

MAINE STATE LEGISLATURE

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REPORT

OF THE

COMMISSIONERS

APPOINTED TO REVISE THE

PUBLIC LAWS

OF THE

STATE OF MAINE.

TITLE I.

Augusta:

SMITH & ROBINSON, PRINTERS TO THE STATE.

1840.

DEC 17 1909

Printed by order of the Legislature passed January 15, 1840.

38870

RESOLVE

PROVIDING FOR A REVISION OF THE PUBLIC LAWS OF MAINE.

RESOLVED, That the governor, by and with the advice and consent of the council, be, and hereby is authorized and requested 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, which are, or may be in force at the time such commissioners may finally report their doings in the premises. And such commissioners shall carefully collect the different acts and parts of acts, relating to the same subject matter, and collate and arrange the same under appropriate chapters, titles and sections, and in all respects execute and complete said revision in such a manner, as, in their opinion will render the said public laws most concise, plain and intelligible.

RESOLVED, That it shall be the duty of said commissioners, in the report of their doings, to suggest such contradictions, omissions or imperfections, as may appear in the laws, so to be revised, and the mode in which the same may be reconciled, supplied or amended, and they shall report to the next Legislature on or before the tenth day of the session, their progress and doings, under their said commission, to the end, that such revision may be completed as soon as may be. And the governor, with advice of council, is hereby authorized to draw his warrant on the treasurer, from time to time for the amount of the expenses of said commission.

[Approved February 28th, 1837.]

R E P O R T .

To the Hon. the Senate and House of Representatives of the State of Maine, in Legislature assembled.

WE, the undersigned, Commissioners appointed, under the Resolve of February 28th, 1837, to revise the general statutes of the State, have with application, patience and perseverance, accomplished the duty assigned us, according to the terms of our commission, as far as our knowledge of the wide range of subjects, and our best judgment have enabled us so to do.

The labor has been such as to demand close and steady attention; and the result is now respectfully submitted to the Legislature for their consideration, and to their disposal.

In a careful examination of nearly a thousand statutes, we have found, since the report was made to the last Legislature, that convenience and usefulness require that the work should be arranged under a larger number of *TITLES* than was at first contemplated: and we have accordingly increased the number to twelve; which *titles*, and the *chapters* belonging to them respectively, are arranged in the *table of contents* to be prefixed to the constitutions of the United States and of this State, and to the body of revised statutes. Our view, in making the above mentioned division into titles, is to embrace under the respective titles those chapters which are, in a degree kindred, or have a more immediate connection with the titles under which they are placed, than with any other. We have considered this order as adapted to render the whole more simple, convenient and plain. It will be seen that, as was the intention intimated in the former report, we have availed ourselves of many lights borrowed from the revised codes of New York and Massachusetts and various other quarters, which are generally noticed in the margin, and, often, more fully in the appended notes at the ends of numerous chapters; in which also our reasons are assigned for the introduction of new sec-

tions or parts of sections, or variations of existing provisions, when they affect principles. Our object has been to render the law more clear and certain, and better known also, to all by converting into *statute* law a multitude of *common* law principles which have become the settled and acknowledged law of the State; and, as such are recognized and enforced in the administration of justice; but which, though familiar to judges and lawyers, may be unknown to thousands of our citizens. To communicate, then, this knowledge seems to be a desirable and important object in itself and its consequences. When it is recollected that the statutes of the parent Commonwealth were revised soon after the conclusion of our revolutionary war, and from that period to the late revision of the statutes of that State, they have been constantly receiving judicial construction in a multitude of instances and particulars, it is evident at one view, that hundreds of established principles founded on such construction, were in full force when this State came into existence. It is also well known that when our government was formed, the statutes then in force in Massachusetts, so far as they were applicable to our situation, were enacted by our Legislature, with the introduction of few changes as to *principles*. And our courts have repeatedly decided that where a statute of Massachusetts had received a particular construction by the courts of that State prior to our separation from it, our own re-enactment of it, ought to be considered as an adoption of such construction. Within four years past Massachusetts has revised her statutes, and *enacted* the principles which were considered as *common law* for a long series of years before. As society advances and improvements are multiplied, changes become essential: new provisions become necessary and old ones frequently become useless or injurious. We have introduced no new principles or sections except such as we believe will be salutary in their operation: and such as, in many cases, are necessary to carry out in practice the principle enacted and intended, in the existing law, to have full effect; and thus supply what has been found wanting.

Our design has been to frame a body of revised statutes as a *whole*, yet connected by frequent references in one chapter to a principle or provision in some part of another chapter, for the purpose of avoiding repetition or mistake; and in two or three instances, namely, in case of some new principles, as mentioned in the notes to the chapters on convey-

ances by deed, and devises of real estate, and the chapter on real actions, those chapters are so framed in several of their provisions that if either of the two chapters *first* named should not be approved and enacted, their rejection would render the *last* inapplicable and inconsistent.

In some few instances we have varied sections, so far as respects the mode of punishment; as in cases of malicious trespasses of various kinds, or those which are wantonly committed; we have proposed a fine or imprisonment for short periods, providing a process of a criminal form, instead of a remedy by a civil action, which is usually a worthless remedy against such offenders.

In a careful examination of all the statutes passed in the year 1820, and the several years since that time, we have made a selection of a large number of them which are described by the *title* of each act, the *day* and *year* in which it was passed, and its *number* as a *chapter*. These statutes, the most of them are found among the public acts, are either of a *private nature* or *local in their character and operation*—or merely *confirming acts*—or *giving powers* which have been *exercised* under them, in whole or in part—or of a *temporary* nature as well as *permanent*, according to their usual provisions; as the acts creating new counties, registry districts for the record of deeds, &c. The above mentioned list of acts which we have left, *unrevised and unrepealed*, will be found immediately following the general repealing act; though it is intended to be published in an appendix in the printed volume of the laws, with the titles of certain other acts or parts thereof which are now contained in the appendix at the close of the second volume of the laws printed in the year 1821.

As we have above intimated, private acts, or those of local operation, when found printed among the public statutes, we have described, as before mentioned in the list of unrevised and unrepealed acts: and we would further state that we have not inserted in the general repealing act, any private act, printed among the private acts; the provisions of *such* private acts and resolves, as to a multitude of subjects, remain untouched.

We would further remark that many of the provisions which are new, and which we have proposed for adoption, are *believed* as well as *intended* to be useful amendments—adapted to prevent “the law’s delay” as well as a needless

accumulation of costs in our courts of justice; more especially would we refer to amendments of writs, pleadings and proceedings in many particulars, where, as the law now is, they are not allowable.

It is not to be presumed that several errors will not be found in the result of our labors; though we believe that none, which are essential have escaped our notice, notwithstanding the mass of materials which we have collected, and which now compose the body of the "revised statutes of the State," as now reported.

**PRENTISS MELLEN,
SAM'L E. SMITH,
EBEN'R EVERETT.**

January 1, 1840.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND FORTY.

WHEREAS it is expedient that the general statutes of this State should be revised and arranged under appropriate Titles, Chapters and Sections; that omissions and defects should be supplied and amended; and that the whole should be rendered concise, plain and intelligible—

Therefore, Be it enacted by the Senate and House of Representatives in Legislature assembled in manner as stated under the several Titles and Chapters following: that is to say:—

TITLE FIRST.

OF THE SOVEREIGNTY, THE GOVERNMENT, REVENUE AND
DOMAIN OF THE STATE; ITS LIMITS AND DIVISIONS, AND
THE CIVIL ADMINISTRATION THEREOF.

- Chap.* 1. Of the publication and construction of statutes.
2. Of the sovereignty of the State, and of lands ceded to the United States.
3. Of Public Lands.
4. Of the State Library.
5. Of Town Meetings, Town Officers and Bounds.
6. Of the regulation of Elections.
7. Of the Secretary of State.
8. Of the Treasurer of the State.
9. Of the Tenure of Offices.
10. Of the qualification of Officers.
11. Of Registers of Deeds.
12. Of the choice, powers and duties of County Treasurers.
13. Of notices of petitions to the Legislature.
14. Of the assessment and collection of Taxes.
15. Of the Indian Tribes in the State.

CHAPTER 1.

OF THE PUBLICATION AND CONSTRUCTION OF STATUTES.

ABSTRACT.

- Sec.* 1. How to be published.
 2. Acts of Incorporation, Public Acts.
 3. Rules of construction of certain words and phrases.
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SECT. 1. All public statutes shall be published in the newspaper, designated to print the laws of the State, and shall take effect and have force, in thirty days from the recess of the Legislature passing the same, unless the provisions of any statute shall otherwise prescribe; and all statutes shall take effect at the same time throughout the State.

SECT. 2. All acts of incorporation shall be deemed public acts and may be declared on and given in evidence on the general issue.

SECT. 3 The following rules shall be observed in the construction of the following revised statutes, and all subsequent statutes, unless such construction should be forbidden by the plain meaning of the Legislature.

1. All words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases, and such others as have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such peculiar meaning.

2. Every word importing the singular number only, may extend to and embrace the plural number, and every word importing the plural number only, may be applied and confined to the singular number as well as the plural; and every word importing the masculine gender only, may extend to and include females as well as males,

3. All words importing a joint authority to three or more public officers, or other persons shall be considered as giving authority to a majority of such officers or persons, unless it shall be otherwise expressly declared in the law giving such authority.

4. The words, "annual meeting" when applied to towns, shall be construed to mean the annual meeting which is required by law to be held in the month of March or April.

5. The word "grantor" may be construed to include every person by whom a freehold estate or interest is conveyed; and the word "grantee," as meaning the persons to whom it is conveyed.

6. The word "highway" may be construed to include county bridges, and as equivalent to "county road" or "common road" or "county way."

7. The word "inhabitant" may be construed to mean a resident in any city or town.

8. The words "insane person" shall be construed to include every idiot, non compos, lunatic or distracted person.

9. The word "issue" as applied to the descent of estates, shall be construed to include all the lawful lineal descendants of the ancestor.

10. The words "land or lands" and the words "real estate," shall be construed to include lands, tenements and hereditaments and all rights thereto and interests therein.

11. The word "month" shall be construed to mean a calendar month, unless otherwise expressed; and the word "year" a calendar year, unless otherwise expressed; and the word "year" alone shall be equivalent to the words "year of our Lord."

12. The word "oath" shall be construed to include affirmation, in all cases, where an affirmation may be substituted for an oath.

13. The word "person" may extend to and include bodies politic, and corporate, as well as individuals.

14. The words, "preceding" and "following," when used by way of reference to any section in these revised statutes, shall be construed to mean the section next preceding, or next following that in which reference is made, unless some other section is expressly designated.

15. In all cases in which the seal of any court or public office shall be required to be affixed to any paper issuing from such court or office, the word "seal" shall be construed to include the impression of such official seal made on paper alone, as well as by means of a wafer or wax affixed thereto.

16. The word "State," when applied to the different parts of the United States, shall be construed to extend to and include the District of Columbia, and the several territories, so called, and the words "United States," shall be construed to include district and territories.

17. The word "town" shall be construed to include all cities, unless such construction would be repugnant to the provision of any act specially relating to such cities, and all organized plantations.

18. The word "will" shall be construed to include codicil as well as will.

19. The words "written" and in writing, may be construed to include printing, lithographing, and any other mode of representing words and letters; provided, however, that in all cases where the written signature of any person is by law required, it shall be the proper hand writing of such person, or if he cannot write his name, his mark.

20. When a statute requires an act to be done, which may by law be done as well by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

21. Whenever the expression "duly sworn" or "sworn according to law" is used or applied to any officer who is required

3 to take and subscribe the oath prescribed in the constitution,
 4 it shall be construed to mean that such officer had taken and
 5 subscribed the same, as well as made oath faithfully and impar-
 6 tially to perform the duties of the office to which he had been
 7 elected or appointed; and when applied to any person, other
 8 than such officer, it shall be construed to mean that such
 9 person had taken an oath faithfully and impartially to perform
 10 the duties assigned him in the case specified.

22. When the expression by "ballot" is made use of in these
 2 revised statutes, it shall be construed to mean a vote for one or
 3 more persons, written in the mode usually called writing, or in
 4 the mode denominated printing, on clean white paper.

23. When a person is required to be disinterested or indifferent
 2 in acting upon any question in which other parties are interested,
 3 any relationship in either of said parties, either by consanguinity
 4 or affinity, within the sixth degree inclusive, according to the
 5 rules of the civil law, or within the degree of second cousin,
 6 inclusive, shall be construed to disqualify such person from
 7 acting on such question, unless by the express consent of the
 8 parties interested therein.

CHAPTER 2.

OF THE SOVEREIGNTY OF THE STATE, AND OF LANDS CEDED TO THE UNITED STATES.

SECT. 1. The jurisdiction and sovereignty of the State
 2 extend to all places within the boundaries thereof, subject only
 3 to such rights of concurrent jurisdiction as have been, or may
 4 be granted over any places, ceded by the State to the United
 5 States.

SECT. 2. The following places which have been ceded to the
 2 United States, for light-houses, forts, arsenals, and other public
 3 purposes, and over which concurrent jurisdiction has been
 4 granted to the United States, shall continue to be subject to
 5 such concurrent jurisdiction, according to the terms of cession,
 6 and to the right of this State, so far as that all civil and
 7 military processes, issuing under its authority, may be executed
 8 in any part of said premises or buildings thereon.

Twelve acres on Franklin Island, granted June 1806.

Part of White Head Island, granted June 1803.

One hundred acres on West Quoddy Head, granted February,
 1807.

Part of House Island and five acres of Spring Point, in Portland
 Harbor, granted 1808.

The Island of Seguin, granted February, 1794, and March, 1797.

Boon Island, granted in February, 1811.

Part of Petit Mahan, granted June, 1817.

Part of beach, mouth of Kennebunk river, granted February, 1821.

Tract for light-house, in Boothbay harbor, granted March, 1821.

South West Libbey Island, granted February, 1822.

Tract for light-house, on Pond Island, granted March, 1821.

Lot of land on Monhegan Island, granted January, 1823.

Baker's Island, granted February, 1824.

Tract of land at Owl's Head, granted February, 1825.

Tract of beach at Wells harbor, granted February, 1826.

Part of Stage Island, granted February, 1826.

Martinicus Rock, granted February, 1826.

Lot of land at Pemaquid Point, granted January, 1827.

Whale's Back, near the mouth of Piscataqua, granted February, 1827.

Sundry pieces of land in Biddeford, viz:

One at Gordon's lower point, granted February, 1828.

One at Gordon's upper point, " " "

One at Lazell's point, " " "

One at Gray's point, " " "

One at Gordon's point, in Saco, " " "

Lot of land in Cape Elizabeth, for a light-house, 1828.

A part of House Island, granted March, 1797.

Mount Desert Island, granted February 28th, 1838.

Ram Island, at mouth of Damariscotta river, "

Part of Eagle Island in Penobscot bay, "

Part of Great Spoon Island, same bay, "

Saddleback ledge, in same bay, "

Part of Nash's Western Island, in Addison, "

Two acres of the westerly end of Bear Island, at the mouth of Mount Desert harbor, being one of the Cranberry Islands, March 7th, 1839.

Of future cessions to the United States, and of the seat of government.

SECT. 3. Whenever the United States shall require the
2 cession of the jurisdiction of any lands for the erection of
3 forts, magazines, arsenals, dock yards and other needful
4 buildings, as provided in the constitution of the United States,
5 the governor, with advice and consent of the council, is author-
6 ized to make such cession, by proper deeds of conveyance, reserv-
7 ing therein and thereby to the State, its jurisdiction, so far, as to
8 have a right to execute within the limits of the tract ceded all
9 civil and criminal processes lawfully issued under the authority of
10 the State, but the tract shall not exceed ten acres, nor include
11 any public or private burying-ground, dwelling-house, or meet-
12 ing-house, without consent of the owner, nor any highway.

1836, 251, § 1.

SECT. 4. If compensation for such land is not agreed upon, the
2 estate may be taken for the intended purpose, by payment of a

3 fair compensation, to be ascertained and determined in the
 4 manner, and the same proceedings shall be had, as are provided
 5 for taking real estate by the act respecting ways, being chapter
 6 twenty-five.

SECT. 5. And all lands so ceded shall continue to be subject
 2 to such concurrent jurisdiction, as is mentioned in the first sec-
 3 tion of this chapter.

SECT. 6. The act fixing the place of the permanent seat of
 2 government at Augusta, passed on the fourth day of February
 3 eighteen hundred and twenty-seven shall continue in force until
 4 altered.

CHAPTER 3.

OF PUBLIC LANDS.

ABSTRACT.

- Sect.* 1. Present land agent continued.
2. When vacancy happens, governor and council to fill it.
 3. Agent's salary.
 4. His duty.
 5. Who may not be appointed.
 6. Agent to receive moneys and securities for sales of land, or grass, or trespasses, &c.
 7. Securities to be payable to the State.
 8. To sell grass at auction, preserve timber, and grass, and seize and prosecute.
 9. He shall keep plans of surveys, and deposit copies in office at Bangor.
 10. Shall attend personally to his duties, &c., and employ agents.
 11. 1000 acres to be reserved in every township for settlement for the town.
 12. When any person, holding under the State possesses too much, agent's duty.
 13. If there is a disagreement as to such surplus, what proceedings to be had.
 14. When township is sold subject to reservation, as in 11th section, what proceedings to be had by owner and land agent.
 15. Agent authorized to sell public land to settlers at 50 cents per acre.
 16. When surveyed and described, &c., agent may sell timber, &c.
 17. Such sales to be advertised in state paper, &c., and minimum price.
 18. Agent shall in writing, &c., describe the lots and other particulars.
 19. Agent under direction of governor and council, may sell public lands to settlers for money, or on credit of four years on certain security.
 20. Also in same manner, timber and grass.
 21. When licenses for more than one year and not exceeding three years, how payments are to be made.
 22. No township, &c. not surveyed for settling, shall be sold till surveyed, and how.
 23. Surveyor general to be appointed, his salary and duties.
 24. May employ necessary assistants and be answerable for them, &c.
 25. Surveyor general and assistants to be under oath, not to be concerned in purchases—penalty for being so.
 26. Governor and council and land agent, to be a board to direct surveys and settle disputes between land agent and surveyor general.

- Sect. 27.* Surveyor's duty when lands have been lotted according to 22d section, as to map, return thereof, &c.
28. Such map or plan and field books and certain estimates to be filed in land offices.
 29. Such originals or copies shall be open to inspection, and shown at sales.
 30. All lands lotted to settlers, to what settlers and on what terms sold.
 31. Duty of purchaser of first lot, as to clearing and building.
 32. Duty of purchaser of more than one, as to the same.
 33. Surveyor in certain places, may lay out roads, and land agent make them.
 34. Settling land to be advertised for sale—*how* and *when*.
 35. Only five townships shall be sold in one year.
 36. Agent may sell lands belonging to the State in any incorporated town, in the manner prescribed in 30th section.
 37. All lands except settling to be first offered for sale, the terms times when—and on notice and description—agent to give deed.
 38. If the fixed price be not offered, agent may sell at same price at private sale, or after twelve months, at a different price.
 39. Except in sales as provided in 30th section, purchaser to pay one quarter in cash, and remainder in three equal payments.
 40. How payments for settling lands shall be secured.
 41. Agent to execute deed as soon as conditions of sale are complied with.
 42. He may give deeds in all cases of sale, in virtue of this chapter.
 43. Agent authorized to lay out a road, if not done, from Mattawamkeag to Houlton, &c.
 44. May expend necessary sums in doing it, provided not to exceed a certain amount mentioned, &c.
 45. And make necessary bridges, causeways and course of proceeding.
 46. Proceedings when such road must be laid over land of private proprietors.
 47. All trespassers on public lands liable to damages, &c., and their teams to forfeiture.
 48. Rule of estimating such damages.
 49. State may, notwithstanding, seize timber, logs and hay cut.
 50. No person, concerned in such trespass in any way, shall purchase the same at auction.
 51. Agent shall take care of lots reserved in the several towns for public uses, until the fee shall vest in the town, &c.
 52. Agent shall report to governor and council once in three months, give an account of his doings in office, and agents' names—they may audit accounts.
 53. The form and particulars of his report.
 54. Monies to be paid in virtue of this chapter, must be paid on warrant—notes to be kept by agent, and a quarterly schedule of notes and trial balance, &c., and return same to the treasurer.
 55. He shall collect all notes except those given for settling land, and pay the amount to state treasurer.
 56. Shall make an annual report to governor and council, with statement of number of suits instituted on notes or for lands sold and trespasses and costs.
 57. When governor and council and land agent order a survey, surveyor general shall make it in person—but not be obliged to survey more than two townships into lots, in any one year.
 58. Duty of surveyor general when required by land agent to examine public lands for trespasses and report.
 59. If twenty or less individuals shall select each 170 acres of settlers' land, and give bond to agent to build a saw and grist mill in three years in the township, they shall be entitled to a deed of such lot—and each shall have one.
 60. Agent's power as to selling public lands,

SECT. 1. The present land agent shall continue in office, according to the tenor of his appointment.

SECT. 2. When there shall be a vacancy in the office, it shall be the duty of the governor with advice of council, to appoint another land agent, who shall hold his office during their pleasure, subject however, to the limitation of law, respecting the tenure of civil offices. 1828, 393, § 1.

SECT. 3. He shall receive a salary of one thousand dollars from the State in full for all his services, and shall give bond to the treasurer of the State, in the sum of fifty thousand dollars with sufficient sureties, to the satisfaction of the governor and council, for the faithful performance of the duties of his office. 1836, 244. 1835, 192, § 16.

SECT. 4. It shall be his duty to superintend and manage the sale and settlement of the public lands, and he shall be governed in making contracts, giving deeds, and in all his other official acts, by the provisions of this chapter. 1835, 192, § 1.

SECT. 5. No person shall be appointed or continued an agent for the purposes above mentioned, who is or shall be in any manner, directly or indirectly concerned in the lumber business, or in the purchase of public lands, or any of the lumber or grass growing or cut thereon. 1835, 192, § 3.

SECT. 6. The land agent shall receive all monies and securities accruing to the State, from the sale of lands or grass, or in payment of timber or grass, cut by trespassers, and pay over to the treasurer of the State all monies so received and found due from him on settlement. 1828, 393, § 1.

SECT. 7. All securities given for the sums before mentioned shall be made payable to the treasurer of the State. 1828, 393, § 1.

SECT. 8. He shall sell at auction or private sale all grass growing on the public lands yearly, and take suitable measures for preserving all timber and grass and prosecute all trespassers on such land, and seize and sell all lumber or grass so cut by them, giving reasonable and public notice of such sale. 1828, 393, § 1.

SECT. 9. He shall keep correct plans of all surveys made by his authority, and transmit them to the land office in Augusta, if it has not been done, as soon as may be after they are completed, and true copies of the same he shall deposit in the land office at Bangor, if it has not been done already. 1828, 393, § 2. 1832, 30, § 1.

SECT. 10. He shall personally attend to the duties of his office as far as practicable, and employ as many assistants duly sworn, as may be necessary, for whose conduct he shall be responsible. 1828, 393, § 2.

SECT. 11. In every township there shall be reserved one thousand acres of land, to average in quality and situation with the other land in the township, suitable for settlement, whether timber land or otherwise, for the exclusive benefit of such town, as the Legislature may hereafter direct. 1828, 393, § 4.

SECT. 12. When the land agent shall ascertain that any person, deriving title under grant from the State, shall have in possession or claim a right to a greater quantity of land than was granted to him, the agent shall demand of him a release to the State of the surplus quantity, or the fair value thereof in money or security therefor. 1830, 480, § 1.

SECT. 13. If a disagreement, as to the amount of such surplus or its value, shall exist, the agent may settle the same by reference, or in any other manner agreed upon; but if neither mode above mentioned shall be adopted by such claimant, the agent shall report all the facts of the case to the governor, and he, with advice of council, may direct an inquest of office or other process in law that the attorney general shall determine proper to be instituted to obtain possession of such surplus. 1830, 480, § 1.

SECT. 14. When a township or a part of one shall be sold subject to the reservation mentioned in the eleventh section; or where by the terms of sale, such whole or part of a township is to be surveyed and lotted for settling within a time specified, the owner thereof, shall within three months after such survey and allotment, give notice thereof to the land agent, who, with such person as the owner shall appoint, shall select and designate the lands reserved for public uses; if such owner shall neglect to appoint an agent for the purpose, the land agent shall select and designate the same, and cause a description of the designated lots to be recorded in the registry of deeds in the county where such lands are situated, at the expense of the State. 1830, 480, § 2.

SECT. 15. The land agent is authorized to sell the public lands from time to time, to such persons as will engage to settle the same, at a price not less than at fifty cents per acre, and in the manner following, that is to say— 1831, 510, § 1.

SECT. 16. After the lands have been surveyed and described, as hereinafter mentioned, the agent shall be authorized to sell at public sale the timber of all kinds standing or growing thereon, by the thousand feet board measure, or by lots, allowing the purchaser not more than three years—to cut and remove the same. 1831, 510, § 3.

SECT. 17. All such sales, shall be advertised in the state paper, and in one or more newspapers printed in the county where the land lies, three weeks successively; the last publication to be thirty days before the sale: and the minimum price shall be stated therein. 1831, 510, § 3.

SECT. 18. The agent, shall in writing, to be delivered to the purchaser, a copy of which, certified by the purchaser he shall retain, distinctly describe the lot or lots and the terms of sale and the purchaser shall give bond to the State, with sufficient sureties in a penal sum double the amount of the value of the timber sold him, conditioned among other things, that neither he nor any other person acting under him, shall

8 violate the terms of the license or contract with the land agent
9 and that no timber shall be cut without license on the public
10 lands of Maine or of the Commonwealth of Massachusetts.

1831, 510, § 3.

SECT. 19. Such land agent, under the direction of the
2 governor and council, may sell any of the public lands to
3 such persons as shall agree to settle and improve them for
4 money, or on a credit not exceeding four years, provided that
5 the purchaser shall give personal security, sufficient in the
6 opinion of the agent, or shall give notes and a mortgage of the
7 land to the State, to secure payment of the purchase money
8 with annual interest.

1831, 510, § 5.

SECT. 20. He may also under such restrictions, sell the
2 timber and grass on the public lands for money, or on a
3 credit of one year from the first day of November annually.

1831, 510, § 6.

SECT. 21. When licenses are given for more than one year,
2 and not exceeding three years, then there shall be paid on
3 or before the first day of November annually, one half or
4 one third part of the whole sum for timber and grass, author-
5 ized to be cut under the license, according to the times therein
6 mentioned.

1831, 510, § 6.

SECT. 22. No township or tract of land belonging to the
2 State not already surveyed for settling, shall be sold by the
3 land agent, until all the land in such township or tract
4 shall have been surveyed and lotted; the land suitable for
5 farming into lots not exceeding one hundred and seventy acres
6 each: and the remaining land therein, into lots not exceeding
7 seven hundred acres each, in the manner following—

1835, 192, § 5.

SECT. 23. There shall be appointed and commissioned, in
2 manner prescribed in the constitution, a surveyor general,
3 whose duty it shall be to survey and superintend and direct
4 in surveying the public lands, and perform the other duties
5 herein provided, and whose salary shall be one thousand dol-
6 lars in lieu of all other compensation, and hold his office for
7 four years unless sooner removed by the governor and council.

1835, 192, § 1.

SECT. 24. He may employ as many assistants as he may
2 deem necessary to effect the provisions in this chapter relat-
3 ing to his duties; for whom he shall be responsible; whose
4 services shall be certified by him, and their accounts audited,
5 and compensation fixed by the governor and council.

1835, 192, § 2.

SECT. 25. The surveyor general and his assistants, shall be
2 under oath for the faithful discharge of their duties, and that
3 during the term of their employment, they will not be directly
4 or indirectly concerned in the purchase of any land or tim-
5 ber belonging to the State; and if such surveyor general or
6 any assistant be so concerned, he shall forfeit and pay a sum
7 not exceeding twenty thousand dollars, to be recovered by

8 indictment, in the supreme judicial court or district court, and
9 shall also be removed from office. 1835, 192, § 3.

