

MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

PREFATORY NOTE.

By section six of "An Act relating to the Separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and independent State," approved by the governor of Massachusetts, June 19, 1819, it was provided "That all the laws which shall be in force within said District of Maine upon the said fifteenth day of March next (1820) shall still remain and be in force within the proposed State until altered or repealed by the government thereof, such parts only excepted as may be inconsistent with the situation and condition of said new State or repugnant to the Constitution thereof." By a resolve of the legislature of Maine, approved June 15, 1820, a board of jurisprudence was established "to consist of three men learned in the law, who shall be appointed by the Governor with advice of Council, and whose duty it shall be to select, arrange and prepare, with suitable indices, a compilation or digest of all the statutes of the Colony, Province and Commonwealth of Massachusetts, now in force in this State and to report the same to the legislature at the next session for acceptance." On November 20, 1820, Hon. Prentiss Mellen, Chief Justice, Hon. William Pitt Preble and Hon. Nathan Weston, Junior, Justices of the Supreme Judicial Court, were appointed a board of jurisprudence under that resolve, and the Laws of the State of Maine, arranged in one hundred seventy-nine acts, each approved March 19, 1821, and a repealing act, approved March 21, 1821, were prepared by them.

The first revision of the public laws of Maine was authorized by a resolve approved February 28, 1837, authorizing the governor with the advice and consent of the council to appoint "three able and discreet persons, two of whom at least, shall be learned in the law, to be Commissioners, whose duty it shall be faithfully to revise, collate and arrange all the public laws of this State." Under this resolve, on March 30, 1837, Hon. Ether Shepley, of Saco, Francis O. J. Smith, of Portland, and Daniel Williams, of Augusta, were appointed Commissioners. On June 20, 1837, Hon. Ether Shepley resigned, and on the twenty-eighth day of the same month Edwin Smith, of Warren, was appointed in his place. October 2, 1837, Edwin Smith resigned and on the following day, Hon. Samuel E. Smith, of Wiscasset, was appointed in his place. On June 29, 1838, as appears by the records of the council, Hon. Prentiss Mellen, of Portland, Ebenezer Everett, of Brunswick, and William Clark, of Hallowell, were appointed commissioners under a "Resolve providing for a revision of the public laws of Maine" approved February 28, 1837. January 19, 1839, Hon. Samuel E. Smith, of Wiscasset, was appointed a commissioner in place of William Clark. The report of the commissioners last appointed was submitted to the legislature at the January session, 1840, and was referred to a joint select committee, consisting of seven members of the senate and twenty members of the house of representatives. The committee having been authorized to sit during the recess of the legislature,

met on the fourth day of June, 1840, and after a session of fifty-six days, submitted their report to the legislature at an adjourned session, September 17, 1840. On October 21, 1840, the legislature passed an act entitled, "An Act for revising, arranging and amending the public laws of the state," which was approved October 22, 1840. This act was to take effect from and after the first day of April, 1841. By an act approved March 31, 1841, the operation of the act of October 22, 1840, was suspended until after July 31, 1841. By a resolve, approved October 22, 1840, the supervision of the publication of the revised statutes was committed to Philip Eastman, on the part of the senate, and Ebenezer Everett, on the part of the house of representatives.

The second revision of the public laws of the state was authorized by resolves approved March 12, 1855. Under these resolves John B. Hill, of Bangor, James Bell, of Monson, and Joseph Baker, of Augusta, were appointed commissioners. The final report of the commission was laid before the legislature February 13, 1856, and was referred to the joint standing committee on the judiciary. That committee reported resolves, which were approved April 1, 1856, committing the further revision of the public and general laws of the state to Hon. Ether Shepley, and directing him to prepare his report in print on or before November 15, 1856. In accordance with the resolves, the report of Judge Shepley was printed and distributed to the members elect of the legislature of 1857, and on January 15, 1857, was referred to a joint select committee, consisting of nine members of the senate and sixteen members of the house of representatives, which committee reported the revision of 1857 and the same was enacted April 16, 1857, approved April 17, 1857, and took effect from and after January 1, 1858. By resolves approved April 17, 1857, Noah Smith, Jr., Warren H. Vinton and Louis O. Cowan were appointed commissioners to superintend the publication thereof.

The third revision of the public laws of the state was authorized by resolves approved March 12, 1869, authorizing the governor and council to cause all the general and public laws of the state to be faithfully revised, collated and consolidated. Under these resolves Ephraim Flint, of Dover, Joseph Baker, of Augusta, and Edwin W. Wedgewood, of Biddeford, were appointed commissioners, May 6, 1869. They reported to the legislature of 1870, which by resolves approved March 15, 1870, directed that the laws enacted at that session be incorporated in the revision. The preparation of the work for publication was entrusted to the same commissioners. Their labors ceased August 31, 1870, and by an order of the council passed on that date Ephraim Flint, Woodbury Davis and Artemas Libbey were requested and authorized to superintend the printing of the revised statutes until the vacancies on the commission were filled. January 6, 1871, Governor Perham, in a special message, submitted to the legislature a printed copy of the statutes and the same were enacted January 25, 1871, approved January 25, 1871, and took effect from and after February 1, 1871.

The fourth revision of the public laws of the state was authorized by resolves approved March 8, 1881, appointing Charles W. Goddard, of Portland, "a commissioner to revise, collate, arrange and consolidate the general and public laws of the state." His report was submitted to the legislature January 3, 1883, and by a resolve approved March 15, 1883, he was appointed "a commissioner to complete the revision of the general laws of the state," by the incorporation of the public laws of that session,

to prepare the same for printing, and to superintend the printing thereof. This work was performed under the supervision of a joint select committee of the legislature consisting of two members of the senate and eight members of the house of representatives, who were constituted a commission to sit during the recess of the legislature. This revision was finally submitted to the legislature at an adjourned session August 29, 1883, and was enacted and approved on that date, and took effect January 1, 1884.

The fifth revision of the public laws of the state was authorized by resolves approved March 21, 1901, appointing John A. Morrill, of Auburn, "a commissioner to revise, collate, arrange and consolidate the general and public laws of the state." His report was submitted to the legislature January 7, 1903, and by a resolve approved March 4, 1903, he was appointed "a commissioner to complete the revision of the general and public laws of the state." This work has been performed under the supervision of a joint select committee of the legislature consisting of three members of the senate and seven members of the house of representatives, who were constituted a commission to sit during the recess of the legislature. This revision was finally submitted to the legislature at an adjourned session, September 1, 1903, and was enacted and approved on that date, and takes effect January 1, 1904.

JOHN A. MORRILL.

AUBURN, December 1, 1903.