

# MAINE STATE LEGISLATURE

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REPORT  
OF THE  
COMMISSIONERS  
APPOINTED TO  
REVISE THE PUBLIC LAWS  
OF THE  
STATE OF MAINE.

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TITLE I.  
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AUGUSTA:  
STEVENS & BLAINE, PRINTERS TO THE STATE.  

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1855.

1888

1889

1890

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1896

# TITLE FIRST.

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

- Chap.* 1. The publication and construction of statutes, and petitions to the legislature.
2. The sovereignty of the state. Lands ceded to the United States. The coast survey. The seat of government. The secretary of state. The treasurer of state. The tenure of offices. The qualification of officers. The state library.
  3. The land agent. Sale and settlement of the public lands. Location and care of reserved lands.
  4. Town meetings. Town officers. Town boundaries, and penalties on officers for neglect of duty.
  5. Elections.
  6. Boundaries of counties.
  7. Registers of deeds.
  8. County treasurers.
  9. Assessment and collection of taxes.
  10. Indian tribes.
  11. The militia.
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### Chapter I.

#### THE PUBLICATION AND CONSTRUCTION OF STATUTES. PETITIONS TO THE LEGISLATURE.

- Sect.* 1. Date of approval of all public acts to be communicated and entered on the journal of each house. Acts to be published in the state paper.
2. Statutes to take effect in thirty days from recess of the legislature, unless otherwise provided therein.
  3. Acts of incorporation public acts.
  4. Rules of construction.
    - I. Meaning of words, technical terms.
    - II. Singular and plural, masculine, &c.
    - III. Joint authority, majority.
    - IV. Annual meeting.
    - V. Grantor and grantee.
    - VI. Highway.
    - VII. Inhabitant.

*Sect. 4. Rules of construction—Continued.)*

VIII. Insane person.

IX. Issue.

X. Lands and real estate.

XI. Mouth and year.

XII. Oath to include affirmation.

XIII. Person.

XIV. Preceding and following.

XV. Seal.

XVI. State and United States.

XVII. Town.

XVIII. Will.

XIX. Written and in writing.

XX. Acts of agents.

XXI. Duly sworn and sworn according to law.

XXII. Persons disinterested or indifferent.

XXIII. Municipal officers.

XXIV. Stato paper.

XXV. Titles and abstracts not to be construed as parts of statutes.

5. How notice of a petition may be given.

6. Same subject.

7. Either mode valid.

8. Fees of officer.

SECTION 1. As soon as any public act is signed by the  
 2 governor, the secretary of state shall give written notice thereof  
 3 to the presiding officers of the senate and the house, describing  
 4 the act by its title, with the date of the approval, which shall be  
 5 entered on the journal of each house; and, as soon after as may  
 6 be, he shall cause every such act to be published, with the date  
 7 of the approval, in the state paper. 1855, c. 131.

SECT. 2. Every statute shall take effect in thirty days from  
 2 the recess of the legislature in which it is passed, unless a  
 3 different time is prescribed in the act. R. S., c. 1, § 1.

SECT. 3. Every act of incorporation shall be deemed a public  
 2 act, and may be declared on as such and introduced in trials  
 3 without being specially pleaded. R. S., c. 1, § 2.

SECT. 4. The following rules shall be observed in the con-  
 2 struction of all statutes, unless such construction shall be incon-  
 3 sistent with the plain meaning of the legislature.

I. All words and phrases shall be construed according to the  
 5 common and approved usage of our language; but technical  
 6 words and phrases, and such others as have acquired a peculiar

7 and appropriate meaning in law, shall be construed and under-  
8 stood according to such peculiar meaning.

II. Every word, importing the singular number only, may  
10 extend to and embrace the plural number, and every word,  
11 importing the plural number only, may be applied and confined  
12 to the singular number as well as the plural; and every word,  
13 importing the masculine gender only, may extend to and include  
14 females as well as males.

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

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

V. The word "grantor" may be construed to include every  
24 person, by whom a freehold estate or interest is conveyed; and  
25 the word "grantee" as meaning the persons to whom it is con-  
26 veyed.

VI. The word "highway" may be construed to include  
28 county bridges, and as equivalent to "county road" or "county  
29 way."

VII. The word "inhabitant" may be construed to mean a  
31 resident in any place.

VIII. The words "insane person" shall be construed to in-  
33 clude every idiot, non compos, lunatic or distracted person.

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

X. The words "land or lands," and the words "real estate,"  
38 shall be construed to include lands, all tenements and heredita-  
39 ments connected therewith, and all rights thereto and interests  
40 therein.

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

XII. The word "oath" may be construed to mean affirmation.  
47 Whenever a person is conscientiously scrupulous of taking an  
48 oath, he may make affirmation. 1841, c. 1, § 1.

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

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

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

XVI. The word "state," when applied to the different parts  
62 of the United States, shall be construed to extend to and include  
63 the district of Columbia and the several territories, so called;  
64 and the words "United States" shall be construed to include  
65 district and territories.

XVII. The word "town" shall be construed to include all  
67 cities and organized plantations, unless such construction would  
68 be repugnant to the provision of any act specially relating to  
69 them; but such construction shall not change or enlarge the  
70 powers, duties or liabilities of plantations as defined and set  
71 forth in the statutes. 1843, c. 20.

XVIII. The word "will" shall be construed to include codi-  
73 cil, as well as will.

XIX. The words "written" and "in writing" may be con-  
75 strued to include printing, lithographing and any other mode of  
76 representing words and letters; provided however, that in all  
77 cases, where the written signature of any person is by law  
78 required, it shall be the proper handwriting of such person, or,  
79 if he cannot write his name, his mark.

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

XXI. Whenever the expression "duly sworn" or "sworn according to law" is used or applied to any officer, who is required to take and subscribe the oath prescribed in the constitution, it shall be construed to mean, that such officer had taken and subscribed the same, as well as made oath faithfully and impartially to perform the duties of the office, to which he had been elected or appointed; and when applied to any person, other than such officer, it shall be construed to mean that such person had taken an oath, faithfully and impartially to perform the duties assigned him in the case specified.

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

XXIII. The term "municipal officers" shall be construed to include the mayor and aldermen of cities, the selectmen of towns, and the assessors of plantations.

XXIV. The term "state paper" shall be construed to mean the newspaper which is for the time being declared by a resolve of the legislature to be the public newspaper in the state, in which shall be published the laws and resolves of a public nature, and advertisements, notices and orders required to be published in the newspaper of the printer to the state.

XXIV. The titles of the several chapters and abstracts of the several sections are not to be construed as parts thereof.

R. S., c. 1, § 3.

SECT. 5. 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.

R. S., c. 13, § 1.



SECT. 6. When those, whose rights may be affected as before mentioned, are not known, a copy of the petition shall be published in the state paper three weeks successively, the last publication to be thirty days at least before the commencement of the next session of the legislature. R. S., c. 13, § 2.

SECT. 7. 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. R. S., c. 13, § 3.

SECT. 8. 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 service.

R. S., c. 13, § 4.

## Chapter 2.

SOVEREIGNTY OF THE STATE. LANDS CEDED TO THE UNITED STATES. THE COAST SURVEY. THE SEAT OF GOVERNMENT. THE SECRETARY OF STATE. THE TREASURER OF STATE. THE TENURE OF OFFICES. THE QUALIFICATION OF OFFICERS. THE STATE LIBRARY.

Sect. 1. The sovereignty of the state.

2. Concurrent jurisdiction with the United States.

3. Future cessions to the United States.

4. Compensation for such cession.

5. Lands taken for coast survey.

6. Compensation for, how to be obtained.

7. Report of commission conclusive unless, &c.

8. Amends tendered, effect of, on costs. Costs, how taxed.

9. Willful injury of works of, punished.

10. Seat of government.

11. Secretary of state; oath and duties. Office, where kept.

12. Acting secretary in case of vacancy.

13. Secretary and acting secretary to give bond.

14. To notify persons appointed to office, and to deliver commissions.

15. To prepare commissions for signature of the governor, and other duties relating to commissions.

16. To cause all bills to be engrossed, and to distribute the laws.

17. To distribute blanks for election returns. Penalty for neglect of this duty by secretary or sheriff.

18. Treasurer of state. Office, where kept. Bond.

19. Condition of his bond. Bond, where to be lodged.

- Sect.* 20. May be removed on complaint of his sureties.
21. Acting treasurer in case of vacancy.
22. Proceedings when a commissioner is appointed.
23. Annual statement of debts due the state, and of names of sureties on sheriff's bonds.
24. Warrants for assessing taxes to be transmitted to assessors.
25. Warrants for delinquencies.
26. Annual report of receipts and expenditures.
27. Also of delinquent officers.
28. Of county treasurers' accounts.
29. Tenure of offices when not provided by the constitution.
30. Certain officers excepted.
31. The qualification of officers.
32. New bonds may be required of officers in case, &c.
33. State library, where to be kept. Secretary to be librarian. May appoint an assistant.
34. Action for breach of regulations of.
35. Moneys for, how expended.
36. Who may take books. Regulation for taking and returning books.
37. What books not to be taken from the library room.
38. Such may be delivered to certain persons by the secretary.
39. Annual report of the state of the library to be made.

*Sovereignty of the state. Lands ceded to the United States.  
The coast survey. Seat of government.*

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

R. S., c. 2, § 1.

SECT. 2. All places which have been, or shall hereafter be  
2 ceded to the United States, for light houses, forts, arsenals, and  
3 other public purposes, and over which concurrent jurisdiction  
4 is 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 rights of this state, so far as that all civil and military  
7 processes, issuing under its authority, may be executed in any  
8 part of said premises or buildings thereon. R. S., c. 2, § 2.

SECT. 3. Whenever the United States shall require the ces-  
2 sion of the jurisdiction of any lands for the erection of forts,  
3 magazines, arsenals, dock yards, and other needful buildings,  
4 as provided in the constitution of the United States, the gover-  
5 nor, with advice and consent of the council, is authorized to  
6 make such cession by proper deeds of conveyance, reserving

7 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  
10 of the state; but the tract shall not exceed ten acres, nor in-  
11 clude any public or private burying ground, dwelling-house, or  
12 meeting house, without consent of the owner, nor any highway.

R. S., c. 2, § 3.

SECT. 4. If compensation for such land is not agreed upon,  
2 the estate may be taken for the intended purpose, by payment  
3 of a fair compensation, to be ascertained and determined in the  
4 same manner and by proceedings similar to those provided for  
5 ascertaining the damages in locating highways, in chapter  
6 nineteen.

R. S., c. 2, § 4.

SECT. 5. Persons employed under the government of the  
2 United States in the coast survey, may enter on any land in this  
3 state and erect thereon such buildings and do such other acts as  
4 the objects of the survey require.

1846, c. 181, § 1.

SECT. 6. If satisfactory compensation shall not be made to  
2 the owner of such lands by the officers or agents of the United  
3 States under whose direction such lands are taken, the owner  
4 may make complaint to the county commissioners, in due form,  
5 who after notice to the parties not less than fourteen days, of the  
6 time and place of hearing, shall view the premises, and hear the  
7 parties and assess such damages as in their opinion have been  
8 sustained by the taking of the land for said purposes, including  
9 the time it will be required to be used therefor, and they shall  
10 order such damages to be paid at such time as they shall direct,  
11 and shall order the costs to be paid to the prevailing party.

1846, c. 181, § 2, 3.

SECT. 7. The commissioners shall file in the office of the clerk  
2 of the supreme judicial court a report of their doings, which  
3 report shall be conclusive upon the parties, unless one of them  
4 within thirty days after the term of the court next after it is so  
5 filed, shall file in court his petition for a new trial, which, after  
6 due notice to the opposite party, may for due cause be granted,  
7 to be had in the supreme judicial court.

1846, c. 181, § 4.

SECT. 8. If before the entry upon the lands, sufficient amends  
2 were tendered to the owner, and the damages finally assessed

3 shall not exceed the amount so tendered, judgment shall be  
4 rendered against the owner for costs. The costs recovered by  
5 the prevailing party shall be taxed in the same manner as in  
6 case of appeal from the judgment of a justice of the peace.

1846, c. 181, § 5, 6.

SECT. 9. If any person shall willfully injure in any manner  
2 any of the said buildings or works, or of the apparatus used  
3 therewith, he shall be liable to a penalty not exceeding fifty  
4 dollars, to be recovered by indictment to the use of any person  
5 prosecuting for the same. He shall also be liable in a civil  
6 action for the damages.

1846, c. 181, § 7.

SECT. 10. The city of Augusta shall be the seat of govern-  
2 ment until otherwise provided by the legislature.

R. S., c. 2, § 6.

### *The Secretary of State.*

SECT. 11. The secretary of state shall take and subscribe the  
2 oath or affirmation prescribed by the constitution. He shall keep  
3 his office at the seat of government, and have the custody of the  
4 state seal. He shall keep and preserve in such office, at the  
5 expense of the state, all the records as required by the constitu-  
6 tion.

R. S., c. 7, § 1.

SECT. 12. When a vacancy shall happen in the office of sec-  
2 retary, in the recess of the legislature, by death, resignation, or  
3 otherwise, the governor, with advice of the council, shall appoint  
4 a suitable person to act as secretary of state, until one shall be  
5 elected by the legislature, and he shall take the oath required  
6 to be taken by the elected secretary; and the person thus ap-  
7 pointed shall have the same compensation, to be paid quarter  
8 yearly, as the secretary of the state would be entitled to, in  
9 proportion to the time, such person shall perform the duties of  
10 his appointment.

R. S., c. 7, § 2.

SECT. 13. The secretary, and also the acting secretary ap-  
2 pointed as aforesaid, shall give bond to the state of Maine, in  
3 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 moneys 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.

R. S., c. 7, § 3.

SECT. 14. He shall notify every person appointed to any  
2 office, upon which a duty is required to be paid, of such appoint-  
3 ment, and, on receipt of the evidence of the payment of the  
4 duty, shall cause the proper commission to be immediately made,  
5 under the direction of the governor, and delivered to such officer,  
6 or to any person appointed by him to receive it.

R. S., c. 7, § 4.

SECT. 15. He shall prepare and present to the governor and  
2 council under seal of state, in order that the same may receive  
3 the signature of the governor, a commission for every person  
4 who shall be appointed or elected to any office for which, by the  
5 constitution or laws, a commission is required. He shall enter  
6 in a book, kept for that purpose, the time when and by whom  
7 any commission is taken from his office, and the time when any  
8 certificate of the qualification of any officer is filed in his office.  
9 He shall annually, on the first day of January, certify to the  
10 treasurer of state, the amount paid to the several county treas-  
11 urers for duties on commission, by him delivered the year  
12 preceding. He shall cause all bills, passed by both branches of  
13 the legislature, to be engrossed under his special direction for  
14 the use of the legislature, and for their further action thereon.

R. S., c. 7, § 5, 7, 8, 9.

SECT. 16. He shall distribute the laws, when published, to  
2 such corporations, officers and other persons as the legislature  
3 may direct.

R. S., c. 7, § 6.

SECT. 17. He shall cause all such blanks for election returns,  
2 as shall be required by any law or usage, to be seasonably dis-  
3 tributed to the several cities, towns and plantations, by delivering  
4 them to their representatives, or other persons or officers author-  
5 ized to receive them, or by enclosing and sealing them in  
6 packets directed to such cities, towns or plantations, and deliv-  
7 ering the same to the sheriffs of the counties to which they  
8 belong; and such sheriffs shall forthwith deliver the same to the  
9 selectmen, assessors or clerks of such respective corporations,  
10 and take their receipt for the same. If any such secretary or

11 sheriff shall neglect his duty in violation of this section, he shall  
12 forfeit and pay a penalty of one hundred dollars for each offense.

R. S., c. 7, § 11.

*Treasurer of State.*

SECT. 18. The treasurer of the state shall keep his office at  
2 the seat of government. He shall give the bond, which is  
3 required by the constitution, in the penal sum of not less than  
4 one hundred and fifty thousand dollars, to the State of Maine,  
5 with good and sufficient sureties residing in the state.

R. S., c. 8, § 1, 2.

SECT. 19. 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 continu-  
5 ance in office, he will not engage in trade or commerce, or as a  
6 broker, agent, or factor, for any merchant or trader; and that  
7 he, or his executors, administrators, or sureties, or their execu-  
8 tors or administrators, shall render a just and true account of  
9 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 moneys, 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.  
19 Such bond, when approved as the constitution prescribes, shall  
20 be lodged in the secretary's office.

R. S., c. 8, § 3, 4.

SECT. 20. 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 exami-

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

R. S., c. 8, § 5.

SECT. 21. In case of a vacancy in the office of treasurer, by  
2 death, resignation, or otherwise, or in case said treasurer shall  
3 become manifestly insolvent, in the recess of the legislature, the  
4 governor, with consent of the council, shall appoint some person  
5 a commissioner, to perform the duties of the office during the  
6 residue of the term for which he was chosen, unless the legisla-  
7 ture should be sooner in session; and the person so appointed  
8 shall, before entering on the duties of his office, take and sub-  
9 scribe the oaths, and give bond with the same conditions, to the  
10 acceptance of the governor and council, as are required of the  
11 treasurer, by the legislature.

R. S., c. 8, § 6.

SECT. 22. Whenever such commissioner of the treasury is  
2 appointed, the secretary of state and the attorney general, or two  
3 impartial citizens, to be appointed by warrant under the hand  
4 and seal of the governor, as soon as practicable, after either of  
5 the events in said twenty-first section shall happen, having given  
6 notice to the sureties, or any two of them, or the late treasurer,  
7 or the treasurer to be superseded, shall take a true account and  
8 inventory of all moneys, notes, books of account and other  
9 property, belonging to the state, which were in the hands of  
10 such treasurer, or of any of his agents, and deliver the same to  
11 such person as is appointed to discharge the duties of treasurer,  
12 he giving a receipt therefor, which shall be lodged in the secre-  
13 tary's office.

R. S., c. 7, § 10.

SECT. 23. The treasurer, on the first Wednesday of January  
2 annually, shall lay before the governor and council, for their  
3 inspection, a statement of the amount of all warrants in favor of  
4 the state, and of any other sums of money, or balances due  
5 from the several sheriffs in the state, and shall certify the names  
6 of the sureties in their respective bonds.

R. S., c. 8, § 7.

SECT. 24. He shall also send such warrants as he shall be  
2 ordered to issue, for assessing any tax, enclosed to the sheriff of  
3 each county, to be by him transmitted to the assessors of the  
4 towns and plantations within such county.