SECT. 26. The governor and council and land agent for
2 the time being shall constitute a board, under whose direc-
3 tions all surveys shall be made; and the governor and council
4 shall have power to settle all disputes which may arise between
5 the land agent and surveyor general, in the discharge of their
6 respective duties. 1835, 192, § 4.

SECT. 27. The surveyor general, where lands have been
2 lotted into lots containing one hundred and seventy acres
3 and seven hundred acres each, as before mentioned, shall
4 make an accurate map or plan of the lands, as surveyed, on
5 which he shall describe and define as nearly as may be, the
6 growth, soil, lakes, ponds, rivers, streams, falls or mill sites, and
7 the road or roads, which, in his opinion may be necessary; and
8 make return thereof, together with the field notes, to the land
9 agent, in three months after completion of the same.

SECT. 28. And the above mentioned plan and field notes.
2 and an estimate of the distance of each lot of timber land
3 from any stream, in which timber can be floated to market,
4 or copies of the same, shall be kept in the land offices at
5 Augusta and Bangor. 1835, 192, § 5.

SECT. 29. Such originals or copies, shall be open for inspec-
2 tion and copying at all times when the land agent or his
3 assistant, shall be in either of said offices: and they shall be
4 exhibited at the places where, and during the time when,
5 any of said lands are offered for sale: and the land agent
6 shall aid in furnishing information to those who are in search of
7 it, in his office. 1835, 192, § 5.

SECT. 30. All lands lotted for settling, shall be sold to those
2 only, who will perform settling duties, as prescribed in this chap-
3 ter; the price to be fixed by the land agent, not however at a
4 less price than fifty cents an acre: which price shall be fixed
5 on each lot, sixty days before the day of the intended sale;
6 three fourth parts of the price shall be paid within three years
7 from the sale, in labor in making roads in such township, under
8 the direction of the land agent, and the residue of the price
9 to be paid in cash within four years from the time of sale.

SECT. 31. The purchaser of one lot, shall be required to
2 clear in a proper manner, fifteen acres thereof, ten or more
3 of which shall be well laid down to grass; and to build a
4 house thereon within four years from the purchase of the lot.

SECT. 32. Any person who shall purchase more than one lot,
2 shall be required to clear ten acres, and lay down to grass the
3 same proportion on each lot, and build a house on one of said
4 lots within said term: but there shall not be sold to any one
5 person more than four of said lots in any one township or
6 tract. 1835, 192, § 7.

SECT. 33. In any township or tract of land where the surveyor general shall be of opinion that there is a sufficient quantity of settling land, to make it for the interest of the State to have a road laid out thereon, he may cause such road to be laid through the whole or part thereof as may best promote the settlement of the township or tract; and the land agent may expend in making such road, whatever the lots or the road may sell for, over and above the price which may be set on lots not on the road, but of the same quality; and such road shall be located before any of the land shall be offered for sale.

1835, 192, § 8.

SECT. 34. The land agent, shall advertise the settling land in market once in each year, for two months, in one paper in Boston, one in Concord in New Hampshire and in one paper in each county in this State, describing the quality and situation of the land and the terms of the sale.

1835, 192, § 12.

SECT. 35. Not more than five townships, excepting the settling land, shall be sold in any one year.

1835, 192, § 11.

SECT. 36. Land belonging to the State, situate in any town now incorporated, or which may be incorporated, may be sold by the land agent in the manner provided in the thirtieth section.

1835, 192, § 13.

SECT. 37. All land, except settling land, shall be first offered for sale at auction, at the price set upon it by the land agent; and sixty days before any of said land is offered for sale, he shall give notice of the time and place of sale, and of the price and the terms; and a description of the land by advertising in the state paper; in one paper in the city of Boston, and in one paper in each county in the State, and the price fixed upon said land shall be the price he would sell for, provided he were authorized to sell at private sale; he shall have posted up in some conspicuous place the conditions of such sale, one of which shall be, that immediately after a lot of land is struck off to any bidder, he shall give said agent satisfactory evidence that he will comply with his bid; and if any bidder shall neglect so to do, the land shall be immediately again offered at auction as before.

1835, 192, § 9.

SECT. 38. If the price fixed on by the land agent, shall not be offered by any one, he may at any time afterwards sell the same at private sale, but not at a less price than that at which it was offered for sale; and if any of such land should remain unsold twelve months from the date of said advertisement, he may fix a different price upon the same, and proceed to advertise and sell as in the first instance.

1835, 192, § 9.

SECT. 39. In the sale of all land belonging to the State, except as provided in the thirtieth section, the land agent shall require of the purchaser one fourth part of the purchase money in cash, and the remainder in cash, or in three equal payments with interest annually, at the option of the purchaser.

1835, 192 § 10,

SECT. 40. If the land sold, be settling land, the annual payments shall be secured by good and sufficient surety or sureties, or by retaining a *lien* thereon, by the terms of the land agent's deed; and if the land be of any other description, then the annual payments shall be secured by notes, with two or more sureties, to the satisfaction of the land agent—and the lien above mentioned, being so retained by the terms of the agent's deed, shall be equivalent to a mortgage of the same land to the State. 1835, 192 § 10. 1832, 30, § 2.

SECT. 41. The land agent is hereby authorized to execute deeds in behalf of the State, conveying any lands which have been or may be granted by the Legislature, so soon as the grantees have complied with the conditions of their respective grants, and collect all sums now due or which may become due, from any of the sources mentioned in this chapter. 1828, 393, § 5.

SECT. 42. And said agent is also authorized to give deeds in behalf of the State, of all lands which he may sell pursuant to the provisions of this chapter.

SECT. 43. The land agent under the direction of the governor and council, if it has not been already done, is hereby authorized to survey and lay out a road from the mouth of the Mattawamkeag river, or from some eligible point on the military road leading from same river to Houlton, to some point on the river St. John, at or near Fish river, not varying more to the eastward than to some point nearly opposite to the mouth of Madawaska river, or so much thereof, from time to time, as may be considered for the interest of the State. 1831, 510, § 4.

SECT. 44. He may expend in opening, clearing, causewaying and making said road safe and convenient for travelers from time to time, such sums of money as may be necessary, not exceeding however ten per centum of the sales of timber and lands, provided that the Commonwealth of Massachusetts, shall authorize and empower her land agent to lay out and expend, for the above purposes, equal sums of money, or so much as the land agents of said State and said Commonwealth, shall agree to expend for the purpose—not exceeding the above per centage on sales. 1831, 510, § 4.

SECT. 45. And the land agents shall bridge, causeway and make said road by contract, first giving public notice and therein describing the section or sections of said road which they propose to make, the manner of making and finishing the same in all respects; and request proposals from such persons as may be disposed to contract for building and making the same; such contractor giving sufficient security to perform such contract. 1831, 510, § 4.

SECT. 46. Whenever it shall be necessary that any part of said road shall pass over lands of proprietors, other than those of said State and Commonwealth, the county commissioners in the county where such lands lie, shall lay out the road over

5 such lands and take legal measures for making and completing
6 the same, and the whole road when made and completed, shall
7 be, to all intents and purposes a county road. 1831, 510, § 4.

SECT. 47. If any person shall, without liberty, enter and
2 trespass upon any lands of this State or of the Commonwealth
3 of Massachusetts, or upon the undivided lands belonging to
4 the State and said Commonwealth, and cut down, take and
5 carry away, or cut down for the purpose of carrying away the
6 same and converting it to his own use, any trees or grass,
7 standing and growing on said lands, such person, and all those
8 furnishing teams, oxen, horses, sleds, chains or other implements,
9 or the supplies of provisions or other articles, which shall be
10 used in committing and carrying on the trespasses aforesaid,
11 shall be and are declared to be trespassers—and to be jointly
12 and severally liable in damages, and they may be sued in any
13 county in the State. 1831, 510, § 7. 1839, March 4.

SECT. 48. The measure of such damages shall be the high-
2 est price, which such timber, logs or other lumber, or hay shall
3 bring at the usual place of sale of such articles; and all such
4 teams, horses, oxen, sleds, chains and other implements
5 employed or used as aforesaid shall be forfeited to the use of
6 the said State or Commonwealth, or both according to the
7 title to land where the trespasses shall be committed.

1831, 510, § 7.

SECT. 49. Nothing contained in the two preceding sections,
2 shall affect the right of the said State or Commonwealth or both,
3 of seizing and selling any of such timber, logs or hay, cut as
4 above mentioned.

1831, 510, § 7.

SECT. 50. And in the sales of the timber, logs and hay, so
2 seized, no person, who was in any way concerned in com-
3 mitting such trespass, or in supplying those who committed
4 the same, shall be allowed directly or indirectly, to purchase any
5 part thereof.

1831, 510, § 7.

SECT. 51. The land agent shall take care of the public
2 lots which have been, or hereafter shall be reserved for pub-
3 lic uses in the several townships in the State, until the fee
4 of such land shall vest in the town or otherwise by force of and
5 effect of the grant thereof, and preserve the same from pillage
6 and trespass.

1831, 510, § 9.

SECT. 52. The land agent shall report to the governor
2 and council, once in three months, and oftener, if required,
3 a particular account of all his doings in his office and the
4 names of his agents; and they are hereby authorized to audit
5 and settle his accounts at the close of each year, prior to the
6 annual session of the Legislature, and at such other times as
7 may be designated.

1828, 393, § 9.

SECT. 53. He shall in his reports particularly describe
2 all the lands which have been surveyed for sale and settle-
3 ment, and exhibit plans of the same, together with the field
4 notes and appraisal of the surveyor; and when any land has been

5 sold, he shall describe the same, and report the sum received
 6 therefor, the names of the purchasers and their sureties; the
 7 names of the trespassers, the amount of the timber cut, and the
 8 place where, whether on settling or timber land, and the sum
 9 received per thousand feet, where he shall have settled with
 10 trespassers; and the sums he receives from time to time on the
 11 demands now due or which may become due; distinguishing
 12 the sums paid for principal and interest, and the names of the
 13 persons from whom received, and all other particulars required
 14 by the governor and council, and also an abstract of all notes,
 15 bonds and obligations and other securities, with the names of
 16 the debtors and sureties, together with such collateral security
 17 as may have been taken to insure payment.

1828, 393, § 3. 1835, 192, § 15.

SECT. 54. The money to be paid out of the treasury, by virtue
 2 of this chapter, shall be paid by a warrant from the governor,
 3 as in other cases; and all notes taken by the land agent on
 4 account of the State shall be safely kept by him, and he shall
 5 make out a quarterly schedule of said notes generally, and also
 6 quarterly trial balances, and balance sheets of the land office
 7 ledger, and shall return the same to the state treasurer, who
 8 shall enter the same in a book kept for that purpose.

1835, 192, § 14.

SECT. 55. It shall be his duty to collect all notes taken, other
 2 than for settling lands, as soon as they may become due, and
 3 collect interest, at least, annually, and pay at the expiration of
 4 every month into the state treasury, all monies collected or
 5 received by him on account of sales of public lands, and for
 6 timber and grass cut by trespassers.

1835, 192, § 14. 1836, 244, § 3.

SECT. 56. He shall make his annual report to the governor
 2 and council, and include therein, a written statement of the
 3 number of suits instituted on notes given for lands sold, and for
 4 timber and grass cut by trespassers or otherwise, and the amount
 5 of costs in each of said suits, for the year preceding.

1836, 244, § 2.

SECT. 57. Whenever the governor and council and land
 2 agent shall order the survey of any townships belonging to this
 3 State or this State and the Commonwealth of Massachusetts, it
 4 shall be the duty of the surveyor general to survey the same
 5 in person; but he shall not be required to survey personally
 6 more than two townships into lots for settlement in any one
 7 year.

1839, March 23, 406, § 1.

SECT. 58. It shall be the duty of the surveyor general,
 2 whenever required by the land agent, to examine any of the
 3 public lands, for the purpose of detecting trespassers and seizing
 4 timber cut by them, and also to sell timber cut on the public
 5 lands under permits from the land agent and make report of
 6 his doing to the land agent.

1839, March 23, 406, § 2.

SECT. 59. Whenever twenty or less number of individuals, 2 shall each select a lot of one hundred and seventy acres of 3 land in any township, lotted for settlers, the same having no 4 mill within its limits, and shall give bond satisfactory to the 5 land agent, that they will within three years from the time of 6 said selection, erect in a proper and substantial manner, a saw 7 mill and grist mill on such lot, within said township, as shall be 8 designated by the board of internal improvement, the same shall 9 be entitled to a deed of such lot, and each individual shall 10 receive a deed from the land agent for his respective lot, 11 without any further consideration, conditioned however for his 12 performance of the settling duties according to law.

1838, 354, § 2.

SECT. 60. The land agent is hereby vested with the same 2 power to sell timber upon the lands belonging to this State and 3 Massachusetts, in conjunction with the land agent of Massa- 4 chusetts by virtue of resolve, approved March ninth, one 5 thousand eight hundred and thirty two. 1839, Jan. 29, 359.

NOTES.

SECT. 14. By this section, when the owner of the land shall neglect to appoint an agent to select and designate the land reserved for public uses, the land agent shall select and designate the same, but no provision is made as to the course to be pursued, when an agent has been appointed, and he and the land agent shall not agree. Some provision should be made, and the commissioners submit the subject to the consideration of the Legislature.

SECT. 59. This section is altered from the existing provision, by inserting one hundred and seventy acres, instead of one hundred and sixty—to correspond with section twenty second. It is presumed to be an error; and, as such, has been corrected.

CHAPTER 4.

OF THE STATE LIBRARY.

- Sect. 1.* Books to be placed in special departments, prepared, and furnished for the purpose, in the Capitol.
2. Secretary to be the librarian, and prepare catalogue.
3. Monies to be expended by the secretary, under the direction of the governor.
4. Who are entitled to the use of books, and the terms.
5. Librarian to keep a register of books issued and returned.
6. The person taking books out, to be answerable for all damages to the books—or loss of any.
7. Governor to transmit certain books of laws, documents and decisions to governors of the other States.

SECT. 1. The books now belonging to the State, and such as shall be hereafter purchased or received by the State, shall be collected and deposited in the south wing of the capitol, in rooms numbered three and four—and shall compose the state library; excepting such books as are now in the senate chamber, and may be retained therein by order of the senate, and those in the hall of the house of representatives, or may be retained by order of the house; and said rooms shall be prepared and furnished by the superintendent of the public buildings under the direction of the governor. 1839, 402, § 1.

SECT. 2. The secretary of state shall be librarian and take charge of the library under such regulations, as are herein after established, and cause a catalogue of books to be prepared and kept; and he may appoint an assistant during the session of the Legislature, whose compensation shall not exceed that of an engrossing clerk. 1839, 402, § 2.

SECT. 3. All sums of money appropriated and unexpended, or which may be hereafter appropriated by the Legislature for the purchase of books, shall be expended by the secretary under the direction of the governor. 1839, 402, § 3.

SECT. 4. Books may be taken from the library, by the governor, members of the council, of the senate and house of representatives, judges of the judicial courts, secretary of state, treasurer of the state, adjutant general, attorney general and land agent; but no books so taken shall be carried out of the town of Augusta. 1839, 402, § 4.

SECT. 5. The librarian shall cause to be kept a register of all books issued and returned, at the times they shall be so issued and returned—and none so issued shall be retained more than three weeks, and all shall be returned on or before the first day of January annually. 1839, 402, § 4.

SECT. 6. Every person shall be answerable for all damage done by him to any book, and in case of the loss of a volume belonging to a set, the person answerable therefor, shall procure a new volume or pay, in money the value of the set. 1839, 402, § 4.

SECT. 7. The governor may transmit to the governors of the several States, three copies of all the laws and resolves, published by order of the Legislature—one copy of all public documents, printed and bound by the like order, and one copy of the printed decisions of the judicial courts. 1839, 402, § 5.

CHAPTER 5.

OF TOWN MEETINGS AND TOWN OFFICERS AND BOUNDARIES.

- Sect. 1.* General mode of calling town meetings.
2. How the first meeting is to be called, or where a town is destitute of officers.
 3. How, when selectmen refuse to call one.
 4. Form, and articles in warrant.
 5. Direction of the warrant.
 6. How the meeting shall be notified.
 7. Form of return on the warrant, and the facts to be stated.
 8. Who are qualified voters.
 9. Annual meetings to be held in March or April (annually) choice of officers.
 10. What officers must be chosen by ballot, what may, or may not be so chosen.
 11. Who to preside at choice of moderator.
 12. Form of town clerks' oath.
 13. Town clerk and selectmen to issue notice to constable to summon officers to be sworn.
 14. Penalty for neglecting to be sworn.
 15. Mode of preserving the evidence of the administration of such oaths.
 16. In cases of unexpected vacancies in any of the town offices—how filled.
 17. Choice of moderator, his powers and duties.
 18. Same subject.
 19. Disturbers of meeting may be punished.
 20. The above provisions not to apply to meetings for choice of state officers.
 21. Votes not to be inspected, till poll is closed.
 22. Towns may vote to raise money and for what purposes.
 23. Inhabitants of every town, a body politic and corporate—by-laws, &c.
 24. Bounds of townships to remain—and be perambulated every five years.
 25. Proceedings preparatory to and in perambulating, &c.
 26. Towns which place stone monuments at corners and angles, &c.—need not perambulate the lines oftener than ten years.
 27. Mode of settling the lines when towns disagree.
 28. May compensate commissioners.

SECT. 1. Every town meeting, except in the cases mentioned
2 in the two following sections, shall be called by a warrant, signed
3 by the selectmen of such town. 1821, 114, § 5.

SECT. 2. The first town meeting held in any town shall be
2 called and notified in the manner prescribed in the act incor-
3 porating such town; and if no mode is therein prescribed, by
4 any justice of the peace in the same county, or when a town,
5 though it has been organized, is destitute of officers, a meeting
6 may be called on application to him for his warrant for the
7 purpose made in writing by any three of the inhabitants thereof;
8 but when by reason of death, removal or resignation of select-
9 men, a major part shall not remain in office, a major part of
10 those remaining in office shall have the same power to call a
11 town meeting, as a majority of those chosen. 1826, 338.

SECT. 3. In case the selectmen shall unreasonably refuse to
2 call a town meeting on any public occasion, any ten or more

3 freeholders or legal voters in said town may apply to a justice
4 of the peace in the same county, who is hereby authorized to
5 issue his warrant under his hand for calling such meeting. And
6 when ten or more of the qualified voters in town shall request
7 in writing that the selectmen should insert a particular matter
8 or thing in a warrant for calling a town meeting, they shall
9 insert the same in the next warrant they shall issue for a meet-
10 ing, or call a meeting for the express purpose of consideration
11 thereof. 1821, 114, § 5.

SECT. 4. In either case the warrant shall specify the time and
2 place at which the meeting is to be held ; and in distinct arti-
3 cles, shall state the business to be acted upon at such meeting ;
4 and no other business, matter or thing shall be there acted
5 upon, so as to have any binding effect or legal operation.

1821, 114, § 5.

SECT. 5. The warrant may be directed to any constable of
2 the town or any individual by name, directing him to warn and
3 notify all persons by law qualified to vote at such meeting to
4 assemble at the time and place appointed. 1821, 114, § 5.

SECT. 6. Such meeting shall be notified by the person to
2 whom the warrant is directed, by his posting up an attested
3 copy of such warrant, in a conspicuous place or in the building
4 in which the meeting is to be held, seven days before the meet-
5 ing ; unless the town has appointed or shall appoint by vote in
6 legal meeting a different mode ; which any town is hereby
7 empowered to do. 1821, 114, § 5.

SECT. 7. In either case, the person who notifies the meeting,
2 shall make his return on the warrant, stating the manner of
3 notice and the time it was given.

SECT. 8. Every person who is qualified by the constitution of
2 this State to vote for governor, senators and representatives, in
3 the town or plantation in which he resides, shall be entitled to
4 vote in the election of all town or plantation officers, and in all
5 the business affairs of the same.

1833, 49, § 1. 1838, 348, § 2.

SECT. 9. The annual town meetings in the State shall be
2 held in the month of March or April, and the qualified voters
3 in each town shall then choose, by a major vote, a clerk, three,
4 five or seven discreet persons, inhabitants of the town to be
5 selectmen, and overseers of the poor, when other persons shall
6 not be chosen to that office, who shall be duly sworn ; three or
7 more assessors, two or more fence viewers, treasurer, surveyors
8 of highways, surveyors of lumber, wardens, tythingmen,* sealers
9 of leather, measurers of wood, clerks of the market, constables
10 and other usual town officers.

1821, 114, § 1. 1824, 260, § 3.

SECT. 10. The election of moderator, town clerk, selectmen
2 and assessors, shall be by ballot ; and all other of said officers
3 may be by ballot, or other method agreed on by a vote of the
4 town. 1821, 114, § 1.

SECT. 11. During the election of moderator of any town meeting, the clerk shall preside; but whenever he shall be absent from any such meeting, either of the selectmen or of the assessors; and, if neither of those be present, any constable, may lawfully do all the duties of clerk, in receiving and counting the votes for moderator: and the moderator when chosen may call on the voters to give in their ballots for a clerk pro tempore, and when chosen such moderator may swear him, if no justice of the peace be present. 1824, 260, § 1, 2.

SECT. 12. The town clerk before entering on the duties of his office shall be sworn truly to record all votes passed in such and other town meetings during the ensuing year, and until another clerk shall be chosen and sworn in his stead; and also faithfully to discharge all the other duties of said office.

1821, 114, § 1.

SECT. 13. The town clerk and two of the selectmen shall forthwith make out a list of the names of all those who shall have been chosen into office, of whom an oath is required by law, and deliver the same to a constable, with a warrant to him directed; and he shall be required within three days from the day of receiving it, to summon each of the persons therein named, to appear before the town clerk within seven days, from the time of notice, to take the oath of office by law required; and at the end of ten days, after receiving his warrant the constable shall return the same, or forfeit six dollars for the use of the town; and the town shall allow him a reasonable compensation for his services.

1821, 114, § 1.

SECT. 14. Every person so notified, and neglecting so to appear and take the oath required of him, within said seven days, which said clerk is authorized to administer, shall forfeit and pay five dollars to him who shall inform and prosecute therefor; except those officers for whose neglect, a different penalty is provided, two thirds for the use of the town and the other third to the use of the prosecutor.

1821, 114, § 1.

SECT. 15. When any town, plantation or parish officer, shall be sworn by the clerk of such corporation, he shall record his own certificate thereof formally and at full length; and when any such officer shall be sworn before any other person or magistrate, he shall give a formal and full certificate of the oath administered by him, officially signed, to the person sworn; and such person shall within seven days deliver such certificate to the clerk of the town, plantation or parish, and he shall record the same at full length, within seven days after receiving it, and if the clerk or the person sworn shall neglect his duty in the above particulars, he shall forfeit and pay five dollars to the use of the town. The clerk's fee for recording each certificate, shall be ten cents to be paid by the town. *Provided*, that where a certificate of any town, plantation or school district clerk, entered on the record, is, that he has been duly elected

16 into the office of clerk, or any other office requiring an oath to
17 be administered to him, and that he has taken the oath by law
18 required, it shall be sufficient evidence that he holds such office
19 and has been duly sworn.

1821, 114, § 1, varied. 1837, 269, § 1.

SECT. 16. Whenever by reason of non-acceptance, death or
2 removal of any person chosen into any town office, at any
3 annual meeting, or at any other time, or by reason of insanity
4 or other incompetency, there may be a vacancy or want of offi-
5 cers, the town may proceed to a new choice of officers; and
6 they shall be duly sworn, if an oath is required, and have the
7 same power as if elected at the annual meeting. 1837, 269, § 2.

SECT. 17. At every town meeting, a moderator shall be first
2 chosen, who shall regulate the business of the meeting, and
3 when a vote declared by him shall, immediately after such
4 declaration, be questioned by seven or more, the moderator
5 shall make the vote certain by polling the voters or in such
6 other way as the meeting may direct, and if no justice be
7 present, he may swear the clerk. 1821, 114, § 3.

SECT. 18. No person shall speak in meeting before leave is
2 obtained of the moderator, nor when any other person is speak-
3 ing; and all shall be silent at the command of the moderator,
4 on pain of forfeiting one dollar for every breach of such order,
5 for the use of the town. 1821, 114, § 3.

SECT. 19. If any person after notice from the moderator per-
2 sist in any disorderly conduct, the moderator may direct him to
3 withdraw from the meeting, and by his refusal, he shall forfeit
4 three dollars to the use of the town; and the moderator may
5 cause him to be removed from the meeting by a constable and
6 detained in confinement for three hours, unless the meeting shall
7 be sooner dissolved or adjourned. 1821, 114, § 3.

SECT. 20. But town meetings for the choice of governor,
2 senators and representatives, shall be as the constitution directs;
3 and the foregoing sections are not to be deemed applicable to
4 such meetings.

SECT. 21. The moderator, or other person presiding at any
2 town meeting, shall not permit any other person, without the
3 consent of the voter, to read or examine the name or names
4 written on his ballot, with a view of ascertaining the name of
5 the candidate, before the poll is closed by the moderator, on
6 penalty of twenty dollars, to be recovered on indictment.

1821, 114, § 4.

SECT. 22. The qualified voters of any town, at any legal town
2 meeting, may grant and vote such sums as may be necessary for
3 the maintenance and support of ~~public worship~~, schools, the
4 poor; and for making and repairing highways and town ways
5 and bridges, purchasing and fencing burying grounds, and other
6 necessary charges, arising within the same; and may make
7 such orders, and by-laws for managing the prudential concerns
8 of the town as they may judge conducive to the good order and

9 peace of the same, and annex penalties, not exceeding five dol-
10 lars for any one offence; provided such orders or by-laws, shall
11 be approved by the county commissioners.

1821, 114, § 6. 1834, 130.

SECT. 23. The inhabitants of every town, are declared to be
2 a body corporate and politic, and as such may sue and be sued,
3 and appoint agents or attorneys. 1821, 114, § 7.

SECT. 24. The bounds of all townships shall remain as
2 heretofore granted, settled and established, and the lines
3 between towns shall be run once in every five years, except as
4 mentioned in the twenty-sixth and twenty-seventh sections.

1821, 114, § 8.

SECT. 25. The selectmen of the most ancient town, shall give
2 ten days' notice in writing to the selectmen of the adjoining
3 towns, of the time and place of meeting for perambulation;—
4 and the selectmen who shall neglect their duty in notifying or
5 attending in person or by substitutes, shall forfeit and pay ten
6 dollars, two thirds to the use of the town which shall comply
7 with their duty, and the other third to any two or more of the
8 selectmen of the town complying, to be recovered at any time
9 within two years after the forfeiture is incurred; and the pro-
10 ceedings of such selectmen, after every such renewal of bounda-
11 ries, shall be recorded in their respective town book.

1821, 114, § 8.

SECT. 26. All towns which since the twenty-second day of
2 March in the year eighteen hundred and twenty-eight, have per-
3 ambulated, or hereafter shall perambulate their several lines, as
4 by law prescribed, and have established, or shall establish and
5 set up stone monuments, at least two feet high at all the cor-
6 ners, and several angles, and where the line shall cross high-
7 ways, or on or near the banks of all rivers, bays, lakes or ponds,
8 which said lines may cross, or which are the boundaries of said
9 lines, shall be exempted from the duty of perambulating said
10 lines, except once in every ten years, commencing in ten years
11 from the time the stone monument has been erected in the man-
12 ner above described.

1838, 340.

SECT. 27. When a town shall petition the supreme judicial
2 court, stating that a controversy exists between such town and
3 adjoining one, and praying that the same may be run by com-
4 missioners to be appointed by such court, the court may, after
5 due notice being given to all parties concerned, appoint three
6 commissioners, who shall, after giving notice to all persons
7 interested, of the time and place of meeting, ascertain and
8 determine the line or lines in dispute, and describe the same by
9 courses and distances, and make, set, and mention in their
10 return, suitable monuments, and marks, for the permanent
11 establishment of such lines, and make duplicate returns of their
12 proceedings; one of which shall be returned to the court, and
13 the office of secretary of state; and such line or lines, so
14 established and accepted, shall be deemed in every court of

15 law, and for every purpose the true dividing line or lines be-
16 tween such towns. 1832, 43, § 1.

