M., Art. IX, § 5, page 50.

of banks, §§ 2-9, 412, 413.

penalty for neglect of, to redeem bills, § 29, 416.

for refusing to appear as witnesses, when summoned by examiner, or for preventing examination by him, § 50, 419.

to deliver to receivers, real and personal estate, books and papers of bank, § 59, 421.

liability for refusing, § 60, 421.

surrendering charters, penalty for not declaring dividend when ten per cent. of capital is realized, § 79, 425.

penalties for frauds by, § 82, 425.

savings, §§ 92-96, 427, 428.

penalty for appropriating funds, § 116, 432.

civil, refusing to execute any final process under liquor law, penalty against, § 57, 313.

See SHERIFFS, CORONERS AND CONSTABLES.

may serve precepts relating to work-jails, in any county, § 55, 666; § 6, 948.

not to appear as attorney, nor to draw papers, § 60, 666, 667.

may sell personal property on writ, in certain cases, §§ 30-40, 677, 679.

actions by, to recover property taken from, not to abate by death of either party, § 54, 681.

death of, pending suit, and no administration, party in interest may carry it on, § 55, 681, 682.

may require indemnity, before sale on execution, § 7, 721, 722.

their fees, duty, and liability for neglect, in regard to bail in civil actions, § 14, 728.

same, shall serve subsequent writs, in lien attachments on vessels, § 13, 769.

proceedings of, on writs of habeas corpus, 799-805. See HABEAS CORPUS.

tables of fees of, to be kept exposed to view, in offices of, § 28, 877.

items of fees charged, may be required of, § 30, 877.

shall secure stolen property, and be answerable therefor, § 12, 888, 889.

to be remunerated for their expenses in certain cases, § 13, 889.

allowing escapes, how punished, §§ 13-15, 895.

penalty for refusing to aid, in execution of criminal process, § 18, 896.

for falsely assuming to be a justice of peace, sheriff, coroner or constable, § 22, 896, 897.

OFFICERS—Continued.

- civil*, obstruction of, in service of process, how punished, §§ 20, 21, 896.
 may make search for game animals intended for public fighting, § 34, 908.
 may take and care for neglected animals, in transit; lien for expenses incurred, § 39, 909.
 shall prosecute for violations of the law to prevent cruelty to animals, § 45, 910.
 may pursue and arrest criminals, in any county, § 5, 937.
 duties of, in transfer of a person charged with crime, from one county to another, § 8, 938.
 respecting costs and fines, 950-954. See COSTS AND FINES IN CRIMINAL CASES.
- municipal*, term, how construed, § 6, xxiii, 60. See MUNICIPAL OFFICERS.
- of cities*, election of, §§ 31-34, 82.
- of corporations*, § 2, 399.
 hold over, on failure to have annual meeting, § 8, 400.
 elected on another day, hold their offices as if chosen on the day of annual meeting, unless
 a majority of the stockholders file written objections within six months, § 8, 400.
 upon filing of such objections, clerk shall call meeting for new election of, § 9, 401.
 not to sign blank certificates of shares and leave them for the use of others, § 12, 401.
 preventing use of records and books, how punished, § 19, 402.
 duties of, in reference to shares attached or sold on execution, § 14, 722.
 embezzlement by, how punished, § 7, 887.
for navigation by steam, shall be stockholders, § 1, 496.
manufacturing, §§ 1, 2, 437.
 penalty for declaring fraudulent dividends by, § 8, 438.
 for not delivering schedule of property and names of directors and clerk, to officer
 having writ or execution, § 11, 438.
 organized under the general law, § 17, 439.
- of insurance companies*, §§ 2-4, 443, 444.
 organized under the general law, § 45, 451.
 to produce books and records to commissioner; may be examined by him on oath, § 65, 454.
 penalty for refusing, § 65, 454.
 may apply to commissioner, to investigate frauds, § 85, 459.
- of libraries*, charitable and other societies, § 3, 505.
- military*, not to be arrested in civil actions, on days of trainings, reviews or elections, § 79, 687.
- of parishes*, how chosen, §§ 2, 4, 209.
- public*, oaths of; meaning of certain words in connection with, § 6, xx, 59.
 delinquent, to be reported by treasurer of state, § 69, 72.
 tenure and qualifications of, §§ 87-90, 74, 75.
 actions by or against, are not abated by death or removal, § 44, 700.
 when not to be adjudged trustees, § 55, ii, 738.
 salaries of, 859-864. See SALARIES OF PUBLIC OFFICERS, ETC.
 refusing to deliver up public money and property, after term expires, how punished, § 8, 880.
- of proprietors of aqueducts*, § 2, 502.
 of common fields, § 20, 271.
 of lands and wharves in common, § 3, 507.
 to be sworn, § 4, 507.
- of state*, acting under, issuing or receiving commission with state seal, unless sealed in secretary
 of state's office, how punished, § 6, 879.
 falsely assuming to act as such, how punished, § 9, 880.
- of state agricultural society*, § 8, 511.
- of state prison*, §§ 4-6, 963, 964.
- of steamboats* navigating inland waters. See STEAM NAVIGATION COMPANIES.
- of towns*, §§ 1-30, 77-82. See TOWNS.