R. S., c. 8, § 8.

SECT. 25. He shall issue warrants or executions against  
2 delinquent towns and plantations, assessors, constables and col-  
3 lectors, to enforce the collection and payment of state taxes, in  
4 the several cases particularly prescribed in the ninth chapter.

R. S., c. 8, § 9.

SECT. 26. He shall also, annually, on the first Monday after  
2 the meeting of the legislature, lay before the two houses thereof,  
3 a printed, detailed account of the state of the treasury; dis-  
4 tinguishing, in the receipts and expenditures, those sums which  
5 were due at the close of the preceding year, from those which  
6 have become due during the current year, and what sums are  
7 due to and from the treasury, and the resources of the state for  
8 the ensuing year.

R. S., c. 8, § 10.

SECT. 27. He shall also report the names of any officers who  
2 have not settled their accounts, as by law required, and those  
3 who are delinquent, and have not paid over the money in their  
4 hands belonging to the state, and the amount due from such  
5 officers.

R. S., c. 8, § 11.

SECT. 28. Whenever the account of any county treasurer is  
2 made to the treasurer of the state, it shall be his duty to enter  
3 the same in a book kept for that purpose, and the balance of  
4 each account, when the same is settled; which book shall be open  
5 for the inspection of all persons interested.

R. S., c. 8, § 12.

### *Tenure of offices and qualifications of officers.*

SECT. 29. All civil officers, who shall be appointed by the  
2 governor and council, whose tenure of office is not otherwise  
3 provided for, or limited by the constitution, otherwise than dur-  
4 ing the pleasure of the governor and council, shall hold and  
5 exercise their respective offices for the term of four years and no  
6 longer, unless reappointed; subject, however, to removal at any  
7 time, within said term, at the discretion of the governor and  
8 council.

R. S., c. 9, § 1.

SECT. 30. But the preceding section shall not be construed  
2 to extend to ministers of the gospel, who are and may be ap-  
3 pointed to solemnize marriages; or to such persons as are or  
4 may be commissioned by the governor, before whom certain  
5 judicial, executive and civil officers are required by law to take



6 and subscribe the oaths or affirmations, required by the consti-  
7 tution. R. S., c. 9, § 2.

SECT. 31. The justices of the supreme judicial court, the  
2 attorney general, secretary, treasurer, adjutant general and  
3 quarter master general, shall take and subscribe the oath or  
4 affirmation required by the constitution, before the governor and  
5 council, when in session, and in their recess, before any two  
6 members of the council; and every other person elected, or  
7 appointed, or commissioned, to any judicial, executive, or civil  
8 office, shall take and subscribe the same before any one member  
9 of the council, or before any one of the magistrates commissioned  
10 by the governor for that purpose, excepting in cases where the  
11 constitution has otherwise provided. R. S., c. 10, § 1.

SECT. 32. In all cases where a public officer is required by  
2 law to give a bond to the state, the governor and council may  
3 require such officer to give a new bond whenever they may  
4 consider the same to be necessary. And the governor and  
5 council may, at the request of a surety upon such bond, if they  
6 consider the same to be reasonable and proper, require a new  
7 bond, and when such new bond shall have been given and  
8 accepted, the obligees in such former bond shall be released and  
9 discharged from all liability thereon for acts and defaults of  
10 such officer occurring after such acceptance. And if a new  
11 bond so required shall not be given by such officer, to the satis-  
12 faction of the governor and council, within the time by them  
13 specified, he shall be deemed to have vacated his office and such  
14 vacancy shall be filled in the manner provided by law.

1853, c. 31.

### *State Library.*

SECT. 33. The state library shall be kept in the library  
2 rooms in the south wing of the capitol. The secretary of state  
3 shall be the librarian. He may appoint an assistant during the  
4 session of the legislature, whose compensation shall not exceed  
5 that of an engrossing clerk. R. S., c. 4, § 1, 2.

SECT. 34. Actions for the breach of the regulations estab-  
2 lished for the management of the library shall be brought in  
3 the name of the secretary of state; and in case of a vacancy in

4 the office, may be brought or continued in the name of his  
5 successor. R. S., c. 4, § 2.

SECT. 35. All moneys appropriated for the use of the library  
2 shall be expended by the secretary under the direction of the  
3 governor. R. S., c. 4, § 3.

SECT. 36. Books may be taken from the library by the  
2 governor, members of the council, of the senate and house of  
3 representatives, judges of the supreme judicial court, secretary  
4 of state, treasurer of state, adjutant general, attorney general,  
5 land agent, reporter of decisions, and by chaplain, secretary and  
6 assistant secretary of the senate, chaplain, clerk and assistant  
7 clerk of the house, during the session of the legislature. The  
8 number of volumes so taken and kept by each person, shall not  
9 exceed three at one time. A register shall be kept of all the  
10 books so taken, with the date of the taking and return. No  
11 book shall be retained more than three weeks. All shall be  
12 returned during the week preceding the sitting of the legisla-  
13 ture. Any volume damaged or lost, or the set of which it is a  
14 part, shall be replaced by the person chargeable therewith, or  
15 such compensation made therefor as the secretary shall direct.

R. S., c. 4, § 4. 1846, c. 180, 1850, c. 173, § 6.  
1847, c. 8. 1852, c. 273, § 5. R. S., c. 4, § 6.

SECT. 37. The following books shall not be taken from the  
2 library room, except for the use of either house, or of the com-  
3 mittees of the legislature, during the session thereof: All books  
4 presented by the United States, or any of the states; all works,  
5 books and documents relating to the laws or legislative proceed-  
6 ings of the United States, or of other states or countries; all  
7 digests, reports of decisions, and works relating to the science  
8 of the law, and Vattaniere's exchanges. 1849, c. 97.

SECT. 38. The secretary shall have authority on the written  
2 application of any citizen of the state, for good reason therein  
3 set forth, to deliver to such person any of the books described  
4 in the last section, taking in all cases sufficient security to  
5 replace the same, if not returned in good condition within the  
6 time by him prescribed. 1849, c. 97.

SECT. 39. He shall annually, in the month of January, make  
2 a report to the legislature, in which shall be stated all the

3 receipts and expenditures on account of the library for the pre-  
 4 ceding year, with a list of all books, maps and charts added to  
 5 the library within that time by exchange, donation or purchase,  
 6 specifying each, and a list of all books, maps and charts missing  
 7 or lost, with such suggestions relating to the library as may  
 8 lead to its improvement. 1849, c. 97. 1854 c. 109.

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### Chapter 3.

#### THE LAND AGENT. SALE AND SETTLEMENT OF THE PUBLIC LANDS. LOCATION AND CARE OF RESERVED LANDS.

- Sect. 1.* Appointment of land agent. His salary, bond and duties, and restrictions on his private business.
2. Is to receive money and securities, and account for same to treasurer of state. To attend personally to the duties of his office. May appoint assistants. Assistants to be sworn. Restriction on private business of assistants.
  3. To execute deeds, and collect principal and interest on notes.
  4. Governor and council and land agent a board to direct surveys. Plans or maps of surveys to be returned to land office. What the field notes are to contain. Plans and field books to be kept at Augusta and Bangor.
  5. What the surveyors are to note, &c.
  6. Prosecution of trespassers.
  7. Rule of damages when prosecuted for benefit of an individual.
  8. Reservation of 1,000 acres for public uses. How located by land agent and proprietors if they agree.
  9. How located if they do not agree.
  10. How located in townships hereafter to be sold.
  11. Land agent to have care of reserved lands till towns are incorporated or organized into plantations. May sell timber and grass on same. Proprietors to have the option to purchase the right to cut timber or grass.
  12. To keep an account of receipts and expenditures for reserved lands, and pay balance to treasurer of state.
  13. Treasurer of state to keep a separate account with each township. Money to remain in the treasury till the township is incorporated or organized. State to be accountable for proceeds, with interest.
  14. Moneys received for sales, &c., or trespasses, to constitute a fund for school purposes.
  15. Annual interest to be added to the principal. How and when to be paid over.
  16. Location of reserved lands in incorporated towns. Appointment of committee.
  17. Committee sworn.
  18. To give notice.
  19. Return, acceptance and record.
  20. Location may be made by grantee.
  21. Or on warrant for partition.

- Sect. 22.* When not incorporated, &c., land agent may apply to the court for warrant for location.
23. Any person aggrieved may file exceptions.
24. Townships selected for settlement; list of, to be published.
25. Roads to be located in.
26. Price of; mode of payment; certificate to the purchaser; proof of payment.
27. Settling duties required.
28. Forfeiture on failure to perform settling duties.
29. Agent appointed to superintend the location, and payment of the labor.
30. Settler's lot and improvements not exceeding \$1,000 exempted from attachment.
31. Shall descend to his children. Not liable for debts except, &c.
32. Cannot be conveyed without consent of wife.
33. Townships for sale to be set apart, and notice published. Minimum price to be fixed. Sale Sept. 1, on sealed proposals. Manner of proceeding.
34. Land agent may sell at private sale tracts in incorporated towns.
35. Land agent to report to governor and council once in three months, and to settle his account once a year at least.
36. Form and particulars of his report.
37. Moneys from the treasury to be paid on warrant. To keep notes, make schedules, and return same to treasurer.
38. Of the collection of notes.
39. Report of suits commenced, and of costs incurred.

SECT. 1. The land agent shall be appointed by the governor, with advice of the council. He shall hold his office during their pleasure, subject to the limitation respecting the tenure of civil offices. His salary shall be one thousand dollars a year in full for all his services. He shall give a bond to 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. He shall superintend and manage the sale and settlement of the public lands of the state. In making contracts, and in giving deeds, and in all his official acts, he shall be governed by the provisions of law. He shall not, when appointed or during his continuance in office, be in any manner, directly or indirectly, concerned in the lumber business on the state lands, or in the purchase of the public lands, or of any timber or grass growing or cut thereon.

R. S., c. 3, § 1, 2, 3, 4, 5.

SECT. 2. He shall receive all moneys and securities accruing to the state from the sale of lands, timber and grass, or in payment for timber and grass cut by trespassers, and pay over to the treasurer of state all moneys so received and found due

5 from him on settlement. All securities given for sums above  
6 mentioned, shall be made payable to the treasurer of state. He  
7 shall personally attend to the duties of his office, as far as prac-  
8 ticable, and may employ so many assistants as he shall find  
9 necessary, for whose doings he shall be responsible. All per-  
10 sons so employed by him, either as assistants in the land office  
11 or in surveying or exploring lands, shall be sworn to the faithful  
12 discharge of their duties. No person employed as aforesaid  
13 shall be concerned, directly or indirectly, in the purchase of  
14 lands, or of timber or grass on lands belonging to the state.

R. S., c. 3, § 6, 7, 10.

SECT. 3. He shall execute deeds in behalf of the state, con-  
2 veying lands which have been or may be granted by the  
3 legislature or sold in pursuance of lawful authority, as soon as  
4 the grantees have complied with the conditions of their respect-  
5 ive grants, and collect all sums due to the state, from time to  
6 time, from any of the sources mentioned in this chapter, and  
7 collect the interest on all notes at least annually, and pay at  
8 the expiration of every month, into the state treasury, all  
9 moneys so collected or received by him. R. S., c. 3, § 35, 49.

SECT. 4. The governor and council and land agent shall con-  
2 stitute a board, under whose direction all surveys of lands shall  
3 be made. An accurate plan or map of all lands surveyed shall  
4 be returned to the land office and entered upon the plan books  
5 within three months after the survey is completed, on which  
6 shall be laid down all lakes, ponds, rivers, streams, falls, mill  
7 sites and roads. The field notes of such surveys shall contain a  
8 description of the growth, soil and general character of the  
9 township, and of every lot, when the same is surveyed into lots,  
10 which shall be deposited in the land office within the said three  
11 months. The said plans and field notes shall be kept at the  
12 offices in Augusta and Bangor, open for inspection at all times,  
13 when the land agent or his assistant shall be in either of said  
14 offices. He shall aid in furnishing information about the public  
15 lands to all persons who seek for it at his office.

R. S., c. 3, § 17, 18, 19, 20.

SECT. 5. Every surveyor, in surveying the public lands, shall  
2 explore each lot carefully, and enter in his field notes the

3 quantity and quality of pine, spruce and other valuable timber  
4 thereon, and all other useful information within his knowledge  
5 relating to the value of the land. He shall deposite duplicate  
6 plans of his surveys and his field notes in the land office, within  
7 sixty days after the completion of his surveys.

1842, c. 33, § 16.

SECT. 6. If any person shall unlawfully enter and trespass  
2 upon the public lands of the state, or upon any of the lands  
3 reserved for public uses, while under the care of the land agent,  
4 and cut down, take or carry away, or cut down for the purpose  
5 of carrying away and converting to his own use any trees or  
6 grass standing or being upon said lands, such persons, and all  
7 persons who shall furnish teams, implements or apparatus,  
8 or supplies of provisions, or of other articles which shall be used  
9 in committing and carrying on such trespasses, are declared to  
10 be trespassers, and shall be jointly and severally liable in  
11 damages for the trespasses so committed, and may be sued for  
12 the same in any county in the state. All such teams, imple-  
13 ments, apparatus and supplies shall be forfeited to the use of the  
14 state. The measure of damages shall be the highest price  
15 which such timber, logs or other lumber or hay would bring at  
16 the usual place of sale of such articles. Nothing in this section  
17 shall affect the right of the state to seize and sell any timber,  
18 logs, lumber or hay, cut as aforesaid. At such sale, no person  
19 who was in any way concerned in committing such trespass, or  
20 in supplying or in any manner aiding those who committed the  
21 same, shall be allowed to become, directly or indirectly, pur-  
22 chasers.

R. S., c. 3, § 41.

SECT. 7. When any action for any such trespass shall be  
2 prosecuted in the name of the state for the benefit of an indi-  
3 vidual, the principles of decision and the measure of damages  
4 shall be the same as are applicable to like actions between  
5 individuals.

1853, c. 47.

SECT. 8. In every township there shall be reserved one  
2 thousand acres of land, and at the same rate in all tracts less  
3 than a township, for the exclusive benefit of such town or tract,  
4 as the legislature shall direct, to average in quality, situation  
5 and value as to timber, with the other lands in the township or

6 tract. In townships or tracts sold, and not incorporated or  
7 organized into plantations, the lands reserved for public uses  
8 may be selected and located by the land agent and the propri-  
9 etors, by a written agreement describing the same by metes and  
10 bounds, signed by them and recorded in the land office. The  
11 plan or outline of the lands so selected shall be entered on the  
12 plan of the township or tract in the land office, all which shall  
13 be a sufficient location of such lands.

R. S., c. 3, § 11. 1850, c. 196, § 3.

SECT. 9. When the land agent and the proprietors of such  
2 township or tract cannot agree on such location, if the right to  
3 cut the timber and grass on such reserved lands until the town  
4 shall be incorporated or organized as a plantation has not been  
5 sold, under the provisions of some act of the legislature, the  
6 land agent may petition the supreme judicial court for the  
7 appointment of commissioners to make the location in the manner  
8 hereinafter provided. The petition may be filed, and the pro-  
9 ceedings under it had, in any county in the state.

1850, c. 196, § 3.

SECT. 10. In every township or tract, hereafter to be sold or  
2 located for settlement, the land agent, before the same is offered  
3 for sale or settlement, shall cause the reserved lands to be  
4 located in such manner as to embrace one or more tracts of the  
5 requisite quantity, quality, situation and value, and the same to  
6 be properly described and recorded in the land office, and the  
7 plan or outline thereof to be entered on the plan of the township  
8 or tract in the land office, all of which shall constitute a suf-  
9 ficient location of such lands.

1850, c. 196, § 3.

SECT. 11. The land agent shall have the care of the reserved  
2 lands in all townships or tracts until the same are incorporated  
3 or organized into plantations, and the fee becomes vested in the  
4 town or is otherwise parted with. He may, from time to time,  
5 sell the timber and grass thereon, or the right to cut the  
6 timber and grass thereon, until so incorporated or organized into  
7 a plantation, for such sum as he shall think just and reasonable.  
8 When so sold, he shall give the purchaser a permit under his  
9 hand and seal, in which shall be set forth the terms of the con-  
10 tract, which shall be recorded in the office. The proprietors of

11 the township or tract shall have the option to become the pur-  
12 chasers of the same, at a fair and reasonable price to be fixed by  
13 the land agent. The terms of the sale shall be cash or un-  
14 doubted security. 1850, c. 196, § 1, 2.

SECT. 12. The land agent shall keep an account with each  
2 such township and tract, in which shall be entered all expendi-  
3 tures made on account thereof, and all sums received therefrom.  
4 He shall settle his account of such receipts and expenditures  
5 annually with the governor and council, and pay over to the  
6 treasurer of state the balance in his hands, specifying each town-  
7 ship and tract from which the same were received.

1850, c. 196, § 5.

SECT. 13. The treasurer shall keep a separate account with  
2 each such township, in which shall be entered all sums by him  
3 so received, and the same shall remain in the treasury until  
4 such township or tract is by law authorized to receive the same,  
5 and thereupon they shall be paid over to the proper officers  
6 thereof, with interest at the rate of six per cent. per annum.

1850, c. 196, § 6.

SECT. 14. The monies arising from the sale of timber and  
2 grass on the reserved lands, or from trespasses on such lands,  
3 which have been or hereafter shall be paid into the treasury of  
4 the county in which the township is situated, or into the trea-  
5 sury of the state, shall constitute funds for school purposes, of  
6 which the income only shall be expended and applied as is by  
7 law provided.

1846, c. 217, § 1.

SECT. 15. The annual interest shall be added to the principal  
2 of such fund until the inhabitants of said township or tract shall  
3 be incorporated into a town, or shall be organized as a planta-  
4 tion for election or other purposes, and shall establish in such  
5 plantation one or more school districts according to law. When  
6 any such township shall be incorporated as a town, the said  
7 funds belonging to said town shall be paid over by the treasurer  
8 of state to the treasurer of the trustees of the ministerial and  
9 school funds in such town, to be added to the funds of that cor-  
10 poration, and shall be held and managed as the other school  
11 funds of that town are required by law to be held and managed.  
12 If such township or tract shall be organized as a plantation, the



13 interest of the said fund shall annually be paid by the treasurer  
14 of state to the assessors of such plantation, to be by them applied  
15 to the support of schools in such districts, and divide as equally as  
16 may be among such districts, whether composed of parts of the  
17 same or of different townships. The interest so to be paid shall  
18 be made up to the first day of January in each year, and shall be  
19 paid to such assessors by the treasurer, on production of satis-  
20 factory evidence that such plantation is organized, and school  
21 districts established therein according to law, and that such  
22 assessors are duly sworn and qualified. 1846, c. 217, § 3.