SECT. 28. The court may allow the commissioners a proper
2 compensation for their services, and issue a warrant of distress
3 for its collection according to law, of said towns, in equal pro-
4 portions.

NOTES.

SECT. 15. This section is in some respects new, being more particular than the existing statute. The object of the commissioners in making certain alterations as to mode of swearing and certifying the administration of oaths to town officers, has been to establish a more sure mode of preserving the proof that such oaths had been regularly administered.—In many instances nothing more appears on the record than the word “sworn”—placed opposite the name of the officer.—In these cases it does not appear *when* or *by whom* the oath was administered. Again, the oath of the town clerk is of a prescribed form, and *that form* of oath should appear to have been administered.—Titles to real and personal property have been lost by means of such looseness of proceedings.—Our town, plantation and parish officers, at this day, should be held to a compliance with the provisions above alluded to.—A compliance with the regulations of this section will remove all existing difficulties, and leave on the face of the public records all the evidence which exists as to the facts.

SECT. 7. This section requires certain *particulars* in the return on the warrant, which are now generally omitted.

CHAPTER 6.

OF THE REGULATION OF ELECTIONS.

ARTICLE 1. Of list of electors.

- Sect. 1.* List of voters to be prepared by selectmen by 11th August, annually.
2. If selectmen are not assessors, assessors to make out lists for them ten days previously.
 3. Selectmen to hold a special meeting to correct the list between August 11th and 18th, annually, if inhabitants exceed three thousand.
 4. And to deposit the list with the town clerk, and post up copies by the 20th August.
 5. Names of qualified voters to be inserted, whether they apply or not.
 6. Subsequent alterations of the list in certain cases.
 - 7, 8, 9. When selectmen may meet for that purpose.
 10. What notice to be given of such meetings.
 11. List of voters in town affairs to be made by assessors by the 20th of February, annually.
 12. When assessors shall meet to amend such list, before election of town officers.
 13. Foregoing provisions made applicable to cities.

ARTICLE II. Of notifying meetings and proceedings at elections and returns.

14. Meetings for general elections, how called.
15. When such meeting shall be open.

- Sect.* 16. Presiding officers, empowered as moderators.
 17. Selectmen pro tempore, may be chosen in certain cases.
 18. Who shall preside at such choice.
 19. Duties of selectmen, pro tempore.
 20. What votes may be brought in on one list.
 21. Check lists and suitable ballot boxes to be used.
 22. Ballots to bear no distinguishing marks, except the names of the candidates and offices.
 23, 24, 25. When no choice of representative can be effected the meeting to be adjourned.
 26. Extension of foregoing provisions to meetings for certain other purposes.
 27. How the result of balloting shall be ascertained.
 28. Clerks of towns to return certificates to the secretary of state.
 29. In case of failure secretary to notify the attorney for the county.
 30. New certificates to be furnished in case of miscarriage or loss.
 31. How the same shall be authenticated, and
 32. Sealed and returned.
 33. Manner of filling vacancies in towns not classed for representatives.

ARTICLE III. Special provisions affecting cities, plantations and representative districts.

34. Foregoing provisions extended to organized plantations.
 35. And cities except where express provision is made.
 36, 37. Duties of city officers in elections.
 38. Electors in cities to meet in wards.
 39. Choice of warden pro tempore.
 40. Special provisions for voters on islands in Portland—to meet in a ward meeting by themselves.
 41. Proceedings at such meeting, and how the votes shall be returned.
 42. When representatives may be voted for on a separate ticket in cities.
 43. If no choice made further meetings may be had.
 44. Aldermen to meet on election days to correct lists of voters.
 45. Three of the board to constitute a quorum.
 46. When towns are classed, selectmen of the oldest town to call meetings of the selectmen of such towns, to examine lists of votes for representative.
 47. If no choice be made, new meetings to be called.
 48. If there be a choice, copies of the lists to be furnished to the person elected.
 49, 50. If a vacancy happen, further proceedings to fill the same.
 51. In contested elections, what notice shall be given. Deposition may be taken.
 52. Residents in unincorporated places to vote in towns where taxed.
 ARTICLE IV. Penal provisions and regulations affecting the purity of elections.
 53. General provision in case of neglect or misconduct of selectmen and certain other officers.
 54. Punishment for neglect of the officer warning the meeting.
 55. Also of selectmen for neglect of preparing and publishing the lists of voters.
 56. And for not using check lists or wilfully receiving illegal votes.
 57. Penalties in the two preceding sections, how recovered.
 58. Penalties for neglect of requirements of sections 30, 31 and 32.
 59. Also for false certificate in such case—and
 60. Neglect of person entrusted with returns to be forwarded to the secretary of state.
 61. Duty of county attorney, when notified of any failure of return.
 62. Qualification of the liability of officers of towns.
 63. Punishment for misconduct in electors.
 64. Forfeiture by military officers parading their men on days of elections.
 65. How the penalties of the two last sections shall be recovered.
 66. Punishment for bribery, corruption, &c. at elections.
 67. Sale of spirits prohibited within two hundred rods from the place of meeting.

- Sect. 68, 69. Liquors and other materials in such cases may be seized and detained.
 70. And afterwards sold.
 71. How avails of sale may be disposed of.

ARTICLE I. *Of lists of Electors.*

SECT. 1. The selectmen of every town, shall, on or before
 2 the eleventh day of August in each year, make out a correct
 3 alphabetical list of such inhabitants of their respective towns,
 4 as shall appear to them to be constitutionally qualified to vote
 5 in the election of governor, senators and representatives in the
 6 state government. 1821, 151, § 1.

SECT. 2. In every town where the selectmen are not the
 2 assessors, the assessors shall, on or before the first day of August,
 3 in each year, make out according to their best judgment, a
 4 correct list of the persons qualified as aforesaid, and deliver the
 5 same to the selectmen for their information, and to be by them
 6 revised and corrected. 1821, 151, § 1

SECT. 3. In every town having, by the last census of the
 2 United States then taken, more than three thousand inhabitants,
 3 the selectmen shall be in open session for the purpose of
 4 receiving evidence of the qualifications of persons claiming the
 5 right to vote in any such election and for correcting their said
 6 list for a reasonable time, not exceeding two days between the
 7 eleventh and eighteenth days of August of each year, and shall
 8 give notice of the time and place of their session in the same
 9 manner that meetings of the inhabitants of said town may be
 10 notified. 1833, 89, § 1

SECT. 4. On or before the twentieth day of August annually
 2 the selectmen of every town shall deposit in the office of the
 3 town clerk and shall also post up in one or more public places
 4 in the town a list of electors prepared and revised as in the
 5 preceding sections. 1831, 518, § 1

SECT. 5. The selectmen, at any regular session for correcting
 2 such list, shall place thereon the name of every person known
 3 by, or proved to them to be qualified, as aforesaid, whether such
 4 person applies therefor or not. 1831, 518, § 1

SECT. 6. After such list is prepared and deposited with the
 2 clerk and posted up, as provided in the preceding sections of
 3 this chapter, the selectmen shall not add thereto nor strike out
 4 the name of any person, except as provided in the four following
 5 sections. 1831, 518, § 2

SECT. 7. In every town containing by such last census, more
 2 than three thousand inhabitants, the selectmen shall be in open
 3 session for a reasonable time, for the purpose of correcting such
 4 list, on the Friday and Saturday next preceding the second
 5 Monday of September annually. 1833, 89, § 1

SECT. 8. In every town containing more than two thousand
 2 qualified electors, the selectmen shall be in open session for a
 3 reasonable time on the day preceding any election of governor,

4 senators, representatives in the state legislature or in congress,
5 or "of electors of president and vice president of the United
6 States," and previously if they see cause, for the purpose of
7 hearing and deciding on applications of persons claiming the
8 right to vote at such election; provided that if the election be
9 appointed for Monday, such previous session shall be held on
10 Saturday instead of such preceding day. 1821, 115, § 2

SECT. 9. In every town the selectmen shall be in session on
2 the day of any such election to receive and decide on such
3 applications at some convenient place for so long a time imme-
4 diately preceding the opening of the polls, as they shall think
5 necessary, and may hear and determine any such application at
6 any time before the polls are closed, provided that when the
7 town contains five thousand inhabitants or more no such
8 application shall be received after ~~one~~ 3 o'clock in the afternoon
9 of said day. 1837, 518, § 2. 1837, 300, § 1.

SECT. 10. The selectmen shall order notice of the time and
2 place of all their sessions required or authorized in the three
3 preceding sections in the warrant for calling the respective
4 town meetings, to be given in the same manner.

SECT. 11. The assessors of every town shall make out a
2 correct and alphabetical list of the inhabitants in their respective
3 towns qualified to vote in the choice of town officers, and deposit
4 such list in the office of the town clerk, and put up a copy
5 thereof in one or more public places in such town on or before
6 the twentieth day of February annually. 1821, 115, § 14.

SECT. 12. The said assessors shall be in session at some
2 convenient place by them notified in the manner in which town
3 meetings are called in such town on the day next preceding the
4 day of annual election of town officers in the month of March
5 or April, annually, unless the same happen on the Lord's day, in
6 which case, the assessors shall be in session on the Saturday
7 preceding or the morning of the day of election and for so long
8 a time, as they may judge necessary, to receive evidence of the
9 qualifications of persons claiming to have their names entered
10 on said list. 1821, 115, § 14.

SECT. 13. The aldermen and assessors of the cities shall
2 prepare lists of the qualified voters for governor, senators and
3 representatives in the state legislature in and for the several
4 wards in their respective cities in the same manner as selectmen
5 and assessors are required to prepare them for towns the aldermen
6 performing the duties of selectmen; and the city wardens shall
7 be governed by said lists. 1835.

ARTICLE II. *Of notifying meetings and proceedings at elections and returns.*

SECT. 14. The selectmen of every town by their warrant
2 shall cause the inhabitants thereof, qualified according to the
3 constitution, to be notified and warned seven days at least before

4 the second Monday of September annually to meet at some
 5 suitable place to give in their votes for governor, senators and
 6 representatives as the constitution requires; and such meeting
 7 shall be warned in the manner legally established for warning
 8 other town meetings in such town. 1821, 115, § 4.

SECT. 15. No such meeting shall be opened before eleven
 2 o'clock in the forenoon on the day of the election aforesaid
 3 unless the number of qualified voters in such town shall exceed
 4 five hundred, in which case an earlier and suitable time in the
 5 day may be appointed by the selectmen. 1821, 115, § 3.

SECT. 16. The selectmen or other officers authorized and
 2 required by the constitution and laws to preside at any such
 3 meeting, shall then and there have all the powers of moderators
 4 of town meetings as provided in chapter (5) fifth and it shall be
 5 their duty to refuse the vote of any person not qualified to vote.

1821, 115, § 5.

SECT. 17. If the selectmen, or a majority of them, be absent
 2 from any such meeting duly warned, or being present shall
 3 neglect or refuse to act as such, and to do all the duties required
 4 of them at such meeting, the qualified voters at such meeting
 5 may choose so many selectmen pro tempore, as may be necessary
 6 to constitute or to complete the number competent to do the
 7 duties. 1833, 81, § 11.

SECT. 18. During the choice of such selectmen pro tempore,
 2 any selectman present may act as moderator; if there be no
 3 selectman present, or in case those present should neglect or
 4 refuse to act as such, the town clerk shall preside; and the
 5 person so acting or presiding shall have all the powers and
 6 discharge the duties of a moderator. 1833, 81, § 11.

SECT. 19. The selectmen, pro tempore, having accepted the
 2 trust, shall be sworn faithfully to discharge the duties of the said
 3 office, so far as relates to such meeting and election; and in
 4 making a record and return of the votes as the constitution or
 5 laws may require and in all matters, incidental to the trust, shall
 6 have the powers of permanent selectmen and be subject to the
 7 same duties and liabilities. 1833, 81, § 11.

SECT. 20. At every meeting for the choice of governor, sen-
 2 ators, representatives and other public officers requiring the like
 3 qualifications in the electors, the selectmen or other officer pre-
 4 siding shall require the qualified electors to give in their votes
 5 for the officer or officers to be chosen on one list or ballot, or
 6 so many of such officers as the person voting may determine to
 7 vote for designating the intended office against the name of
 8 each person voted for; provided that if the meeting so decide,
 9 they may vote for the representative or representatives to the
 10 state legislature in a separate ballot.

1831, 518, § 3. 1834, 109, § 1.

SECT. 21. The selectmen or other officers presiding at any
 2 election as aforesaid, or of town officers, shall keep and use the
 3 check list, required by this chapter, at the polls during the

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4 election of any of the officers aforesaid; and they shall also
5 have and use suitable ballot boxes to be furnished at the
6 expense of the town; and no vote shall be received, unless
7 delivered by the voter in person, nor until the presiding officer
8 or officers, shall have had opportunity to be satisfied of his
9 identity, and shall find his name on the list.

1838, 348, § 1, 3. 1821, 115, § 1, 7, 15.

SECT. 22. No ballot shall be received or counted at any elec-
2 tion of state or town officers, unless in writing or printing upon
3 clean white paper and without any distinguishing mark or fig-
4 ures thereon, besides the name of the persons voted for and the
5 offices to be filled.

1831, 518, § 3.

SECT. 23. Whenever it satisfactorily appears to the select-
2 men at any town meeting held for the choice of representatives
3 to the legislature after a reasonable number of trials, that a
4 choice cannot conveniently be effected of any or all the repre-
5 sentatives, to which the town is entitled, the presiding select-
6 men shall declare their judgment to the inhabitants at such
7 meeting within a reasonable time after the last trial and
8 notify them accordingly; of which decision and notice, the
9 clerk shall then make a record and in no case shall a new
10 balloting commence after six o'clock in the afternoon.

1833, 81, § 3, 4.

SECT. 24. On such notice being given and recorded, or after
2 six o'clock in the afternoon there being no balloting then pend-
3 ing, the meeting shall be considered as adjourned to the same
4 day of the next week following, and at the hour and place for
5 which the first meeting was notified, and the selectmen shall
6 make proclamation thereof to the meeting.

1833, 81, § 3, 4.

SECT. 25. At such adjournment, a further trial or trials shall
2 be had, and if no choice then be made, the like proceedings
3 shall be had, as provided in the preceding section, and the
4 meeting shall be considered as further adjourned, to the same
5 day and hour of the next week at the same place, and such
6 meetings and adjournments to successive weeks may be contin-
7 ued to be had, until a choice shall be effected and declared.

1833, 81, § 3, 4.

SECT. 26. All town meetings required to be held for the elec-
2 tion of county treasurer or register of deeds, or of representa-
3 tive to congress, or of electors of president and vice president
4 of the United States, or for the determination of questions ex-
5 pressly submitted to the people by the legislature, so far as
6 respects the calling and notifying the meetings and conducting
7 the same, shall be subject to the regulations made in this chap-
8 ter for the election of governor, senators and representatives,
9 unless otherwise provided by law.

SECT. 27. In order to determine the result of any election in
2 this State, the whole number of persons, who voted at such
3 election, shall first be ascertained by counting the whole num-

ber of separate ballots given in ; and no person shall be deemed or declared to be elected who shall not have received a majority of the whole number of ballots, and in all returns of elections, the whole number of ballots given in shall be distinctly stated ; but blank pieces of paper shall not be counted as ballots ; and if at any election a greater number of candidates, than the number to be elected shall severally receive a majority of the whole number of ballots, a number equal to the number to be elected, of such as have the greatest excess over such majority, shall be deemed and declared to be elected ; but if the whole number to be elected cannot be completed thus by reason of any two or more of such candidates, having received an equal number of ballots, the candidates having such equal number, shall be deemed not to be elected.

M. R. S. 4, § 13.

SECT. 28. The clerks of the several towns in the State shall deliver, or cause to be delivered at the office of the secretary of state, the returns of votes given in their respective towns for governor, senators, representatives to congress, electors of president and vice president of the United States, county treasurer and register of deeds, within thirty days next succeeding any meeting for the election of such officers, or shall deposit the same in some post office in this State, directed to the secretary of state within fourteen days after such meeting, to be transmitted by mail. 1836, 249, § 1.

SECT. 29. If any such return, shall not have been received by the secretary of state within thirty days next succeeding such meeting, the secretary of state shall forthwith notify the county attorney of the county in which such town is situated whose duty it shall be to give immediate notice thereof to the clerk of such town, and unless he receives satisfactory evidence that said clerk has complied with the requirements of the preceding section, to prosecute for the penalty hereinafter provided. 1836, 249, § 2.

SECT. 30. Whenever any such original return shall in any way be lost or destroyed, the selectmen and clerk of such town, on receiving information of such loss or destruction, shall forthwith cause a copy of the record of the meeting at which such vote was given to be made with their certificate upon the same sheet, that the same is a true copy of the record, that it truly exhibits the names of all the persons voted for, for the offices designated, and the number of votes given to each at such meeting, and that said copy contains all the facts, which were stated in the original return 1831, 518, § 6.

SECT. 31. The selectmen and town clerk who were present at the meeting and signed the original return, shall sign the certificate mentioned in the preceding section, designating their office against their names, as in the original return, and shall make oath, that said copy and certificate are true before some justice of the peace of the county, who shall also make certificate of such oath on the same paper. 1831, 518, § 6.

SECT. 32. Such copy and certificates shall then be sealed up
2 and directed to the secretary of state, with the nature of the
3 contents written on the outside, and the clerk of such town
4 shall cause the same to be delivered into the office of the secre-
5 tary of state, as soon as may be. 1831, 518, § 6.

SECT. 33. Whenever the selectmen of any town not classed
2 with others as a representative district, shall by any means have
3 knowledge that the seat of any representative thereof has been
4 vacated by death, resignation or otherwise, they shall forthwith
5 issue their warrant, giving at least seven days' notice for the
6 meeting of the qualified electors of said town to choose some
7 person to supply such vacancy; and at such meeting the like
8 proceedings shall be had, as at any meeting held on the second
9 Monday in September for the like purpose, and if necessary the
10 meeting may be adjourned as provided in the twenty-fourth and
11 twenty-fifth sections. 1833, 81, § 4.

ARTICLE III. *Special provisions effecting cities, plan- tations and representative districts.*

SECT. 34. Except when otherwise specially provided, the
2 regulations made in this chapter in reference to towns and town
3 officers, shall be applicable to organized plantations and their
4 officers; and the assessors of any such plantation shall be con-
5 sidered selectmen for all the purposes of this chapter and liable
6 to perform the duties under the like penalties.

SECT. 35. For all the purposes of electing the governor, sen-
2 ators, representatives to the state legislature, or any of the
3 offices except where other provision is expressly made, the inhab-
4 itants of any city in this State shall remain and continue a town
5 and shall possess all the rights and powers, and shall be subject
6 to all the duties, obligations and liabilities of other towns.

Private Laws, 1832, 248, § 1, 13. 1834, 436, § 18.

SECT. 36. The aldermen of any such city, by virtue of such
2 office shall be selectmen of said town, and the city clerk and
3 assessors shall with the exception aforesaid, be town clerk and
4 assessors, for the purposes of such election, and they shall be
5 deemed to have been elected, as aforesaid, both city and town
6 officers, and shall be duly sworn as town officers respectively.

Private Laws 1832, 248, § 1, 13. 1834, 436, § 18.

SECT. 37. The city constables shall with the like exception,
2 be deemed constables of the town, for the purposes of notifying
3 all ward meetings for such elections, and of maintaining order
4 in said meetings.

Private Laws 1832, 248, § 1, 13. 1834, 436, § 18.

SECT. 38. For all the purposes mentioned in the fourteenth
2 and twenty-sixth sections, the inhabitants of cities shall meet as
3 the constitution requires in ward meetings to be notified and
4 warned, as is provided for town meetings for similar purposes.
5 The warden shall preside and the clerk shall make such record
6 as the constitution requires. New.

SECT. 39. If the warden be absent from any such meeting or
2 refuse or neglect to preside, a warden pro tempore shall be
3 chosen, during which choice the clerk of the ward shall pre-
4 side; and the warden elected pro tempore, having accepted the
5 trust, shall be duly sworn and have the power and perform the
6 duties of warden at said meeting, and be liable to the penalties.

New.

SECT. 40. The qualified electors of the ward, composed of
2 the islands within the city of Portland may meet as provided in
3 the thirty-eighth section, and also for the choice of city officers
4 on either of said islands, which a majority of such qualified
5 electors may designate, or may have designated, at any meeting
6 legally held for the purpose. 1837, 281, § 1.

SECT. 41. The warden of the said ward shall preside impar-
2 tially at such meetings, receive the votes of all the qualified
3 electors present, sort, count and declare them in open meeting
4 and in the presence of the clerk, who shall make a list of the
5 persons voted for with the number of votes for each person
6 against his name, and the offices respectfully and in open town
7 meeting, and in the presence of the warden, shall make a fair
8 record thereof: a fair copy of this list shall be attested by the
9 warden and clerk, sealed up in open meeting and delivered to
10 the clerk of ward number one, in said Portland, within eighteen
11 hours after the closing of the polls, and the votes thus thrown
12 shall be deemed as thrown in and belonging to the last men-
13 tioned ward. 1837, 281, § 1.

SECT. 42. In voting for representatives to the state legisla-
2 ture in the wards of any city, the names shall be on the same
3 ballot with the other officers to be chosen at the meeting by
4 electors of like qualifications; unless the board of aldermen in
5 their warrant notifying the meeting shall require a separate bal-
6 lot or ballots, which they are hereby authorized to do. New.

SECT. 43. When a choice of any such representative is not
2 effected, the aldermen shall call new meetings of the wards for
3 the purpose to be held at one and the same time within
4 weeks after any former meeting, and the like proceedings shall
5 be had at such meetings, as at the time first appointed. New.

SECT. 44. It shall be the duty of the aldermen in their
2 respective cities on all days of election, for which a list of
3 qualified voters is required, to be in session at some central
4 and convenient place, from nine o'clock in the forenoon to one
5 o'clock in the afternoon, and notice of such place shall be given
6 in the warrant for calling the meeting for such election, for the
7 purpose of receiving evidence of the qualification of voters,
8 whose names have not been entered on the list; and on satis-
9 factory evidence being produced, by any inhabitant, the alder-
10 men shall deliver to such inhabitant a certificate under their
11 hands directed to the warden of the proper ward, requiring him
12 to enter the name of such person upon his ward list; and the
13 warden shall thereupon add the name of such person to said
14 list and receive his vote. 1837, 300, § 2.

SECT. 45. At any session required by the preceding section
2 any number of aldermen, if not less than three, shall be con-
3 sidered a quorum. 1837, 300, § 3.

SECT. 46. Whenever two or more towns are classed agreea-
2 bly to the constitution of this State, for the purpose of choosing
3 a representative to the Legislature, the selectmen of the oldest
4 town in such district shall appoint a time and place of meeting
5 of the selectmen of the several towns in such district and give
6 reasonable notice thereof to such selectmen, for the purpose of
7 examining copies of the lists of votes for representatives in the
8 manner prescribed by the constitution, where no time nor place
9 of meeting has been otherwise established. When thus assem-
10 bled the selectmen of the towns, so classed, shall by a majority
11 of votes, "reckoned by towns" determine the time and place
12 for their future meetings in said district for the purpose afore-
13 said, and such time and place shall continue fixed until altered
14 by a like vote. 1831, 518, § 9.

SECT. 47. Whenever at any such meeting of selectmen on
2 comparing the lists of votes it shall appear that no person has
3 been elected, the selectmen of the several towns shall issue
4 their warrant in legal form for another meeting to be held three
5 weeks after such first meeting in their respective towns at the
6 same hour and at the same place ; and the selectmen of such
7 towns shall again meet within four days after such second trial,
8 as provided in the constitution. If at such meeting of the
9 selectmen it shall still appear that no choice has resulted, the
10 same proceedings shall be repeated every three weeks, until a
11 choice shall be made and declared. 1832, 2, § 1, 2.

SECT. 48. Whenever an election of a representative, shall
2 appear to the selectmen, assembled as aforesaid, to have been
3 made, they shall deliver to the person so elected certified copies
4 of the lists of votes within ten days after the election, or sooner
5 if required by the person, so elected ; certified copies of the
6 lists of votes within ten days after election, or sooner if re-
7 quired by the person, so elected ; but it shall not be necessary for
8 the clerks of the towns to seal them up, nor to cause such copies
9 to be delivered into the secretary's office. 1823, 222, § 1.

SECT. 49. Whenever in any district, the selectmen of the
2 oldest town shall be duly notified, or be otherwise satisfied that
3 the seat of the representative of such district has been vacated,
4 they shall as soon as may be, leaving a convenient time for call-
5 ing meetings in the several towns, appoint a convenient day for
6 another election to supply such vacancy, and shall notify the
7 selectmen of the other towns accordingly. 1833, 81, § 5.

SECT. 50. The selectmen of the several towns shall call meet-
2 ings upon the day appointed, and the like proceedings shall then
3 be had, as is required by the constitution and laws for the elec-
4 tion of representatives on the second Monday of September,
5 and shall meet within four days thereafter to examine the list of
6 votes, and if a choice be effected, shall deliver copies of the

7 lists to the person elected as provided in section forty-eighth;
8 otherwise such proceedings shall be had, as are provided in
9 section forty-seven. 1833, 81, § 5.

SECT. 51. Whenever any person shall intend to contest
2 before the house of representatives of this State the right of
3 any person to his seat therein, who shall have been duly
4 returned as a member thereof, he shall notify the person, so
5 returned, of such intention, at least twenty days before the first
6 Wednesday of January by delivering to him in hand or leaving
7 at his last and usual place of abode in writing a specification of
8 his objections to the validity of such return; provided the meet-
9 ing at which the person returned claims to have been elected,
10 shall have been held, at least thirty days before the first Wed-
11 nesday of January; and depositions may be then taken as pro-
12 vided in section — of chapter —

1830, 479, § 1. 1835, 310, § 1.

SECT. 52. Whenever pursuant to the provisions of section
2 — of chapter — any person resident in any unincorpora-
3 ted place, which is part of a representative district and adjacent
4 to any town, in said district, shall claim to be assessed for taxes
5 in such town, he shall be entitled to vote in such town in all
6 elections of state or county officers, until the first day of May
7 next following the time when his claim was made, provided
8 he be in other respects a qualified elector and continues his
9 residence, as aforesaid, or if he removes to said town: and the
10 selectmen shall place his name on the list of voters and receive
11 his vote accordingly. 1833, 72, § 2.

ARTICLE IV. *Penal provisions and regulations affecting the purity of elections.*

SECT. 53. If any selectman, or other town, city or plantation
2 officer, or any selectman or other such officer chosen pro tem-
3 pore, shall wilfully neglect or refuse to perform any of the
4 duties required of them, or shall wilfully authorize or permit to
5 be done any thing prohibited, either by the constitution of this
6 State or by the several provisions of this chapter, he shall for
7 each offence forfeit a sum not less than fifty, nor exceeding five
8 hundred dollars, to be recovered by indictment to the use of
9 the State, and suffer imprisonment in the county jail not longer
10 than nine nor less than three months, or either of said punish-
11 ments; except where otherwise expressly provided in this
12 chapter.

1821, 115, § 8, 9, 11, 17. 1822, 187, § 1. 1833, 81, § 2.
1836, 249, § 1.

SECT. 54. If any constable or other person legally required
2 to summon the qualified voters of any city, town or plantation
3 to give in their votes for governor, senators, representatives to
4 the legislature of this State or to congress, or for a county
5 treasurer or register of deeds or of electors of president and

6 vice president of the United States, shall wilfully refuse or
 7 neglect to summon such voters agreeably to law and make due
 8 return of such warrant within the proper time, he shall forfeit a
 9 sum not less than fifty nor more than two hundred dollars, to be
 10 recovered by indictment, one half to the use of the State, and
 11 the other half to the use of the complainant.

1830, 472, § 1.

SECT. 55. If the selectmen of any town, or assessors of any
 2 plantation, shall wilfully neglect to deposit lists of qualified
 3 voters with the town or plantation clerk, and to post up such
 4 lists as are required in section fourth, they shall severally forfeit
 5 for such offence, not less than fifty dollars nor more than one
 6 hundred dollars; and for each day's neglect after the twentieth
 7 day of August and until the election then next ensuing they
 8 shall severally forfeit the sum of thirty dollars.

