

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

SENATE.

No. 7.

REPORT OF THE COMMISSIONERS ON REVISION OF THE STATUTES.

*To the President of the Senate and
Speaker of the House of Representatives :*

Under the "Resolves providing for the revision and consolidation of the public laws of the State," approved March twelfth, eighteen hundred and sixty-nine, we were appointed commissioners, and in compliance with the requirements thereof, ask leave to

REPORT :

We have occupied the time in earnest effort to faithfully perform the duties assigned us, and present the accompanying volumes, as the result of our labor, for the consideration of the Legislature.

We first examined the statutes enacted since the last revision, and assigned them to their proper place in a new revision. The work of preparing the first forty chapters, making a first division of the next forty-one chapters, forming a second division ; and of the remaining sixty-two chapters, constituting the third, was done by us, separately, in the order of precedence in our appointment. We have jointly examined the entire work with care, and have endeavored to keep within the terms of the resolve, by "preserving unchanged the order and arrangement of the present revised code, and retaining the phraseology thereof except" when "necessary to vary it by incorporating the subsequent laws therewith."

The index will be completed as soon as time for its preparation, and the advanced condition of the revision will permit.

The list of statutes to be repealed upon the adoption of a new revision, together with a list of those which should remain unrepealed, will be presented as early as practicable.

The few changes we have felt authorized to make, with the reasons therefor, are here enumerated.

First:

CHAPTER 3.

In the revision of 1857, section 24 of chapter 5 of 1841, was omitted accidentally in printing, and we have restored it in this revision, and it will be necessary to reenact it, either by an act for that purpose or in the revision.

Second:

CHAPTER 3.

There has been great confusion and uncertainty for many years in relation to the organization of plantations. Some have been organized for general purposes, some for taxation and some for election purposes. These different modes and purposes of organization have frequently led to collision and loss of rights. Following our own judgments and the advice of others better acquainted with the practical working of the laws heretofore, we have brought them together in chapter three, and made them more simple and easily understood. This will need the cognizance and sanction of the Legislature.

Third:

CHAPTER 49.

Chapter 152 of 1862 provided a general mode of incorporating companies for manufacturing, mechanical, *mining* or *quarrying* business without application to the Legislature, with details carried out in twenty-four sections, many of them differing from corresponding provisions in the general chapters on corporations and manufacturing corporations.

Chapter 125 of 1867 provides a general mode of incorporating *mining* and *quarrying* companies, with minute details differing from those provided in the act of 1862, and also differing from the general chapters above referred to, and running through thirty-eight sections. Thus it will be seen that mining and quarrying corporations could be created in two different modes and with different rights and powers, and those rights and powers often different and sometimes conflicting with the general laws applicable to similar corporations. We thought it better policy to reduce all to a unit, and therefore we have provided simply one general mode of creating these corporations without applying to the Legis-

lature, and then left their rights and powers to be regulated by the general statutes. If this does not receive the approbation of the Legislature, the omitted sections can readily be inserted in the work.

Fourth :

CHAPTER 81.

By revised statutes, chapter 81, section 28, attachments of estates held for a term of years may be preserved by recording them in the town clerk's books, instead of the registry of deeds. As this is a right in real estate, and in order to make uniformity in recording attachments, and as it is sold in the manner of real estate, we have omitted this provision and that leaves such attachments to be recorded as attachments of real estate are.

Fifth :

CHAPTER 103.

Revised statutes, chapter 103, section 5, provides that dower may be assigned to a widow of a third part of the rents and profits, when it cannot be set out by metes and bounds; but there is no provision that the other owners in possession shall secure the rent to her, as there is in the case of partition in revised statutes, chapter 88, section 17. We have inserted such a provision as to dower.

Sixth :

CHAPTER 51.

The statute of 1868, chapter 186, provides among other things that on certain executions against a railroad corporation, the rolling stock used on such railroad, *whether owned by the corporation or not*, may be seized and sold to satisfy the judgment. As we cannot comprehend what right the Legislature has to authorize the property of one person to be sold to pay the debt of another, we recommend a repeal of that provision.

All of which is respectfully submitted.

EPHRAIM FLINT,
JOSEPH BAKER,
EDWIN W. WEDGWOOD.

AUGUSTA, MAINE, January 15, 1870.

STATE OF MAINE.

IN SENATE, January 19, 1870.

On motion of Mr. REED of Cumberland, laid on the table and the usual number of copies ordered to be printed.

SAMUEL W. LANE, *Secretary.*