SECT. 16. When in the grant of townships or parts thereof  
2 there shall be certain proportions of the same reserved for the  
3 use of such township, or for public uses, and such proportions  
4 have not been lawfully located in severalty by the grantee, for  
5 the respective purposes expressed in the grant, prior to the  
6 incorporation of such township, as a plantation or town, the  
7 supreme judicial court in the county where the land lies, on the  
8 application of the assessors of such plantation or town, may  
9 appoint three disinterested persons of the county, and issue their  
10 warrant, under the seal of the court to them, requiring them, as  
11 soon as may be, to locate, in separate lots, the proportions  
12 reserved for the purposes before mentioned; and to designate  
13 the use for which each lot is so reserved and located in said  
14 township, such lots to be of an average quality with the residue  
15 of the lands therein. R. S., c. 122, § 1.

SECT. 17. Said committee, before acting under such warrant,  
2 shall be sworn to the faithful discharge of the duty assigned  
3 them before a justice of the peace; and a certificate thereof  
4 shall be indorsed on the warrant. R. S., c. 122, § 2.

SECT. 18. They shall also give notice of their appointment,  
2 and of the time and place of their meeting, to execute the same,  
3 by publishing the same in some newspaper in the state, to be  
4 designated by the court, and by posting up written notifications  
5 in two or more public places in the same plantation or town,  
6 at least thirty days next prior to their making such location.

R. S., c. 122, § 3.

SECT. 19. They shall make return of said warrant and their  
2 doings thereon, under their hands to the next supreme judicial

3 court in the county, after having completed the service; which,  
4 being accepted by the court, and recorded in the registry of  
5 deeds, of the same county within six months, shall be a legal  
6 assignment and location of such reserved proportions, for the  
7 uses designated. R. S., c. 122, § 4.

SECT. 20. Whenever the grantee of any such lands shall  
2 sever and locate such reserved proportions thereof for the pur-  
3 poses mentioned in the grant, designating the use for which  
4 each lot is located, and present the same to said court, such  
5 court may confirm the same; and such location shall then be  
6 deemed legal and conclusive, after being recorded as before  
7 mentioned. R. S., c. 122, § 5.

SECT. 21. Or the severance and location of such reserved  
2 lands may be made and completed in the manner prescribed in  
3 the fortieth section of chapter eighty-eight.

R. S., c. 122, § 6.

SECT. 22. When any such township or tract has been sold,  
2 but has not been incorporated into a town or organized as a  
3 plantation, the land agent may make application to the supreme  
4 judicial court for the appointment of commissioners, as is pro-  
5 vided in the sixteenth section of this chapter, and the subsequent  
6 proceedings in making the location shall be conformed as near as  
7 may be to the provisions of the seventeenth, eighteenth, nine-  
8 teenth and twentieth sections, except that the notice required by  
9 the eighteenth section shall be sufficient if published in the  
10 newspaper only.

SECT. 23. Any person aggrieved by any opinion, direction or  
2 judgment of said court, in any matter of law, in any proceed-  
3 ings for the location of such public lots, may allege exceptions  
4 to the same in the same manner, and thereupon the same pro-  
5 ceedings shall be had as in other actions. 1853, c. 183, § 2.

### *The Sale of Lands for Settlement.*

SECT. 24. Out of such townships as have been or shall be  
2 located and designated for settlement, the land agent shall from  
3 time to time select a number not exceeding five in any one year,  
4 to be offered for sale in lots for settlement. He shall publish a  
5 list of the townships so selected, and with it a list of the town-

6 ships offered for sale and settlement in former years, in which  
7 lands may still remain for sale. The list shall be published in  
8 some paper in each county in the state, in which any paper is  
9 published, once a week for three months, within six months after  
10 the selection is so made. With such list shall be published the  
11 substance of so much of this chapter as relates to the terms and  
12 conditions of the sale and settlement of such lands.

1850, c. 206, § 1.

SECT. 25. In townships so selected, in which suitable roads  
2 have not been located, the land agent shall cause to be located  
3 such roads as the public interest and the accommodation of the  
4 future settlement may require.

1850, c. 206, § 2.

SECT. 26. The price of the settling lots shall be fifty cents  
2 per acre, for which the purchaser shall give three notes paya-  
3 ble in labor on the roads in said township, in one, two, and three  
4 years from the date thereof, under the direction of the land  
5 agent. The land agent shall thereupon give him a certificate,  
6 shewing that he has become a purchaser of the lot or lots therein  
7 described, and that he will be entitled to a deed thereof when he  
8 shall have complied with the requirements of law. The certifi-  
9 cate of the person appointed by the land agent to superintend  
10 the laying out of the labor on the roads shall be evidence of the  
11 payment of the notes. The lots shall be one hundred and sixty  
12 acres each. No person shall become the purchaser of more than  
13 two such lots in one township.

1850, c. 206, § 3.

SECT. 27. Beside the payment of the notes, every such pur-  
2 chaser shall be required, within two years from the date of his  
3 certificate, to become a resident upon his lot, and to continue  
4 such residence for the space of ten years, and within four years  
5 from the date of his certificate to have cleared upon each lot not  
6 less than fifteen acres, ten at least of which shall be well laid  
7 down to grass, and to build a comfortable dwelling-house upon  
8 each lot, and to have a family dwelling therein. If he purchase  
9 two adjoining lots, such building and residence upon one of them  
10 shall be sufficient.

R. S., c. 3, § 26, 27.

1842, c. 33, § 1, 2. 1850, c. 206, § 3.

SECT. 28. If such purchaser shall not, within one year from  
2 the date of his certificate, commence making improvements upon

3 his lot, he shall forfeit all right to the same, and the land agent  
4 may grant a certificate for the same to any other person. If he  
5 shall fail to pay his notes, or to comply with any of the other  
6 requirements of this chapter, he shall forfeit all his right to a  
7 deed, and the land agent may sell the land, with all improve-  
8 ments made upon the same, to any other person, for such price  
9 as he shall think reasonable, to be paid in the whole or in part  
10 in road labor. 1842, c. 33, § 2.

SECT. 29. The land agent shall appoint some suitable person  
2 or persons in the vicinity to superintend the location of settlers,  
3 and the payment of the road labor, and the performance of the  
4 several duties required of settlers. 1850, c. 206, § 4.

SECT. 30. Any purchaser of a lot of wild land of the state,  
2 not exceeding one hundred and sixty acres, having complied  
3 with the conditions of the purchase, may hold the same, with  
4 the improvements thereon, free from attachment, and the levy  
5 of any execution thereon. The value so exempted shall not  
6 exceed one thousand dollars, to be set off to the owner in such  
7 portion of the lot as he may direct by the appraisers appointed  
8 to levy the execution, to be set off and appraised in the same  
9 manner as real estate is set off and appraised on execution.

1849, c. 150, § 1.

SECT. 31. On the decease of such purchaser, such lot, and  
2 the improvements, shall descend to his children, subject to the  
3 right of dower of his widow, and shall not be liable to be sold for  
4 the payment of his debts, except in case his other property shall  
5 not be sufficient for the payment thereof, and, in that case, his  
6 children shall have the occupancy and improvement of the same,  
7 subject to the dower of the widow, until the youngest surviving  
8 child shall attain the age of eighteen years. The remainder of  
9 the estate, after the life estate of the widow, and after the  
10 attainment of the age of eighteen years by the youngest surviv-  
11 ing child, may be sold, in the same manner as other estates of  
12 deceased persons, for the payment of such debts as the other  
13 estates of the decedent shall not be sufficient to pay. If he  
14 shall die without issue, such lot shall descend and be disposed of  
15 in the same manner as any other property.

1849, c. 150, § 1, 2, 3, 4.

SECT. 32. No such purchaser, having a wife, shall convey his said lot by deed, unless his wife shall join in the conveyance; and she shall be required to acknowledge the same to be her free act and deed before a proper magistrate.

1849, c. 150, § 5.

SECT. 33. The land agent, under the direction of the governor and council, shall annually, in the month of February, set apart for sale, not exceeding ten townships, of lands not suitable for settlement, and record the same, in a book to be kept for that purpose, in the land office, and shall cause a list of the same to be published in the state paper, six months successively, before the day of sale. The tracts so set apart may be offered for sale in townships or parts of townships, as will be most for the interest of the state. Three months at least before the day of sale he shall fix a minimum price on each tract or parcel, and enter the same in said book, and cause the list, with such minimum price, to be published in one or more papers in each county in the state in which a paper is published, once a week at least, for three months successively, before the day of sale. The day of sale shall be the first day of September, and the place the land office in Bangor. The manner of sale shall be by sealed proposals, which may be received at any time after the list, with the minimum price, is published. No proposal shall be received unless ten per cent. of the minimum price is therewith paid into the land office. All proposals shall be numbered and entered in a book in the order in which they are received, and filed in the land office. No proposal shall be received after the hour of twelve, noon, of the day of sale. None shall be received or considered unless entered in said book. No proposal, after having been so entered and filed, shall ever be withdrawn from the office. Immediately after twelve, noon, of the day of sale, the proposals so entered shall be publicly opened by the land agent, and declared in the order in which they are so entered and numbered. The person making the highest bid above the minimum price, shall be declared the purchaser, and on payment of one-third of the purchase money in cash, including the ten per cent. of the minimum price deposited, the land agent shall make out and deliver to him a conditional deed in the

34 usual form of state deeds, of the tract by him purchased, taking  
35 for the remainder of the purchase money three promissory notes  
36 for equal sums, payable annually in one, two and three years,  
37 with interest, and a bond with sufficient surety for the pay-  
38 ment of a fair stumpage of all timber to be cut on the same, to  
39 be applied to the payment of the notes. If any person so  
40 declared a purchaser of any tract, shall not within two hours  
41 thereafter pay, or give satisfactory security for the payment of  
42 the cash payment so required, the land agent shall offer it to  
43 the next highest bidder in the list of proposals on his bid or  
44 offer, on the same terms and conditions, and so on until some  
45 such bidder shall comply with the conditions of the sale. The  
46 person so declared the purchaser, and neglecting or refusing to  
47 comply with the conditions of the sale, shall forfeit the ten per  
48 cent. of the minimum price by him so deposited. The sum  
49 so deposited by any other bidder, who does not become a pur-  
50 chaser, may be by him withdrawn at any time after the bids are  
51 so declared and recorded. A list shall be made of the lands so  
52 offered and not taken by any bidder, in a book to be kept for  
53 that purpose, and the same may at any time thereafter be sold  
54 by the land agent at private sale, for a price not less than the  
55 minimum price, the terms and conditions of the sale, and security  
56 for the payment of the stumpage, being the same as in case of a  
57 public sale. 1853, c. 46, § 1, 2, 3, 4. 1853, c. 53.

SECT. 34. The land agent may sell at private sale, for such  
2 price as he shall consider fair and for the interest of the state,  
3 all tracts of land owned by the state in incorporated towns.

SECT. 35. The land agent shall report to the governor and  
2 council once in three months, and oftener if required, a par-  
3 ticular account of all his doings in his office, and the names of  
4 his agents; and they are hereby authorized to audit and settle  
5 his accounts, at the close of each year, prior to the annual  
6 session of the legislature, and at such other times as may be  
7 designated. R. S., c. 3, § 46.

SECT. 36. He shall in his reports particularly describe all  
2 the lands which have been surveyed for sale and settlement, and  
3 exhibit plans of the same, together with the field notes of the  
4 surveyor; and when any land has been sold, he shall describe

5 the same, and report the sum received therefor, the names of  
6 the purchasers, and their sureties; the names of the trespassers,  
7 the amount of the timber cut, and the place where, whether on  
8 settling or timber land, and the sum received per thousand feet,  
9 where he shall have settled with trespassers; and the sums he  
10 receives, from time to time, on the demands now due, or which  
11 may become due; distinguishing the sums paid for principal and  
12 interest, and the names of the persons from whom received, and  
13 all other particulars required by the governor and council, and  
14 also an abstract of all notes, bonds, obligations and other secu-  
15 rities, with the names of the debtors and sureties, together with  
16 such collateral security as may have been taken to insure  
17 payment. R. S., c. 3, § 47.

SECT. 37. The money to be paid out of the treasury, by virtue  
2 of this chapter, shall be paid by a warrant from the governor, as  
3 in other cases; and all notes taken by the land agent, on account  
4 of the state, shall be safely kept by him, and he shall make out  
5 a schedule of said notes, annually, and also quarterly trial bal-  
6 ances, and balance sheets of the land office ledger, and shall  
7 return the same to the state treasurer, who shall enter the same  
8 in a book kept for that purpose. R. S., c. 3, § 48.

SECT. 38. It shall be his duty to collect all notes taken,  
2 other than for settling lands, as soon as they may become due,  
3 and collect interest, at least annually, and pay, at the expiration  
4 of every month, into the state treasury, all moneys collected or  
5 received by him, on account of sales of public lands, and for  
6 timber and grass cut by trespassers. R. S., c. 3, § 49.

SECT. 39. He shall make his annual report to the governor  
2 and council, and include therein a written statement of the num-  
3 ber of suits instituted on notes given for lands sold, and for tim-  
4 ber and grass cut by trespassers, or otherwise, and the amount  
5 of costs in each of said suits, for the year preceding.

R. S., c. 3, § 50.

**Chapter 4.****TOWN MEETINGS, TOWN OFFICERS, AND TOWN BOUNDARIES. PENALTY ON TOWN OFFICERS FOR NEGLECT OF DUTY.**

*Sect.* 1. Town meetings to be called by the selectmen.

2. First meeting after incorporation, and when a town is destitute of officers.

3. If selectmen unreasonably refuse, ten or more voters may apply to a justice.  
The same number may require an article to be inserted in the warrant.

4. Form, and articles specified in the warrant.

5. Directed to a constable.

6. Mode of notice.

7. Of the return.

8. Want of, how supplied.

9. Who are qualified voters.

10. Annual meetings and choice of officers.

11. Assessors, &c., of cities, when to be chosen.

12. Certain officers to be chosen by ballot.

13. Vacancies in, how supplied.

14. Clerk, or other officer, to preside at the choice of moderator; and a clerk present in certain cases.

15. Oath of the town clerk.

16. Mode of summoning officers elect to take the oaths.

17. Penalty for neglecting to be sworn.

18. Certificates and record of oaths administered.

19. Vacancies may be filled at special meetings.

20. Choice of moderator and his duties.

21, 22. Powers of the moderator.

23. Meeting for the choice of state officers.

24. Folded votes not to be received. Votes not to be examined to ascertain the candidate's name till the poll is closed.

25. Powers of towns to raise money and make by-laws. Penalties. Costs to be defrayed by the towns.

26. Casting vote of mayor.

27. Correction of errors in returns of warrants, in tax lists, and in records.

28. Towns may set off side walks, and ornament and regulate them.

29. Make ordinances regulating infectious diseases, and sale of wood, coal, bark, &c.

30. Also, regulating the erection of wooden buildings.

31. Also, the going at large of dogs, cattle and swine.

32. May establish police regulations.

33. And rules for the regulation of vehicles.

34. May annex penalties for the breach of such rules.

35. Towns declared to be corporations.

36. Town boundaries to be preserved.

37. Of perambulations. How notice shall be given, and a record made.

38. When towns erect stone monuments, lines may be perambulated once in ten years only.

39. Commissioners appointed by the supreme judicial court to settle lines. Their proceedings.

40. Their compensation.

41. Penalty on officers for neglect of duty.



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. R. S., c. 5, § 1.

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

SECT. 3. In case the selectmen shall unreasonably refuse to  
2 call a town meeting, on any public occasion, any ten or more  
3 legal voters in said town may apply to a justice of the peace in  
4 the same county, who is hereby authorized to issue his warrant,  
5 under his hand, for calling such meeting. When ten or more  
6 of the qualified voters in town shall request in writing, that the  
7 selectmen should insert a particular matter or thing in a war-  
8 rant for calling a town meeting, they shall insert the same in  
9 the next warrant they shall issue for a meeting, or shall call a  
10 meeting for the express purpose of the consideration thereof.

R. S., c. 5, § 3.

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

R. S., c. 5, § 4.

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. R. S., c. 5, § 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 some public and conspicuous place in

4 said town, seven days before the meeting; unless the town has  
5 appointed, or shall appoint, by vote, in legal meeting, a different  
6 mode; which any town is hereby empowered to do.

R. S., c. 5, § 6.

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.

R. S., c. 5, § 7.

SECT. 8. In any proceedings in court, if it shall appear that  
2 the officer gave the notice in the sixth section required, and has  
3 failed to make a proper return on the warrant, the court, on  
4 motion, shall allow him to make or amend his return, according  
5 to the fact. If the original warrant is lost or destroyed, such  
6 original or amended return may be made upon a copy thereof.

1848, c. 37, § 1, 2.

SECT. 9. Every person who is qualified by the constitution  
2 of this state to vote for governor, senators and representatives,  
3 in the town or plantation in which he resides, shall be entitled  
4 to vote in the election of all town or plantation officers, and in  
5 all the business affairs of the same.

R. S., c. 5, § 8.

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

R. S., c. 5, § 9. 1853, c. 42, § 1.

SECT. 11. The assessors and other subordinate officers of  
2 cities shall be chosen on the second Monday of March, annually,  
3 or as soon after as practicable, and shall hold their office for one  
4 year from that date, and until others are chosen and qualified in  
5 their stead.

1854, c. 55, § 1.

SECT. 12. The election of moderator, town clerk, selectmen,  
2 assessors, treasurer, school committee and town agent, shall be  
3 by ballot; and all other of said officers may be by ballot, or other  
4 method agreed on by a vote of the town.

R. S., c. 5, § 10.

SECT. 13. If from any cause the town shall fail or neglect to  
2 choose at the annual meeting any of such officers as are not  
3 required to be chosen by ballot, or if after such officers are  
4 chosen there shall be, for any cause, a vacancy in any such  
5 office, the municipal officers may fill such offices and such vacan-  
6 cies by the written appointment of proper persons, who shall be  
7 summoned by the constable and required to appear and take the  
8 oath of office, as is provided in section sixteen, subject to the  
9 penalties provided in section seven. Such appointment and  
10 oath shall be recorded as in case of a choice by the town.