1831, 518, § 1.

SECT. 56. If such selectmen or assessors, shall wilfully neg-
 2 lect or refuse to keep and use a check list, as provided in
 3 section twenty-first, or shall wilfully receive any vote prohibited
 4 by the twenty-second section, they shall severally forfeit not
 5 less than fifty nor more than one hundred dollars.

1831, 518, § 3. 1838, 348, § 1, 3.

SECT. 57. The penalties in the two preceding sections, shall
 2 be recovered in an action of debt in the name and to the use of
 3 the inhabitants of the town or plantation where the offence is
 4 committed; to be commenced and prosecuted to final judgment
 5 at the request of any qualified voter in such town or plantation
 6 by the treasurer thereof—unless he be one of the delinquent
 7 officers and in that case by one of the constables.

1831, 518, § 3. 1838, 348, § 1, 3.

SECT. 58. If any selectman or other officer of any city, town
 2 or plantation, or selectman or other officer thereof chosen pro
 3 tempore, shall wilfully neglect or refuse to perform the duties
 4 required by the thirtieth, thirty-first and thirty-second sections,
 5 on notice of the loss and destruction of any such return, as is
 6 therein described, he shall forfeit not less than one hundred nor
 7 more than five hundred dollars to be recovered by indictment
 8 to the use of the State.

1831, 518, § 6.

SECT. 59. Any such selectman or other officer, whether per-
 2 manent or pro tempore, who shall in such case, make a false
 3 certificate and make oath to the truth thereof, shall on convic-
 4 tion thereof, suffer the pains and penalties provided against the
 5 crime of perjury in section first of chapter one hundred and
 6 fifty-eight, and be also disqualified from holding any office
 7 under the constitution and laws of this State for ten years.

1831, 518, § 6.

SECT. 60. Every person to whom the returns of votes of any
 2 city, town or plantation for governor, senators or representa-
 3 tives in congress, shall be entrusted by the clerk thereof, for the
 4 purpose of forwarding them to the office of the secretary of

5 state, who shall wilfully neglect to use all proper means for the
6 delivery thereof, within the time required by the constitution
7 and laws, shall forfeit for such neglect not less than one hundred
8 nor more than five hundred dollars to the use of the State to
9 be recovered by indictment, or be imprisoned in the county
10 jail, for a term not less than two nor more than six months, at
11 the discretion of the court, having cognizance thereof.

1831, 518, § 7.

SECT. 61. Every county attorney, who shall receive from, the
2 secretary of state a certificate, that the return of the votes of
3 any town, city or plantation in his county for governor, senators,
4 representatives in congress, has not been duly received at the
5 secretary's office, shall immediately ascertain, so far as he may
6 be able by the default of what officer of such town or other
7 person, such neglect may have happened, and to demand of such
8 officer or other person, if he finds such default wilful or caused
9 by culpable negligence, the sum or sums, forfeited by such
10 neglect; and if the same be not immediately paid to prosecute
11 such delinquent according to law; and all sums thus recovered
12 shall enure to the use of the State.

1831, 518, § 4.

SECT. 62. In no case shall any officer of any city, town or
2 plantation incur any punishment or penalty, or be made to suffer
3 in damages by reason of his official acts or neglects, unless the
4 same shall be unreasonable, corrupt, or wilfully oppressive; pro-
5 vided that the neglect to prepare the list of voters, to deposit it
6 in the town clerk's office, or to post it up as required in this
7 chapter, or to call town, city or plantation meetings for elec-
8 tions or to cause returns of votes, or copies thereof to be delivered
9 into the office of the secretary of state, as required by the con-
10 stitution and laws of this State, or to make the records by law
11 required shall be deemed unreasonable, unless the contrary be
12 made to appear.

1831, 518, § 5.

SECT. 63. If at any meeting for the election of any public
2 officer, where a list of voters is necessary, any person shall wil-
3 fully cast his vote before the presiding officer shall have had
4 opportunity to find his name on said list, or if he shall vote, know-
5 ing that his name is not on said list, or shall wilfully give any
6 false answer or statement to the selectmen or other officers pre-
7 viously preparing such list or presiding at such meeting, in order
8 that his name may be entered on such list or his vote received;
9 or if any person shall give in more than one vote at any one bal-
10 loting, or be disorderly at any such meeting, he shall forfeit for
11 each offence, not exceeding one hundred dollars nor less than
12 ten.

1821, 115, § 7, 10, 15, 16.

SECT. 64. If any officer of the militia, shall parade his men,
2 or exercise any military command on any day of election of any
3 public officer, such as is described in section of chapter
4 and not thereby excepted, or except in time of war or
5 public danger, he shall for each offence, forfeit not less than ten,
6 nor more than three hundred dollars.

1821, 115, § 13. 1834, 121, § 31.

SECT. 65. The penalties provided in the two preceding sections, may be recovered by indictment, one half to the use of the State, and the other half to the use of the complainant.

1821, 115, § 17.

SECT. 66. If any person, shall by bribery, menace, "wilful falsehood" or other corrupt means, directly or indirectly, attempt to influence any elector of this State in giving his vote or ballot, or to induce him to withhold the same or disturb or hinder him in the free exercise of the right of suffrage at any election in this State held under any of the provisions of the constitution or of this chapter, he shall on indictment and conviction thereof be deemed guilty of a misdemeanor, and be fined not more than five hundred dollars, or be imprisoned for a term not exceeding one year, or both at the discretion of the court.

ineligible for six years to office 1835, 190, § 1.

SECT. 67. No person shall sell or expose to sell within the distance of two hundred rods, from any place where the inhabitants of any town or plantation in this State shall be assembled in legal town meeting, for the purposes of state, county, town or plantation elections or choice of electors of president of the United States, or other public business, any rum, gin, wine or any other strong liquors or erect any booth or tent for that purpose; unless he be a licensed innholder or retailer in pursuit of his ordinary business, at his usual place of prosecuting the same.

1826, 133, § 1.

SECT. 68. Any justice of the peace or selectman of such town or assessors of such plantation, who may be present or have knowledge of the violation of any of the provisions of the preceding section, may, in writing, order any constable of the town to seize any such liquors, or any carriages, or vessels containing the same, or any booths or tents erected within said limits, for the purpose of exposing such strong liquors for sale.

1826, 133, § 1.

SECT. 69. The constable to whom such order shall be delivered shall thereupon seize, all such liquors, carriages, vessels and the materials of any such tent or booth, and hold and detain the same, until twenty four hours after the adjournment of the meeting, then to be delivered on demand to the person from whom the said articles were taken, or to the lawful owner—on payment of three dollars, for the safe keeping of the articles.

1826, 133, § 1.

SECT. 70. If the same be not thus demanded within twenty four hours after the seizure thereof, the same shall be exposed to sale by auction, by the constable seizing them, after forty eight hours notice of the time and place of sale shall have been posted up in two or more public places in such town or plantation, unless in the mean time redeemed by payment of said sum and the reasonable expense of advertising.

1826, 133, § 2.

SECT. 71. The proceeds of the sale, after deducting the aforesaid expenses and the charges of sale to be taxed as on a

3 sale of personal property, taken on execution, shall be paid over
 4 to the person from whom such articles were taken or the lawful
 5 owner thereof.

NOTES.

Very few alterations are suggested in this chapter excepting such as arise from an attempt to render its provisions more methodical, and in some instances certain provisions made for particular purposes in the old law are extended to other purposes similar in their nature. The act of 1833 chap. 68 "providing for the choice of representatives to congress" remains unrevised, as from its nature it must be modified after the taking of the next census.

SECT. 27. This section defines the principles upon which the results of elections are ordinarily determined. By being incorporated with the statutes, those principles will become more generally understood, and more readily and accurately applied.

SECT. 35—43. The provisions of the private acts incorporating the cities of Portland and Bangor and additional thereto, and certain modifications of the constitution made in consequence of the incorporation of those cities, are by these sections made part of the public laws and applied to the purposes intended. A few further, but obvious, provisions are introduced in the 38, 39, 42 and 43d sections to preserve the analogy between city elections and those held by other municipal corporations, in cases likely to occur and not otherwise provided for.

SECT. 46. In providing that the majority of votes required to fix the place and time of future meetings mentioned in the latter part of this section should be "reckoned by towns" instead of being decided by the number of officers casually presents from those towns, the commissioners presume they conform to views which will seem equitable to the Legislature.

CHAPTER 7.

OF THE SECRETARY OF STATE.

- Sect. 1.* The secretary shall be duly sworn, keep his office at the seat of government—and his duties.
2. In case of vacancy, in the office, an acting secretary may be appointed and qualified.
 3. Secretary and acting secretary, shall give bond.
 4. To give notice of appointments, and deliver commissions.
 5. To certify to state treasurer, monies paid to county treasurer, for duties on commissions.
 6. Shall distribute laws, &c. as ordered, &c.
 7. To present commissions to governor, for his signature.
 8. Shall have custody of state law library, &c.
 9. All bills passed to be engrossed, to be copied under his direction.
 10. Proceedings to be had, when commissioner of treasury is appointed.
 11. Shall furnish towns with blank election returns.

SECT. 1. The secretary of state shall take and subscribe the
2 oath, or affirmation prescribed by the constitution, and shall
3 keep his office at the seat of government, and shall keep and
4 preserve in such office, at the expense of the State, all the
5 records as required by the constitution, and have the custody of
6 the state seal.

SECT. 2. When a vacancy shall happen in the office of
2 secretary, in the recess of the Legislature, by death, resignation
3 or otherwise, the governor, with advice of the council, shall
4 appoint a suitable person to act as secretary of state, until one
5 shall be elected by the Legislature, and he shall take the same
6 oath required to be taken by the elected secretary; and the
7 person thus appointed, shall have the same compensation, to be
8 paid quarter-yearly, as the secretary of the State would be
9 entitled to, in proportion to the time such person shall perform
10 the duties of his appointment.

SECT. 3. The secretary shall give bond to the State of
2 Maine, and also the acting secretary, appointed as aforesaid,
3 in such sum as the governor and council shall direct; with good
4 and sufficient sureties, with condition that he will faithfully
5 appropriate, according to law, all monies belonging to the State
6 which may come to his hands by appropriation, and render
7 annually a true account thereof to the governor and council.

SECT. 4. When any person shall be appointed to any office,
2 upon which, a duty is, or may be required, it shall be the duty
3 of the secretary of the State to notify such person of the
4 appointment; and on his producing from the proper officer a
5 receipt for the amount of duty, a commission shall be immedi-
6 ately made out under the direction of the governor, and deliv-
7 ered to him or to any other person, by him authorized to
8 receive it. 1825, 286, § 1.

SECT. 5. On the first day of January annually, the secretary
2 of state shall certify to the treasurer of the state, the amount
3 paid to the several treasurers of counties, towns and plantations,
4 for duties on commissions, by him delivered the year preceding.
1835, 286, § 2.

SECT. 6. It shall be his duty to distribute the laws when
2 published, to such corporations, officers, and other persons, as
3 the Legislature may direct.

SECT. 7. It shall be the duty of the secretary and acting
2 secretary, in person or by his deputy, to make out and present
3 to the governor and council, under the seal of the State, a
4 commission for every person who shall be appointed or elected
5 to any office, which by the constitution or laws, requires a
6 commission, in order that the same may receive the signature of
7 the governor. 1825, 71.

SECT. 8. He shall have the care and custody of the law
2 library belonging to the State, and keep the same in separate
3 and convenient apartments, where it may be accessible for
4 examination of the governor and council, the members of the

5 legislature, the judges of the courts and others, as provided in
6 the fourth chapter.

SECT. 9. All bills passed by both branches of the Legislature
2 to be engrossed, shall be engrossed under the especial direction
3 of the secretary of the State for the use of the Legislature, and
4 their further action thereon.

SECT. 10. Whenever a commissioner of the treasury is ap-
2 pointed, pursuant to the provisions in the sixth section of chap-
3 ter the secretary of state and the attorney general, or two
4 discreet and impartial citizens, to be appointed by warrant, un-
5 der the hand and seal of the governor, as soon as practicable,
6 after either of the events in said sixth section shall happen, hav-
7 ing given notice to the sureties or any two of them, or the late
8 treasurer or the treasurer to be superseded, shall take a true ac-
9 count and inventory of all monies, notes, books of account—and
10 other property belonging to the State, which were in the hands
11 of such treasurer or of any of his agents, and deliver the same to
12 such person as is appointed to discharge the duties of treasurer,
13 he giving a receipt therefor, which shall be lodged in the secre-
14 tary's office. 1820, 165, § 3.

SECT. 11. It shall be the duty of the secretary, when direct-
2 ed, to furnish the several cities, towns and plantations in the
3 State, with blank forms for election returns, (when not taken and
4 receipted for by the members of the Legislature, or by some
5 other person by the written request of one or more of the said
6 cities, towns or plantations) by seasonably delivering such
7 blanks in packages, directed to such cities, towns and planta-
8 tions, to the sheriffs of the several counties, to which such cities,
9 towns and plantations respectively belong: and such sheriffs
10 shall forthwith deliver the same to the selectmen, assessors or
11 the clerks of such respective corporations, taking a receipt for
12 the same: and if such secretary or any sheriff shall neglect his
13 duty, in violation of this section, he shall forfeit and pay a pen-
14 alty of one hundred dollars. 1833, 72.

CHAPTER 8.

OF THE TREASURER OF THE STATE.

- Sect. 1. Treasurer shall keep his office at seat of government.
2. He shall give bond in sum of \$75,000.
3. Condition of the bond particularly stated.
4. Bond when duly approved, shall be lodged with secretary.
5. Upon complaint of any surety, that the treasurer is insane or insolvent, or has absconded, &c., on the facts appearing to the governor and council, his office shall be declared vacant.
6. In case of vacancy of the office, governor and council may appoint a person to perform the duties, during the residue of the term, unless Legislature should be in session, person appointed to be sworn and give bond.

7. On first Wednesday of January, annually to lay before governor and council, a statement of warrants and monies due the State.
8. He shall send warrants to sheriffs for assessing taxes—to be delivered to assessors.
9. He shall issue warrants against delinquent towns, &c. assessors, constables and collectors.
10. On first Monday of meeting of Legislature, he shall lay before the Legislature an account of the treasury for the preceding year.
11. He shall report the names of officers who have not settled their accounts and are delinquent.
12. When he borrows money from a bank by virtue of a resolve, must give written notice to the bank of amount wanted, and demand it.
13. A copy of the resolve must accompany the demand.
14. He shall pay any sum due agricultural societies.
15. And distribute to towns, their share of bank tax.
16. He shall keep a book for entry of county treasurers' accounts, and balances due from them.

SECT. 1. The treasurer of the State, shall keep his office at
2 the seat of government.

SECT. 2. He shall give the bond which is required by the
2 constitution, in the penal sum of not less than seventy-five
3 thousand dollars, to the State of Maine, with good and sufficient
4 sureties, residing in the State. 1820, 165, § 1.

SECT. 3. The condition of the bond, shall be for the faithful
2 discharge and performance of all the duties of his office and for
3 the fidelity of all persons by him employed and entrusted with
4 any of the concerns of such office, and that during his contin-
5 uance in office, he will not engage in trade or commerce, or
6 as a broker, agent or factor, for any merchant or trader; and
7 that he or his executors, administrators or sureties, or their
8 executors or administrators, shall render a just and true account
9 of all his agents' and servants' doings and transactions in the
10 office to the Legislature, or such committee, as they shall appoint,
11 on the first Wednesday of January, annually; and previous to
12 the choice of a new treasurer, and at any other time when
13 required by the legislature, or the governor and council; and
14 that he will settle and adjust said account, and faithfully deliver
15 over to his successor in office, or to such person as the Legisla-
16 ture shall appoint, all monies, books, property and appurtenan-
17 ces of the said office in his or any of his agents' possession,
18 and pay over all such balances found due, on such adjustment.

1820, 165, § 1.

SECT. 4. Such bond, when approved as the constitution pre-
2 scribes, shall be lodged in the secretary's office.

SECT. 5. Upon the complaint of any surety for the treasurer
2 of the State, as aforesaid, to the governor and council, that such
3 officer is insane, or manifestly insolvent or has absconded or
4 concealed himself to avoid his creditors; or is absent from the
5 State, or the duties of his office to the imminent hazard of the
6 State, in respect to the trust reposed in such officer; and the
7 truth of the facts stated in such complaint, appearing on exam-

ination to the governor and council, it shall be their duty to
discontinue such treasurer, and declare his office vacant.

1820, 165, § 2.

SECT. 6. In case of a vacancy in the office of treasurer, by
death, resignation or otherwise, or in case said treasurer, shall
become manifestly insolvent in the recess of the Legislature, the
governor with consent of council, shall appoint some person a
commissioner to perform the duties of the office during the
residue of the term for which he was chosen, unless the Legisla-
ture should be sooner in session, and the person so appointed,
shall before entering on the duties of his office, take and
subscribe the oaths, and give bond with the same conditions to
the acceptance of the governor and council, as are required of
the treasurer by the Legislature.

1820, 165, § 2.

SECT. 7. The treasurer on the first Wednesday of January
annually, shall lay before the governor and council for their
inspection, a statement of the amount of all warrants in favor
of the State, and of any other sums of money or balances due
from the several sheriffs in the State, and shall certify the names
of the sureties in their respective bonds.

1821, 91, § 4.

SECT. 8. He shall also send such warrants as he shall be
ordered to issue for assessing any tax, enclosed to the sheriff of
each respective county, who is required immediately to transmit
the same to the assessors of the towns and plantations within
such county.

1821, 96, § 4.

SECT. 9. It shall also be his duty to issue warrants or
executions against delinquent towns and plantations, assessors,
constables and collectors to enforce the collection and payment
of state taxes, in the several cases particularly prescribed in the
— chapter.

SECT. 10. He shall also, annually, on the first Monday after
the meeting of the Legislature, lay before the two houses thereof,
a printed, detailed account, of the state treasury, distinguishing
in the receipts and expenditures, those sums which were due at
the close of the preceding year, from those which have become
due, during the current year—and what sums are due to and
from the treasury, and the resources of the State, for the ensuing
year.

1822, 183, § 2.

SECT. 11. He shall also report the names of any officers, who
have not settled their accounts as by law required, and those
who are delinquent, and have not paid over the money in their
hands, belonging to the State, and the amount due from such
officers.

SECT. 12. It shall also be his duty, when he has occasion to
borrow any sum of money, from an incorporated bank, by virtue
of any act or resolve of this State, to give notice in writing to
the bank or banks, named in such act or resolve, of the amount
wanted, and demand a loan thereof, the State holding itself
accountable for the sum borrowed.

1831, 519, § 13.

SECT. 13. He shall accompany the notice and demand of the loan, with an attested copy of the act or resolve which shall be approved by the governor in writing.

SECT. 14. He shall also pay to the treasurer of any agricultural society, or agricultural and horticultural society the sum due to such society as more fully explained in chapter —.

SECT. 15. He shall also distribute to the towns and plantations in the State, the proportion due to each, of the tax on the several banks, when and in the manner more fully described in chapter —.

SECT. 16. Whenever the account of any county treasurer is made to the treasurer of the State, it shall be his duty to enter the same, in a book kept for that purpose, and the balance of each account, when the same is settled; which book shall be open for the inspection of all persons interested.

SECT. 17. When any plantation, which is unincorporated, shall be assessed in any state tax, it shall be the duty of the treasurer of the State to give notice, as soon as may be, of such assessment to the county commissioners of the county in which such plantation is situate, and require them to take such measures, as are prescribed by law, for causing such plantation to become duly organized without delay.

CHAPTER 9.

OF THE TENURE OF OFFICES.

- Sect. 1. Officers shall hold their offices for four years, with certain exceptions, but be removal at pleasure.
2. The above limitation not to apply to ministers commissioned to marry.
 3. Every person appointed to any office, must receive his commission in three months, or be deemed to have declined acceptance, and then commission shall be void.
 4. Those who have received their commissions, but have not been qualified and filed a certificate with the secretary in three months, shall be held to have declined to accept, and the commission shall be declared void on record.
 5. Secretary shall keep a book and note the time, and to whom commissions are delivered, and certify the truth of the records in it.
-

SECT. 1. All civil officers who shall be appointed by the governor and council, whose tenure of office, is not otherwise provided for or limited by the constitution, otherwise than during the pleasure of the governor and council, shall hold and exercise their respective offices for the term of four years, and no longer, unless re-appointed; subject, however, to removal at any time, within said term, at the discretion of governor and council.

1824, 257.

SECT. 2. But the preceding section, shall not be construed to
 2 extend to ministers of the gospel, who are and may be appointed
 3 to solemnize marriages; or to such persons as are or may be
 4 commissioned by the governor, before whom, certain judicial,
 5 executive and civil officers are required by law to take and
 6 subscribe the oaths or affirmations required by the constitution.

1824, 257.

SECT. 3. Every person who has been or shall be appointed
 2 by the governor and council, to any judicial or civil office, or
 3 to solemnize marriages, and who has not requested and recei-
 4 ved, or who shall not within three months next after his said
 5 appointment, request and receive his commission for the same,
 6 shall be deemed and held to have refused to accept such ap-
 7 pointment; and it shall be the duty of the secretary of state,
 8 to report to the governor and council, in writing, the name and
 9 places of residence of the persons, so deemed to have refused,
 10 as aforesaid, at each session of the governor and council, in
 11 order that such appointments may be declared by them on record
 12 to be revoked and to have become void.

SECT. 4. And every person who has been or may be appoint-
 2 ed, as mentioned in the preceding section, who shall have
 3 requested and received his commission, but has, or shall have,
 4 neglected to take and subscribe the declaration and oath of
 5 office required by the constitution and laws of the State, and
 6 file in the secretary of state's office, a certificate of his having
 7 been so qualified to discharge the duties of his appointment
 8 within said term of three months, shall be deemed and held to
 9 have refused to accept such office or appointment—And the
 10 secretary shall at each session of the governor and council
 11 report to them in writing the names and places of residence of
 12 such persons, that such commission may be revoked, and on
 13 record declared void.

SECT. 5. It shall be the duty of the secretary of state to
 2 enter in a book, kept by him for that purpose, the time when
 3 and by whom every commission is taken from his office, and
 4 also the time when, any certificate of qualification for any office
 5 as aforesaid shall be filed or left at his office to be filed; and
 6 certify by himself or his deputy the truth of such entries *when*
 7 called on for the purpose.

NOTES.

SECT. 3. This is a new section. In many instances, it is understood commis-
 sions to persons as justices of the peace, are not taken from the secretary's office,
 and of course the duty is lost to the State. Many persons, it is presumed, wish
 to be honored with such appointments, and yet do not wish to act in the office and
 so do not pay the duty. This section may prevent such a consequence.

SECT. 4. This is new, and applies to those who do not regard the commission of any importance, except as a distinction. The sections are general, though they apply more especially to justices of the peace.

SECT. 5. New—but merely directory.

CHAPTER 10.

OF QUALIFICATION OF OFFICERS.

The justices of the supreme judicial court, the attorney general, secretary, treasurer, adjutant general and quarter master general, shall take and subscribe the oath or affirmation required by the constitution, before the governor and council, when in session, and in their recess before any two members of the council; and that every other person elected or appointed or commissioned to any judicial, executive, or civil office, shall take and subscribe the same before any one member of the council, or before any one of the magistrates commissioned by the governor for that purpose, excepting in such cases where the constitution has otherwise provided.

CHAPTER 11.

OF REGISTERS OF DEEDS.

- Sect. 1. Present registers to hold their offices, &c.
2. Mode of choosing by counties.
 3. Same subject.
 4. Registers shall be sworn, and give bond to county treasurer.
 5. When register is county treasurer, bond to be given to clerk of county commissioners.
 6. When no choice, county commissioners shall issue warrants for new meeting.
 7. Description of western registry district in Lincoln county.
 8. Description of eastern district in Lincoln county.
 9. Description of north district of Washington county.
 10. Description of western district of Oxford county.
 11. Mode of choice in those districts.
 12. In case of vacancy in a county or district, the clerk of the courts in the county, shall discharge the duties of register during the vacancy.
 13. In a county where there are two or more districts, if there should be one or more offices vacant, clerk shall appoint some person or persons, to transact the business of register, and to fill such vacancy, any one of the commissioners shall issue his warrant, and mode of proceeding.
 14. Persons appointed, to be sworn.
 15. Mode of removing from office a register for misconduct.

Sect. 16. Kind of paper to be used for records.

17. Register shall note the time of receiving a deed, to be recorded, and the effect of it.

18. He must receive all copies of attachments of real property by officers, and note the time when and keep entries.

19. Before recording deed, must receive the legal duty and pay it annually to county treasurer.

20. Where there is but one register in a county, his office shall be kept in the shire town of said county.

SECT. 1. All registers of deeds, now in office shall continue
2 therein, during the residue of the term, for which they were
3 respectively elected, unless sooner vacated by death, resignation
4 or otherwise.

SECT. 2. In each county in the State, in which there is only
2 one registry of deeds, there shall be chosen by ballot, by such
3 persons as are qualified to vote for representatives, at town and
4 plantation meetings, on the second Monday of September, in the
5 year one thousand eight hundred and forty-one, and every five
6 years thence following, some discreet person to be register of
7 deeds. 1821, 98, § 1.

SECT. 3. The selectmen of towns, and assessors of plantations,
2 shall receive, sort, and count the votes of the qualified voters
3 present and declare the same and the town or plantation clerk,
4 shall form a list of the persons voted for, with the number of
5 votes for each person against his name, and after recording the
6 same, shall transmit a certified copy of the record, to the clerk
7 of the county commissioners, on or before the first day of the
8 meeting of said commissioners, next after the said month of
9 September; and on the second day of their meeting, it shall be
10 the duty of said commissioners to examine the certified copies
11 of records within their county; and the person having a majority
12 of all the votes returned, shall be declared register of deeds for
13 said county, and shall hold his office for the term of five years
14 and until another shall be chosen and duly qualified.

1821, 98, § 1.

SECT. 4. Said register shall be sworn to the faithful discharge
2 of the duties of his office, and give bond with sufficient sureties,
3 to the treasurer of the county in the sum of two thousand dollars,
4 for the faithful discharge of the trust. 1821, 98, § 1.

SECT. 5. But when the register of deeds, shall be treasurer of
2 the county, such bond shall be given to the clerk of the county
3 commissioners for the use of the county. 1821, 98, § 1.

SECT. 6. When in any county there shall be no choice of a
2 register of deeds, the county commissioners shall issue their war-
3 rants to the selectmen of the towns, and assessors of the planta-
4 tions, in such county, to call meetings of the qualified voters, to
5 vote for a register of deeds, and the votes shall be received,
6 sorted, counted, and certified, and the same proceedings be had,
7 as mentioned in the third section of this chapter.

1821, 98, § 2.

SECT. 7. All the towns in the county of Lincoln lying west of
2 Kennebec river, shall continue to compose and constitute a
3 district for the registry of deeds, and be called the western dis-
4 trict of Lincoln county, and the register shall keep his office at
5 Topsham. 1826, 336, § 1.

SECT. 8. The towns of St. George, Thomaston, Cushing,
2 Friendship, Warren, Union and Washington, in said county of
3 Lincoln, shall continue to compose and constitute a district for
4 the registry of deeds, and be called the eastern district of Lin-
5 coln county, and the register shall keep his office at Thomaston.
1836, 220, § 1.

SECT. 9. All that part of the county of Washington lying
2 north of the north line of the fourth range of townships north of
3 the Bingham lottery lands, near Baskahegan river, shall continue
4 to compose and constitute a district for the registry of deeds,
5 and be called the north district of the county of Washington ;
6 and the register's office shall be kept in Houlton.

Special act. 1831, 146.

SECT. 10. The towns of Hiram, Porter, Brownfield, Denmark,
2 Fryeburg, Sweden, Lovel, Stoneham and Stow, in the county
3 of Oxford, shall continue to compose and constitute a district,
4 for the registry of deeds, and be called the western district of
5 the county of Oxford ; and the register, shall keep his office, at
6 Fryeburg aforesaid.