OFFICES,

- certain*, are incompatible, C. M., Art. LX, § 2, page 50.
tenure of certain, is at the pleasure of the governor and council, C. M., Art. LX, § 6, page 50.

OILS,

- what shall be deemed pure sperm; how tested, § 25, 363, 364.
 penalty and liability for selling adulterated, § 25, 364.
 municipal officers may make regulations respecting, § 20, 296.
coal, municipal officers may appoint inspectors of, § 26, 364.
 penalty for selling, without inspection, § 28, 364.

OLEOMARGARINE,

- sale of, how regulated, §§ 3-5, 922, 923.

OMISSIONS,

- insurance company is bound by knowledge of its agent of, § 90, 460.

OMNIBUSES,

towns may regulate, by their by-laws, § 59, ix, 87.

ONIONS,

standard weight of a bushel of, § 57, 357.

OPERATIVES. See CORPORATIONS, MANUFACTURING.

ORCHARDS,

products of, owned by and in possession of producer, are not taxable, § 6, vi, 127.

treble damages recoverable for trespasses upon, § 11, 790.

trespasses upon, how punished, §§ 11-13, 919.

owner or occupant of, may arrest trespassers upon, § 14, 919.

ORDER,

RESOLUTION OR VOTE OF ONE HOUSE, REQUIRING CONCURRENCE OF THE OTHER, TO BE PRESENTED TO THE PRESIDENT FOR APPROVAL, U. S. C., ART. I, SEC. 7, ¶ 3, PAGE 9.

ORDERS,

supreme court, like a court in admiralty, may make, in lien suits against vessels, § 26, 770.

ORDINANCES,

and by-laws of towns and cities, § 59, 86, 87. See BY-LAWS.

ORES AND METALS,

appointment, oath, duties and compensation of assayers of, 345.

ORGANIZATION,

of certain corporations, under the general law, §§ 16-20, 439, 440.

insurance companies, under the general law, §§ 38-50, 449-452.

the legislature, §§ 25-30, 67.

loan and building associations, § 132, 435.

plantations, how made, §§ 70-72, 89, 90

when completed, copy of record must be sent to secretary of state, § 74, 90.

shall not be composed of more than one township, § 81, 91.

when organized under section seventy-one, former organizations cease, § 81, 91.

made on application of three or more inhabitants, may be reorganized, § 85, 92.

railroads, under the general law, §§ 1-10, 467-470.

See RAILROADS, *Organization under General Law.*

savings banks and trust and loan associations, §§ 70-72, 89, 90.

ORIGINAL SUMMONS. See SUMMONS.

ORIOLES,

destruction of, prohibited, § 23, 330.

ORNAMENTAL TREES,

towns may authorize, by ordinance, the planting of, by the side of highways, § 17, 244.

surveyors of highways may expend five per cent. of taxes, in planting, § 64, 253, 254.

ORNAMENTS,

of a widow, not to be included in the inventory of her deceased husband's estate, § 48, i, 544.

ORONO,

meridian line may be maintained by county commissioners on state land in, § 17, 396.

ORPHANS,

of soldiers, how provided for, when destitute, § 25, 518; § 2, 994. See PENSIONS, STATE.

OTTIER,

destruction of, when prohibited, § 20, 329.

OUSTER,

of demandant, in real actions, or withholding possession from him, may be deemed disseizin, for the purpose of trying the right, § 7, 817.

of tenant, after six years, how betterments may be recovered, § 43, 822.

OVENS,

when they shall be repaired or removed, by order of municipal officers, § 13, 295.