SECT. 14. During the election of moderator of any town  
2 meeting, the clerk shall preside; but whenever he shall be  
3 absent from any such meeting, either of the selectmen or of, the  
4 assessors, and, if neither of those be present, any constable may  
5 lawfully do all the duties of clerk, in receiving and counting the  
6 votes for moderator. The moderator, when chosen, may call on  
7 the voters to give in their ballots for a clerk pro tempore, who  
8 shall be sworn by the moderator or a justice of the peace.

R. S., c. 5, § 11.

SECT. 15. The town clerk, before entering on the duties of  
2 his office, shall be sworn before the moderator or a justice of the  
3 peace, truly to record all votes passed in such and other town  
4 meetings during the ensuing year, and until another clerk shall  
5 be chosen and sworn in his stead; and also faithfully to discharge  
6 all the other duties of said office.

R. S., c. 5, § 12.

SECT. 16. The town clerk, or any two of the selectmen, shall  
2 forthwith make out a list of the names of all those who shall  
3 have been chosen into office, of whom an oath is required by  
4 law, and deliver the same to a constable, with a warrant to him  
5 directed; and he shall, within three days from the day of  
6 receiving it, summon each of the persons therein named, to  
7 appear before the town clerk, within seven days from the time  
8 of notice, to take the oath of office by law required; and, at  
9 the end of ten days after receiving his warrant, the constable  
10 shall return the same, or forfeit six dollars for the use of the  
11 town; and the town shall allow him a reasonable compensation  
12 for his services.

R. S., c. 5, § 13.

SECT. 17. Every person so notified, and neglecting to appear  
2 and take the oath required of him, within said seven days,  
3 which said clerk is authorized to administer, shall forfeit and  
4 pay five dollars to him who shall inform and prosecute therefor,  
5 except those officers, for whose neglect a different penalty is  
6 provided, two thirds for the use of the town, and the other third  
7 to the use of the prosecutor. R. S., c. 5, § 14.

SECT. 18. When any town, plantation or parish officer, shall  
2 be sworn by the clerk of such corporation, he shall record his  
3 own certificate thereof formally and at full length; and when  
4 any such officer shall be sworn before any other person or  
5 magistrate, he shall give a formal and full certificate of the oath  
6 administered by him, officially signed, to the person sworn; and  
7 such person shall, within seven days, deliver such certificate to  
8 the clerk of the town, plantation or parish, and he shall record  
9 the same at full length, within seven days after receiving it, and  
10 if the clerk, or the person sworn, shall neglect his duty in the  
11 above particulars, he shall forfeit and pay five dollars to the use  
12 of the town. The clerk's fee for recording each certificate shall  
13 be five cents, to be paid by the town. Where a certificate of  
14 any town, plantation or school district clerk, entered on the  
15 record, is, that he has been duly elected into the office of clerk,  
16 or any other office, requiring an oath to be administered to him,  
17 and that he has taken the oath by law required, it shall be suf-  
18 ficient evidence that he holds such office, and has been duly  
19 sworn. R. S., c. 5, § 15.

SECT. 19. When, by reason of non-acceptance, death or re-  
2 moval of any person chosen into any town office, at any annual  
3 meeting, or at any other time, or by reason of insanity, or other  
4 incompetency, there is a vacancy, or want of officers, the town  
5 may proceed to a new choice of officers; and they shall be duly  
6 sworn, if an oath is required, and have the same power as if  
7 elected at the annual meeting. R. S., c. 5, § 16.

SECT. 20. At every town meeting a moderator shall be first  
2 chosen, and sworn to the faithful and impartial discharge of the  
3 duties of his office, by a justice of the peace, or by the person  
4 presiding at the meeting when he is chosen: said moderator  
5 shall regulate the business of the meeting; and when a vote

6 declared by him shall, immediately after such declaration, be  
7 questioned by seven or more, he shall make the vote certain by  
8 polling the voters, or in such other way as the meeting may  
9 direct. R. S., c. 5, § 17.

SECT. 21. 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, on  
4 pain of forfeiting one dollar for every breach of such order, for  
5 the use of the town. R. S., c. 5, § 18.

SECT. 22. If any person, after notice from the moderator,  
2 persist in any disorderly conduct, the moderator may direct him  
3 to withdraw from the meeting, and, by his refusal, he shall for-  
4 feit 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. R. S., c. 5, § 19.

SECT. 23. Town meetings for the choice of governor, senators  
2 and representatives, shall be as the constitution directs: and the  
3 foregoing sections are not to be deemed applicable to such  
4 meetings. R. S., c. 5, § 20.

SECT. 24. The moderator, or other person presiding at any  
2 town meeting, shall not receive any vote folded or doubled, and  
3 shall not permit any person, without the consent of the voter,  
4 to read or examine the name or names written on his ballot, with  
5 a view of ascertaining the name of the candidate, before the poll  
6 is closed by the moderator, on a penalty of twenty dollars, to be  
7 recovered on indictment. R. S., c. 5, § 21.

SECT. 25. The qualified voters of any town, at any legal town  
2 meeting, may grant and vote such sums, as may be necessary  
3 for the maintenance and support of schools and the poor; and  
4 for making and repairing highways, and town ways and bridges,  
5 purchasing and fencing burying grounds, and other necessary  
6 charges arising within the same, and may make such orders and  
7 by-laws for managing the prudential concerns of the town, as  
8 they may judge conducive to the good order and peace of the  
9 same, and annex penalties, not exceeding five dollars for any one  
10 offense; provided, such orders or by-laws shall be approved by  
11 the county commissioners, and provided, that in all prosecutions

12 for penalties for the breach of the by-laws of any city or town,  
13 the costs of prosecution shall be a proper charge against such  
14 city or town, and shall be paid out of the treasury thereof.

R. S., c. 5, § 22.

· SECT. 26. Whenever the mayor of any city is authorized to  
2 give a casting vote, in the election of any officer by ballot, in  
3 the board of aldermen or in convention of the aldermen and com-  
4 mon council, if any two or more persons voted for shall have  
5 each one-half of the ballots cast, the mayor shall determine and  
6 declare, what one or more of the persons having such equality,  
7 not exceeding the number to be chosen, is elected. 1855, c. 125.

SECT. 27. When errors or informalities exist in the returns  
2 of officers who have served warrants for town and school district  
3 meetings, said returning officers may, upon oath administered  
4 by any justice of the peace in the county where such officers  
5 live, amend the same according to the fact. Any informalities,  
6 omissions or errors in the tax lists and records of any town, o  
7 school district, may be amended, under oath as aforesaid, accord  
8 ing to the fact, by the clerk, assessors, or other officers of sai  
9 corporation, by whom the same occurred, whether such pers  
10 shall be in office at the time or not. 1855, c. 141

SECT. 28. Every town in this state may by ordinances or by  
2 laws duly passed, reserve and set off as side-walks, such portions  
3 of the streets therein, as they may deem convenient and proper,  
4 and authorize the planting of trees by the side of them, and  
5 adopt such regulations as they may think necessary, for the  
6 preservation of such trees, and for keeping such side-walks clear  
7 of snow or other obstructions, under suitable penalties.

1855, c. 149, § 1.

SECT. 29. Such town may adopt such by-laws and ordinances  
2 as they may deem necessary, respecting infectious diseases and  
3 the health of the place, the measure and sale of wood, coal and  
4 bark brought into the place, and the teams coming therewith,  
5 and enforce them by reasonable penalties. 1855, c. 149, § 2.

SECT. 30. Such towns may adopt such regulations in regard  
2 to the erection of wooden buildings within their limits, as they  
3 may think the public safety requires, and may define the pro-  
4 portion and dimensions of the wooden buildings to be erected

5 under such regulations, and may provide penalties necessary  
6 for the due execution thereof. Any building, erected in viola-  
7 tion of such regulations, shall be deemed to be a nuisance, and  
8 be liable to all the proceedings and penalties provided by law in  
9 case of nuisance. 1855, c. 149, § 3.

SECT. 31. Such towns may make by-laws or ordinances to  
2 regulate the going at large of dogs, swine and cattle therein,  
3 and establish such fines, penalties and restrictions as they may  
4 deem necessary and proper to enforce the same: Provided,  
5 however, that no such by-laws and ordinances, adopted as afore-  
6 said, shall be inconsistent with the laws of the state.

1855, c. 149, § 4.

SECT. 32. Any city may ordain and establish all such police  
2 regulations as the municipal government thereof may deem  
3 necessary and expedient for the prevention of crime, the protec-  
4 tion of property, and the preservation of order therein, pro-  
5 vided the same are not inconsistent with existing laws.

1850, c. 156, § 2.

SECT. 33. Such city may also ordain and establish, from  
2 time to time, all such rules and orders as the municipal govern-  
3 ment thereof may deem necessary and expedient, for the due  
4 regulation of omnibusses, stages, hackney-coaches, wagons,  
5 carts, drays, hand-carts and all other vehicles whatever, used  
6 and employed, wholly or in part in said city, whether by estab-  
7 lishing their rates of fare, prescribing their routes and places of  
8 standing, or in any other manner whatever, and whether such  
9 vehicles are used for business or pleasure, or the conveyance of  
10 passengers or freight, and whether by horse power or otherwise.

1850, c. 156, § 3.

SECT. 34. Such city may annex penalties for the breach of  
2 any such ordinances, rules and orders, not to exceed twenty  
3 dollars for any one offense, to be recovered, for the use of said  
4 city, by complaint before the municipal or police court of said  
5 city, or any justice of the peace where no such court is estab-  
6 lished: Provided, however, that no such rule or order shall take  
7 effect or go into operation, until the same shall have been pub-  
8 lished at least one week in some newspaper printed in said city.

1850, c. 156, § 4.

SECT. 35. The inhabitants of every town are declared to be a  
2 body corporate and politic, and, as such, may sue and be sued,  
3 and appoint agents or attorneys. R. S., c. 5, § 23.

SECT. 36. The bounds of all townships shall remain as here-  
2 tofore granted, settled and established, and the lines between  
3 towns shall be run once in every five years, except as mentioned  
4 in the thirty-eighth and thirty-ninth sections.

R. S., c. 5, § 24.

SECT. 37. 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; and  
4 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 bound-  
11 aries, shall be recorded in their respective town books.

R. S., c. 5, § 25.

SECT. 38. All towns, which, since the twenty-second day of  
2 March, in the year eighteen hundred and twenty-eight, have  
3 perambulated, or hereafter shall perambulate their several lines,  
4 as by law prescribed, and have established, or shall establish  
5 and set up stone monuments, at least two feet high, at all the  
6 corners and several angles, and where the lines 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  
12 manner above described.

R. S., c. 5, § 26.

SECT. 39. When a town shall petition the supreme judicial  
2 court, stating that a controversy exists between such town and  
3 an adjoining one, respecting a town line or lines, and praying,  
4 that the same may be run by commissioners, to be appointed by  
5 such court, the court may, after due notice given to all parties  
6 concerned, appoint three commissioners, who shall, after giving



7 notice to all persons interested of the time and place of meeting,  
 8 ascertain and determine the line or lines in dispute, and  
 9 describe the same by courses and distances, and make, set, and  
 10 mention in their return, suitable monuments and marks for the  
 11 permanent establishment of such lines, and make duplicate  
 12 returns of their proceedings; one of which shall be returned to  
 13 the court, and the other to the office of the secretary of state;  
 14 and such line or lines, so established and accepted, shall be  
 15 deemed, in every court of law, and for every purpose, the true  
 16 dividing line or lines between such towns. R. S., c. 5, § 27.

SECT. 40. The court may allow the commissioners a proper  
 2 compensation for their services, and issue a warrant of distress,  
 3 according to law, for its collection, of said towns, in equal pro-  
 4 portions. R. S., c. 5, § 28.

SECT. 41. Any town officer who shall neglect to perform any  
 2 duty which he is by law required to perform, shall forfeit a sum  
 3 not exceeding twenty dollars, for every such neglect, to be  
 4 recovered in an action of debt, in the name and to the use of the  
 5 town, by the treasurer thereof; but this section shall not apply  
 6 to any neglect for which a penalty is provided by any other  
 7 law. 1846, c. 196, § 3.

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## Chapter 5.

### ELECTIONS.

#### ARTICLE I.—*Lists of Electors.*

- Sect. 1.* Lists of voters to be prepared by municipal officers by the eleventh of August, annually.
2. Naturalization papers to be exhibited to municipal officers three months before election; record to be made; name entered on check list and kept there, &c.
3. If papers are not genuine, or not produced by proper party, names not to be entered. Right to vote, how determined.
4. What proceedings if papers have been lost or destroyed.
5. Assessors to make lists where the selectmen are not assessors.
6. Special meetings to correct the lists. Notice of such meetings.
7. Such lists to be deposited with town clerk and posted up.
8. Names of qualified voters to be inserted whether they apply or not.
9. Subsequent alterations.
- 10, 11, 12. When selectmen shall meet to correct the lists.

- Sect.* 13. Notice to be given of such meetings.  
 14. Lists of electors of town officers.  
 15. Sessions of selectmen for that purpose.  
 16. Foregoing provisions applicable to cities.

ARTICLE II.—*Notifying meetings, proceedings at elections, and returns.*

17. Meetings for general elections, how called.  
 18. Penalty on officers for neglect to issue warrant.  
 19. Penalty for neglect of officer to summon or make due return of his warrant.  
 20. When such meeting shall be opened.  
 21. Presiding officers empowered as moderators.  
 22. When selectmen pro tempore may be chosen.  
 23. Who shall preside at such choice.  
 24. Duties of selectmen pro tempore.  
 25. What votes may be offered on one list.  
 26. Check list and ballot boxes to be used.  
 27. Of votes marked or on colored paper.  
 28, 29, 30. When no choice of representative can be effected, meeting to be adjourned.  
 31. Provisions for the choice of certain officers, and for determining questions submitted to the people.  
 32. How the result of balloting shall be ascertained.  
 33. Clerk to transmit returns of votes to secretary of state.  
 34. If the return is not received, secretary to notify county attorney. His duty.  
 35. New certificates to be returned in case of loss.  
 36. How authenticated.  
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 38. Of filling vacancies by towns not classed.

ARTICLE III.—*Special Provisions Affecting Cities, Plantations and Representative Districts.*

- Sect.* 39. Foregoing provisions extended to organized plantations.  
 40. And to cities except when express provision is made.  
 41, 42. Duties of city officers in elections.  
 43. Electors in cities to meet in wards.  
 44. Choice of warden pro tempore.  
 45. Special regulations for voters on islands in Portland.  
 46. Proceedings at the meetings.  
 47. When representatives may be voted for on a separate ticket in cities.  
 48. If no choice be made, further meetings.  
 49. Aldermen to meet on election days to revise lists. Any number not less than three a quorum.  
 50. Meetings of selectmen of classed towns to examine votes.  
 51. If no choice, new meetings to be called.  
 52. If a choice, copies of the lists to be made and furnished to the person elected.  
 53, 54. If a vacancy happens, what further proceedings.  
 55. Of notice in contested elections.  
 56. Of voters in unincorporated places.

ARTICLE IV.—*Penal Provisions and Regulations Affecting the Purity of Elections.*

57. General provisions in case of willful neglect or misconduct of selectmen and certain other officers.  
 58. Punishment for willful neglect of warning officers.

*Sect. 59.* Punishment of selectmen for willful neglect in not preparing and posting lists.

60. For willful neglect to use check list, and receiving illegal votes.

61. Such penalties how recovered.

62. Penalties for neglecting the requirements of sections 35, 36 and 37.

63. Also for false certificates in such cases.

64. Also for neglect in persons entrusted with returns.

65. County attorney's duty when notified of failure of any return.

66. Liability of town officers modified.

67. Punishment for misconduct of any elector.

68. Forfeiture by military officers parading their men on days of election.

69. Penalties of the two preceding sections, how recovered.

70. Punishment for bribery and corruption at elections.

71. Punishment for electors voting where they have no legal right.

72. Penalty and forfeiture for betting on elections.

73. The mayor or treasurer to sue for such penalty.

74. Any party who has paid such bet may recover it of the winner.

75. Conveyances of real estate for such purposes void. Value of such estate may be recovered by the town.

*ARTICLE V.—Organization of Plantations for Purposes of Elections, and Choice of Electors of President and Vice-President of the United States.*

*Sect. 76.* County commissioners to issue warrant to organize such plantations. Notice how given.

77. Proceedings at the meeting. Choice of officers. How sworn.

78. Assessors to make written description of the limits of the plantation, and transmit it to the secretary of state.

79. Such plantation may be divided and a new one formed, or a part annexed to another plantation.

80. Check list to be prepared, posted up and corrected.

81. Meeting to be held on second Monday of September; how called; proceedings at.

82. Same subject. Copy of the check list, and of the names of voters present and voting at the meeting, to be returned to the secretary of state.

83. Votes so thrown to be received and counted.

84. If it do not appear by the returns that the provisions of sections 80, 81 and 82 have been complied with, the votes of the plantations shall be rejected. The secretary of state to furnish blanks.

85. Such plantations to hold their annual meetings in March; assessors and clerk then to be chosen. May choose surveyors of lumber, fence viewers and constables. Bonds of constables. Penalties for neglect and wrong doings of officers, and wrong doings of voters.

86. Electors of President and Vice-President; how many shall be chosen.

87. Meeting for choice of, when and how called.

88. Names upon one ballot.

89. Proceedings at the meeting. Votes how returned.

90. Votes opened and examined by the governor and council.

91. Vacancies, how filled if a majority be not elected.

92. Meeting of the electors. Vacancies how filled.

93. Proceedings at such meeting.

94. Compensation of electors.

95. Secretary to furnish blanks.

96. Duty of town officers.

ARTICLE I.—*Lists of Electors.*

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

SECT. 2. No person of foreign birth, who shall claim the  
2 right to vote by reason of naturalization papers issued to him  
3 from any court in the United States, shall have the right to vote  
4 in any town in this state, unless three months, at least, before  
5 the day of election, he shall produce and exhibit to the municipal  
6 officers thereof such naturalization papers. And said officers  
7 shall enter, in a book, to be kept by them for that purpose, the  
8 name of said person, the date of his papers, and the court by  
9 which the same were issued. And if it shall appear to them that  
10 said papers are in due form, and were issued by a court having  
11 jurisdiction of such matters, and that the person producing them  
12 is the party to whom they were issued, they shall cause his name  
13 to be entered on the check list of such town, and to be continued  
14 on said list so long as he shall remain a resident, and be entitled  
15 to vote therein. 1855, c. 188, § 1.