SECT. 11. In each of the four registry districts above de-
2 scribed, there shall be elected by the persons therein qualified
3 to vote, for representatives, in towns and plantations, on the day
4 and at the successive periods prescribed in the *second* section of
5 this chapter, and in the manner prescribed in the *third* section
6 of the same, and shall be sworn and give bond, for the faithful
7 discharge of the duties of his office, in the manner prescribed in
8 the *fourth* section of the same. 1821, 98, § 6.

SECT. 12. In case of vacancy in the office of register in any
2 county or registry district, the clerk of the judicial courts of the
3 county, within which, such vacancy may be, being first sworn to
4 the faithful discharge of his duty, shall perform all the duties
5 and services required of a register of deeds, during such vacancy;
6 and be entitled to the same compensation, and subject to the
7 like liabilities, as a register of deeds. 1825, 287, § 1.

SECT. 13. And in any county, where there are or may be, two
2 or more registry districts, and more than one of such offices shall
3 be vacant, at the same time, such clerk shall have power to
4 appoint some suitable person under him, to take charge of, and
5 perform the duties of said office, in the district or districts, in
6 which he shall not be able to perform them himself, during such
7 vacancy ; and for the purpose of supplying such vacancy, by a
8 new election of a register, any one of the county commissioners
9 shall issue his warrant to the selectmen of the towns and
10 assessors, of the plantations, in said county, or registry district
11 in such county, wherein the vacancy may exist, directing them

12 to convene the qualified voters in the towns and plantations, in
13 such county or district, to proceed to the choice of some suitable
14 person to fill the vacancy; and the commissioner shall make
15 his warrants returnable at a day certain, and notify the other
16 county commissioners to attend at the return day, who shall
17 examine the returns made, as directed, and the person having
18 the majority of votes, after being duly sworn, and having given
19 bond as aforesaid, shall be the register until the time, by law
20 appointed, for the next election of register throughout the
21 State. 1825, 287, § 2. 1821, 98, § 5.

SECT. 14. The person or persons so appointed, shall be sworn
2 to the faithful discharge of the duties of his appointment, and
3 said clerk shall be responsible, in all cases, for the doings of
4 such person or persons. 1821, 98, § 5.

SECT. 15. Whenever on presentment of the grand jury, or
2 information of the attorney general, to the supreme judicial
3 court, any register of deeds, shall, by default, confession,
4 demurrer or verdict after due notice, be found guilty of miscon-
5 duct in his office, or incapable of discharging its duties, said
6 court shall enter judgment, that he be removed from office, and
7 issue a writ to the sheriff, to take possession of all the books
8 and papers belonging to the office and deliver them to the clerk
9 of said court, that he may perform the duties of register of
10 deeds, in the manner presented in the *twelfth* section of this
11 chapter. 1821, 98, § 4.

SECT. 16. The records in each registry office, shall be made
2 and entered on paper, of a firm texture, well glazed and finished,
3 the principle ingredient of which, shall be linen.

1821, 109, § 2.

SECT. 17. Every register shall, at the time of receiving any
2 deed or instrument to be recorded, make a memorandum thereon,
3 of the day and the time of the day, when it was so received and
4 filed; and every such deed or instrument, shall be considered
5 as recorded, at the time such memorandum is made.

1821, 109, § 2.

SECT. 18. Every register shall receive all copies of special
2 attachment, made and attested by any officer of real property
3 situate in the county or district, of which, he is register, and
4 minute on the same the time when they are received, and keep
5 the same on file for the inspection of those who may be inter-
6 ested—and shall enter the same in a book kept for that purpose;
7 ~~for which service he shall be entitled to receive ten cents.~~

1833, 344, § 3.

SECT. 19. The register for each deed or conveyance of real
2 estate, brought to him to be recorded, shall, before recording
3 the same, demand and receive of the person bringing it, seven-
4 teen cents, and on or before the first day of April, annually,
5 shall pay to the county treasurer, all the duties he shall so have
6 received; for which service in receiving and paying such duties,
7 he shall be allowed two per cent. thereon. 1821, 98, § 3.

erase

SECT. 20. The register of deeds in each county, in which there is but one register, shall keep his office in the shire town of the county.

CHAPTER 12.

OF THE CHOICE, POWERS AND DUTIES, OF COUNTY TREASURERS.

- Sect. 1. Time of choice, and by whom chosen.
2. Votes to be counted and sorted, by selectmen and assessors.
3. Votes to be recorded, and copy of record sent to commissioners.
4. Person chosen shall be sworn before commissioners or their clerk, and give bond, and hold his office until a successor shall be chosen.
5. When no choice, commissioners may appoint one, who shall be sworn and give bond, and hold till a choice.
6. Persons disqualified to hold the office.
7. Treasurer shall apply all monies received for the use of the county as directed by the courts and have compensation.
8. To enforce payment of county taxes, and lay account of monies raised and received before Legislature annually.
9. No further assessment to be made, till such statement is made.
10. Shall transmit an account to state treasurer in two months after rising of Legislature, as to bills of cost, &c. &c.
11. May charge a commission and pay balance to state treasurer.
12. Penalty for neglect so to do.
13. Shall pay the balance, and account to treasurer for all fines, &c. &c.
14. On 3d Wednesday of January annually, shall exhibit to governor and council a general account of his proceedings and state the balance.
15. Also at same time, an account of sums, and from whom, to the State.
16. Commissions charged, shall be included in account, to be rendered.
17. Shall annually, in January publish an account of the financial concerns of the county.
18. Shall pay to treasurer of law library, monies received on admission of attorneys in the District Court, and to state treasurer, those on admission of attorneys in S. J. Court.
19. Shall enter in a book an account of all fines, forfeitures and costs due the State, as certified to him by clerk of courts and when paid.
20. Penalty for neglect of duty.
21. Shall by the 1st Wednesday of January annually lay before the county commissioners, a schedule of notes taken of poor convicts, liberated from prison.
22. Shall send to secretary of state in January, a true copy of each sheriff's account rendered to him.
23. He shall annually prepare his account as treasurer to the close of the year, and estimates of county taxes, as allowed by the commissioners, and deliver the same to their clerk.
24. Shall annually and oftener if required, exhibit an account to the commissioners.
25. May charge to State, sums paid to jailors for keeping poor convicts in prison, after allowed by commissioners.
26. Shall transmit to secretary a certificate of plantations organized.
27. Shall receive from U. States, money for use of jails.

Sec 2
SECT. 1. Each county treasurer now in office, shall continue to hold it, till his successor ~~shall be appointed or chosen and~~ qualified according to law. And in each county, there shall be annually chosen on the second Monday of September, by the ballot of such persons, as are by the constitution, authorized to vote for representatives, in the several towns, some person resident in such county, for a county treasurer. 1821, 99, § 1.

SECT. 2. The votes in each town meeting shall be counted and posted and declared by the selectmen and clerk thereof, and in each plantation meeting, by the assessors and clerk thereof. 1821, 99, § 1.

SECT. 3. The names of each person voted for and the number of votes which each person had, shall be recorded in the town or plantation book; and an attested copy of such record shall be transmitted, under seal, to the meeting of the county commissioners, to be holden next after the twentieth of September, annually, on the first day of such meeting, then to be opened and compared with the like returns of the several towns and plantations in such county. 1821, 99, § 1. 1825, 289.

SECT. 4. The person having a majority of the votes and accepting the office, shall be sworn to the faithful discharge of the trust before said commissioners, or any two justices ~~quorum~~ *the* *of* *Brin* *61* and give bond with sufficient sureties, approved by the commissioners, in writing, under their hands on said bond, in such penal sum, as the commissioners shall order, to the clerk of commissioners in the same county, and to his successor in that office, and shall hold his office for one year, and till a successor shall be chosen and qualified as above mentioned.

1821, 99, § 1.
SECT. 5. If no person shall have a majority of all the votes returned; or if any person chosen shall decline to accept the office, and also in case of a vacancy in the office from any cause, said commissioners may appoint ~~by ballot~~, a suitable person of the county to that office, who, having accepted the trust, given bond, and being duly sworn, as prescribed in the preceding section, shall be treasurer for the remainder of the year, and until some person shall be chosen and qualified as provided in this chapter. 1821, 99, § 1.

SECT. 6. No person holding the office of attorney general, or attorney for the State within the county, nor any justice of the district court, clerk of said court, or sheriff of said county shall hold the office of county treasurer. 1821, 99, § 4.

SECT. 7. The treasurer shall apply all monies received by him for the use of the county, in defraying the expenses of it, as the county commissioners, the district court, and the supreme judicial court, shall, according to law, by their written order direct; and each treasurer shall account with the commissioners of the county, of which he is treasurer, for all receipts and payments, and they may allow him a reasonable compensation for his services. 1821, 99, § 2.

SECT. 8. Each county treasurer is empowered to enforce the
 2 payment of all county taxes assessed by direction of law, by the
 3 same rules which are prescribed for the state treasurer to observe
 4 in enforcing the payment of state taxes; ~~and shall annually lay~~
 5 ~~before the Legislature an account of all monies that shall have~~
 6 been raised in the county to which he belongs on the several *Now*
 7 towns and places therein—or in any other way received by him,
 8 as county treasurer, and how the same has been disposed of.

1821, 99, § 3.

SECT. 9. And no further assessment shall be made on such
 2 towns and places in said county, until such an account has been
 3 offered to the Legislature and allowed by them. *Now*

1821, 99, § 3.

SECT. 10. Every county treasurer, shall, within two months
 2 after the rising of the supreme judicial court, transmit to the
 3 state treasurer an account on oath, charging the State with all
 4 bills of costs, taxed and allowed by said court, and the district
 5 court when holden in the county whereof he is treasurer, and
 6 the certificate of the clerk of said courts shall be a sufficient
 7 voucher; ~~and the costs in all civil actions, in the name of the~~
 8 State on scire facias or other process which may be paid before
 9 execution issued, shall be paid to the clerk of the court where
 10 the suit is pending, and by him be paid over without any deduc-
 11 tion to the treasurer of the county, who shall account for and
 12 pay the same to the state treasurer, as in case of adjustment of
 13 accounts by county treasurers, of fines, penalties, forfeitures and
 14 costs, in criminal cases. *# by*

1821, 82, § 5.

SECT. 11. He may charge a commission of five per cent, on
 2 all fines, forfeitures and costs, received and paid by him, and shall
 3 give credit for all fines, forfeitures and costs, accruing to the
 4 State, and by him received, and pay the balance due to the
 5 State, if any, to the treasurer thereof. *10*

1821, 82, § 5.

SECT. 12. For the neglect of ~~the~~ duty required in the preced-
 2 ing section, he shall forfeit and pay one hundred dollars to the
 3 use of the State, to be recovered in an action of debt; and on
 4 requirement of the state treasurer, the attorney general shall
 5 prosecute such action forthwith, to final judgment and execution. *# any*

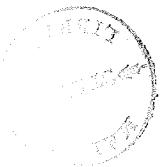
1821, 82, § 5.

SECT. 13. And such county treasurer, notwithstanding the
 2 recovery of such penalty, shall be held to pay the balance of
 3 such fines, forfeitures and costs into the treasury of the State.

1821, 82, § 5.

SECT. 14. Each county treasurer in addition to the account
 2 mentioned in the eleventh section of this chapter, shall make out
 3 and exhibit on the third Wednesday of January, annually, to the
 4 governor and council, a general account of his proceedings,
 5 crediting the State for all monies by him received by warrants on
 6 the treasury, or for fines, forfeitures and costs, and from whom,
 7 and charging the State for all payments made before that time
 8 and the balance due, if any, he shall credit to the State in a new
 9 account.

1821, 82, § 6.



SECT. 15. He shall at same time transmit as aforesaid an
2 account of all sums due, and the persons to whom, on bills of
3 costs, taxed and allowed by the supreme judicial court or district
4 court, and account for all fines, forfeitures and bills of costs,
5 within his county, belonging to the State, and then unpaid, and
6 from whom they are due. And he shall exhibit such other state-
7 ments, accounts and returns, as the governor and council may
8 require for a just settlement of said treasury transactions with
9 the State. 1821, 82, § 6.

SECT. 16. The amount charged by the treasurer, for his
2 commissions as prescribed in the eleventh section of this chapter,
3 shall be included in the accounts required to be rendered to the
4 treasurer of the State.

SECT. 17. It shall be the duty of each county treasurer to
2 publish annually, in the month of January, in the public news-
3 paper, of the printer to the State, a full and fair statement of
4 the financial concerns of the county of which he is treasurer
5 with the items of receipts and expenditures. 1822, 183, § 3.

SECT. 18. He shall pay over to the treasurer of the law library
2 association in the same county, all monies received of persons
3 admitted as attornies in the district court, and shall pay to the
4 treasurer of the State, all monies received of persons admitted
5 in the supreme judicial court, and shall annually file in the state
6 treasurer's office, before the second Wednesday of January, a
7 list of the names of the persons who paid the same. 1822, 192, § 2.

SECT. 19. Each county treasurer shall enter in a book kept
2 for that purpose, an account of all fines, forfeitures and bills of
3 costs, accruing to the State, and which shall from time to time,
4 be certified to him, by the clerk of the judicial courts of the
5 county, and shall note in said book, when all or any part of said
6 sums shall be paid. 1825, 303, § 4.

SECT. 20. If any county treasurer shall neglect to perform
2 the duties required of him, by the fourteenth and fifteenth
3 sections of this chapter, he shall forfeit and pay a sum not
4 exceeding one hundred dollars to be recovered by action of debt.
1828, 396.

SECT. 21. Each county treasurer shall, annually at least, and
2 within three months before the first Wednesday of January in
3 each year, lay before the county commissioners a schedule of all
4 notes and securities, taken by the sheriff of such county, for
5 fines and costs, on the liberation of poor convicts from prison,
6 and which by him had been delivered over to said treasurer. 1830, 464, § 5.

SECT. 22. Each county treasurer, at the expense of his
2 county, shall make out and transmit to the secretary of state,
3 within ten days after the first day of January, annually, a true
4 and attested copy of the account rendered and returned to him
5 by the sheriff of such county, showing the amount thereof
6 retained by said sheriff and the amount paid over to such
7 treasurer. 1829, 445, § 6.

SECT. 23. Every county treasurer shall prepare and exhibit his account as treasurer, annually, to the close of every year, accompanied with estimates of county taxes, as estimated and allowed by the county commissioners, and to deliver said accounts and estimates, to the clerk of said commissioners, to be by him, enclosed and transmitted to the secretary of the State. 1821, 97, § 2.

SECT. 24. Every treasurer holding any money or effects belonging to his county, shall, annually, and oftener if required exhibit an account thereof to the county commissioners for adjustment. 1821, 97, § 3.

SECT. 25. Each treasurer may charge to the State, the several sums he shall pay from the treasury to the jailer of the same county, for keeping and supporting poor convicts in prison, which had been allowed to him by the county commissioners, and may also charge 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 the State as aforesaid. 1821, 82, § 3.

SECT. 26. Every county treasurer, shall transmit to the secretary of state, a certificate and statement respecting the organization of plantations, in like manner as is required of state treasurer. 1833, 86.

SECT. 27. Each county treasurer, is authorized and directed to receive for the use of the county all such monies as the United States have agreed to pay for the use and keeping of county jails, and to account for the same according to law.

CHAPTER 13.

OF NOTICES OF PETITIONS TO THE LEGISLATURE.

- Sect. 1. How notice of petition may be given.
 2. Another mode presented.
 3. Either mode as valid as if ordered by Legislature.
 4. Officer's fees.
-

SECT. 1. When a petition is presented to the Legislature by any corporation or individual, and the rights of other corporations or individuals may be affected by the grant of the prayer thereof, the petitioner may cause notice to be given to those interested, if known, by serving them with an attested copy of the petition at least sixty days before the commencement of the session of the Legislature, by a sheriff, deputy sheriff, coroner or constable. 1820, 166, § 1.

SECT. 2. When those whose rights may be affected as before mentioned, are not known, a copy of the petition shall be published in some newspaper in the county where the petitioners reside, if any there be, otherwise in an adjoining county, three weeks successively, the last publication to be thirty days at least before the commencement of the next session of the Legislature.

1820, 166, § 1.

SECT. 3. Notices given in either of the modes before described, shall be as valid as if ordered by the Legislature after the presentment of such petition.

1820, 166, § 1.

SECT. 4. The petitioners shall pay the officer's fees, namely, thirty cents for each service, and twelve cents for each page of copy, and four cents for each mile of travel in making such service.

CHAPTER 14.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

- Sect. 1. When a state tax is assessed by the Legislature on a township, not taxable by assessors, mode of proceeding.
2. The tax shall be a lien on the land, till paid.
3. When a county tax shall be laid by county commissioners on such land—mode of proceeding.
4. If it appears that the same land is taxed by the Legislature and by the commissioners—the course to be pursued by the state treasurer.
5. Same subject—and state treasurer to present to the Legislature an account, &c.
6. Governor may draw an order for paying county treasurer.
7. County treasurer shall not advertise the land for sale—after such payment.
8. Owner of any such land advertised by state treasurer, may redeem the same within four years, and on what terms.
9. If such state tax so advertised is not paid in four years next after the assessment, and the money reimbursed which had been paid to county treasurer, the land shall be forfeited.
10. Last section not to affect lands, assessed by the county commissioners before May 2d, 1836.
11. When county tax was assessed before that day on such land as described in first section, or since, when not assessed by Legislature within four years next before—then what proceedings are to be had.
12. When sheriff receives his warrant, what notice is to be given—land to be sold if tax is not paid.
13. Purchaser shall within thirty days, &c. lodge with county treasurer a statement of payments made by him—owner not bound to pay more.
14. When state tax on towns and plantations to be assessed by assessors, treasurer shall send his warrant to assessors, &c.
15. For purpose of an assessment of county tax—commissioners to make estimate of sum necessary.
16. Estimates being approved, clerk to send a copy to secretary's office, to be laid before Legislature for approbation.

- Sect.* 17. County treasurer to issue warrants to assessors to assess the taxes.
18. For a legal town tax, the sum must be legally voted by inhabitants in town meeting.
19. In each town, assessors to be annually chosen.
20. Assessors to be legally sworn—form of oath.
21. Assessors to give seasonable notice to inhabitants to bring in lists of property.
22. If any persons neglect to bring in their lists, they shall not appeal—unless, &c.
23. May exact an oath to truth of list—if they suspect, &c.
24. Persons may apply to assessors for relief.
25. If they refuse, application may be made to county commissioners, &c.
26. Rules by which assessments are to be made.
27. All taxes to be assessed on polls and estate—by the rules, &c.
28. Assessors may add state and county taxes to the town, and make out warrants accordingly.
29. May overlay in the assessment, not exceeding five per cent.
30. Assessors shall make a record of assessments and valuation—and where to lodge it.
31. Assessment and warrant to be delivered to collector and send a certificate to state treasurer, &c. as to state tax.
32. And a similar certificate, as to county tax, to county treasurer.
33. When towns do not choose assessors, selectmen shall be.
34. When towns do not choose selectmen, the fact being made known to district court, town shall forfeit not exceeding three hundred dollars.
35. And in such case, or when assessors and selectmen decline, county commissioners shall appoint assessors, &c.
36. Assessors so appointed to observe the warrants, they may receive from state and county treasurers.
37. Penalty if assessors, &c. refuse or neglect to assess state tax.
38. Penalty for the neglect, to assess county tax.
39. If their property cannot be found, their bodies may be arrested, &c.
40. County commissioners shall appoint other persons, who shall be duly qualified &c.
41. If a town neglects to assess the state tax, within five months and certify the same as before,—treasurer shall issue his warrant to sheriff, to collect same, &c.
42. County treasurer shall issue his warrant to sheriff against a town which neglect to keep assessors in office, and assess a county tax.
43. If town from which a *state* tax, now due and unassessed, or from which a county tax may be required, where assessors neglect to assess them, &c. what proceedings shall be had.
44. Plantations ordered by Legislature, to pay state tax, shall have same power as towns, to choose assessors, &c. and liable to same penalties.
45. Penalty on assessor, for refusing to be sworn.
46. In case of such refusal, a meeting shall be called, and other assessors chosen.
47. Penalty, when plantations neglect to choose assessors.
48. When a state or county tax is laid on an unincorporated place, mode by which it is to be organized as a plantation by county commissioners.
49. Same subject.
50. Plantation officers chosen, to be sworn.
51. They shall take lists of property, &c.
52. They may issue warrants for plantation meetings, &c.—moderator's duty, &c.—penalty, &c.
53. Penalty for not being sworn.
54. Portland may tax dogs—and Eastport, when, &c.
55. Assessors may assess improved lands to owners or occupants, same lien created, as on unimproved lands, &c.—and when the land is owned in common, belonging to non-resident proprietors, each co-tenant, may pay his part of tax and be discharged.

- Sect.* 56. When owner has died seized, and estate is not distributed, assessors may tax the same, to the executors or administrators—and mode of collection.
57. Assessors may correct mistakes, in a supplement to be added to the lists—certifying the same, and collector may collect the added taxes.
58. Assessment valid, where ownership has been changed unless notice had been given to assessors of a change of ownership;—a tenant in common may be considered sole owner, unless, &c.
59. Stock employed in factories, where to be taxed.
60. Assessors not responsible, except for their own faithfulness and integrity.
61. Form of assessors' warrant, for collecting state tax.
62. Warrant for collecting county tax—same form *mutatis mutandis*.
63. When an original warrant is lost, a new one to be given.
64. Constables and collectors to be chosen—and compensation allowed—when no collector is chosen, constable shall collect taxes.
65. Constables' and collectors' oath.
66. Constable or collector shall have a warrant.
67. Assessors may require a bond of him.
68. When constable or collector dies, assessors may appoint another to complete collection.
69. All plantations ordered to pay a state tax, are vested with same power as towns to choose collectors and constables—and require bond.
70. If tax is not paid on demand, collectors may distrain—mode of proceeding in collecting the tax.
71. Overplus to be restored to owner.
72. If a person assessed shall not pay within twelve days after demand, and property is not found, body may be arrested.
73. If such person is about to abscond, collector may demand immediate payment.
74. So if tax be payable at several times—the whole may be demanded, in case, &c.
75. Officers may complete their collections, though new officers have been chosen, &c. as they might do if continued in office.
76. Constable or collector may distrain shares in corporations, &c. and proceedings.
77. Officers of such corporations, &c. to give certificate of shares or interest on demand.
78. When a person removes from the town, where he lived when taxed, collector may follow him, and collect the tax, as though he had not removed.
79. When a man taxed shall die in any town or parish, or remove therefrom, or any unmarried woman has been married—the collector may maintain an action for the tax, against the representatives—or the husband and wife.
80. When taxes on unimproved land of non-resident proprietors are not paid, what proceedings shall be had by collector, as to notice to proprietors.
81. Proceedings when proprietors are not known.
82. What, when names of places have been changed.
83. How notice shall be posted and advertised.
84. Such notices to be three months before time of sale.
85. To sell, if no payment of tax is made, enough to pay the tax and expenses—sale to be in common.
86. Collector may adjourn sale.
87. Shall give a deed to purchaser, &c.
88. Owners may redeem within two years, paying the price—charges and twenty-five per cent interest.
89. Saving in case of minors, married women, &c.
90. In trials at law or equity, as to the title of lands so sold, what evidence shall be required, to establish the title under the sale.

- Sect.* 91. Sales made before May 1st, 1831—not to be affected by preceding section.
92. Collector to record and return to the town treasurer, his particular doings in such sales, within thirty days after sale.
93. When the purchaser does not live in same town, the owner may deposit with town treasurer, the sum required for redemption—and that being paid, sale shall be void.
94. Treasurer's receipt shall be legal evidence of payment.
95. Purchaser shall make no strip or waste on the land, till time of redemption has expired.
96. When owner of improved land lives in the State, but not in the town, where it is taxed—and delays payment six months, collector may distrain—or—
97. After two months he may sue.
98. After notice as above, he may sell so much land as will pay the tax—mode of proceeding.
99. Purchaser shall hold his land in common.
100. Owner may redeem, &c.—and how.
101. Purchaser to account to owner for surplus profits, &c.
102. No officer shall sell land for taxes, after the end of two years, &c.
103. When non-resident proprietor has appointed an agent in writing, and lodged it with town clerk, no collector shall advertise the land for sale, before demanding payment of the agent and waiting two months.
104. Clerk bound to record the appointment of agent.
105. If tax is not paid at end of two months, collector shall advertise—and affidavit of it recorded, good evidence.
106. Collector may demand aid—penalty for refusing it.
107. Collector to exhibit account of money received every two months.
108. Penalty for neglect to do it.
109. When a collector has removed or is about to remove from State, a meeting may be called to settle with him and choose another collector.
110. Assessors shall make out a warrant to new collector.
111. If the old collector refuses to give up bills, and pay the balance due—penalty.
112. When collector is non compos or incapable, assessors may appoint a person to complete the collections.
113. When shall have overpaid the town, overplus to be repaid.
114. In such case and in case of his death, assessors may demand the list of any person having them.
115. In case of remissness of collector, in regard to state tax—state treasurer to issue his warrant—and proceedings, &c.
116. When time for paying state tax has expired, treasurer to issue his warrant as of course.
117. When a collector fails as above, has no property to be found, treasurer may issue a warrant and have him committed, &c.
118. On written notice from treasurer of such failure given to assessors, shall assess on the town, the sum due.
119. If assessors fail so to do, treasurer shall issue a warrant against them for the whole sum.
120. And the deficient collector or constable shall always be answerable to the town.
121. Executors and administrators of deceased collectors to settle with assessors for deficiencies.
122. Assessors shall appoint a successor.
123. If the executor or administrators of collector neglect to pay for two months, having assets—they shall be chargeable.
124. Form of treasurer's warrants to sheriffs to compel collectors,
125. Duty of sheriff as to execution of them.
126. Penalty for neglect of duty.

- Sect.* 127. When a sheriff is deficient, treasurers may issue their warrants to coroner.
128. Officers in selling property, to observe same regulations as in sales on execution.
129. Mode of proceeding preparatory to selling real estate of any deficient officers.
130. Proceedings at the sale.
131. Officer shall make a deed and its effect.
132. If proceeds of sale are not sufficient, a warrant for deficiency may issue against his body and commitment.
133. When committed he shall have same privileges as an execution debtor.
134. When collector or constable is taken on execution, assessors may demand a copy of all assessments in his hand, and evidence of payments, and adjust with him, &c.
135. Town may choose another collector in his room at any time of year, who shall be sworn, &c.
136. If such arrested collector or constable shall refuse to comply when requested as above, he shall be committed.
137. Assessors shall take copies of the record of assessments, and deliver them to collector with warrant.
138. When it is doubtful whether a particular tax has been paid to the old collector—proceedings.
139. When towns neglect to choose assessors, the course of proceeding—by county commissioners and new assessors.
140. When plantations neglect to choose assessors or collector, the same course of proceeding.
141. Proceedings of sheriff—with new assessment and warrant.
142. Those not complying with provision of last section to be proceeded against by distress.
143. When any collector shall commit a person to jail—he must leave evidence with jail keeper, &c.
144. When a person committed for nonpayment of taxes, is admitted to poor debtor's oath, the town where he belongs shall pay the tax.
145. If a person is so discharged from jail, collector shall not be discharged from the tax—unless, &c.
146. Officer's fees for committing, &c.
147. Towns may appoint their treasurer and collector—proceedings.
148. And agree on abatements to be made when paid at, &c.
149. Notices, how given.
150. All persons paying at the times appointed—to receive the agreed abatement.
151. All taxes not so paid, to be collected in usual manner.
152. Assessors may regulate collection of taxes, agreeably to foregoing provisions.
153. Treasurer's power to continue, till tax is all collected.
154. Selectmen of towns and assessors of plantations may require bonds of collectors—if not given, others may be chosen.
155. Treasurer to render an account once in three months.
156. When towns do not agree on the periods of payments to secure abatements,—then what periods, &c.
157. Any treasurer who is collector, may issue warrant to sheriff to distrain for taxes, &c.
158. Collector may distrain, in certain cases before time fixed.
159. Before distraining—a summons must be left—stating amount of tax, &c.
160. If not paid in ten days, the officer to proceed in usual manner.
161. Affidavit as to posting notification, to be proof in certain cases.
162. When an individual's property shall be levied upon, as in the 43d section—can have an action against the town for its value.
163. And such action may be maintained against a plantation whether organized or not.
164. Treasurer's warrants—when returnable.
165. Power of sheriff—as to alias executions.