OVERSEERS,

of houses of correction, county, appointment, duties and compensation of, § 2, 974.

town, appointment, duties and compensation of, §§ 16-22, 976.

of poor, choice of; selectmen to be, when none are chosen, § 12, 79.

to have charge of paupers, § 11, 284.

license to sell land, when not to be granted, without consent of, § 11, 595.

keepers of house of ill-fame shall not keep boarders or lodgers, without license from, § 9, 904.

to prosecute such persons keeping boarders or lodgers without such license, § 9, 904.

duties of, relating to houses of correction, § 17, 976. See HOUSES OF CORRECTION.

may object to settlement of bastardy suit, § 8, 796.

may procure extension of imprisonment of paupers, in houses of correction, § 5, 974.

notice of commitment to houses of correction must be given to, § 6, 974. See PAUPERS, ETC.

of workhouses, appointment and duties of, §§ 2, 3, 264, 265.

OVERSEERS—*Continued.*

- of workhouses*, joint board of, when contiguous towns build house in common, § 4, 264.
- meetings of, and choice of moderator and clerk by, §§ 6, 7, 265.
- proceedings at meetings of; by-laws of, § 8, 265.
- controversies between masters and, how determined, § 16, 266.
- persons not to be discharged without order of, § 17, 266. See WORKHOUSES.

OWNER,

- shipper, factor or agent, when and for what purposes, deemed to be, § 1, 331, 332.
- may have his property held by factor, upon paying expenses, § 3, 332.
- of lost goods*, proceedings, if he appears within one year, § 12, 799.
- if he does not appear, § 13, 799.
- construction of term, in the law to prevent cruelty to animals, § 48, 911.
- in indictments, § 10, 930, 931.

OXEN,

- when exempt from attachment, 62, vii, 684.
- penalty for unlawfully taking, § 3, 913.

OXFORD COUNTY,

- boundaries of, 1013, 1014.

OYSTERS,

- regulations respecting the planting and taking of, § 28, 374, 375. See FISH AND FISHERIES.

PAGE,

- in the computation of fees, two hundred and twenty-four words constitute, § 26, 876.

PAGES,

- to the senate and house of representatives, salaries of, § 8, 864.

PAGEANTRY,

- or imagery, for public show, prohibited in the streets, in the night time, § 12, 292.

PAPER,

- packing and sale of, regulated, §§ 23, 24, 363.

PAPERS,

- larceny of, how punished, § 1, 886, 887.
- forgery of, how punished, § 1, 889, 890.
- valuable, penalty for destroying, injuring or secreting, § 17, 920.

PARADE GROUND,

- municipal officers shall provide, for militia, § 43, 84.

PARDONS,

PRESIDENT MAY GRANT, U. S. C., ART. II, SEC. 2, ¶ 1, PAGE 14.

- governor and council may grant, absolutely or conditionally*, C. M., Art. V, part 1, § 11, page 45.
- conditional, may be granted to persons under sentence of death, § 1, 956.
- notice of petitions for, to be given to county attorneys, and to be published, § 2, 956.
- in cases of petitions for, governor and council may require judge and prosecuting officer to furnish a statement of the case, as it appeared on trial, § 2, 956.
- when state prison sentence may be commuted to imprisonment in jail, § 3, 956, 957.
- conditional*, §§ 4-7, 957.

PARENTS,

- required to send children to school; excuses; exceptions and penalty, §§ 24, 25, 186.
- liable for certain offences, committed by minors, § 115, 204, 205; § 14, 292.
- injured by intoxication of any person, have action against seller, § 49, 311.
- to give notice to town clerks, of births and deaths, § 21, 518.
- and children, §§ 23, 24, 518.
- may apply property of minor children to their support, in certain cases, § 13, 563.
- may have custody of their children restored, in certain cases, § 29, 519.
- expense of support of such children may be recovered of, § 30, 519, 520.
- power of, to bind out children, §§ 1-3, 526. See CHILDREN, *Abused and Neglected*.
- when competent, may have care of the person and education of their minor children, § 3, 561.
- living, must give written consent to the adoption of their child; exception, § 33, 566.
- consent by one, is sufficient in certain cases, § 33, 566.
- are divested by decree of adoption, of all legal rights as to their child, § 35, 566, 567.
- and guardians*, are liable for expenses of commitment of boys to reform school, § 5, 979.
- may send girls to industrial school on order of magistrate, § 19, 982, 983.
- liable for expenses of girls in the industrial school, § 29, 985.
- dependent on soldier or seaman, are entitled to a pension; proviso, § 2, 994.
- duties of, of insane minors, § 12, 988.

See FATHER; also MOTHER.

PARISHES AND RELIGIOUS SOCIETIES,

- are responsible for the doings of their assessors in the assessment of taxes, § 39, 135.
- meetings to form, how called and notified, § 1, 209.