SECT. 3. If said officers shall be of opinion that the papers so  
2 produced are not genuine, or that the producing party is not the  
3 person to whom they were issued, they shall not be required to  
4 make such entries in said book, nor to enter the name of such  
5 person on the check list, as aforesaid; but such party shall not  
6 be deprived of the right to vote by reason of his name not being  
7 entered in such book, but his right to vote shall be determined  
8 by law. 1855, c. 188, § 2.

SECT. 4. If such papers have been lost or destroyed, a copy  
2 of the original certificate of naturalization, duly certified under  
3 the seal of the court from which the same issued, accompanied  
4 by the affidavit of the party, shewing the loss or destruction of  
5 the original, and that he is the identical person to whom it was  
6 issued, may be used in place of the one lost or destroyed.

SECT. 5. In every town, where the selectmen are not the as-  
2 sessors, the assessors shall, on or before the first day of August

3 in each year, make out, according to their best judgment, a cor-  
4 rect 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. R. S., c. 6, § 2.

SECT. 6. In every town, having, by the census of the United  
2 States then last taken, more than three thousand inhabitants,  
3 the selectmen shall be in open session, for the purpose of receiv-  
4 ing evidence of the qualifications of persons claiming the right  
5 to vote in any such election, and for correcting their said list,  
6 for a reasonable time, not exceeding two days, between the elev-  
7 enth 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 as meetings of the inhabitants of said town may be  
10 notified. R. S., c. 6, § 3.

SECT. 7. On or before the twentieth day of August, annually,  
2 the selectmen of every town shall deposit in the office of the town  
3 clerk, and shall also post up, in one or more public places in the  
4 town, a list of electors prepared and revised as in the preceding  
5 sections. R. S., c. 6, § 4.

SECT. 8. 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. R. S., c. 6, § 5.

SECT. 9. 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. R. S., c. 6, § 6.

SECT. 10. In every town, containing, by such last census,  
2 more than three thousand inhabitants, the selectmen shall be in  
3 open session for a reasonable time, for the purpose of correcting  
4 such list, on the Friday and Saturday next preceding the sec-  
5 ond Monday of September, annually. R. S., c. 6, § 7.

SECT. 11. 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. R. S., c. 6, § 8.

SECT. 12. In every town, the selectmen shall be in session  
2 on 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 shall hear and determine any such application,  
6 at any time before the polls are closed; provided, that when the  
7 town contains five thousand inhabitants, or more, no such appli-  
8 cation shall be received after three o'clock in the afternoon of  
9 said day. R. S., c. 6, § 9.

SECT. 13. The selectmen shall order notice of the time and  
2 place of all their sessions, required or authorized in the three  
3 preceding sections, to be given in the warrant for calling the  
4 respective town meetings. R. S., c. 6, § 10.

SECT. 14. The selectmen 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 post up a copy  
5 thereof, in one or more public places in such town, on or before  
6 the twentieth day of February, annually. R. S., c. 6, § 11.

SECT. 15. The said selectmen shall be in session at some  
2 convenient time and place, to be by them notified in the warrant  
3 for calling the meeting in such town, on the day next preceding  
4 the day of annual election of town officers in the month of  
5 March, annually, unless the same happen on the Lord's day, in  
6 which case, the selectmen 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. R. S., c. 6, § 12. 1853, c. 42, § 1.

SECT. 16. 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 select-

5 men and assessors are required to prepare them for towns, the  
6 aldermen performing the duties of selectmen, and the city  
7 wardens shall be governed by said lists. R. S., c. 6, § 13.

ARTICLE II.—*Notifying Meetings, Penalty for neglect so to do,  
Proceedings at Elections, and Returns.*

SECT. 17. 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  
4 before the second Monday of September, annually, to meet at  
5 some suitable place, to be designated in said warrants, to give  
6 in their votes for governor, senators and representatives, as the  
7 constitution requires; and such meeting shall be warned in the  
8 manner legally established for warning other town meetings  
9 in such town. R. S., c. 6, § 14.

SECT. 18. Whenever the aldermen of cities, selectmen of  
2 towns, or assessors of plantations, shall neglect to issue their  
3 warrant, as required by law, for any meeting to be holden for  
4 the choice of state or county officers, or representatives to the  
5 legislature of this state, or to the congress of the United States,  
6 or of electors of president and vice president of the United  
7 States, they shall forfeit the sum of fifty dollars each, to the  
8 city, town or plantation wherein the neglect occurred. Said  
9 forfeiture shall be recovered in an action of debt, to be prose-  
10 cuted by the treasurer of the city, town or plantation; or by any  
11 citizen thereof when said treasurer shall be a member of the  
12 delinquent board. 1846, c. 196, § 1.

SECT. 19. If any constable, or other person, when legally  
2 required, shall neglect to summon the qualified voters of any  
3 city, town or plantation, to assemble at any meeting for the  
4 choice of any officers mentioned in section seventeen, or to make  
5 due return of the warrant under which such service was per-  
6 formed, he shall forfeit the sum of twenty-five dollars, to the  
7 city, town or plantation, for each and every such neglect; to be  
8 recovered as is provided in section eighteen. 1846, c. 196, § 2.

SECT. 20. No such meeting shall be opened before ten  
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. R. S., c. 6, § 15.

SECT. 21. 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 four, and it shall be  
5 their duty to refuse the vote of any person not qualified to vote.  
R. S., c. 6, § 16.

SECT. 22. 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  
4 required of them at such meeting, the qualified voters at such  
5 meeting may choose so many selectmen pro tempore, as may be  
6 necessary, to constitute, or to complete the number competent to  
7 do the duties. R. S., c. 6, § 17.

SECT. 23. During the choice of such selectmen pro tempore,  
2 any selectman present may act as moderator; if there be no  
3 selectmen present, or in case those present should neglect or  
4 refuse to act as such, the town clerk shall preside; and the per-  
5 son so acting or presiding shall have all the powers, and dis-  
6 charge the duties of a moderator. R. S., c. 6, § 18.

SECT. 24. The selectmen pro tempore, having accepted the  
2 trust, shall be sworn faithfully to discharge the duties of the  
3 said office, so far as relates to such meeting and election;  
4 and, in making a record and return of the votes, as the constitu-  
5 tion or laws may require, and in all matters incidental to the  
6 trust, shall have the powers of permanent selectmen, and be  
7 subject to the same duties and liabilities. R. S., c. 6, § 19.

SECT. 25. At every meeting for the choice of governor, sen-  
2 ators, representatives, and other public officers, requiring the  
3 like qualifications in the electors, the selectmen, or other officer  
4 presiding, shall require the qualified electors to give in their  
5 votes, for the officer or officers to be chosen, on one list or bal-  
6 lot, or so many of such officers, as the person voting may deter-  
7 mine to vote for; designating the intended office of each person  
8 voted for; provided, that, if the meeting so decide, they may



9 vote for the representative or representatives to the state legis-  
10 lature on a separate ballot. R. S., c. 6, § 20.

SECT. 26. The selectmen, or other officers presiding at any  
2 election, as aforesaid, shall keep and use the check list required  
3 by this chapter, at the polls, during the election of any of the  
4 officers aforesaid; and they shall also have and use suitable bal-  
5 lot boxes, to be furnished at the expense of the town; and no  
6 vote shall be received, unless delivered by the voter in person,  
7 nor until the presiding officer or officers shall have had opportu-  
8 nity to be satisfied of his identity, and shall find his name on the  
9 list, and mark it, and ascertain that his vote be single.

R. S., c. 6, § 21.

SECT. 27. No ballot shall be received at any election of  
2 state or town officers, unless in writing or printing, upon clean  
3 white paper, without any distinguishing mark or figures thereon,  
4 besides the name of the person voted for, and the offices to be  
5 filled, but no vote shall be rejected on this account, after it  
6 shall have been received into the ballot box. R. S., c. 6, § 22.

SECT. 28. 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 notify  
8 them accordingly; of which decision and notice, the clerk shall  
9 then make a record, and in no case shall a new balloting com-  
10 mence after six o'clock in the afternoon. R. S., c. 6, § 23.

SECT. 29. 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. R. S., c. 6, § 24.

SECT. 30. At such adjournment, a further trial or trials  
2 shall be had, and, if no choice then be made, the like proceed-  
3 ings shall be had, as are provided in the preceding section, and  
4 the 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 con-  
7 tinued to be had, until a choice shall be effected and declared.

R. S., c. 6, § 25.

SECT. 31. All town meetings required to be held for the  
2 election of county treasurer or register of deeds, or of represen-  
3 tatives 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 it  
6 respects the calling, notifying and conducting the same, shall  
7 be subject to the regulations made in this chapter for the elec-  
8 tion of governor, senators and representatives, unless otherwise  
9 provided by law.

R. S., c. 6, § 26.

SECT. 32. In order to determine the result of any election by  
2 ballot, the number of persons who voted at such election shall  
3 first be ascertained by counting the whole number of separate  
4 ballots given in, which shall be distinctly stated, recorded and  
5 returned. Blank pieces of paper and votes for persons not  
6 eligible to the office, shall not be counted as votes, but the num-  
7 ber of such blanks, and the number and names on ballots for  
8 persons not eligible, shall be recorded and return made there-  
9 of. In case of representatives to congress, and to the state  
10 legislature, registers of deeds, county and state officers, except  
11 where a different rule is prescribed in the constitution, the per-  
12 son or persons, not exceeding the number to be voted for at any  
13 one time, for any such office, having the highest number of votes  
14 given at such election, shall be deemed and declared to be  
15 elected. If a number of the persons voted for, greater than is  
16 required to be chosen, shall receive an equal number of votes,  
17 the same being the highest number of votes given at such  
18 election, no one of them shall be deemed or declared to be elected.  
19 In all other cases no person shall be deemed or declared to be  
20 elected, who has not received a majority of the whole number  
21 of votes counted as aforesaid; and if a number greater than is  
22 required to be chosen shall severally receive a majority of the  
23 whole number of votes so given, the number so required, of  
24 those who have the greatest excess in votes over such majority,  
25 shall be declared to be elected. If the number to be elected

26 cannot be so completed by reason of any two or more of such  
27 persons having received an equal number of votes, the persons  
28 having such equal numbers shall be declared not to be elected.

R. S., c. 6, § 27. 1847, c. 23, § 1, 2. 1848, c. 68.

SECT. 33. The clerk of each town shall deliver, or cause to  
2 be delivered, at the office of the secretary of state, the returns  
3 of votes, given in his town, for governor, senators, representa-  
4 tives to the legislature, representatives to congress, electors of  
5 president and vice-president of the United States, and for  
6 county officers, within thirty days next succeeding any meeting  
7 for their election, or shall deposit the same, post-paid, in some  
8 post-office, directed to the secretary of state, within fourteen  
9 days after such meeting, to be transmitted by mail; and shall  
10 also forward to such office a statement attested by him, of the  
11 number of votes for the said several officers given at such  
12 election, in his town, which shall be opened and filed by the  
13 secretary, and preserved for the examination of the public.

R. S., c. 6, § 28. 1848, c. 50.

SECT. 34. If any such return is not received by the secretary  
2 of state within thirty days next succeeding such meeting, he  
3 shall forthwith notify the county attorney of the county in  
4 which such town is situated, whose duty it shall be to give  
5 immediate notice thereof to the clerk of such town, and, unless  
6 he receives satisfactory evidence that said clerk has complied  
7 with the requirements of the preceding section, to prosecute for  
8 the penalty hereinafter provided.

R. S., c. 6, § 29.

SECT. 35. When any such original return is in any way  
2 lost or destroyed, the selectmen and clerk of such town, on  
3 receiving information of such loss or destruction, shall forth-  
4 with cause a copy of the record of the meeting, at which such  
5 vote was given, to be made, with their certificate upon the same  
6 sheet, that the same is a true copy of the record, that it truly  
7 exhibits the names of all the persons voted for, for the offices  
8 designated, and the number of votes given for each, at such  
9 meeting, and that said copy contains all the facts which were  
10 stated in the original return.

R. S., c. 6, § 30.

SECT. 36. The selectmen and town clerk, who were present  
2 at the meeting, and signed the original return, shall sign the

3 certificate mentioned in the preceding section, designating their  
4 office against their names, as in the original return, and shall  
5 make oath that said copy and certificate are true, before some  
6 justice of the peace of the county, who shall make certificate of  
7 such oath on the same paper. R. S., c. 6, § 31.

SECT. 37. 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 shall  
4 cause the same to be delivered into the office of the secretary of  
5 state, as soon as may be. R. S., c. 6, § 32.

SECT. 38. When the selectmen of any town, not classed  
2 with others as a representative district, by any means, have  
3 knowledge, that the seat of any representative thereof has  
4 been vacated by death, resignation or otherwise, they shall  
5 forthwith issue their warrant, giving at least seven days notice,  
6 for the meeting of the qualified electors of said town, to choose  
8 some person to supply such vacancy; and, at such meeting the  
9 like proceedings shall be had, as at any meeting held on the  
10 second Monday in September for the like purpose; and, if  
11 necessary, the meeting may be adjourned, as provided in the  
12 twenty-ninth and thirtieth sections. R. S., c. 6, § 33.

ARTICLE III.—*Special Provisions affecting Cities, Plantations,  
and Representative Districts.*

SECT. 39. 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.

R. S., c. 6, § 34.

SECT. 40. For all the purposes of electing the governor,  
2 senators, representatives to the state legislature, or any of the  
3 offices, except where other provision is expressly made, the  
4 inhabitants of any city shall remain and continue a town, and  
5 shall possess all the rights and powers, and shall be subject to  
6 all the duties, obligations and liabilities of other towns.

R. S., c. 6, § 35.

SECT. 41. The aldermen of any such city, by virtue of such office, shall be selectmen of said town, and the city clerk and assessors, shall, with the exception aforesaid, be town clerk and assessors, for the purposes of such election, and they shall be deemed to have been elected, as aforesaid, both city and town officers, and shall be duly sworn as town officers respectively.

R. S., c. 6, § 36.

SECT. 42. The city constables shall, with the like exception, be deemed constables of the town, for the purposes of notifying all ward meetings for such elections, and of maintaining order in said meetings.

R. S., c. 6, § 37.

SECT. 43. For all the purposes mentioned in the seventeenth and thirty-first sections, the inhabitants of cities shall meet, as the constitution requires, in ward meetings, to be notified and warned, as is provided for town meetings for similar purposes. The warden shall preside, and the clerk shall make such record as the constitution requires.

R. S., c. 6, § 38.

SECT. 44. If the warden be absent from any such meeting, or refuse or neglect to preside, a warden pro tempore shall be chosen, and during such choice the clerk of the ward shall preside; and the warden elected pro tempore having accepted the trust, shall be duly sworn, and have the power and perform the duties of warden of such meeting, and be liable to the penalties.

R. S., c. 6, § 39.

SECT. 45. The qualified electors of the ward composed of the islands within the city of Portland, may meet as provided in the forty-third section, and also for the choice of city officers, on either of said islands, which a majority of such qualified electors may designate, at any meeting legally held for the purpose.

R. S., c. 6, § 40.

SECT. 46. The warden of the said ward shall preside impartially at such meetings, receive the votes of all the qualified electors present, sort, count and declare them in open meeting, and in the presence of the clerk, who shall make a list of the persons voted for, with the number of votes for each person against his name, and the offices respectively, and in open ward meeting and in the presence of the warden, shall make a fair 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. R. S., c. 6, § 41.

SECT. 47. 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  
6 ballot or ballots, which they are hereby authorized to do.

R. S., c. 6, § 42.

SECT. 48. 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 two  
4 weeks after any former meeting, and the like proceedings shall  
5 be had at such meetings, as at the time first appointed, until a  
6 choice is effected.

R. S., c. 6, § 43.

SECT. 49. It shall be the duty of the aldermen in their  
2 respective cities, on all days of election, for which a list of quali-  
3 fied voters is required, to be in session at some central and  
4 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 are not entered on the list: and, on satisfac-  
9 tory evidence being produced by any inhabitant, the aldermen  
10 shall deliver to such inhabitant a certificate under their hands,  
11 directed to the warden of the proper ward, requiring him to  
12 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. At any such session any number of  
15 aldermen, not less than three, shall be considered a quorum.

R. S., c. 6, § 44, 45.

SECT. 50. Whenever two or more towns or plantations are  
2 classed, agreeably to the constitution of this state, for the purpose  
3 of choosing a representative to the legislature, the selectmen of

4 the oldest town in such district shall appoint a time and place  
5 for the meeting of the selectmen of the several towns in such  
6 district, and give reasonable notice thereof to such selectmen, for  
7 the purpose of examining copies of the lists of votes for repre-  
8 sentatives, in the manner prescribed by the constitution, where  
9 no time or place of meeting has been otherwise established.  
10 When thus assembled, the selectmen of the towns so classed shall,  
11 by a majority of votes, reckoned by towns, determine the time  
12 and place for their future meetings in said district, for the pur-  
13 pose aforesaid, and such time and place shall continue fixed,  
14 until altered by a like vote. R. S., c. 6, § 46.

SECT. 51. When, at any such meeting of selectmen, on  
2 comparing the list of votes, it shall appear that no person has  
3 been elected, the selectmen of the several towns shall issue their  
4 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 select-  
9 men, it shall still appear that no choice has been made, the same  
10 proceedings shall be repeated every three weeks, until a choice  
11 shall be made and declared. R. S., c. 6, § 47.

SECT. 52. When an election of a representative appears to  
2 the selectmen, assembled as aforesaid, to have been made, they  
3 shall deliver to the person, so elected, certified copies of the lists  
4 of votes, within ten days after election, or sooner, if required by  
5 the person so elected. R. S., c. 6, § 48.

SECT. 53. When, in any district, the selectmen of the oldest  
2 town are duly notified, or otherwise satisfied that the seat of  
3 the representative of such district has been vacated, they shall,  
4 as soon as may be, leaving a convenient time for calling meet-  
5 ings in the several towns, appoint a day for another election to  
6 supply such vacancy, and notify the selectmen of the other  
7 towns accordingly. R. S., c. 6, § 49.

SECT. 54. The selectmen of the several towns shall call  
2 meetings upon the day appointed, and the like proceedings shall  
3 then be had, as is required by the constitution and laws, for the

4 election of representatives on the second Monday of September,  
5 and shall meet, within four days thereafter, to examine the lists  
6 of votes, and if a choice has been made, shall deliver copies of  
7 the lists to the persons elected, as provided in section fifty-two,  
8 otherwise such proceedings shall be had as are provided in sec-  
9 tion fifty-one. The provisions of sections fifty, fifty-one, fifty-  
10 two, fifty-three and fifty-four, shall apply to and be observed by  
11 the assessors of plantations, as well as selectmen of towns.