- Sect. 166. Certain towns omitted to be taxed—to be assessed.
 167. Liability as to taxes in case, &c.
 168. Provision as to certain towns—composed of parts of other towns.
 169. If any town refuses to pay what shall be due to another, in consequence of taxation—an action may be maintained for it.

SECT. 1. Whenever a state tax shall be imposed or assessed by the Legislature, on any township or tract of land, not taxable by the assessors of any town or organized plantation, it shall be the duty of the state treasurer to cause the said assessment to be published in the newspaper of the printer to the State, three weeks successively, the last publication to be within three months from the day on which such assessment was made by the Legislature. 1836, 201, § 1.

SECT. 2. And said land shall be held liable to the State for the payment of all such state taxes, and for the repayment of all such sums, as the State may have paid, to discharge any taxes or rates assessed by county commissioners, together with the interest thereon for the term, and at the rate hereinafter specified. 1836, 201, § 1.

SECT. 3. Whenever any rate or tax, on any such township, or tract of land, as is mentioned in the preceding section, shall have been duly assessed, or ordered by the county commissioners, it shall be the duty of the county treasurer immediately to notify the state treasurer of the same; specifying the tract assessed, and the time and amount of such assessment.

SECT. 4. If it shall appear to the state treasurer, that the tract so assessed by the commissioners, is the same tract on which any state tax, assessed within four years next, preceding the assessment, by said commissioners shall be due and unpaid, it shall be the duty of the state treasurer forthwith to give credit to said county treasurer for said sum, on the books of the state treasury and forward a certificate of the same to the county treasurer. 1836, 201, § 2.

SECT. 5. And the state treasurer, in his annual report shall present to the Legislature, a list of all such outstanding credits, in order that suitable appropriations may be made for payment thereof. 1836, 201, § 2.

SECT. 6. And the governor with advice of council, having drawn his warrant therefor, the state treasurer shall forthwith pay the same to said county treasurer, and take his receipt for the same. 1836, 201, § 1.

SECT. 7. And the county treasurer shall be precluded from advertising the same, or causing to be sold such township or tract of land for any tax, for which he shall have received credit as aforesaid, on the books of the treasury.

SECT. 8. The owner of any such township or tract of land assessed as aforesaid by the Legislature, and advertised as aforesaid by the state treasurer, may at any time within four years from the passing of the act of assessment redeem the same, by

publishing the same out of

5 paying into the treasury of the State, the amount of all state
6 taxes, and all the amounts due thereon, which the State may
7 have paid or credited to the county treasurer for any taxes or
8 rates assessed on said land by the county commissioners,
9 together with interest on said sums at the rate of twenty per
10 cent. per year, said interest to be computed on said state tax,
11 from the expiration of one year from the date of the respective
12 acts of assessment; and the interest on said sums which may
13 have been paid or credited to said county treasurer, to be com-
14 puted from the respective dates of the governor's warrants
15 drawn as aforesaid for said payment, to said county treasurer.

1836, 201, § 3.

SECT. 9. If any state tax upon any township or tract afore-
2 said, which shall have been advertised in the manner prescribed
3 in the first section, together with the interest thereon as above
4 required shall not have been paid into the state treasury for the
5 space of four years, next following the act of assessment by the
6 Legislature; or if any sum advanced to the county treasurer, or
7 credited to him by the State as aforesaid, for the payment of any
8 tax assessed by the county commissioners, upon such township or
9 tract, together with the interest required thereon, shall not have
10 been paid into the state treasury within four years from the
11 giving credit to said county treasurer, on the books of the State,
12 then, in either such case, said township or tract shall be wholly
13 forfeited, and the title thereof shall vest in the State, free and
14 quit from all claims by any former owner, and the same shall
15 be held and owned by the State, by a title which is hereby
16 declared to be perfect and indefeasible.

1836, 201, § 4.

SECT. 10. But the foregoing sections shall not operate upon
2 taxes assessed or ordered by the county commissioners prior to
3 the second day of May, eighteen hundred and thirty-six.

1836, 201, § 5.

SECT. 11. When any county tax was assessed by the county
2 commissioners before the second day of May, in the year eighteen
3 hundred and thirty-six, on any township or tract of land of the
4 description and kind mentioned in the first section; or has been
5 since that time, or shall be hereafter assessed on such lands, by
6 the county commissioners, there having been no assessment on
7 the same, by the Legislature, within four years next preceding,
8 then, and in such case, whether such assessments by the county
9 commissioners, were for the purpose of defraying the ordinary
10 county expenses, or for making and keeping highways through
11 or within the limits of such township or tract as above described,
12 the county treasurer shall advertise the said tax or taxes, speci-
13 fying how much is assessed on said tract, identifying said tract,
14 by a plain and sufficient description, or on parts thereof respec-
15 tively, three weeks successively in the public newspaper of the
16 printer of the State, and in one other newspaper printed in the
17 county where such land lies, if there be one, otherwise in a
18 newspaper printed in an adjoining county, notifying all persons

19 interested in such land, that unless the amount of such tax or
 20 taxes shall be paid to the county treasurer within six months,
 21 then next following, a warrant describing the land aforesaid,
 22 will issue from such treasurer to the sheriff of the county to
 23 enforce the collection of the same, and the treasurer shall issue
 24 the same accordingly, to be executed, in manner following.

1822, 183, § 1. 1833, 56, § 4.

SECT. 12. The sheriff upon receipt of any such warrants shall
 2 publish notice of such intended sale, in the several newspapers
 3 before mentioned, six weeks successively—next before the time
 4 of sale; and if such tax be not paid before the day appointed, the
 5 sheriff shall proceed to sell at public vendue, at the court house in
 6 said county so much of said land, as will discharge said tax or the
 7 balance due of it, and reasonable expenses, and shall make and
 8 execute for the purchaser a sufficient deed of the same and lodge
 9 it with the county treasurer, to be delivered to such purchaser
 10 or his heirs or assigns, after the expiration of five years from the
 11 day of sale; but if said land shall be redeemed by the owner
 12 within said five years, the deed shall be inoperative and void.

1822, 183, § 1. 1833, 56, § 1, 3.

SECT. 13. The purchaser of any such lands, sold as above
 2 directed, shall within thirty days from the payment of the tax,
 3 with costs attending the same, for which the land was sold,
 4 and within thirty days from the payment by him, of any other
 5 tax assessed on the land, lodge with the treasurer of the county
 6 wherein the land lies, a memorandum of said payment or pay-
 7 ments, certified by the person to whom the same was paid; and
 8 the person, entitled to redeem the land, shall not be held to pay
 9 or tender any sum, of which such certificate shall not have been
 10 lodged with the county treasurer within thirty days as aforesaid.

1822, 183, § 2.

SECT. 14. When any state tax is imposed and is required to
 2 be assessed by the proper officers of the several towns and
 3 plantations in the State, the treasurer of the State shall send
 4 such warrants as he shall from time to time be ordered to issue,
 5 for the assessment of such tax, enclosed to the sheriffs of the
 6 different counties, whose duty it shall be to dispose of, and trans-
 7 mit the same to the assessors of the several towns and organized
 8 plantations, in their respective counties, according to the direc-
 9 tions thereof.

1821, 116, § 4.

SECT. 15. For the purpose of ~~the~~ ~~land~~ assessment and col-
 2 lection of any county tax by assessors, the county commissioners
 3 in the several counties at their regular meeting or session next
 4 before the first day of January annually, shall make up and
 5 prepare estimates ~~of taxes for all county charges,~~ sufficient to
 6 defray the expenses which have accrued, or may probably accrue
 7 for one year from said day, including the building and repairing
 8 of jails and court houses and appurtenances, with the debts
 9 owed by such counties respectively.

1821, 97, § 1.

Receipts

SECT. 16. Said estimates, being approved by said commis-
 2 sioners, shall be recorded by their respective clerks in a book
 3 provided and kept for that purpose; and a copy of said esti-
 4 mates shall be signed by the chairman of the county commis-
 5 sioners, and attested by their respective clerks, who shall
 6 transmit the same to the office of secretary of state on or before
 7 the first day of January annually, so that the estimates may be
 8 laid before the Legislature, for their approbation at the session
 9 then next to be holden. 1821, 97, § 1.

SECT. 17. ~~The treasurer of each county shall issue his war-~~
 2 rant to the assessors of each town and organized plantation, in
 3 his county, requiring them forthwith to assess in due form of
 4 law, the sum apportioned and set on such town or plantation,
 5 and to commit the assessment to the collector or constable for
 6 collection, according to law.

SECT. 18. For the purpose of the legal assessment of any
 2 town, plantation or parish tax, the sum so assessed must have
 3 been granted and voted for a legal object at a meeting of the
 4 inhabitants of such town, and of the inhabitants or members of
 5 such parish, being legally qualified voters, called and notified in
 6 the manner prescribed in chapter fifth.

SECT. 19. In each town there shall be annually chosen three
 2 or five persons to be assessors of all state, county and town
 3 taxes, which they shall be authorized to assess in the course of
 4 the year for which they are chosen. 1821, 116, § 1.

SECT. 20. Each assessor so chosen, or appointed as herein
 2 after mentioned, shall be sworn before a justice of the peace,
 3 or before the town clerk to the faithful discharge of his duty in
 4 the form following: "You ——— one of the assessors of the
 5 "town of ——— for the year ensuing do swear that you will
 6 "proceed equally and impartially according to your best skill
 7 "and judgment, in assessing and apportioning all such rates and
 8 "taxes, as you may, according to law, be directed to assess and
 9 "apportion during that time. So help you God."

SECT. 21. The assessors of each town, a convenient time
 2 before making any assessment, shall give seasonable notice in
 3 writing to the inhabitants by posting up notifications in some
 4 public place in the town, or notify the respective inhabitants in
 5 some other way, to make and bring into them true and perfect lists
 6 of their polls and all their estates, real and personal (not by law
 7 exempted from taxation) which they were possessed of at such
 8 periods as the Legislature from time to time order and direct—
 9 and it shall be lawful for any person resident in any unincorpor-
 10 rated place, classed in any representative district, with any town
 11 or towns adjacent thereto, between the first and twentieth day
 12 of May, in any year, to present a list of his rateable poll and
 13 estate, as it existed on the first day of May, to the assessors of
 14 either of said towns, who may require the same to be verified,
 15 in the same manner as if presented by an inhabitant of said
 16 town. And it shall be the duty of said assessors to subjoin to the

their

*county
common*

*After the
first day of
that year*

or

17 state and county tax an assessment against such person his pro-
 18 portion of the state and county tax, ascertained by said inventory,
 19 at the same rate as though he were an inhabitant of such town;
 20 and such tax shall be legal, though by reason of such subjoined
 21 tax, the total thereof should exceed an overlay of *five per cent*,
 22 by law allowed. Such tax to be collected and appropriated by
 23 said town in like manner as though such person belonged to
 24 such town.

now { ~~after such notice~~ 1821, 116, § 12. 1833, 72, § 1.
 SECT. 22. If any person shall not bring in such lists ~~after such~~
 2 ~~notice~~, to the assessors, he shall be thereby barred of his right
 3 to make application to the county commissioners for any abate-
 4 ment of the assessment on him unless such person shall make
 5 it appear to such commissioners that he was unable to ~~do it~~ at
 6 the time appointed. 1821, 116, § 12.

after such notice { ~~SECT. 23. If the assessors suspect any falsehood in the lists~~
 2 ~~presented to them, they or either of them shall require him to~~
 3 ~~make oath that the same is true, which oath either of the~~
 4 ~~assessors may administer; and such list being exhibited on oath,~~
 5 ~~shall be a rule for that persons proportion of the tax.~~

1821, 116, § 12.
 SECT. 24. Any person deeming himself aggrieved, may apply
 2 to the assessors for relief, and if he should convince them of the
 3 propriety of making an abatement of the sum assessed on him,
 4 they may make such reasonable abatement, as they may think
 5 proper. 1821, 116, § 13.

SECT. 25. If the assessors shall refuse to make any abatement,
 2 the complainant may apply to the county commissioners at their
 3 next meeting, and should they be of opinion that he is over-
 4 rated, he shall be relieved by them, and be reimbursed out of
 5 the town treasury, so much as the commissioners shall see cause
 6 to abate of the tax upon him—with incidental charges. And the
 7 commissioners may require the assessors or town clerk to produce
 8 the valuation, by which the assessment was made or a copy of it.

1821, 116, § 13.
 SECT. 26. The assessors so chosen and sworn, shall assess the
 2 polls and estate within such town their due proportion of any
 3 tax, according to the rules in the then last act for raising a state
 4 tax, and in this ~~act~~ and make perfect lists thereof under their
 5 hands, and commit the same to the constable or collector of
 6 their town, if there be any, otherwise to the sheriff of the county
 7 or his deputy, with a warrant under their hands, of the form
 8 hereinafter prescribed. 1821, 116, § 1.

after { SECT. 27. All county and town taxes shall be assessed and
 2 apportioned by the assessors of the several towns upon the polls
 3 and estates within the same, according to the rules prescribed
 4 in the preceding section. 1821, 116, § 15.

SECT. 28. And the assessors of any town may add their pro-
 2 portion of the state and county tax to any of their other taxes,
 3 and make out warrants and certificates accordingly.

1821, 116, § 16.

SECT. 29. And such assessors are empowered to apportion
2 on the polls and estates according to law, such additional sum
3 over and above the precise sum to them committed to assess, as
4 any fractional division of such sum may render convenient in
5 the apportionment thereof not exceeding five per cent on the
6 sum committed ; and they shall certify that fact to the treasurer
7 of such town or plantation. 1821, 116, § 14.

SECT. 30. And the assessors shall make a record of their
2 assessment, and of the invoice, and valuation, from which such
3 assessment was made, and before the taxes are committed to the
4 proper officer for collection, deposit the same or a copy thereof
5 in the assessors' office, when any such is kept, otherwise with
6 the town clerk, there to remain, and any place where the assessors
7 usually meet to transact business, and keep their papers or books,
8 shall be considered their office, for the purposes aforesaid.

1826, 337, § 2.

SECT. 31. As soon as the assessors of any town have assessed
2 any state tax, and committed the same, with a warrant for its
3 collection, to the proper officer, they shall return a certificate
4 thereof to the state treasurer, with the name of such officer.

1821, 116, § 1.

SECT. 32. And when they have assessed and committed for
2 collection any county tax to the proper officer, they shall return
3 a certificate of the fact to the state treasurer with the name of
4 the officer, to whom it was committed. 1821, 116, § 1.

SECT. 33. If any town shall not choose assessors as aforesaid
2 or if so many of them shall refuse to accept, as that there shall
3 not be such a number as the town shall have required, then the
4 selectmen of the town shall, ~~and are declared to~~ be the assessors
5 thereof—and each of them shall be sworn to a faithful discharge
6 of the trust ; and each assessor shall be paid for his services one
7 dollar for every day he is necessarily employed in that service.

1821, 116, § 2.

SECT. 34. If any town shall neglect to choose selectmen or
2 assessors, the default being made known to the district court,
3 within the county, such town shall forfeit and pay a sum not
4 exceeding three hundred dollars, nor less than one hundred
5 dollars—as said court shall order, for use of the State.

1821, 116, § 3.

SECT. 35. And in such case, as also when neither the select-
2 men nor assessors chosen by any town, shall accept the trust ;
3 the county commissioners are empowered to appoint three or
4 more suitable persons in the county, to be assessors of taxes as
5 before mentioned ; and such assessors being duly sworn, shall
6 assess the polls and estates within the town—their due proportion
7 according to law together with the said penalty, where the town
8 makes default as aforesaid, and such sum as shall answer their
9 own reasonable charges for time and expense in said service, not
10 exceeding one dollar per day for each man ; and shall issue a
11 warrant under their hands for collecting the same and transmit

12 a certificate thereof to the treasurer of the State with the name
13 of the person to whom the warrant is committed, and the
14 assessors shall be paid their charges—as adjusted by the com-
15 missioners out of the public treasury. 1821, 116, § 3.

SECT. 36. All assessors, chosen or appointed as above pro-
2 vided, shall duly observe all such warrants as they shall receive
3 while in office from the state treasurer, or the treasurer of the
4 county in which they reside, pursuant to any act of the Legisla-
5 ture, imposing it for the use of the State, or granting it for the
6 use of the county. 1821, 116, § 5.

SECT. 37. And if the assessors of any town shall refuse or
2 neglect to assess any state tax, apportioned on such town and
3 which they were required by the state treasurer's warrant to
4 assess, they shall forfeit and pay the full sum mentioned in such
5 warrant, to the use of the State, and the treasurer of the State
6 shall issue his warrant to the sheriff of the county to levy the
7 said sum by distress and sale of the estate, real and personal of
8 such deficient assessors. 1821, 116, § 5.

SECT. 38. And if such assessors shall neglect to assess the
2 amount of the county tax, required in the county treasurer's
3 warrant to them to assess, they shall forfeit that sum to the use
4 of said county, and the same shall be levied by sale of the estate,
5 real and personal, of such assessors by virtue of a warrant
6 issued by the county treasurer to the sheriff of the county for
7 that purpose. 1821, 116, § 5.

SECT. 39. And if the sheriff cannot, on either of said war-
2 rants, find property of said assessors to satisfy the sum due
3 thereon, he may arrest their bodies on both or either of said
4 warrants and imprison them, until they pay the same.

SECT. 40. And the county commissioners of the county in
2 which such assessors dwell, shall forthwith appoint other proper
3 persons to be assessors of such state and county taxes, according
4 to the directions of the warrants from the respective treasurers;
5 and such newly appointed assessors shall be sworn to perform
6 the same duties, and be liable to similar penalties, as the former
7 assessors. 1821, 116, § 5.

SECT. 41. If the inhabitants of any town from which a state
2 tax has been required, but is unpaid, or shall be required, shall
3 neglect for the space of five months, after having received the
4 state treasurer's warrant, for assessing any state tax, to choose
5 assessors to assess the same, and cause the assessment thereof to
6 be certified, as the law requires, to such treasurer for the time
7 being, such treasurer shall issue his warrant under his hand to
8 the sheriff of the same county, who shall proceed to levy such
9 sums of the property, real or personal, of any of the inhabitants
10 of such town, observing the same regulations provided for satis-
11 fying warrants against deficient collectors as hereinafter pre-
12 scribed. But if the assessors of said town shall within sixty days
13 from the receipt of a copy of such warrant from the officer,
14 deliver to such officer, a certificate according to law of the

15 assessment of the tax or taxes required by the warrant, and pay
 16 the officer his legal fees, he shall forthwith transmit the same
 17 certificate to the state treasurer, and return the warrant unsatis-
 18 fied. 1821, 116, § 20.

SECT. 42. If the inhabitants of any town from which any
 2 county tax shall be hereafter required, shall neglect to choose
 3 and keep in office assessors, to assess the same as the law
 4 requires; the county treasurer, for the time being, after the
 5 lapse of five months, from the time they received the said treas-
 6 urer's warrant for assessing the same, shall issue his warrant to
 7 the sheriff of the same county—requiring him to levy and collect
 8 the sum mentioned in such warrant and the sheriff shall execute
 9 the same, observing the regulations mentioned in the preceding
 10 section, subject to the condition therein named.

1821, 116, § 21.

SECT. 43. If the inhabitants of any town, qualified to vote in
 2 town affairs, from which any state tax or taxes now remain due
 3 and unassessed, or from which any county tax shall be hereafter
 4 required, shall choose assessors, who shall neglect to assess the
 5 tax required, by the warrant issued to them, or to re-assess any
 6 tax on the failure of any collector, and to certify the assessment
 7 as the law directs; and the estates of such assessors shall be
 8 found insufficient to pay the same taxes in the manner already
 9 provided, then in every such case, the treasurer of the state ~~and~~ *or*
 10 the treasurer of the county, for the time being, is hereby directed
 11 to issue his warrant to the sheriff of the same county—requiring
 12 him to levy and collect, by distress and sale, so much of the
 13 sums mentioned in said warrants, as the estates of the assessors
 14 shall be insufficient to pay, of the real and personal estates of
 15 any inhabitants of the deficient town; which warrants, the
 16 sheriff or his deputy shall execute, observing all the rules and
 17 regulations and provisions mentioned in the forty-first section.

1821, 116, § 22.

SECT. 44. All plantations which shall from time to time be
 2 ordered by the Legislature, to pay any part or proportion of the
 3 public taxes, shall be and are vested with the same power as
 4 towns are, so far as relates to the choice of assessors of taxes;
 5 and any person who shall be chosen an assessor in any such
 6 plantation, and shall refuse to accept the said office, or to take
 7 the oath, (after due notice) required by law to be taken by
 8 assessors of taxes in towns, shall be liable to the same penalties,
 9 to be recovered in the same manner, as mentioned in the follow-
 10 ing section. 1821, 116, § 6.

SECT. 45. If any assessor of taxes, after having been chosen
 2 and notified to take the oath of an assessor, according to law,
 3 shall without any reasonable excuse, refuse to be sworn, he shall
 4 forfeit and pay fifteen dollars to the use of the town, to be
 5 recovered by their treasurer, for the time being, by action of debt
 6 before any justice of the peace.

1821, 116, § 1.

SECT. 46. And it shall be the duty of the selectmen of such
 2 towns and of the assessors of plantations, in the case mentioned
 3 in the ~~forty-fourth~~ section, forthwith to call a meeting of such
 4 town or plantation, as the case may be, and elect some other
 5 person as assessor in the place of the one chosen who had
 6 refused to accept the office. 1821, 116, § 1.

SECT. 47. If any of the plantations mentioned in the forty-
 2 fourth section, shall neglect to choose assessors as aforesaid, or
 3 if the assessors chosen shall be remiss or neglect their duty, such
 4 plantation shall be subject to the same penalties as towns defi-
 5 cient in the same respect, and shall be proceeded with in the
 6 same manner. 1821, 116, § 7.

SECT. 48. When any state or county tax, shall be laid on any
 2 unincorporated place, it shall be the duty of the county com-
 3 missioners of the county, in which such place is situated, on
 4 being notified of such tax by the treasurer of the State or of such
 5 county, at their next regular session to issue a warrant to the
 6 inhabitants of such unincorporated place, commanding them to
 7 assemble, on a day and at a place designated in such warrant,
 8 and choose all necessary plantation officers, who shall be sworn
 9 according to law; and a copy of such warrant shall be served
 10 on said inhabitants by being posted in two public places, in the
 11 intended plantation fourteen days before the day of meeting;
 12 and the officer serving the warrant, shall return the same, with
 13 his doings thereon, to such meeting; or such incorporation may
 14 be obtained on request of any of the inhabitants of such place,
 15 whether a tax is laid thereon or not, under a warrant from said
 16 commissioners, after due notice to said inhabitants to shew cause
 17 at the next meeting of said commissioners. And in either case,
 18 such plantation, so incorporated, shall possess all the powers and
 19 be liable to all the duties of other plantations, and the clerk
 20 shall forthwith notify the state and county treasurer of such
 21 organization. 1821, 116, § 8. 1837, 275.

SECT. 49. And the person to whom such warrant shall be
 2 directed, shall obey the command therein, on penalty of forfeiting
 3 and paying the whole sum named and ordered in said warrant to
 4 be levied on such plantation, to be recovered by the treasurer
 5 who issued the warrant. 1821, 116, § 8.

SECT. 50. The said clerk, assessors and collectors shall be
 2 duly sworn in the same manner, as similar officers chosen by a
 3 town, and be entitled to the same compensation, unless other-
 4 wise agreed.

SECT. 51. The assessors so chosen and sworn, shall take a
 2 list thereupon, of the rateable polls, and a valuation of the estates
 3 of the inhabitants of the plantation. 1821, 116, § 9.

SECT. 52. The assessors of such plantations shall have power
 2 to issue their warrants for meetings of the inhabitants in March
 3 or April, annually for the choice of all proper officers who shall
 4 be sworn by the moderator or some justice of the peace; and
 5 every moderator shall be bound to notify the plantation officers,

6 to appear before some justice of the peace, within seven days
7 from the time of their choice to take the necessary oaths of
8 office, on pain of incurring the penalty of ten dollars for his
9 neglect. 1821, 116, § 10.

SECT. 53. And such plantation officer who shall neglect to
2 take the oath of office, when notified as aforesaid, shall be liable
3 to the same penalties as town officers—so neglecting ; and to be
4 recovered in the same manner. 1821, 116, § 11.

SECT. 54. Whenever the city government of Portland or the
2 town of Eastport, shall deem it expedient to impose, and shall
3 impose a tax on dogs, the assessors of said city or town may
4 assess upon each inhabitant, owning and keeping a dog in the
5 same, the sum of three dollars to be collected in the same
6 manner as the other taxes are, and the proceeds shall be applied
7 towards the support of the poor of said city. 1825, 313, § 1. 1828, 388, § 1.

SECT. 55. The assessors of any town or plantation in assess-
2 ing any taxes may, at their election, assess improved lands to
3 the tenants in possession of the same, or the owners thereof,
4 whether residing in the State or not, ~~(and the same lien shall be~~
5 ~~thereby created and continued until payment of the tax, as in~~
6 ~~case of the unimproved lands of non-resident proprietors ;)~~ and
7 all real estate, or such as is usually denominated real, but which
8 is made personal by statute, may be taxed to the tenant in
9 possession or to the owner, whether living in the State or not—
10 ~~(and the collector of such taxes may collect in the manner~~
11 ~~prescribed in the eightieth section of this chapter,)~~ and the
12 assessors shall assess such estate, including turnpike roads, in the
13 city, town or plantation, where the same is situated ; and
14 when any tax shall be assessed on lands, in common and undi-
15 vided belonging to non-resident proprietors ; either cotenant
16 upon furnishing the treasurer, to whom the tax is to be paid,
17 with an accurate description of the amount of his interest in
18 the land so taxed, to pay such treasurer, his proportion of such
19 tax ; and upon such payment the interest of such cotenant shall
20 be discharged and held free of all claim and lien, that was
21 created by such tax ;—but such improved land shall not be sold
22 by the collector till three months after demand, made by him in
23 writing—to the owner or tenant.

1823, 229, § 1. 1838, 313, § 1, 2. 1838, 345, § 1.

SECT. 56. When the owner of any lands has died seized thereof,
2 and they have not been distributed among the heirs of the owner,
3 or are not taken possession of by the devisees thereof, the
4 assessors of the town or plantation, in which the lands lie, may
5 assess any legal taxes on said lands to the executors or admin-
6 istrators of the deceased, and such assessment shall be enforced
7 and collected of them in the same manner, as taxes assessed
8 against them in their private and individual capacity may be
9 enforced and collected, which shall be a charge against the
10 estate and allowed, with other necessary charges, by the judge
11 of probate. 1832, 38.

SECT. 57. When any assessors, after having completed the assessment of any tax, shall discover that, by mistake they have omitted any polls or estate, liable to be assessed, they may, for the term during which they were elected, by a supplement to the invoice, and valuation and the list of assessments, assess such polls and estate, their proportion of such tax according to the principles on which the assessment was made, certifying that they were omitted by mistake. And such supplemental assessment shall be committed to the collector, with a certificate under the hands of the assessors, stating that they were omitted by mistake, and that the powers in their previous warrant, (naming the date of it) are extended to such supplemental list; and the collector shall have the same power, and be under the same obligations to collect such taxes, as if they had been contained in the original list; and all assessments shall be valid, notwithstanding that by such supplemental list, the whole amount shall exceed the sum, to be assessed by more than five per cent.; or alter the proportion of tax allowed by law, to be assessed on the polls. 1826, 337, § 3.

SECT. 58. When assessors shall continue to assess any real estate to the person to whom it was last assessed, such assessment shall be valid, though the ownership or occupancy may have been changed, unless previous to such last assessment, notice is given of such change of ownership or occupancy, and of the name of the person to whom the same had been transferred or surrendered; and a tenant in common or joint tenant may be considered sole owner, for purpose of taxation, unless he notifies the assessors what his interest is. 1826, 337, § 4.

SECT. 59. All stock employed in factories, shall be taxed in the town or place where it is so manufactured, and the tax shall be so assessed, against the person who may have the possession of the same; and a lien shall be had upon the whole, or any part of said stock, for the payment of the tax for one year, after it shall be assessed. 1838, 347.

SECT. 60. The assessors of towns—plantations, parishes and religious societies, shall not be made responsible for the assessment of any tax, which they are by law required to assess; but the liability shall rest solely with said corporations; and the assessors shall be responsible only, for their own personal faithfulness and integrity. 1826, 337, § 1.

SECT. 61. The warrant to be issued by the selectmen or assessors for the collection of the state rates or assessments shall be in substance as follows—

— ss—A. B. constable or collector of the town of —
within the county of — Greeting.

In the name of the State of Maine, you are hereby required to levy and collect of the several persons named in the list herewith committed unto you, each one his respective proportion, therein set down of the sum total of such list, it being —

10 this town's proportion of a tax or assessment of ——— granted
 11 and agreed upon, by the Legislature of said State, at their ses-
 12 sion begun and held at A. on the ——— day of ——— for defray-
 13 ing the necessary charges of securing, protecting and defend-
 14 ing the same; and you are to transmit and pay in the same
 15 unto ——— treasurer of the State, or to his successor in that
 16 office, and to complete, and make up an account of your collec-
 17 tions of the whole sum, on or before the ——— day of ———.
 18 And if any person, shall refuse or neglect to pay ——— the sum,
 19 he is assessed in the said list, to distrain the goods or chattels
 20 of such person, to the value thereof; and the distress so taken,
 21 to keep for the space of four days, at the cost and charge of
 22 the owner; and if he shall not pay the sum, so assessed, within
 23 the said four days, then you are to sell at public vendue, the
 24 distress so taken, for the payment thereof with charges; first
 25 giving forty-eight hours notice of such sale by posting up adver-
 26 tisements thereof, in some public place in the town or plan-
 27 tation (as the case may be); and the overplus arising by such
 28 sale, if any there be, besides the sum assessed, and the neces-
 29 sary charges of taking and keeping the distress you are imme-
 30 diately to restore to the owner—and for want of goods and
 31 chattels, whereon to make distress, (besides those animals,
 32 implements, tools, articles of furniture, and other goods and
 33 chattels which are mentioned in the ~~527~~ section of chapter
 34 ~~75~~ or such as shall hereafter be exempted from distress for
 35 taxes) for the space of twelve days—you are to take the body of
 36 such person so refusing or neglecting, and him commit unto the
 37 common jail of the county, there to remain, until he pay the
 38 same, or such part thereof as shall not be abated by the asses-
 39 sors for the time being, or the county commissioners for the said
 40 county.

41 Given under our hands, by virtue of a warrant from the treas-
 42 urer aforesaid this ——— day of ———.

} Assessors.

43 And the certificate of the assessment of any state tax, shall be
 44 in substance as follows—

45 Pursuant to a warrant from the treasurer of the State of
 46 Maine, dated the ——— day of ——— We have assessed the polls
 47 and estates of the ——— of ——— the sum of ——— and have com-
 48 mitted lists thereof to the ——— of said ———, viz: to ——— with
 49 warrants in due form of law, for collecting and paying the
 50 same to ——— treasurer of said State or his successor in office,
 51 on or before the ——— day of ——— next ensuing.

52 In witness whereof, we have hereunto set our hands at ———
 53 this ——— day of ——— in the year ———.

} Assessors.

SECT. 62. The warrant to be issued for the collection of
 2 county, town or plantation taxes, shall also be made out by the

3 assessment thereof in the same tenor, changing those parts, which
4 should be changed, to adapt it to the particular case.

1821, 116, § 18.

SECT. 63. Whenever an original warrant issued by any assess-
2 ors, and delivered to any constable or collector for the collection
3 of any tax, has been lost or destroyed by accident, the assessors
4 may issue a new warrant for the above purpose, which shall
5 have the same force and effect, as the original warrant.

1821, 116, § 19.

SECT. 64. The qualified voters of any town when they choose
2 constables, may also choose a collector or collectors of taxes,
3 and agree what sum shall be allowed such collector or collectors,
4 as a compensation for the performance of the duties of the
5 office ; but if such collector or collectors so chosen shall refuse
6 to serve, or if none shall be chosen, then the constable or con-
7 stables of such town shall collect the taxes. 1821, 116, § 23.

SECT. 65. The oath to be administered to the constable in
2 any town, shall be in the form following :

3 Whereas you A. B. are chosen constable within the town of
4 —, for one year now following and until other be chosen, and
5 sworn in your place, do swear, that you will carefully intend the
6 preservation of the peace, the discovery and preventing all
7 attempts against the same ; that you will duly execute all war-
8 rants, which shall be sent unto you from lawful authority, and
9 faithfully attend all such directions in the laws and orders of
10 court, as are or shall be committed to your care ; that you will
11 faithfully and with what speed you can, collect and levy all such
12 fines, distresses, rates, assessments and sums of money, for which
13 you shall have sufficient warrants according to law ; rendering
14 an account thereof, and paying the same according to the direc-
15 tion in your warrant, and with like faithfulness, speed and dili-
16 gence you will serve all writs, executions, and distresses, in
17 private causes betwixt party and party, and make return thereof,
18 duly in the same court, where they are returnable and in all
19 these things you shall deal faithfully, whilst you shall be in
20 office, without any sinister respects of favor or displeasure—
21 so help you God.

22 And the oath, to such as may be collectors only, shall be in
23 the following form :

24 You A. B. being appointed a collector of taxes within the
25 — of — for one year next following—do swear that you
26 will levy and collect, with what speed you can, all such rates
27 and assessments, for which you shall have sufficient warrants
28 according to law ; rendering an account thereof, and paying the
29 same, according to the direction in your warrant—so help you
30 God.

31 In case of distress or commitment for the non-payment of
32 taxes, the officer concerned therein, shall be entitled to the
33 same fees, which sheriffs by law are, or may be entitled to for
34 levying executions, saving that the travel in case of distress,

35 shall be computed only from the dwelling house of the officer
36 making such distress, to the place where the distress may be
37 made. 1821, 116, § 25.

SECT. 66. Every constable or collector shall receive a warrant
2 from the selectmen or assessors of the kind before mentioned in
3 this chapter—and shall faithfully obey the directions therein
4 contained. 1821, 116, § 23.

SECT. 67. And the assessors may require any constable or
2 collector to give bond, for the faithful discharge of his duty, he
3 shall give one to the inhabitants of the town in such sum, and
4 with such sureties, as the selectmen shall approve; and bonds
5 given by collectors of plantations, shall be to the inhabitants
6 thereof, approved by the assessors, conditioned that he will
7 faithfully perform the duties mentioned in the warrant, for col-
lection of said taxes. 1821, 116, § 23.

SECT. 68. In case any constable or collector decease, before
2 perfecting the collection of any assessment, the assessors for
3 the time being of such town or plantation, shall appoint, at the
4 charge of the same, some other suitable person to perfect the
5 collection, and grant him a sufficient warrant for that purpose.
1821, 116, § 23.

SECT. 69. All plantations which, from time to time, shall be
2 ordered by the Legislature to pay any proportion of the public
3 taxes, are hereby vested with all the powers, so far as relates to
4 the choice of constables and collectors, and requiring bonds
5 from the same, as in case of towns. 1821, 116, § 24.

SECT. 70. If any person shall refuse to pay the sum assessed,
2 as his proportion of any tax, in the list committed to any con-
3 stable or collector by virtue of the warrant to him given, he is
4 hereby authorized and directed to distrain the person so refusing
5 by his goods and chattels; and the distress so taken to keep for
6 the space of four days, at the expense of the owner, and if he
7 do not pay the sum assessed on him within that time, then the
8 distress so taken, shall be openly sold at vendue, by such offi-
9 cer, for the payment of such sum, notice of such sale being
10 posted up in some public place in the same town, forty-eight
11 hours before the expiration of said four days. 1821, 116, § 26.

SECT. 71. And the officer after deducting the amount of the
2 tax, and the expenses of sale, shall restore the overplus to the
3 former owner, with an account in writing of the sale and charges.
1821, 116, § 26.

SECT. 72. If the person so assessed shall, for the space of
2 twelve days after demand of the same, refuse or neglect to pay
3 said sum so assessed on him, and shall neglect to show the con-
4 stable or collector sufficient goods and chattels, whereby the
5 sum may be levied, he may arrest the body of the person so
6 refusing, and commit him to jail till he shall pay the said sum,
7 or he shall be discharged by order of law. 1821, 116, § 26.

SECT. 73. And if in the opinion of the assessors, there are
2 just grounds to fear that any person, assessed as aforesaid may

3 abscond before the end of said twelve days, the constable or
4 collector may demand immediate payment, and on refusal, he
5 may commit him aforesaid. 1821, 116, § 26.

SECT. 74. And when any tax shall be made payable, at two
2 or more several days of payment, and any person being an
3 inhabitant of any town at the time of making such tax, and
4 being assessed thereunto, shall be about to remove from such
5 town, before the time prefixed for payment, the collector or
6 constable may demand and levy the whole sum which such per-
7 son may be assessed in his list, though the time for collecting
8 any subsequent part of said tax, may not then have ~~accrued~~ ~~✓~~
9 and in default of payment, he may distrain for the same, or take
10 such other course as is provided in the seventy-second section.
1821, 116, § 27.

SECT. 75. And when constables or collectors shall be anew
2 chosen and sworn, in any town, before the former officers had
3 perfected their collections, such former constables or collectors,
4 are empowered and required to perfect all such collections, as
5 they might have done, before other constables and collectors
6 were chosen and sworn. 1821, 116, § 27.

SECT. 76. Any constable or collector may distrain the shares
2 of any person, for non-payment of taxes, owned by him in a
3 turnpike, bridge, canal or other corporation; and upon such
4 seizure, the same proceedings may be had, as when like property
5 is seized and sold on execution. 1827, 350, § 1.

SECT. 77. And the proper officer of any such corporation,
2 upon request of such constable or collector, shall be bound to
3 give him a certificate of the shares, or interest owned by such
4 person in such corporation, and shall issue to the purchaser certi-
5 ficates of shares owned by such person, according to the by-laws
6 of such corporation. 1837, 350, § 2.

SECT. 78. When any person taxed in any town in which he
2 was living at the time of assessment, shall remove therefrom
3 before having paid the sums assessed upon him, the constable
4 or collector to whom such assessment is committed for collection,
5 with a legal warrant, may demand the same of him, in any part
6 of the State, and upon his refusal to pay the same, may distrain
7 such person by his goods, and for want of such distress, may
8 commit him to the common jail of the county where he may be
9 found, there to remain until such tax shall be paid.
1821, 116, § 28.

SECT. 79. When any person duly assessed in any tax in any
2 town or parish has died, or shall die before payment of such tax,
3 or has removed or shall remove to any other town or place in the
4 State, from the town or parish where he resided when he was so
5 assessed; and where any unmarried woman being duly assessed
6 as aforesaid, has intermarried, or shall intermarry before the
7 payment of the tax; in any of such cases the constable or
8 collector may sue for taxes in his own name, and recover the
9 same, in an action of assumpsit, in the same manner other debts

10 may be recovered; but shall recover no costs, unless he
11 demanded the tax, before bringing the action.

1821, 116, § 29.

SECT. 80. When no person appears to discharge the taxes,
2 duly assessed on the unimproved land of non-resident proprietors,
3 or improved lands of proprietors, living out of the limits of the
4 State to the collector, he shall advertise in the public newspapers
5 of the printer to the State, the names of all such proprietors,
6 where they are known by him, with the sum of the taxes on
7 their lands respectively, and also the time and place of sale.

1821, 116, § 30.

SECT. 81. And where the same are not known by him, he
2 shall in the same manner, publish the sum of the taxes on the
3 several rights, numbers of lots or divisions.

1821, 116, § 30.

SECT. 82. And where the name of the place, in which such
2 lands lie, may have been altered by any act or law, or the place
3 itself has been annexed to another town within three years next
4 preceding such advertisement, he shall express not only the
5 present name, but that by which it was last known.

1821, 116, § 30. 1 Greenleaf, 306.

SECT. 83. In either case he shall post the same in some
2 convenient and conspicuous place, in the same town where the
3 lands lie, and also advertise the same in one of the newspapers
4 printed in the county where the lands lie, or in an adjoining
5 county.

1821, 116, § 30.

SECT. 84. The public notice required to be given in the
2 four preceding sections, shall be given by advertising in the said
3 newspapers as aforesaid, three weeks successively, and the last
4 publication shall be three months, before the time appointed for
5 the sale; and the notices to be posted in the town where the
6 lands lie, shall be posted for the same time, three months before
7 the sale.

1821, 116, § 30. 1826, 337, § 8.

SECT. 85. If no person shall appear to discharge said taxes,
2 and the necessary intervening charges, the collector, shall sell
3 at public auction, so much of the same lands as shall be sufficient
4 to discharge the said taxes and the necessary charges, and the
5 purchaser shall hold the same in common and undivided, and be
6 taken and deemed to be a tenant in common with the owners
7 of the residue of the land, on which said unpaid taxes have
8 been assessed.

1821, 116, § 30. 1838, 345, § 3.

SECT. 86. The collector may, if necessary to complete the
2 sale, adjourn the same from day to day, not exceeding three
3 days.

1821, 116, § 30.

SECT. 87. The collector shall give to the purchaser, or his
2 heirs a deed of the land by him purchased, to hold the same in
3 fee, expressing therein the cause of such sale. 1821, 116, § 30.

SECT. 88. The proprietor of the land so sold, shall have a
2 right to redeem the same, at any time within two years from the
3 time of such sale, on paying the sum for which the same was

4 sold, and the necessary charges, and interest, on the said sum,
5 at the rate of twenty five per cent. annually.

1828, 501, § 1. 1838, 350, § 1, 1837, 262.

SECT. 89. If the proprietor at the time of sale was a minor,
2 under twenty-one years of age, a married woman—insane, or
3 without the United States, he or she may redeem the land at
4 any time within four years from the time of sale on the terms
5 named in the preceding section.

1828, 501 § 1.

SECT. 90. In any trial at law, or in equity, involving the
2 validity of such sale, it shall be sufficient for the party claiming
3 under it, to produce in evidence the collector's deed, duly exe-
4 cuted and recorded; the assessments signed by the assessors
5 and their warrants to the collector, and to prove that such col-
6 lector complied with the requisitions of law, as to advertising
7 and selling such real estate; except as provided in the following
8 section.

1828, 501, § 2.

SECT. 91. But the two preceding sections, shall have no
2 effect on such sales, as were made before the first day of May,
3 in the year one thousand eight hundred and thirty-one.

1828, 501, § 3.

SECT. 92. It shall be the duty of the collector to record and
2 return to the treasurer of the town, for which he was chosen, his
3 particular doings in the sale of unimproved lands, of non-resident
4 proprietors, or improved lands of proprietors living out of the
5 State, for taxes thereon, within thirty days after the sale thereof.

1826, 337, § 8.

SECT. 93. Where the purchaser of such land, sold for taxes,
2 does not live in or shall remove from the town where the same
3 land lies, the owner of such land may deposit with the town
4 treasurer the sum by law required for its redemption, and on
5 the payment thereof, such sale shall become void, and the pur-
6 chaser shall be bound to execute a release of the same lands to
7 the original owner or his heirs.

1826, 337, § 8.

SECT. 94. The treasurer's receipt or certificate of payment to
2 him of a sufficient sum to redeem the lands, of a non-resident
3 so sold, shall be legal evidence of such payment and redemp-
4 tion; and the treasurer shall be bound to pay over to the pur-
5 chaser, on demand, the sum so deposited with him as aforesaid,
6 and the owner shall pay to the treasurer, fifty cents for his fees.

1826, 337, § 8.

SECT. 95. The purchaser of lands, sold as aforesaid, shall not
2 make any strip or waste on the same, until the time of redemp-
3 tion shall have expired; if he shall, he shall be liable to pay all
4 damages to the original owner, in as full and ample a manner,
5 as if he had not purchased the same.

1821, 116, § 30.

SECT. 96. When the owner of improved lands, living in this
2 State, but not in the town where the estate lies, shall be taxed,
3 and neglect for the space of six months, after the same has been
4 committed for collection, to pay and discharge the same, such

5 officer may distrain such person by his goods and chattels, and
6 for want of such, to commit him to the common jail for the
7 county, where he may be found—or 1821, 116, § 31.

SECT. 97. Such officer, after two months notice in writing
2 given to such person, may sue him for such taxes, in his own
3 name, in an action of assumpsit—or 1821, 116, § 31.

SECT. 98. He may sell, after notice as aforesaid, such lands,
2 or so much thereof, as may be necessary to pay said taxes and
3 charges, conforming in all respects, to the provisions contained
4 in the sections numbered from eighty to eighty-seven inclusive
5 of this chapter. 1821, 116, § 31.

SECT. 99. And the purchaser shall hold in common with the
2 owner of the residue, the share or part which the officer has
3 sold. 1821, 116, § 31.

SECT. 100. The owner of such property, so sold, may redeem
2 the same within the time and on the terms, mentioned in the
3 eighty-eighth section of this chapter. 1821, 116, § 31.

SECT. 101. And the purchaser shall be liable to account to
2 the owner for rents and profits of the land so purchased by him,
3 over and above the improvement made thereon, and for all strip
4 and waste, he may have committed on the same, before such
5 redemption. 1821, 116, § 31.

SECT. 102. No officer to whom a warrant for collection of
2 taxes may be committed, shall sell any improved or unimproved
3 land, for the non-payment of taxes, after the expiration of two
4 years from the date of such warrant. 1821, 116, § 31.

SECT. 103. Where any non-resident proprietor of lands in any
2 town, shall have in writing appointed any person in such town
3 as his agent or attorney, to pay taxes imposed on his lands, and
4 such writing shall have been lodged with the clerk of the town
5 or recorded by him, no constable or collector in any such town
6 shall advertise the sale of any land, of any such proprietor for
7 non-payment of taxes committed to him to collect, without
8 demanding payment of the tax of such agent, nor till after the
9 end of two months from such demand and notice. 1821, 116, § 32.

SECT. 104. The clerk of the town shall be bound to record
2 the written appointment of agent, before named for the fee of
3 twenty-five cents. 1821, 116, § 32.

SECT. 105. If such taxes be not paid at the end of said two
2 months, and the collector shall advertise such lands for sale, his
3 affidavit, made before a justice of the peace, and recorded by
4 the clerk of such town (who shall be bound to record it on
5 request of the officer) before any such sale made, that such per-
6 sonal or written notice was given, and naming the time when it
7 was given, shall be admitted as legal evidence thereof. 1821, 116, § 32

SECT. 106. Any collector impeded in collecting taxes, in the
2 execution of his office, may require proper persons to assist him,
3 in any town where such may be necessary, and any person who

4 shall refuse his aid, when so required shall pay a fine not exceed-
 5 ing six dollars at the discretion of the justice, before whom the
 6 conviction may be had on complaint, provided it shall appear
 7 that such aid was necessary; and on default of payment, the
 8 justice may commit the offender to jail, for forty-eight hours.

1821, 116, § 33.

SECT. 107. Every collector of public taxes, shall once in two
 2 month at least, exhibit to the selectmen, and where there are
 3 none, to the assessors of his town a just and true account of all
 4 monies received on the taxes committed to him, and produce the
 5 treasurer's receipts of monies, by him paid to the treasury.

1821, 116, § 36.

SECT. 108. Any collector of public taxes, neglecting to per-
 2 form the duty required in the preceding section, shall forfeit two
 3 and a half per cent, on the sums committed to him to collect, to
 4 be recovered by such town.

1821, 116, § 37.

SECT. 109. When a collector having taxes committed to him
 2 to collect has removed, or, in the judgment of the selectmen,
 3 assessors, or treasurer of a town, or committee or treasurer of a
 4 parish, is about to remove out of the State, before the time set
 5 in his warrants to make payment to such treasurers respectively,
 6 or when the time has elapsed, and either treasurer has issued his
 7 warrant of distress, in either case, the selectmen of such town
 8 or assessors of such plantation or committee of such parish, may
 9 on request or otherwise call a meeting of such town, plantation
 10 or parish, to appoint a committee to settle with such collector
 11 for the money he has received on his rate bills, and demand and
 12 receive of him such bills and discharge him therefrom, and at
 13 said meeting, may elect another constable or collector.

1821, 116, § 38.

SECT. 110. The assessors shall then make out a new warrant,
 2 and deliver the same, with said bills to him, to collect the sums
 3 due on such bills, and such collector shall have the same power
 4 in the collection thereof, as the original collector.

1821, 116, § 38.

SECT. 111. If such collector or constable, shall refuse to
 2 deliver the bills of assessment; and pay all monies collected by
 3 him, and remaining in his hands, when duly demanded of him,
 4 he shall pay a fine of two hundred dollars, to the use of the
 5 town, plantation, or parish as the case may be, and, besides, be
 6 liable to pay what shall remain due on said bills of assessment.

1821, 116, § 39.

SECT. 112. Whenever any constable or collector of taxes,
 2 is, or may become non compos, or who has or may have a guar-
 3 dian, or may by bodily infirmities, be incapable of doing the
 4 duties of his office, before completing the collection, the asses-
 5 sors may appoint some suitable person, a collector to perfect
 6 such collection, and grant him a warrant for the purpose, and
 7 he shall have the same power, as the said disqualified collector

8 or constable ; but no person shall be so appointed to complete
9 the collection, unless by his own request or consent.

1821, 116, § 40.

SECT. 113. When it shall appear that such insane or disqual-
2 ified constable or collector shall have paid to the treasurer to
3 whom he was accountable, a larger sum than the amount of
4 monies he has collected from the persons named in his list, the
5 assessors in their warrant to the new constable or collector, by
6 them appointed, shall direct him to pay such overpaid sum, to
7 the guardian of such insane, or to the disqualified constable or
8 collector.

1821, 116, § 40.

SECT. 114. And such assessors in the cases aforesaid, and
2 also in case of the decease of a constable or collector, before
3 perfecting his collection, may demand and receive the lists of
4 assessment, from any person having possession of the same, and
5 deliver the same to the newly appointed collector.

1821, 116, § 40.

SECT. 115. The state treasurer, shall issue his warrant of dis-
2 tress against any constable or collector, to whom any tax has
3 been committed for collection, but has been remiss and negli-
4 gent in his duty, in not paying into the the public treasury from
5 time to time the money he had collected, within the time limited
6 in the warrant of the assessors and he shall direct his warrant,
7 under his hand and seal to the sheriff of the county, in which such
8 negligent officer lives, or to his deputy, to cause said sum or
9 such sum as is due, to be levied by distress and sale of such
10 deficient constable or collector's real or personal estate, return-
11 ing any overplus there may be, and for want of such estate to
12 commit the body of such delinquent officer to prison, until he
13 shall pay the same, which warrant the sheriff is hereby bound
14 to obey.

1821, 116, § 41.

SECT. 116. Whenever the time fixed by law, for collecting
2 any state tax, shall have expired, the state treasurer is empow-
3 ered, at the request of the selectmen of any town or assessors
4 of any plantation, to issue his execution against any collector
5 of either, without further order.

1821, 116, § 42.

SECT. 117. If any constable or collector, failing as aforesaid
2 has no estate which can be found ~~to~~ make distress, and his per-
3 son cannot be found within three months from the time, a war-
4 rant of distress shall issue from the state treasurer ; or being
5 committed to jail, shall not, within three months satisfy the same,
6 in such case the town or plantation, whose collector has so failed,
7 shall within three months from the expiration of the before
8 mentioned three months, make good to the state treasury, the
9 sums due from such deficient constable or collector.

1821, 116, § 43.

SECT. 118. And the assessors of such town or plantation,
2 having written notice from such treasurer of the failure of such
3 constable or collector, shall forthwith and without any further
4 warrant, assess the said sum so due, upon the inhabitants of such

16 — committed to him, with a warrant under their hands,
 17 directing and empowering him to collect the several sums in the
 18 said assessment mentioned, and pay the same to the treasurer
 19 of — aforesaid, by the — day — day of — but the
 20 said C. D. hath been remiss in his duty, by law required, and
 21 hath neglected to collect the several sums aforesaid, and pay
 22 the same to the treasurer of the — aforesaid; and there still
 23 remains due thereof the sum of — and the said C. D. still
 24 neglects to pay the same. You are hereby in the name of the
 25 State, required forthwith, to levy the aforesaid sum of — by
 26 distress and sale of the estate, real or personal, of the said
 27 C. D., and pay the same unto the treasurer of the said —
 28 returning the overplus, if any there be, to the said C. D. And for
 29 want of such estate to take the body of the said C. D. and him
 30 commit to the jail in the county aforesaid, there to remain until
 31 he has paid the sum of — with two shillings for this warrant,
 32 together with your fees, or that he be otherwise therefrom
 33 discharged by order of law; and make return of this warrant
 34 to myself or my successor, as treasurer of the said — within
 35 ninety days from this time, with your doings therein.
 36 Given under my hand this — day of — in the year one
 37 thousand eight hundred and —. 1821, 116, § 44.

SECT. 125. All executions or warrants of distress, that have
 2 been, or may hereafter be issued by the state treasurer, or the
 3 treasurer of any county, town, plantation or parish, against any
 4 constable or collector, which have been, or may hereafter be
 5 delivered to the sheriff of any county—or his deputy, such
 6 sheriff or deputy, shall make return of his doings thereon, unto
 7 the treasurer, who issued the same execution or warrant of
 8 distress, within a reasonable time, after the return day, in the
 9 same mentioned, with the money, if any, that he hath received
 10 and collected by virtue thereof. And where the same shall
 11 necessarily be returned unsatisfied, or satisfied in part only, such
 12 treasurer may issue an *alias*, for such sum as may be due on the
 13 return of the first; and so *toties quoties*; which reasonable time
 14 after the return day shall be computed at the rate of forty eight
 15 hours for every ten miles distance, from the dwelling house of
 16 the sheriff, or his deputy, to the place where the warrant may
 17 be returnable. 1821, 116, § 45.

SECT. 126. Any sheriff or deputy sheriff, who shall neglect
 2 to comply with the directions of such warrant, or any of them,
 3 shall be liable to pay the whole sum mentioned in such execu-
 4 tion, or warrant of distress. 1821, 116, § 45.

SECT. 127. And the treasurer of the State, and treasurers of
 2 towns, plantations, and parishes, respectively are empowered to
 3 make out their warrants, directed to a coroner of the county,
 4 where any sheriff is deficient as aforesaid, requiring him to dis-
 5 train for the same upon the real or personal estate of such
 6 deficient sheriff or his deputy, as is before directed, with respect
 7 to the sheriff or his deputy, making distress upon the estate of

8 deficient constables and collectors, which warrants the coroner
9 is required and empowered to execute. 1821, 116, § 45.

SECT. 128. Any officer, in making sale of any personal prop-
2 erty distrained by him, by virtue of any warrant from the
3 treasurer of the State against any deficient constable or collec-
4 tor, shall proceed in the same manner, as in the sale of such
5 property seized on execution, issued on judgment.

1821, 116, § 46.

SECT. 129. When a warrant of distress is issued by the treas-
2 urer of the State, or of any county, town, plantation or parish,
3 to the sheriff or his deputy or to a coroner, shall be levied on
4 the real estate of any deficient constable, collector, sheriff or
5 deputy sheriff, for the purpose of being sold, notice of the
6 intended sale shall be given, and of the time and place of sale
7 fourteen days before such day, by posted advertisements in two
8 or more public places in the town or place where the estate is
9 situated, and also in two adjoining towns.

1821, 116, § 47.

SECT. 130. On the day and at the place appointed, the officer
2 having such warrant shall proceed to sell at public auction all
3 such estate, if necessary, and if not necessary, then so much
4 thereof in common and undivided, with the residue, as shall be
5 necessary to satisfy and pay the sum mentioned in the warrant,
6 with all legal or reasonable charges. 1821, 116, § 47.

SECT. 131. And such officer, shall make and execute to the
2 purchaser a deed of bargain and sale thereof, and such convey-
3 ance, duly executed shall be effectual to all intents and purposes,
4 as if executed by the deficient owner thereof.