R. S., c. 6, § 50.

SECT. 55. When any person shall intend to contest before  
2 the house of representatives of this state, the right of any person  
3 to his seat therein, who has been duly returned as a mem-  
4 ber thereof, he shall notify the person so returned, of such  
5 intention, at least twenty days before the first Wednesday of  
6 January, by delivering to him in hand, or leaving at his last  
7 and usual place of abode, in writing, a specification of his objec-  
8 tions to the validity of such return; provided, the meeting, at  
9 which the person returned claims to have been elected, was  
10 held at least thirty days before the first Wednesday of January;  
11 and depositions may be then taken as in actions pending.

R. S., c. 6, § 51.

SECT. 56. When any person, resident in any unincorpo-  
2 rated place adjacent to any town or organized plantation in a  
3 representative district, shall give or send in his name to the  
4 selectmen of such town, or assessors of such plantation, on or  
5 before the first day of June, he shall be entitled to vote in all  
6 elections of state or county officers, members of congress, electors  
7 of president and vice president, if in other respects he is a  
8 qualified elector, and continues his residence as aforesaid, or  
9 removes to said town; and the selectmen shall place his name  
10 on the list of voters, and receive his vote accordingly.

R. S., c. 6, § 52.

#### ARTICLE IV.—*Penal Provisions and Regulations Affecting the Purity of Elections.*

SECT. 57. If any selectman, or other town, city or planta-  
2 tion officer, or any selectman or other such officer chosen pro  
3 tempore, willfully neglects or refuses to perform any of the



4 duties required of him, or willfully authorizes, or permits to  
5 be done, any thing prohibited; either by the constitution, or by  
6 the several provisions of this chapter, he shall for each offense  
7 forfeit not less than fifty, nor exceeding five hundred dollars, to  
8 be recovered by indictment, to the use of the state, and suffer  
9 imprisonment in the county jail, not more than nine nor less  
10 than three months, or either of said punishments; except where  
11 otherwise expressly provided in this chapter.

R. S., c. 6, § 53.

SECT. 58. 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, willfully refuses or neglects  
7 to summon such voters, agreeably to law, and make due return  
8 of such warrant within the proper time, he shall forfeit not less  
9 than fifty nor more than two hundred dollars, to be recovered  
10 by indictment, one half to the use of the state, and the other  
11 half to the use of the complainant.

R. S., c. 6, § 54.

SECT. 59. If the selectmen of any town, or assessors of any  
2 plantation, willfully neglect to deposit lists of the qualified  
3 voters with the town or plantation clerk, and to post up such  
4 lists as are required in section seven, they shall severally  
5 forfeit for such offense, not less than fifty, 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 shall  
8 severally forfeit the sum of thirty dollars.

R. S., c. 6, § 55.

SECT. 60. If such selectmen or assessors willfully neglect or  
2 refuse to keep and use a check list, as provided in section twenty-  
3 six, or willfully receive any vote prohibited by section twenty-  
4 seven, they shall severally forfeit not less than fifty, nor more  
5 than one hundred dollars.

R. S., c. 6, § 56.

SECT. 61. The penalties in the two preceding sections shall  
2 be recovered, in an action of debt, in the name, and to the use,  
3 of the inhabitants of the town or plantation where the offense 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 is one of the delinquent  
7 officers, and, in that case, by one of the constables.

R. S., c. 6, § 57.

SECT. 62. 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 thirty-fifth, thirty-sixth and thirty-seventh sec-  
5 tions, on notice of the loss and destruction of any such return,  
6 as is therein described, he shall forfeit not less than one hundred,  
7 nor more than five hundred dollars, to be recovered by indict-  
8 ment, to the use of the state.

R. S., c. 6, § 58.

SECT. 63. Any such selectman, or other officer, whether  
2 permanent 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, and be also disqualified from holding any office  
6 under the constitution and laws of this state, for ten years.

R. S., c. 6, § 59.

SECT. 64. Every person, to whom the returns of votes of any  
2 city, town, or plantation, for governor, senators, or representa-  
3 tives in congress, are entrusted, by the clerk thereof, for the  
4 purpose of forwarding them to the office of the secretary of  
5 state, who shall willfully 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 be  
9 recovered by indictment, or be imprisoned in the county jail for a  
10 term not less than two nor more than six months, at the discre-  
11 tion of the court having cognizance thereof.

R. S., c. 6, § 60.

SECT. 65. 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 or 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 demand of such  
8 officer or other person, if he finds such default willful, or caused  
9 by culpable negligence, the sum or sums forfeited by such

10 neglect; and if the same be not immediately paid, prosecute  
11 such delinquent according to law; and all sums thus recovered  
12 shall enure to the use of the state. R. S., c. 6, § 61.

SECT. 66. In no case, except as in sections eighteen and  
2 nineteen, shall any officer of any city, town or plantation, incur  
3 any punishment or penalty, or be made to suffer in damages, by  
4 reason of his official acts or neglects, unless the same shall be  
5 unreasonable, corrupt, or willfully oppressive; provided, that  
6 the neglect to prepare the list of voters, to deposit it in the town  
7 clerk's office, or to post it up, as required in this chapter, or to  
8 call town, city, or plantation meetings for elections, or to  
9 cause returns of votes, or copies thereof, to be delivered into the  
10 office of the secretary of state, as required by the constitution  
11 and laws of this state, or to make the records by law required,  
12 shall be deemed unreasonable, unless the contrary be made to  
13 appear. R. S., c. 6, § 62.

SECT. 67. If, at any meeting for the election of any public  
2 officer where a list of voters is necessary, any person willfully  
3 casts his vote before the presiding officer has had opportunity to  
4 find his name on said list, or if he votes, knowing that his name  
5 is not on said list, or willfully gives any false answer or state-  
6 ment to the selectmen or other officers when previously preparing  
7 such list, or presiding at such meeting, in order that his name  
8 may be entered on such list or his vote received; or if any person  
9 gives in more than one vote at any one balloting, or is disorderly  
10 at any such meeting, he shall forfeit for each offense not exceed-  
11 ing one hundred dollars, nor less than ten dollars.

R. S., c. 6, § 63.

SECT. 68. 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 sixty-six of chapter  
4 eleven, and not thereby excepted, or except in time of war or  
5 public danger, he shall for each offense forfeit not less than ten,  
6 nor more than three hundred dollars. R. S., c. 6, § 64.

SECT. 69. The penalties provided in the two preceding sec-  
2 tions may be recovered by indictment, one half to the use of the  
3 state and the other half to the use of the complainant.

R. S., c. 6, § 65.

SECT. 70. If any person shall by bribery, menace, willful  
2 falsehood or other corrupt means, directly or indirectly attempt  
3 to influence any elector of this state in giving his vote or ballot,  
4 or to induce him to withhold the same, or disturb or hinder him  
5 in the free exercise of the right of suffrage, at any election in  
6 this state, held under any of the provisions of the constitution  
7 or of this chapter, he shall, on indictment and conviction thereof,  
8 be deemed guilty of a misdemeanor, and fined not more than  
9 five hundred dollars, or be imprisoned for a term not exceeding  
10 one year, or both, at the discretion of the court, and shall also  
11 be ineligible to any office in this state for the term of ten years.

R. S., c. 6, § 66.

SECT. 71. If any person, at any election of state and county  
2 officers, or of electors of president and vice president, shall  
3 knowingly give his vote in any city, town, or plantation, where  
4 he has no legal right so to do, he shall be liable to indictment  
5 therefor by the grand jury, in the county wherein said offense  
6 is committed, and upon conviction thereof, shall be punished by  
7 imprisonment in the county jail for a term not less than three  
8 months, nor more than one year. 1842, c. 21.

SECT. 72. No person shall make any bet or wager upon the  
2 result of any election of persons to be voted for in this state for  
3 any office or place, either in money or in any kind of property,  
4 real or personal, under the penalty of the forfeiture of the  
5 money or property, real or personal, so bet or wagered, to the  
6 city, town or plantation in which he resides, or if he do not  
7 reside in any city, town or plantation in this state, then to the  
8 city, town or plantation in which the bet or wager is made, to  
9 be recovered in an action of debt, or in an action of trover, or  
10 other proper personal action, in any court proper to try the  
11 same. 1841, c. 7, § 1, 4.

SECT. 73. The mayor of the city, or the treasurer of the town  
2 or plantation, entitled to such penalty or forfeiture, shall forth-  
3 with proceed to sue for and recover the same as soon as they  
4 are in possession of proper evidence of such betting or wagering.  
1841, c. 7, § 3.

SECT. 74. Any party to such bet or wager, who may have  
2 paid over or conveyed to the other party as winner of the bet or

3 wager, the money or property so bet or wagered, may recover  
4 the same, or the value thereof, of such winner, in an action of  
5 debt or other proper action therefor. 1841, c. 7, § 2.

SECT. 75. All conveyances by deed or otherwise of any real  
2 estate or interest therein, made by reason of any such bet or  
3 wager, shall be absolutely void. The person who made any  
4 such conveyance, shall forfeit the full value of the property or  
5 interest so conveyed to the city, town or plantation entitled to  
6 the forfeiture for such betting or wagering, to be recovered in  
7 manner aforesaid. 1841, c. 7, § 5.

ARTICLE V.—*Organization of Plantations for purposes of elections, and choice of electors of President and Vice President.*

SECT. 76. One or more of the county commissioners of any  
2 county, on application to them in writing, signed by three or  
3 more persons qualified, as the constitution requires, to be voters,  
4 inhabitants of any unincorporated place in said county, not  
5 organized as a plantation for the purposes of elections, may  
6 issue a warrant to one of said persons, requiring him to warn a  
7 meeting of the inhabitants of such place, qualified as aforesaid,  
8 residing within such limits as shall be described in such warrant,  
9 to be held at some central place therein, and at a time therein  
10 specified, by posting up notices of such meeting and of its object,  
11 in two or more public places within said limits, at least seven  
12 days before said day of meeting. 1840, c. 89, § 1.

SECT. 77. At the time and place so appointed, a moderator  
2 shall be chosen by such electors, when met, by ballot, who shall  
3 preside at such meeting. The person to whom such warrant  
4 was directed shall preside till the moderator is chosen. A clerk  
5 and three assessors shall also be chosen by ballot. They shall  
6 be sworn by a justice of the peace if any is present, if not, by  
7 the moderator. 1840, c. 89, § 1.

SECT. 78. The said assessors shall forthwith make a descrip-  
2 tion in writing of the limits of such plantation, and sign the  
3 same, and transmit it to the secretary of state, to be by him  
4 recorded. 1840, c. 89, § 1.

SECT. 79. On like application, and with similar proceedings  
2 on a warrant of such county commissioners, any such plantation

3 may be divided, and a part thereof annexed to a similar adjoin-  
4 ing plantation, or a new plantation be formed of a part so taken  
5 from the former plantation. In such case, a like description of  
6 the newly formed plantation shall, by the assessors thereof, be  
7 transmitted to the secretary of state. Plantations so organized  
8 shall be plantations for the purposes of elections. 1842, c. 25.

SECT. 80. The assessors of all such plantations shall annually,  
2 on or before the eleventh day of August, make out a list of all  
3 such inhabitants within the limits of such plantation, as they  
4 shall judge to be constitutionally qualified to vote in the election  
5 of governor, senators and representatives in the state legislature,  
6 and the same shall by them be deposited in the office of the  
7 plantation clerk, and posted up and corrected in the manner  
8 required in case of towns, in the first article of this chapter.

1840, c. 89, § 2.

SECT. 81. They shall call a meeting of said inhabitants of  
2 the plantation to be held on the second Monday of September,  
3 annually, at some convenient and central place in such plantation,  
4 for the election of governor, senators and representatives in the  
5 state legislature, by a warrant in due form by them signed, in  
6 which the time, place and purposes of the meeting shall be set  
7 forth; and notice thereof shall be given by posting up a copy  
8 thereof in one or more public places in such plantation, at least  
9 seven days before the day of such meeting. Similar notice shall  
10 be given of all meetings for choice of representatives in the state  
11 legislature, of any state and county officers, representatives to  
12 congress, and of electors of president and vice president of the  
13 United States.

1840, c. 89, § 2.

SECT. 82. Such assessors shall preside impartially at all such  
2 meetings, receive the votes of all qualified voters present, sort,  
3 count and declare them in open plantation meeting, and in pres-  
4 ence of the clerk, who shall form a list of the persons voted  
5 for, with the number of votes for each person written out in  
6 words against his name, and make a full record thereof in  
7 presence of the assessors, and in open plantation meeting. The  
8 clerk shall make out fair copies of the list of voters so posted  
9 up as corrected, and of the names of all the voters on said list

10 who were actually present and voted at said election, which  
11 copies shall be attested by the assessors and the clerk in open  
12 plantation meeting, and he shall cause the record of said votes  
13 to be delivered, within the time required by the constitution and  
14 the laws, to the proper person appointed to receive the same,  
15 and the copy of the list of voters and of the names of the per-  
16 sons actually present who voted at the election, to be transmit-  
17 ted to the secretary of state, with the record of votes required  
18 to be transmitted by him to the secretary of state.

1840, c. 89, § 3. 1855, c. 121.

SECT. 83. The votes so thrown shall be received and allowed  
2 for election of president and vice-president of the United States,  
3 for representatives to congress, for governor, senators and rep-  
4 resentatives to the state legislature, and for county officers, in  
5 the same manner as votes thrown in any town in said county.

1840, c. 89, § 3.

SECT. 84. If however it does not appear by the return of the  
2 list of voters so posted up, and of the names of the voters on  
3 said list who were actually present and voted at such election,  
4 and by the other return required to be made by the assessors  
5 and clerk, duly made to the persons and within the time they  
6 are required to be made, that the provisions of sections seventy-  
7 seven, seventy-eight and seventy-nine have been complied with,  
8 the votes of such plantation shall be rejected, and not counted  
9 for any of said officers. The secretary of state shall furnish to  
10 the clerks of all such plantations suitable blanks for the returns  
11 herein required.

1855, c. 121, § 1, 2.

SECT. 85. All plantations organized as aforesaid, shall hold  
2 their annual meeting in March, at which meeting three assessors  
3 and a clerk shall be chosen. One or more surveyors of lumber  
4 and two or more fence viewers, and a constable or constables,  
5 may also be chosen. Such constables shall give like bonds,  
6 have like powers and duties, and be subject to like liabilities  
7 as constables of towns. The bond shall be approved by the  
8 assessors and deposited with the clerk of the plantation. All  
9 the officers of such plantations shall be liable to the same penal-  
10 ties for official neglect or misconduct, that such officers of towns

11 are by law liable to. The voters in such plantations shall be  
12 liable to the same penalties that voters in towns are liable to  
13 for unlawful voting. 1853, c. 42, § 1. 1843, c. 35.

1846, c. 182. 1850, c. 181. 1840, c. 89, § 4.

SECT. 86. In each year, when the election of president and  
2 vice president of the United States is to take place, there shall  
3 be chosen, from the inhabitants of this state, as many electors  
4 of president and vice president as this state may at such time  
5 be entitled to. 1847, c. 26, § 1.

SECT. 87. On Tuesday next after the first Monday in the  
2 month of November, of the year when the election of president  
3 and vice-president is to be made, the people of this state qualified  
4 to vote for senators in its legislature, shall assemble in town,  
5 plantation, city or ward meeting, to be notified, held and regu-  
6 lated in the manner prescribed by the constitution and laws for  
7 the election of such senators. 1847, c. 26, § 2.

SECT. 88. Each voter shall bring in on a single ballot the  
2 names of the whole number of electors to which this state may  
3 be then entitled, or of so many of them as he may determine to  
4 vote for. 1847, c. 26, § 3.

SECT. 89. The votes shall be sorted, counted, declared and  
2 recorded, and the returns of the number of ballots, and of the  
3 votes given for the respective electors, shall be in conformity to  
4 the requirements of the constitution and laws respecting the  
5 election of such senators, and shall be made to the secretary of  
6 state on or before the second Tuesday after such meeting.

1847, c. 26, § 4.

SECT. 90. On the second Tuesday after such meeting, the  
2 governor and council shall be in session, and shall open and ex-  
3 amine the returns of votes so made, and count the same; and  
4 the secretary of state shall forthwith transmit to each of such  
5 persons as shall have received the greatest number of votes so  
6 returned, not exceeding the number by this act required to be  
7 then chosen, a certificate of his election. 1847, c. 26, § 5.

SECT. 91. If, upon examination of the votes as aforesaid, it  
2 shall appear that there has not been a choice of a majority of the  
3 whole number of electors, the governor shall, by proclamation,  
4 call the legislature together forthwith; and the legislature shall,



5 by joint ballot of the senators and representatives, assembled in  
6 one room, choose as many electors as shall be necessary to com-  
7 plete the number to which this state may then be entitled.

1847, c. 26, § 6.

SECT. 92. The electors so chosen, shall convene in the senate  
2 chamber, at Augusta, on the Tuesday preceding the first Wed-  
3 nesday of December next after their election, at two of the clock  
4 in the afternoon; and in case any elector so chosen, by reason  
5 of death or for any other cause, shall not be present, the electors  
6 then present shall by a majority of votes, forthwith elect the  
7 requisite number of persons suitably qualified to supply such  
8 deficiency.

1847, c. 26, § 7.

SECT. 93. The said electors shall on the said first Wednesday  
2 of December, vote by ballot for one person for president, and  
3 one person for vice president of the United States; one of whom  
4 at least shall not be an inhabitant of this state; they shall name  
5 in their ballots the person voted for as president, and in distinct  
6 ballots, the person voted for as vice president; they shall make  
7 and subscribe three certificates of all the votes by them given,  
8 each of which certificates shall contain two distinct lists, one of  
9 the votes given for president, and the other of the votes given  
10 for vice president; they shall seal up the same and certify on  
11 each certificate, that a list of votes of the state of Maine, for  
12 president and vice president of the United States is contained  
13 therein; the said electors or a major part of them, shall also  
14 under their hands appoint a person to take charge of one of the  
15 said certificates and deliver the same at the seat of government  
16 of the United States, to the president of the senate of the United  
17 States, before the first Wednesday of January then next ensuing;  
18 they shall forward by the post-office forthwith one other of the  
19 said certificates directed to the president of the same senate, at  
20 the same seat of government; and they shall forthwith cause the  
21 other of the said certificates to be delivered to the judge of the  
22 district court of the United States for the district of Maine.