1821, 116, § 47.

SECT. 132. In case the produce of such sale of the real
2 estate shall not satisfy the sum named in the warrant and the
3 necessary expenses, the treasurer who issued such warrant shall
4 issue, an alias execution or warrant for the sum remaining due,
5 and the officer executing the same shall take such deficient con-
6 stable, collector, or deputy sheriff to the county jail, until he
7 shall pay the same. 1821, 116, § 47.

SECT. 133. When such deficient officer, shall be so commit-
2 ted to jail, he shall be entitled to the same degree of liberty as
3 a debtor, committed or arrested on execution, upon his giving
4 sufficient bond, and to the same privileges to which he would
5 be entitled, by the laws in force, for the time being, respecting
6 poor debtors, if he had been committed or arrested on an exe-
7 cution in favor of a private individual creditor.

1821, 116, § 47.

SECT. 134. When any constable or collector of taxes, shall
2 be taken on execution, by virtue of this chapter, the assessors
3 may demand and receive of him, a true copy of all or any of the
4 assessments, which he received of them, and then had in his
5 hands unsettled, with the whole evidence of all payments made on
6 the same assessments; and on his compliance with this demand,

7 he shall receive such credit as the assessors, on inspection of the
8 assessment shall adjudge him entitled to, and for the balance he
9 shall be held accountable. 1821, 116, § 48.

SECT. 135. The same town, plantation or parish, may proceed
2 to the choice of another collector, at any other time, besides the
3 annual meeting, to complete collection on the assessments, and
4 he shall be duly sworn, and give such securities, as required of
5 the first collector, and the assessors shall deliver the assess-
6 ments, received back, as aforesaid, to such new collector, with a
7 proper warrant for completing the collection ; and he shall pro-
8 ceed accordingly, in the manner before prescribed.

1821, 116, § 48.

SECT. 136. If any collector or constable, taken as aforesaid,
2 shall refuse, on demand made, to deliver up to the assessors, the
3 assessment committed to him, with all evidence of payments as
4 aforesaid, he shall forthwith, by the officer who took him, or by a
5 warrant from a justice of the peace, be committed to the county
6 jail, there to remain, until he shall exhibit and give up the same
7 as required. 1821, 116, § 48.

SECT. 137. In such case the assessors shall take copies of the
2 record of assessments, and deliver them to the collector chosen
3 in the manner mentioned in the one hundred and thirty-sixth
4 section, with their warrant for the collection of the taxes,
5 remaining uncollected by the former collector.

1821, 116, § 48.

SECT. 138. But when the tax of any person named in said
2 assessment does not thereby appear to be paid, but such person
3 affirms to the collector, that it had been paid to the former col-
4 lector, the new collector shall not proceed to distrain or com-
5 mit such person, unless a vote of such town, plantation, or parish,
6 is first passed therefor, and certified to him by the town, planta-
7 tion or parish clerk. 1821, 116, § 48.

SECT. 139. When any town shall neglect to choose any con-
2 stable, or collector, or any plantation to choose a collector, to
3 collect the taxes, granted by the Legislature, the sheriff of the
4 county is hereby authorized and directed to collect the same,
5 having received an assessment made of the proportion of the
6 several persons rateable in such town or plantation, with a
7 warrant under the hands of such assessors, as shall be appointed
8 by the county commissioners, or under the hands of the assessors
9 of such town, or plantation duly chosen by the same.

1821, 116, § 49.

SECT. 140. When plantations neglect to choose constables or
2 collectors, or if those chosen, and accepting their trust, neglect
3 their duty, such plantations shall be proceeded with in the same
4 manner, as in the case of deficient towns, and such deficient
5 constables or collectors, shall be liable to the same penalties,
6 and to be removed in the same manner, as in case of deficient
7 constables and collectors, chosen by towns.

1821, 116, § 50.

SECT. 141. The sheriff or his deputy upon receiving such
2 assessment and warrant for collection, as is mentioned in the two
3 preceding sections, shall forthwith post in some public place, in
4 the town or plantation assessed, an attested copy of such assess-
5 ment and warrant, and shall make no distress for any of the sums,
6 so assessed, till after thirty days from his posting it up; and any
7 person paying the sum assessed on him, to such sheriff, before
8 the expiration of said thirty days, shall pay at the rate of five
9 per cent. over and above the sum assessed, to the sheriff for his
10 fees and no more. 1821, 116, § 51.

SECT. 142. But all such as neglect to comply with the pro-
2 visions of the preceding section, shall be proceeded against by
3 the sheriff by way of distress, and commitment to jail, in like
4 manner as collectors are directed to distrain or commit to jail;
5 and the sheriff or his deputy may require aid for the purpose,
6 and the same fees shall be paid for the travel and service of the
7 sheriff, as in other cases of distress made. 1821, 116, § 51.

SECT. 143. When any person appointed to collect assessments
2 by virtue of a warrant shall, for want of property take the body
3 of any person and commit him to prison, he shall give an attested
4 copy of his warrant to the prison keeper, and shall certify under
5 his hand, the sum such person is to pay as his proportion of the
6 assessment, with the costs of taking and committing; and that
7 for want of goods and chattels, whereon to make distress, he had
8 taken his body; and such copy with the certificate thereon,
9 under the hand of the officer, shall be a sufficient warrant to
10 require the prison keeper to receive and keep such person in
11 custody till he shall pay his assessment and charges and thirty-
12 three cents for the copy of the warrant—Provided that such
13 person shall have the same degree of liberty and same privileges
14 as mentioned in the one hundred and thirty-third section.

1821, 116, § 52.

SECT. 144. When any person committed for non-payment of
2 taxes, shall be discharged from confinement by virtue of any
3 act for the time being, for the relief of poor prisoners confined
4 in jail for taxes, in every such case the town or plantation, whose
5 assessors issued the warrant by which the prisoner was commit-
6 ted shall pay the whole tax required of such town or plantation.

1821, 116, § 53.

SECT. 145. When any person imprisoned for the non-pay-
2 ment of his proportion of any tax, shall be discharged from
3 prison by virtue of the act mentioned in the preceding section,
4 the collector or constable, making such imprisonment, shall not
5 be discharged of the proportion, due from such person, unless
6 the imprisonment shall be made within one year next, after the
7 commitment of the assessment to such constable or collector
8 unless the inhabitants of such town or plantation in legal meet-
9 ing shall abate the same to such officer. 1821, 116, § 54.

SECT. 146. In case of commitment of a person, for non-pay-
2 ment of taxes, the officer shall be entitled to the same fees

3 which sheriffs by law are for levying executions, except that his
4 travel shall be computed only from his dwelling house to the
5 place where the distress is made. 1821, 116, § 55.

SECT. 147. The inhabitants of any town may, in March or
2 April annually appoint their treasurer a collector of taxes; and
3 the treasurer so appointed may appoint under him such number of
4 assistants, as may be necessary, and they shall give bond for the
5 faithful discharge of their duties, in such sum and with such
6 sureties, as the selectmen may approve of, and the collector of
7 taxes, shall have like powers as are vested in collectors, chosen
8 for that purpose. 1821, 116, § 56. 1826, 337, § 5.

SECT. 148. At any meeting at which they shall vote to raise
2 any tax, they may agree, not only on the abatement to be made
3 to persons, who shall voluntarily pay their taxes to the collector
4 at certain periods, but likewise the periods at which any person
5 by so paying his taxes may be entitled to such abatement.

1821, 116, § 56. 1826, 337, § 5.
SECT. 149. A notification of such votes shall be posted up in
2 one or more public places in such town or other corporation
3 aforesaid. 1826, 337, § 5.

SECT. 150. All such inhabitants of any such town or parish,
2 who shall voluntarily pay the said collector or his deputy the
3 amount of their several and respective taxes, at any of the peri-
4 ods mentioned in the notifications of the votes posted up as
5 aforesaid, shall be entitled to an abatement of so much of their
6 respective taxes, as shall be specified in such votes, to be
7 allowed according to the time of such payment.

1821, 116, § 57. 1826, 337, § 5.
SECT. 151. All such taxes as shall not have been paid agree-
2 ably to the provisions of the preceding section, shall and may
3 be collected by the collector or his deputy agreeably to the
4 other provisions of this chapter. 1821, 116, § 58.

SECT. 152. The assessors of any town or plantation which
2 may, at their annual meeting, regulate the collection of their
3 taxes, agreeably to the provisions contained in the five preced-
4 ing sections, shall assess their taxes in due form and deposit the
5 same in the hands of the treasurer for collection, together with
6 their warrant for that purpose, after he shall have been duly qual-
7 ified, together with his deputies. 1821, 116, § 59.

SECT. 153. All the powers granted to treasurers in this chap-
2 ter, who are appointed collectors of taxes, shall be extended,
3 till the collector of any tax committed to them shall have been
4 completed, notwithstanding the year for which they were
5 appointed, may have elapsed. 1826, 337, § 6.

SECT. 154. The selectmen of towns and the assessors of plan-
2 tations, may require their treasurer of such town or plantation
3 to give bond with sufficient sureties for the faithful performance
4 of the duties of his office, and if he neglect or refuse to give
5 such bond, it shall be deemed a refusal to accept the office, and
6 the town or corporation shall proceed to a new choice, as in
7 case of vacancy. 1826, 337, § 7.

SECT. 155. Every treasurer shall render an account of the state of the finances of his town or plantation, and exhibit all the books and accounts appertaining to his office, to the selectmen of his town, or assessors of his plantation, as often as once in three months, if requested, and to any committee appointed by such town or plantation, whenever required. 1826, 377, § 7.

SECT. 156. When any town has appointed, or shall appoint their treasurer a collector of taxes, in the manner provided for in the one hundred and forty seventh section, but have not, or shall not have agreed upon the periods at which any person paying his taxes, may be entitled to an abatement on the same, but only on the amount of abatement—in such case, the payment of the taxes must be made to the collector, within thirty, or sixty or one hundred and twenty days next, after the delivery of their tax bills, to the respective inhabitants to entitle such inhabitants respectively to the abatements agreed upon by the town as before mentioned on payments made at any of said successive periods. 1821, 116, § 57.

SECT. 157. Any treasurer, who is also collector, may issue his warrant to the sheriff of the county, or his deputy, or a constable of the same town, directing him to distrain the person or property of any person, who is delinquent in paying his taxes; after the expiration of the time fixed for payment, by vote of the town; which warrant shall be of the same tenor as that prescribed to be issued by selectmen or assessors to collectors, changing such parts as ought to be changed, returnable to the treasurer in thirty days. 1821, 116, § 60.

SECT. 158. Whenever the treasurer or collector, shall be of opinion that there is danger of losing a tax by delay he may distrain the person or property of any individual, before the expiration of the time fixed by the vote of the town. 1821, 116, § 60.

SECT. 159. Before any such officer, shall serve any such warrant, he shall deliver to the delinquent, or leave at his last and usual place of abode, a summons from said collector and treasurer, stating the amount of tax due, and that the same must be paid within ten days from the time of leaving such summons, into the treasury, with twenty cents for the use of the officer leaving the summons. 1821, 116, § 61.

SECT. 160. If such sums be not so paid, then the officer shall serve such warrant, in the same manner as collectors of taxes are authorized to do and perform and shall receive the same as are allowed for levying executions in personal actions. 1821, 116, § 61.

SECT. 161. The affidavit of any disinterested person as to posting notifications required for the sale of any land to be sold by the sheriff or his deputy, constable or collector, in the execution of his office, may be used in evidence in any trial, to prove the fact of notice; and such affidavit made on one of the original advertisements, or on a copy of the same, shall be filed

7 in the registry of the county or district, where the land lies,
8 within six months. 1821, 116, § 62.

SECT. 162. When the estate of any inhabitant of any town,
2 plantation or parish (not being an assessor thereof) shall be
3 levied upon and taken, as mentioned in the forty-third section,
4 he may maintain an action against such town, plantation or
5 parish, and recover the full value of the estate so levied on, with
6 the interest at the rate of twelve per cent. from the time it was
7 taken, with costs, which true value may be proved by witnesses.

1821, 116, § 63.

SECT. 163. And such action may be maintained against a
2 plantation, from which any state or county tax, is required,
3 whether organized or not. 1821, 116, § 64.

SECT. 164. All warrants lawfully issued by the state treasurer,
2 or any county treasurer, shall be made returnable in three
3 months, and may be renewed for the collection of such sum as
4 may appear due upon ~~the~~ when returned; including expenses ** then*
5 incurred in attempting to collect such. ~~1836, 218, § 1, 2.~~ ** the same*

SECT. 165. The power and duty of the sheriff shall be the
2 same in executing such alias and pluries warrant, as the origi-
3 nal warrant. 1836, 218, § 3.

SECT. 166. All towns, incorporated since January first,
2 eighteen hundred and thirty-four, composed of a part of one or
3 more other towns, and which were omitted to be assessed, in
4 the state and county taxes, of that year, shall be held to pay to
5 the town or towns, of which such new towns were composed,
6 their equable proportion of such taxes, to be ascertained by the
7 general valuation on which the taxes were based, comparing the
8 estates set off to the new towns with the whole valuation of the
9 town or towns from which the same were taken.

1836, 223, § 1.

SECT. 167. Every town to which, since the first day of Janu-
2 ary, any other town has been annexed, and to which no corres-
3 ponding addition was made in the taxes that year, shall be held
4 liable to pay to the town, from which such part was taken, an
5 equable share of such taxes, in proportion before named.

1836, 223, § 2.

SECT. 168. Until another state tax shall be assessed, every
2 town hereafter incorporated, made up in part of ~~other town or~~ ** other*
3 towns, or enlarged by annexation of part of another, shall be *any*
4 liable to pay such other town or towns, their just proportion,
5 ascertained as aforesaid. 1836, 223, § 3.

SECT. 169. And if any town shall neglect to pay, to any
2 other town or towns, the sums due to them, on the above princi-
3 ples, the creditor town or towns, may recover the same by
4 action, provided that no such action, shall be maintained till the
5 plaintiff town, shall have paid the whole of such tax.

1836, 223, § 4.

CHAPTER 15.

OF THE INDIAN TRIBES IN THE STATE.

- Sect.* 1. Agents now in office, to continue, &c.
 2. When a vacancy happens—how to be filled.
 3. General duties of an agent.
 4. Agents of both tribes, to be sworn and give bonds.
 5. Indian contracts when made with Indians to be void—unless approved by agent.
 6. Leases to be for one year—contracts also, limitation, &c.
 7. Agents for each tribe, may maintain suits, in their own names for money due, or wrongs done to the Indians.
 8. Agents shall keep true accounts, and annually lay them before governor and council.
 9. No foreigner or subject of foreign government, shall purchase or take off of the lands, lumber, grass, &c. or permit others to, of the Passamaquoddy tribe.
 10. Islands in Penobscot bay may be leased for twelve years—and decayed timber sold and cut—according to agent's discretion, if assented to by lieut. governor of the tribe and governor of the State.
 11. Agent of Penobscot tribe to place avails in the treasury.
 12. Leases made, as in tenth section, to be at agent's risk.
 13. Land agent to cause lands in Penobscot river, &c. to be surveyed and value estimated.
 14. Also prepare a plan of particular form.
 15. Manner in which lots shall be laid out.
 16. Agents shall give certificates to Indians—of their lots.
 17. No Indian to sell or lease his land, unless, &c.
 18. Agent shall have land cleared, buildings erected, &c.
 19. And employ a person to take care of the infirm, &c.—also cause land to be ploughed, &c.
 20. And lease lands reserved for mills, &c.
 21. Shall set off lands into house and garden lots, &c.
 22. Manner of doing it.
 23. What orders governor and council may draw on the treasury.
 24. Agents of Passamaquoddy Indians, may sell land and timber on township number 2, on St. Croix.
 25. Shall annually in April and May furnish them with seeds not exceeding two hundred dollars worth.
 26. Agent shall pay the governor of the tribe three hundred dollars annually—and in what manner.
 27. In November and December annually, he shall purchase provisions for his tribe.
 28. His commissions, &c.
 29. Indian monies to be deposited in bank, over \$100 on interest, &c.
 30. Penalty for furnishing Indians with spirituous liquors.
 31. Premiums to both tribes for cultivating lands.
 32. Proof necessary for procuring premiums.
 33. Agent to keep an account and transmit same to Legislature after monies paid out.

SECT. 1. Those persons who have been appointed as agents
 2 for the Penobscot and Passamaquoddy tribe of Indians, respect-
 3 fully shall continue to perform the duties assigned to them,
 4 according to the tenor of their respective appointments.

1821, 175.

SECT. 2. Whenever either of those agents shall die or resign
2 or be removed, the governor with advice of council, may
3 appoint another agent in his place, but there shall never be
4 more than three, nor less than one for each tribe.

1821, 175, § 1, 2.

SECT. 3. The agent or agents appointed for the Penobscot
2 tribe of indians, shall provide, furnish, pay and deliver to said
3 tribe, for and on account of the State, all such articles, goods,
4 provisions and monies, as shall from time to time become due
5 by virtue of any treaty or agreement now existing or that here-
6 after may exist between the State and such tribe.

1821, 175, § 3.

SECT. 4. The agent or agents of both such tribes, shall be
2 duly sworn, and shall give bonds to the State, with sureties to
3 the satisfaction of the governor and council for the faithful dis-
4 charge of their respective duties, and have the care and man-
5 agement of the property belonging to the respective tribes, for
6 the use and benefit of them.

1821, 175, § 4.

SECT. 5. All contracts relating to the sale or disposal of trees
2 timber or grass growing, or on said indian lands, made with any
3 of the indians belonging to either of said tribes, unless examined
4 and allowed by the agent or agents of the tribe to which the
5 indian or indians contracted with belong, shall be utterly void.

1821, 175, § 4.

SECT. 6. No lease of land or contract for trees, timber or
2 grass made by the agents of either of said tribes shall have effect
3 for a longer term than one year; nor shall they in any one year
4 sell or dispose of trees or timber of said indians, to an amount
5 exceeding five hundred dollars; except as is provided in the
6 tenth and twentieth sections.

1821, 175, § 4.

SECT. 7. The agent or agents for each of said tribes may, in
2 his or their own names and capacity, maintain any actions for
3 money due to any indians, and for injuries done to them or to
4 the property of any indians belonging to their respective tribes;
5 and all sums or damages recovered by such respective agents,
6 shall be distributed to the indians of the tribe, for which they
7 are agents, according to their usages, or vested in articles use-
8 ful to them.

1821, 175, § 5.

SECT. 8. The agent or agents of each tribe, shall keep a true
2 record of their proceedings, and correct accounts of all receipts
3 and expenditures of every kind: and shall annually, and
4 oftener, if required, lay the same before the governor and
5 council for inspection and adjustment, who are hereby author-
6 ized to settle and adjust the same, draw warrants on the treas-
7 ury, for such sums as may from time to time be found necessary
8 in carrying into effect all treaties with said tribes.

1821, 175, § 6. 1825, 301.

SECT. 9. No citizen or subject of any foreign government,
2 shall purchase, cut or carry off any trees or timber or grass
3 standing or growing on the township reserved for the benefit of

4 the Passamaquoddy tribe : and if any agent for such tribe shall
5 give to any such citizen or subject a permit for such unlawful
6 purpose he shall forfeit and pay a sum not exceeding five hun-
7 dred dollars, nor less than one hundred dollars to be recovered
8 by action of debt, one half to the use of the State, and the
9 other half to the use of any person who shall prosecute for the
10 same. 1824, 271.

SECT. 10. The island belonging to the Penobscot tribe, may
2 be leased by their agent or agents for the benefit of such tribe,
3 for any term not exceeding twelve years ; and the burnt and
4 decaying timber on the two indian townships on the west branch
5 of Penobscot river, may be sold by such agent or agents, when
6 they shall judge it for the interest of such tribe : provided such
7 lease and sales, and the terms and conditions thereof, shall be
8 assented to by the governor and lieutenant governor of the tribe
9 and approved by the governor of the State.

1826, 323, § 1.

SECT. 11. Such agent or agents of the Penobscot tribe, shall
2 place the avails of the leases and sales made by them, in the
3 state treasury, subject to the order of the governor and council
4 according to law. 1826, 323, § 2.

SECT. 12. All such leases and sales as are mentioned in the
2 tenth section, which are made on credit, shall be at the risk of
3 the agent or agents, and be accounted for as money.

1826, 323, § 2.

SECT. 13. The land agent shall cause the islands in Penob-
2 scot river from Old town falls to Mattawamkeag point to be
3 accurately surveyed and numbered (if the same has not been
4 already done) and their present value estimated, and duplicate
5 plans thereof made and returned to the land office and to the
6 indian agent. 1835, 158, § 1.

SECT. 14. He shall also (if the same has not been already
2 done) cause to be surveyed and laid down in both of said plans,
3 a suitable quantity of land, adjoining all water privileges belong-
4 ing to said island, as may be deemed valuable for mills, booms
5 and fisheries : and a suitable tract for a farm, for the accommo-
6 dation of the aged, the invalids and orphan children of the tribe
7 and suitable tracts of wood and timber land ; and also shall
8 designate on such plans a suitable lot for each indian of the
9 tribe, male and female of the age of twenty-one years or more,
10 who may apply therefor for cultivation, not exceeding the due
11 proportion of such surveyed lands, after deducting the part
12 reserved for public use, the lots so assigned shall be the property
13 of the person to whom assigned during the pleasure of the Legis-
14 lature. 1835, 158, § 2.

SECT. 15. In all cases the lots shall be so located to any
2 indian as to include the land cultivated and improved by him,
3 if any, and if that will not be sufficient for him, then other land
4 on some other island may be assigned him, so as to make lots of
5 nearly equal value.

SECT. 16. The agent or agents for said Penobscot tribe, shall issue to each of the indians, who has had his lot surveyed and designated as aforesaid, a certificate, in substance as follows : Know all men by these presents that I — agent for the Penobscot tribe of indians, have caused to be surveyed and set off to — his portion of land on the islands in Penobscot river, belonging to said tribe of indians, as contemplated by the acts of the Legislature of the State of Maine bounded and described as follows: To have and to hold the same, as contemplated by the acts aforesaid with all privileges conferred by said acts. In witness whereof, I have hereunto set my hand and seal as agent of the Penobscot tribe of Indians this — day of — in the year one thousand eight hundred and

} Agent of the Penobscot
} tribe of Indians.

SECT. 17. No Indian belonging to the tribe, shall have power to sell or lease his lot, nor commit strip, nor waste, nor carry off the ground faster than is necessary for cultivation (unless by permission of the agent) and if guilty of so doing, he shall be dealt with as a trespasser. 1838, 331, § 2.

SECT. 18. The agent from time to time, shall have the land cleared, and suitable buildings erected on the lot which may be laid out for a public farm, the expense of which shall be paid out of the interest accruing to said tribe, from the sale of the four townships purchased by the State, not, however, to exceed half the interest. 1838, 331, § 5.

SECT. 19. He shall employ a superintendant to manage the farm, and take care of the infirm and the orphans, and his services shall be annually paid for by the State, agreeably to the indian treaty, with the Commonwealth of Massachusetts made in the year eighteen hundred and eighteen; and cause as much land to be ploughed for any indian for cultivation, and furnish such farming utensils, and seed as he may judge necessary, under the direction of the governor and council. 1835, 158, § 6.

SECT. 20. He may lease any reserved privileges for mills, booms and fisheries, for a term sufficiently long to induce persons to take leases of them, with the approval of the governor and council; and all the rents shall be paid into the treasury, to be expended for the benefit of the tribe, under the direction of the governor and council. 1835, 158, § 7.

SECT. 21. It shall be the duty of such agent to cause to be surveyed and set off into house and garden lots, the public lands belonging to said Penobscot tribe, situated on the point of Old Town island (excepting so much as may be necessary for a common and streets, and also lots for a church, school house, public hall, store house and burying ground. He shall assign to each person or family of said tribe, applying therefor one of said lots for the sole use and occupation of such person or family, 1839, March 16,

SECT. 22. In assessing such lots the agents shall as far as practicable, give to each person or family the lot on which they have made improvements; and such lots, so assigned, shall be held by the person or family during the pleasure of the Legislature; but no indian shall convey his lot or improvements to any person who is not a member of the tribe; but when a lot shall be lawfully sold to one of the tribe, the purchaser shall hold it during the pleasure of the Legislature.

SECT. 23. The governor with advice of council, may draw orders on the treasury, for any sum not exceeding the interest for the four townships, purchased by the State of the Penobscot tribe in June eighteen hundred and thirty three, and of any other monies which have been or may be paid into the treasury and for the full amount of rents paid in as aforesaid; and when the whole amount of such sums, in the opinion of the governor and council, is more than is necessary for said tribe, the excess may be invested for the benefit of the tribe. 1835, 153, § 8.

SECT. 24. The agent or agents of the Passamaquoddy tribe of indians, are authorized to sell to the best advantage, at public or private sale, to a citizen of the State, the timber and grass from township numbered two on the St. Croix river, usually called the indian township, to the amount of one thousand dollars annually; expressly retaining in the written contract of the sale, a lien on the timber and the grass cut, until the amount due for stumpage of the same is paid. 1839, March 13, § 2.

SECT. 25. In April and May, annually, such agent shall furnish said tribe, as many potatoes and other seeds, as may be necessary for agricultural purposes, not exceeding the value of two hundred dollars, and shall render a certified account to the Legislature of the quantity of each article delivered with the certificate of two of the principal merchants in Eastport or Calais, that the prices charged in the account were the market value at the time of delivery. 1839, March 13, § 3.

SECT. 26. The agent shall pay the governor of the tribe, on his requisition made in usual form, three hundred dollars in money, annually, in sums not to exceed twenty five dollars per month—for the use of the tribe. 1839, March 13, § 4.

SECT. 27. In the months of November and December, annually, he shall purchase in Boston or New York, with cash for the use of the tribe, and to be delivered at Eastport or Pleasant Point, in equal proportions, according to the number of each family, after the first day of January of each year, twenty five barrels of superfine flour, four barrels of clear pork, four hundred pounds of hog's lard, and as much indian corn as will amount in the aggregate, to the sum of five hundred dollars, and the invoice and delivery shall be certified as in the twenty fifth section. 1839, March 13, § 5.

SECT. 28. The agent shall be entitled to a commission of five per cent. for disposing of lumber and grass, and collecting the amount of sales, and a like commission on monies disbursed in

4 making purchases; and to three dollars per day when necessarily
5 employed, in going to the said township to secure lumber cut by
6 trespassers or survey lumber. 1839, March 13, § 6.

SECT. 29. When the agent has in his hands, belonging to the
2 tribe, a sum exceeding one hundred dollars, he shall deposit the
3 same in one of the banks in the county of Washington at such
4 rate of interest as may be agreed upon, until it shall be required
5 for the purposes named in this chapter—and he shall transmit
6 his accounts to the Legislature, annually for approval and adjust-
7 ment, and the amount of commissions shall be allowed and paid
8 from the treasury. 1839, March 13, § 8.

SECT. 30. If any person shall sell or give to any indian, any
2 spirituous liquors, on being convicted thereof, before any justice
3 of any court competent to try the cause, he shall be fined not
4 less than five dollars nor more than twenty dollars, one half to
5 the State, and the other to the complainant. 1835, 158, § 9.

SECT. 31. There shall be paid to every indian of the Penob-
2 scot or Passamaquoddy tribe, who shall raise, either on his own
3 land or on land belonging to the tribe, the following bounty on
4 the following productions, and at the rate following.

5 1. For every bushel of wheat—twenty cents.

6 2. For every bushel of rye, oats, barley, buckwheat, peas or
7 beans—ten cents—and

8 3. For every bushel of potatoes, turnips, parsnips, beets or
9 carrots—five cents. 1838, 316, § 1.

SECT. 32. Before any such bounty shall be paid to any such
2 indian he shall prove to the satisfaction of the agent the num-
3 ber of bushels of wheat or other grain and of potatoes or other
4 roots before named, which have been raised by such indian, on
5 the land before mentioned. 1838, 316, § 2.

SECT. 33. Such agent shall keep an account of monies so
2 paid out, and present the same duly certified, to the next Leg-
3 islature after such payments were made, for examination and
4 allowance. 1838, 316, § 3.