1847, c. 26, § 8.

SECT. 94. The said electors shall receive such compensation  
2 for their travel and attendance as the members of the legisla-  
3 ture.

1847, c. 26, § 9.

SECT. 95. The secretary of state shall procure blank returns of the proper form, for such cities, towns and plantations, and to furnish the several clerks thereof with the same, at least thirty days before the day for the election of electors by the people of this state, as aforesaid. 1847, c. 26, § 10.

SECT. 96. All laws in force in relation to the duties of city, town and plantation officers, and of voters in the election of governor, senators and representatives to the legislature of this state, shall, as far as the same may be applicable, apply and be in force, in regard to the meetings and elections to be held of such electors, and the returns to be made thereof, under the provisions of this chapter. 1847, c. 26, § 11.

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## Chapter 6.

### BOUNDARIES OF COUNTIES.

*Sect. 1.* County of Androscoggin.

2. County of Aroostook.

3. County of Cumberland.

4. County of Franklin.

5. County of Hancock.

6. County of Kennebec.

7. County of Lincoln.

8. County of Oxford.

9. County of Penobscot.

10. County of Piscataquis.

11. County of Sagadahoc.

12. County of Somerset.

13. County of Washington.

14. County of Waldo.

15. County of York.

SECT. 1. The boundaries of the several counties in the state, until otherwise provided by the legislature, shall continue to be established as follows :

The county of Androscoggin shall include the towns of Auburn, Danville, Durham, East Livermore, Greene, Leeds, Lewiston, Lisbon, Livermore, Minot, Poland, Turner, Wales and Webster.

1854, c. 60.

SECT. 2. The county of Aroostook shall include the towns of  
2 Amity, Hodgdon, Houlton, Linneus, Masardis, Monticello, New  
3 Limerick, Smyrna and Weston, and all other townships and  
4 tracts within the following boundaries: commencing at the inter-  
5 section of the dividing line between the fifth and sixth ranges of  
6 townships west from the east line of the state, and the north line  
7 of the fourth range of townships north of Bingham Penobscot  
8 Purchase; thence easterly on said north line to the east line of  
9 the state; thence on the eastern, the northerly and the western  
10 boundaries of the state, until said western boundary is inter-  
11 sected by a line drawn due west from the north-west corner of  
12 township number ten, in the seventh range west from the east  
13 line of the state; thence east on said line until it is intersected  
14 by the dividing line between ranges eight and nine, west from  
15 the east line of the state; thence south on said line to the north-  
16 east corner of township number eight, in said ninth range;  
17 thence east on the north lines of townships eight in the eighth,  
18 eight in the seventh, and eight in the sixth ranges, to the divid-  
19 ing line between the sixth and the fifth ranges, west from the  
20 east line of the state; thence south on said line to the north line  
21 of range four, north of Bingham Penobscot Purchase.

1839. March 16, 1843, c. 15. 1844, c. 99, § 5.

SECT. 3. The county of Cumberland shall include the towns of  
2 Baldwin, Bridgton, Brunswick, Cape Elizabeth, Casco, Cumber-  
3 land, Falmouth, Freeport, Gorham, Gray, Harpswell, Harrison,  
4 Naples, New Gloucester, North Yarmouth, Otisfield, Portland,  
5 Pownal, Raymond, Scarborough, Sebago, Standish, Westbrook,  
6 Windham and Yarmouth, with all the islands adjacent to and  
7 opposite to the coast of said territory.

1760. 1805, March 4. 1854, c. 60.

SECT. 4. The county of Franklin shall include the towns of  
2 Avon, Carthage, Chesterville, Farmington, Freeman, Industry,  
3 Jay, Kingfield, Madrid, New Sharon, New Vineyard, Phillips,  
4 Salem, Strong, Temple, Weld, Wilton, and all other townships  
5 and tracts within the following boundaries: commencing at the  
6 south-east corner of New Sharon, thence on the south line of  
7 New Sharon, the east and south lines of Chesterville and the  
8 south line of Jay, to the south-west corner of Jay; thence on

9 the west line of Jay, the south lines of Wilton, number four,  
10 and Carthage to the south-west corner of Carthage; thence on  
11 the north-westerly line of Carthage to the south-west corner of  
12 Weld; thence northerly on the westerly lines of Weld and Ber-  
13 lin to the north-west corner of Berlin; thence south-westerly on  
14 the lines of townships letters E and D, to the south-west corner of  
15 letter D; thence northerly on the west lines of letter D number  
16 three in the first, and number three in the second range, to the  
17 north line of three in the second range; thence easterly on said  
18 north line to the south-west corner of three in the third range;  
19 thence northerly on the west lines of number three in the third,  
20 three in the fourth, and three in the fifth ranges, to Canada line;  
21 thence north-easterly on Canada line till it is intersected by the  
22 west line of number six in the second range north of Bingham  
23 Kennebec purchase; thence southerly on said west line, and  
24 the west line of number six in the first range, to the north line  
25 of Bingham Kennebec purchase; thence southerly on said  
26 west line and the west line of number six in the first range, to  
27 the north line of Bingham Kennebec purchase; thence west-  
28 erly on said north line to the north-west corner of said purchase;  
29 thence southerly on the west line of said purchase to the south-  
30 west corner of the north half of number four in the third  
31 range; thence east on the south line of said half township, to the  
32 south-east corner thereof; thence southerly to the south-west  
33 corner of number three in said range; thence easterly on the  
34 south line of said number three to the south-east corner thereof;  
35 thence southerly on the west lines of number two in the second  
36 range, and of Lexington, to the north line of New Portland;  
37 thence by the north, the west, and the south lines of New Port-  
38 land to the west line of Anson; thence southerly and easterly  
39 by the west and south lines of Anson to the west line of Starks;  
40 thence southerly by the west line of Starks to the north line of  
41 New Sharon; thence southerly and easterly by the west and  
42 southerly lines of Starks and the west and southerly lines of  
43 Mercer, to the northerly line of Rome; thence westerly and  
44 southerly, by the northerly and west lines of Rome to the south-  
45 east corner of New Sharon.

1838, March 20.

SECT. 5. The county of Hancock shall include the towns of  
2 Amherst, Aurora, Bluehill, Brooksville, Bucksport, Brooklin,  
3 Castine, Cranberry Isles, Deer Isle, Dedham, Eastbrook, Eden,  
4 Ellsworth, Franklin, Greenfield, Gouldsborough, Hancock,  
5 Mariaville, Mount Desert, Orland, Otis, Penobscot, Seaville,  
6 Sedgewick, Sullivan, Surry, Swan Island, Tremont, Trenton,  
7 and Waltham, and all other townships and tracts within the  
8 following boundaries: beginning at the Atlantic ocean in the  
9 middle or principal channel of Gouldsborough harbor; thence  
10 northerly following said channel to the north-east corner of the  
11 town of Gouldsborough; thence northerly on the east line of  
12 township number seven, to the south line of township number  
13 ten, Bingham Penobscot Purchase; thence easterly, northerly  
14 and westerly on the south, the east and the north lines of said  
15 number ten, to the south-east corner of number sixteen, Bing-  
16 ham Penobscot Purchase; thence northerly on the east line of  
17 sixteen, twenty-two and twenty-eight, to the south-west corner  
18 of number thirty-five, Bingham Penobscot Purchase; thence on  
19 the south line of number thirty-five, to the south-east corner  
20 thereof; thence northerly on the east lines of number thirty-  
21 five, forty-one and four, continued to the north line of Bingham  
22 Penobscot Purchase; thence westerly on said line to the south-  
23 west corner of number three, in the first range, north of Bing-  
24 ham Penobscot Purchase; thence southerly to the north-west  
25 corner of number three, in said purchase; thence westerly on  
26 the north line of number two and number one, to the north-west  
27 corner of number one, Bingham Penobscot Purchase; thence  
28 southerly on the west line of said purchase, to the south-east  
29 corner of Clifton; thence westerly on the north lines of Otis and  
30 Dedham to east line of Orrington; thence on the east and south  
31 lines of Orrington to the middle channel of Penobscot river;  
32 thence on the middle channel of Penobscot river and bay to the  
33 ocean; thence bounded southerly on the ocean to the place of  
34 beginning, with the islands adjacent to and opposite to the coast  
35 of said territory. 1789. June 25, § 5. 1791, March 3.  
1816, Feb. 15. 1827, Feb. 7. 1828, Feb. 22. 1831,  
March 17. 1844, c. 99, § 1.

SECT. 6. The county of Kennebec shall include the towns of  
 2 Albion, Augusta, Belgrade, Benton, Chelsea, China, Clinton,  
 3 Farmingdale, Fayette, Gardiner, Hallowell, Litchfield, Man-  
 4 chester, Monmouth, Mount Vernon, Pittston, Readfield, Rome,  
 5 Sidney, Vassalborough, Vienna, Waterville, Wayne, West Gar-  
 6 diner, Windsor, Winslow, Winthrop, Clinton Gore, and Unity  
 7 plantation. 1799, Feb. 21. 1809, March 1. 1811, Feb. 25.  
 1812, Feb. 29. 1813, Feb. 26. 1827, Feb. 7. 1835,  
 March 10. 1838, March 20. 1840, Jan. 27. 1843,  
 March 20. 1854, c. 60. 1854, April 18.

SECT. 7. The county of Lincoln shall include the towns of  
 2 Alna, Boothbay, Bremen, Bristol, Cushing, Damariscotta,  
 3 Dresden, Edgecomb, Friendship, Jefferson, Newcastle, Noble-  
 4 borough, Rockland, St. George, South Thomaston, Southport,  
 5 Thomaston, Union, Waldoborough, Warren, Washington, West-  
 6 port, Whitefield, Wiscasset, Patricktown plantation, Monhegan  
 7 plantation and Matinicus, and the islands of Hacketash, Wooden  
 8 Ball, No-man's-land, Two Bush, Ten pound, and Matinicus  
 9 Rock, and the other islands adjacent to and opposite to the  
 10 coast of said territory. 1760. 1789, June 25.  
 1791, March 3. 1799, Feb. 21. 1811, Feb. 25. 1812,  
 Feb. 29. 1827, Feb. 7, 17. 1835, March 10. 1840,  
 Jan. 27. 1852, April 9. 1854, March 18. 1854,  
 April 4.

SECT. 8. The county of Oxford shall include the towns of  
 2 Albany, Andover, Bethel, Brownfield, Buckfield, Byron, Can-  
 3 ton, Denmark, Dixfield, Fryeburg, Gilead, Grafton, Greenwood,  
 4 Hanover, Hartford, Hebron, Hiram, Lovell, Mason, Mexico,  
 5 Newry, Norway, Oxford, Paris, Peru, Porter, Roxbury, Rum-  
 6 ford, Stoneham, Stow, Sumner, Sweden, Waterford, and Wood-  
 7 stock, and all other townships and tracts within the following  
 8 boundaries: commencing on the west line of the state, at the  
 9 south-west corner of Porter; thence northerly on the west line  
 10 of the state to Canada line; thence easterly on Canada line till  
 11 it is intersected by the east line of township number four, range  
 12 five; thence southerly on the west line of the county of Frank-  
 13 lin, as established by section four, to the north-east corner of

14 Dixfield; thence southerly on the east lines of Dixfield, Canton,  
15 Hartford, Buckfield, Hebron and Oxford, to the south-east  
16 corner of Oxford; thence north-westerly on the south line of  
17 Oxford to the south line of Norway; thence south-westerly on  
18 the south lines of Norway, Waterford and Sweden, to the  
19 south-west corner of Sweden; thence southerly on the easterly  
20 lines of Denmark and Hiram, to the south-east corner of Hiram;  
21 thence on the southerly lines of Hiram and Porter, to the west  
22 line of the state. 1805, March 4. 1819, Feb. 2.

1838, March 20. 1843, March 20. 1854, c. 70.

SECT. 9. The county of Penobscot shall include the towns of  
2 Alton, Argyle, Bangor, Bradford, Bradley, Brewer, Burling-  
3 ton, Carmel, Carroll, Clifton, Corinna, Corinth, Charleston,  
4 Chester, Dexter, Dixmont, Eddington, Edinburg, Enfield,  
5 Etna, Exeter, Garland, Glenburn, Greenbush, Hampden, Her-  
6 mon, Holden, Howland, Kenduskeag, Kirkland, Lagrange, Lee,  
7 Levant, Lincoln, Lowell, Maxfield, Milford, Newburg, Newport,  
8 Oldtown, Orono, Orrington, Patten, Passadumkeag, Plymouth,  
9 Springfield and Stetson, and all other townships and tracts  
10 within the following boundaries: beginning at the south-east  
11 corner of Clifton. Thence northerly and easterly on the west  
12 and north boundaries of the county of Hancock as established by  
13 section five, to the west boundary of the county of Washington,  
14 as established by section thirteen; thence on said west boun-  
15 dary of the county of Washington to the southern boundary of  
16 the county of Aroostook, as established by section two; thence  
17 westerly, northerly and westerly on the southerly and westerly  
18 boundaries of said county of Aroostook, to the eastern boundary  
19 of the county of Piscataquis, as established by section ten;  
20 thence southerly and westerly on the east and south boundaries  
21 of the county of Piscataquis to the north-west corner of Dexter;  
22 thence southerly on the west lines of Dexter, Corinna, Newport  
23 and Plymouth, to the south-west corner of Plymouth; thence  
24 easterly on the south line of Plymouth to the north-west corner  
25 of Dixmont; thence southerly on the west line of Dixmont to  
26 the south-west corner of Dixmont; thence easterly on the south  
27 lines of Dixmont, Newburg, Hampden and Orrington, to the

28 south-east corner of Orrington; thence on the east line of Or-  
29 rington and the south lines of Holden, Eddington and Clifton,  
30 to the south-east corner of Clifton. 1816, Feb. 15. 1833,  
Feb. 10. 1838, March 23. 1839, March 16. 1843,  
March 21. 1844, c. 99, § 3.

SECT. 10. The county of Piscataquis shall include the towns  
2 of Abbot, Atkinson, Barnard, Bowerbank, Blanchard, Brown-  
3 ville, Dover, Elliottsville, Foxcroft, Guilford, Greenville, Kil-  
4 marnock, Kingsbery, Monson, Milo, Orneville, Parkman, San-  
5 gerville, Sebec, Shirley, Wellington, Williamsburg, and all  
6 other townships and tracts within the territory bounded on the  
7 south beginning at the south-west corner of Wellington, thence  
8 easterly and northerly on the south and east lines of Wellington to  
9 the south-west corner of Parkman; thence easterly on the south  
10 line of Parkman to the north-west corner of Dexter; thence  
11 easterly on the northerly lines of Dexter, Garland, Charleston  
12 and Bradford, to the west line of Lagrange; thence northerly  
13 and easterly on the west and north lines of Lagrange to the  
14 south-east corner of Kilmarnock; thence northerly on the east  
15 lines of Kilmarnock and of number four in the eighth, and num-  
16 ber four in the ninth ranges, north of the Waldo patent, to the  
17 north-east corner of number four in the ninth range; thence on  
18 the north line of number four west to the east line of township  
19 B; thence north on the east lines of townships B and A, to the  
20 south-west corner of number one, in the ninth range west from  
21 the east line of the state; thence easterly on the south line of  
22 number one, to the dividing lines between ranges eight and  
23 nine, west from the east line of the state; thence on said divid-  
24 ing line to the south line of county of Aroostook, as established  
25 by section two; thence west on the south line of the county of  
26 Aroostook to the dividing line between the fifteenth and six-  
27 teenth ranges west from the east line of the state; thence south-  
28 erly on said line to the northerly line of Seboomock township;  
29 thence easterly on said northerly line to the north-east corner of  
30 said township; thence southerly on the east lines of said town-  
31 ship and of township letter W, at the head of Mooshead lake,  
32 to the south line thereof; thence westerly along the south line



33 of letter W, to the west margin of Moosehead lake, to the Ken-  
 34 nebec river; thence by the southerly bank of said river, to the  
 35 east line of township number one; thence by said east line and  
 36 by the west lines of township number three in the fifth range,  
 37 and of Shirley, Blanchard, Kingsbery and Wellington, to the  
 38 south-west corner of Wellington.

1838, March 23. 1844, March 12.

SECT. 11. The county of Sagadahoc shall include the towns  
 2 of Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Per-  
 3 kins, Phippsburg, Richmond, Topsham, West Bath and  
 4 Woolwich. 1854, c. 70.

SECT. 12. The county of Somerset shall include the towns  
 2 of Anson, Athens, Bingham, Bloomfield, Brighton, Canaan,  
 3 Cambridge, Concord, Cornville, Detroit, Embden, Fairfield,  
 4 Harmony, Hartland, Lexington, Madison, Mayfield, Mercer,  
 5 Moscow, New Portland, Norridgewock, Palmyra, Pittsfield,  
 6 Ripley, Solon, St. Albans, Starks, Skowhegan, Smithfield,  
 7 and all other townships and tracts within the territory bounded  
 8 commencing at the north-west corner of Dexter; thence on the  
 9 west lines of Dexter, Corinna, Newport and Plymouth, southerly  
 10 to the north line of Troy; thence on the north lines of Troy and  
 11 Burnham, and on the south lines of Pittsfield and Canaan, west-  
 12 erly to the middle channel of Kennebec river; thence in the  
 13 middle channel of said river southerly to the south line of Fair-  
 14 field; thence on the south lines of Fairfield, Smithfield and  
 15 Mercer, westerly to the south-west corner of Mercer; thence  
 16 northerly on the east boundary of the county of Franklin, as  
 17 established by the fourth section, to Canada line; thence on  
 18 Canada line to the southern boundary of the county of Aroos-  
 19 took, as established by section two; thence on said boundary of  
 20 Aroostook to the west boundary of the county of Piscataquis, as  
 21 established by section ten; thence by said west boundary of Pis-  
 22 cataquis southerly, and by the southern boundary of said county  
 23 easterly to the north-west corner of Dexter. 1809, March 1.

1813, Feb. 26. 1819, Feb. 2. 1833, Feb. 10. 1838,  
 March 20. 1838, March 23. 1839, March 16. 1844,  
 March 12.

SECT. 13. The county of Washington shall include the towns of Addison, Alexander, Baileyville, Baring, Beddington, Calais, Centreville, Columbia, Cooper, Charlotte, Cherryfield, Crawford, Cutler, Dennysville, East Machias, Eastport, Edmunds, Harrington, Jonesborough, Jonesport, Lubec, Machias, Machiasport, Marion, Marshfield, Meddybemps, Milbridge, Northfield, Pembroke, Perry, Princeton, Robbinston, Steuben, Topsfield, Trescott, Wesley, Whiting and Whitneyville, and all other townships and tracts within the territory bounded westerly by the east boundary of the county of Hancock, as established by section five, to the south-west corner of township number five, in the first range, north of Bingham Penobscot Purchase; thence east on the south line of said township to the dividing line between townships five and six, in said range; thence northerly on the line to the southern boundary of the county of Aroostook, as established by section two; thence easterly along said southern boundary to the east line of the state; thence southerly along said east line to the Atlantic ocean; thence westerly by the ocean to the east line of the county of Hancock, with all the islands adjacent and opposite to the coast of said territory.

1789, June 25. 1831, March 17. 1839, March 16.  
1844, March 12.

SECT. 14. The county of Waldo shall include the towns of Appleton, Belfast, Belmont, Brooks, Burnham, Camden, Frankfort, Freedom, Hope, Islesborough, Jackson, Knox, Liberty, Lincolnville, Monroe, Montville, Morrill, North Haven, Northport, Palermo, Prospect, Searsmont, Searsport, Swanville, Thorndike, Troy, Unity, Vinalhaven and Waldo, and the islands upon the western side of the middle channel of the Penobscot river, between the north line of Frankfort and the south line of Camden. 1827, Feb. 7. 1827, Feb. 17. 1828, Jan. 22.

SECT. 15. The county of York shall include the towns of Acton, Alfred, Berwick, Biddeford, Buxton, Cornish, Eliot, Hollis, Kennebunk, Kennebunkport, Kittery, Lebanon, Limerick, Limington, Lyman, Newfield, North Berwick, Parsonsfield, Saco, Sanford, Shapleigh, South Berwick, Waterborough, Wells, York, with all the islands adjacent to and opposite to the coast of said territory. 1760. 1805, March 4.

**Chapter 7.**

## REGISTERS OF DEEDS.

- Sect.* 1. Present registers to continue.  
2. Mode of choice by counties or districts.  
3. Same subject. Term of office.  
4. Oath and bond.  
5. Bond when the register is treasurer.  
6. May appoint a clerk. Duties of clerk.  
7. Proceedings when no choice is made.  
8. Eastern district in Lincoln county.  
9. Western district in Oxford county.  
10. Northern district in Aroostook county.  
11. Clerk of the courts to be register in case of vacancy.  
12. When he may appoint a substitute.  
13. Substitute to be sworn. Clerk responsible.  
14. How vacancies may be filled.  
15. Same subject.  
16. Removal for misconduct or incapacity.  
17. Certificates and records to be completed by the clerk or newly elected register.  
18. Quality of paper for records. Index to be made for each volume.  
19. Register to minute the time of receiving a deed, and same to be considered recorded at that time, and not to be afterwards altered or withdrawn till fully recorded.  
20. Recording attachments and recognizances.  
21. Office to be kept in shire town.

SECT. 1. All registers of deeds now in office, shall continue  
2 therein during the residue of their terms. R. S., c. 11, § 1.

SECT. 2. In each county, and in each registry district, estab-  
2 lished by law, there shall be chosen by ballot, by such persons  
3 as are qualified to vote for representatives at town meetings, on  
4 the second Monday of September, in the year one thousand  
5 eight hundred and fifty-seven, and every five years thence  
6 following, some person to be register of deeds. R. S., c. 11, § 2.

SECT. 3. The meetings for the election of register of deeds  
2 shall be notified, held and regulated, and the votes received,  
3 sorted, counted, declared and recorded, in the same manner as  
4 votes for representatives, and fair copies of the lists of votes  
5 shall be attested by the municipal officers and clerks of towns,  
6 and sealed up in open town meeting; and the town clerks,  
7 respectively, shall cause the same to be delivered into the office  
8 of the clerk of the county commissioners, on or before the first  
9 day of the meeting of said commissioners next after the said

10 month of September, to be by them opened and compared with  
11 the like returns from the several towns in such county or reg-  
12 istry district; and the person elected according to the provisions  
13 of section thirty-one of chapter five, shall be declared register  
14 of deeds for said county or registry district, and shall hold his  
15 office for the term of five years, and until another is chosen and  
16 duly qualified. R. S., c. 11, § 3.

SECT. 4. He shall be duly sworn, and give bond, with suffi-  
2 cient sureties, to the treasurer of the county, in the sum of  
3 two thousand dollars, for the faithful discharge of his duties.

R. S., c. 11, § 4.

SECT. 5. When the register of deeds is treasurer of the  
2 county, such bond shall be given to the clerk of the county  
3 commissioners, for the use of the county. R. S., c. 11, § 5.

SECT. 6. Each register of deeds may appoint a clerk, for  
2 whose doings or misdoings he shall be responsible, who shall be  
3 duly sworn. In case of the sickness, absence, or of any tempo-  
4 rary disability of the register, such clerk shall make and sign  
5 for him, all certificates, and make all entries and minutes,  
6 required by law to be signed or made by the register, and such  
7 certificates, entries and minutes, shall be as valid as if made by  
8 such register. 1852, c. 248.

SECT. 7. When, in any county, there is no choice of a register  
2 of deeds, the county commissioners shall issue their warrants to  
3 the municipal officers of the towns in such county, to call meet-  
4 ings of the qualified voters, to vote for a register of deeds, and  
5 the votes shall be received, sorted, counted and certified, and  
6 the same proceedings had, as mentioned in the third section of  
7 this chapter. R. S., c. 11, § 6.

SECT. 8. The towns of St. George, Thomaston, Cushing,  
2 Friendship, Warren, Union, Washington and Matinicus plan-  
3 tation, and Muscle Ridge island, in the county of Lincoln, shall  
4 compose a district for the registry of deeds, and be called the  
5 eastern district of Lincoln county, and the register shall keep  
6 his office at Thomaston. R. S., c. 11, § 8. 1845, c. 160, § 1.

SECT. 9. The towns of Hiram, Porter, Brownfield, Denmark,  
2 Fryeburg, Sweden, Lovell, Stoneham and Stow, in the county of  
3 Oxford, shall compose a district for the registry of deeds, and be

4 called the western district of the county of Oxford; and the  
5 register shall keep his office at Fryeburg. R. S., c. 11, § 9.

SECT. 10. All that part of the county of Aroostook, lying  
2 north of a line commencing in the north-east corner of township  
3 E in the first range, west from the east line of the state; thence  
4 west on the south line of said township and the south line of  
5 township I in the second range, to township numbered fourteen  
6 in the third range; thence south to the north-east corner of  
7 township numbered thirteen in the third range; thence west on  
8 the dividing line of townships thirteen and fourteen, to the  
9 seventh range line; thence due west to the west line of the  
10 state, shall compose the northern registry district of the county  
11 of Aroostook, and the register shall keep his office in Mada-  
12 waska plantation, in said district. 1845, c. 174, § 1.

SECT. 11. In case of vacancy in the office of register, and of  
2 his deputy, in any county or registry district, the clerk of the  
3 judicial courts of the county, in which such vacancy exists,  
4 being first duly sworn, shall perform all the duties and services  
5 required of a register of deeds, during such vacancy; and be  
6 entitled to the same compensation, and subject to the like liabil-  
7 ities, as a register of deeds. R. S., c. 11, § 10.

SECT. 12. In any county, where there are two or more regis-  
2 try districts, such clerk may appoint some suitable person under  
3 him, to take the charge and perform the duties of said office  
4 during such vacancy, in the district or districts in which the  
5 registry is not kept in the shire town. R. S., c. 11, § 11.

SECT. 13. The person so appointed shall be duly sworn, and  
2 said clerk shall be responsible, in all cases, for his doings.

R. S., c. 11, § 12.

SECT. 14. For the purpose of supplying such vacancy, by a  
2 new election of a register, the chairman of the county commis-  
3 sioners shall issue his warrant to the municipal officers of the  
4 towns in said county, or registry district wherein the vacancy  
5 exists, directing them to convene the qualified voters thereof, to  
6 proceed to the choice of some suitable person to fill the vacancy.

R. S., c. 11, § 13.

SECT. 15. The chairman of the commissioners shall make his  
2 warrants returnable at a day certain, and notify the other

3 county commissioners to attend at the return day, and they shall  
4 then examine the returns made, as directed, and the person  
5 elected in manner aforesaid, after being duly sworn, and having  
6 given bond as aforesaid, shall be the register until the time by  
7 law appointed, for the next election of register throughout the  
8 state. R. S., c. 11, § 14.

SECT. 16. When, on presentment of the grand jury, or infor-  
2 mation of the attorney general, to the supreme judicial court,  
3 any register of deeds, by default, confession, demurrer, or ver-  
4 dict, after due notice, is found guilty of misconduct in his office,  
5 or incapable of discharging its duties, the court shall enter  
6 judgment for his removal from office, and issue a writ to the  
7 sheriff, to take possession of all the books and papers belonging  
8 to the office, and deliver them to the clerk of said court, that he  
9 may perform the duties of register of deeds, in the manner pre-  
10 scribed in the eleventh and twelfth sections of this chapter.

R. S., c. 11, § 15.

SECT. 17. Such clerk or his substitute, or such newly  
2 elected register, shall complete, compare, and certify any unfin-  
3 ished record or certificate, required by law to be done; and  
4 shall make all requisite certificates upon deeds and other papers  
5 recorded, which his predecessor should have done, if such records  
6 and certificates had been completed by him, which shall be as  
7 effectual in law as if done by his predecessor; for doing this,  
8 the minutes made by his predecessor upon such deeds or other  
9 papers, and the entries made by him in the books required to  
10 be kept for such purposes, shall be sufficient authority. If pay-  
11 ment for such services has been made to his predecessor, he shall  
12 be paid for the same out of the county treasury; and the former  
13 register and his sureties shall be liable to refund such payments  
14 to the county treasury, to be recovered by suit upon his official  
15 bond. 1845, c. 133.

SECT. 18. The records, in each registry office, shall be made  
2 on paper of a firm texture, well sized and finished, the principal  
3 ingredient of which is linen. The registers shall make an  
4 alphabet to each volume of records, without charge to the county.

R. S., c. 11, § 16. 1853, c. 40.

SECT. 19. Every register shall, at the time of receiving any  
2 deed or instrument to be recorded, make a minute thereon of the  
3 day, and the time of day, when it was received and filed;  
4 and every such deed or instrument shall be considered as  
5 recorded, at the time such minute is made; and he shall suffer  
6 no deed or instrument for the conveyance of real estate to be  
7 altered, amended or withdrawn, until it is fully recorded and  
8 examined. R. S., c. 11, § 17.

SECT. 20. Every register shall receive all copies of minutes  
2 of recognizances entered into before magistrates and clerks of  
3 courts, and of special attachment, made and attested by any  
4 officer, of real property situate in the county or district, of  
5 which he is register; minute on them the time when they are  
6 received; keep them on file for the inspection of parties inter-  
7 ested, and enter them in a book kept for that purpose.

R. S., c. 11, § 18. 1855, c. 166, § 26.

SECT. 21. The register of deeds in each county, in which  
2 there is but one register, shall keep his office in the shire town  
3 of the county. R. S., c. 11, § 19.

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## Chapter 8.

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

*Sect.* 1. Present treasurers to continue in office.

2, 3. Time and mode of choice.

4. Oath, bond, and tenure of office.

5. In certain cases to be appointed by the county commissioners.

6. Persons disqualified from holding the office.

7. Of the treasurer's disbursements, accounts and compensation.

8. To enforce county taxes.

9, 10. His duty, as to bills of cost against the state.

11. Of his commissions. Balance to be paid to the state treasurer.

12. Penalty for his neglect of duty.

13. Balance still to be paid over.

14, 15. Annual accounts to be rendered to the governor and council.

16. Account to include commissions.

17. Statement of financial concerns of the county to be published annually.

18. Of duties paid on the admission of attorneys.

*Sect.* 19. Registry of all fines and bills of costs.

20. Penalty for neglect to render accounts to the governor and council.

21. Schedules of securities taken for fines, &c., on liberation of poor convicts.

22. Copy of sheriffs' account to be transmitted to the secretary of state.

23. Treasurer's account to be transmitted to the secretary of state, with the county estimates.

24. To account for money or effects of the county, annually.

25. Expenses of keeping poor convicts in prison.

26. Treasurer to account for money received of the United States for use of jails.

SECT. 1. Each county treasurer now in office shall continue  
2 to hold it till his successor shall be appointed, or chosen, and  
3 qualified according to law. R. S., c. 12, § 1.

SECT. 2. In each county there shall be annually chosen, on  
2 the second Monday of September, by the ballots of such persons  
3 as are by the constitution authorized to vote for representatives,  
4 some person resident in such county for a county treasurer.

R. S., c. 12, § 2.

SECT. 3. The meetings for their election shall be notified,  
2 held, and all proceedings therein regulated, returns made, and  
3 proceedings thereon had, as provided in section three of chapter  
4 seven for the election of register of deeds. R. S., c. 12, § 3.

SECT. 4. The person so elected and accepting, shall be duly  
2 sworn before the county commissioners of his county, or two  
3 justices of the peace, and give bond for the faithful discharge of  
4 his duties, in such sum as the commissioners may order, and  
5 with such sureties as they shall approve, in writing thereon, to  
6 the clerk of such commissioners, and his successor; and he shall  
7 hold his office for one year, and until another is chosen and  
8 qualified in his place. R. S., c. 12, § 4.

SECT. 5. If any person so chosen declines to accept, or  
2 in case of a vacancy from any cause, said commissioners may  
3 appoint a suitable person of the county to that office, who,  
4 having accepted the trust, given bond, and been duly sworn, as  
5 prescribed in the preceding section, shall be treasurer for the  
6 remainder of the year, and until another is chosen and qualified,  
7 as provided in this chapter. R. S., c. 12, § 5.

SECT. 6. No person holding the office of attorney general, or  
2 attorney for the state within the county, nor any justice of the



3 supreme judicial court, clerk of said court, or sheriff of the  
4 county, shall hold the office of county treasurer.

R. S., c. 12, § 6.

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

R. S., c. 12, § 7.

SECT. 8. He is empowered to enforce the payment of all  
2 taxes legally assessed, in the manner prescribed by law.

R. S., c. 12, § 8.

SECT. 9. He shall, within two months after the rising of the  
2 supreme judicial court, transmit to the state treasurer an account  
3 on oath, charging the state with all bills of costs taxed and  
4 allowed by said court, when held in the county whereof he is  
5 treasurer, and as his voucher therefor, transmit one of the  
6 duplicate copies of such bills received by him from the clerk  
7 of such court.

R. S., c. 12, § 9. 1843, c. 29.

SECT. 10. The costs in all civil actions, in the name of the  
2 state, on scire facias, or other process, which are paid before  
3 execution issues, shall be paid to the clerk of the court where  
4 the suit is pending, and by him be paid over, without any de-  
5 duction, to the treasurer of the county, who shall account for,  
6 and pay the same to the state treasurer, as in case of adjust-  
7 ment of accounts by county treasurers, of fines and costs, in  
8 criminal cases.

R. S. c. 12 § 10.

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

R. S., c. 12, § 11.

SECT. 12. For the neglect of any duty required in the three  
2 preceding sections, he shall forfeit and pay a sum not exceeding

3 one hundred dollars to the use of the state, to be recovered in an  
4 action of debt; and on requirement of the treasurer of state, the  
5 attorney general shall prosecute such action to final judgment  
6 and execution. R. S., c. 12, § 12.

SECT. 13. Such county treasurer, notwithstanding the recov-  
2 ery of such penalty, shall be held to pay the balance of such  
3 fines, forfeitures and costs into the treasury of the state.

R. S., c. 12, § 13.

SECT. 14. Each county treasurer shall also make out and  
2 exhibit, on the third Wednesday of January, annually, to the  
3 governor and council, a general account of his proceedings,  
4 crediting the state for all moneys by him received by warrants  
5 on the treasury, or for fines, forfeitures and costs, shewing by  
6 whom paid, and charging the state for all payments made before  
7 that time; and the balance due, if any, he shall credit to the  
8 state in a new account. R. S., c. 12, § 14.

SECT. 15. He shall, at the same time, transmit, as aforesaid,  
2 an account of all sums due, shewing the persons to whom due,  
3 on bills of costs, taxed and allowed by the supreme judicial  
4 court, and account for all fines, forfeitures and bills of costs,  
5 within his county, belonging to the state, and then unpaid,  
6 shewing from whom they are due. And he shall exhibit such  
7 other statements, accounts and returns, as the governor and  
8 council may require. R. S., c. 12, § 15.

SECT. 16. The amount charged by the treasurer for his  
2 commissions, as prescribed in the eleventh section of this chap-  
3 ter, shall be included in the accounts required to be rendered to  
4 the treasurer of the state. R. S., c. 12, § 16.

SECT. 17. He shall publish, annually, in the month of  
2 January, in some newspaper in the county, if any, to be desig-  
3 nated by the county commissioners, otherwise in the state paper,  
4 a full and fair statement of the financial concerns of the county,  
5 of which he is treasurer, with the items of receipts and expend-  
6 itures. R. S., c. 12, § 17.

SECT. 18. He shall pay over to the treasurer of the law lib-  
2 rary association in the county, all moneys received of persons  
3 admitted as attorneys in the supreme judicial court, and shall,  
4 annually, file in the state treasurer's office, before the second

5 Wednesday of January, a list of the names of the persons who  
6 paid the same. R. S., c. 12, § 18.

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

R. S., c. 12, § 19.

SECT. 20. If he neglects to perform the duties required of  
2 him by the fourteenth and fifteenth sections of this chapter, he  
3 shall forfeit and pay a sum not exceeding one hundred dollars, to  
4 be recovered in the manner described in the twelfth section.

R. S., c. 12, § 20.

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

R. S., c. 12, § 21.

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

R. S., c. 12, § 22.

SECT. 23. He shall prepare and deliver his account as treas-  
2 urer, annually, to the close of every year, to the clerk of the  
3 county commissioners, to be by him enclosed, with the estimates  
4 for county taxes made by said commissioners, and transmitted to  
5 the secretary of state.

R. S., c. 12, § 23.

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

R. S., c. 12, § 24.

SECT. 25. He may charge to the state the several sums he  
2 shall pay from the treasury, to the jailer of the same county, for  
3 keeping and supporting poor convicts in prison, which had been  
4 allowed to him by the county commissioners, and may also

5 charge two and a half per cent. for his services in this particular  
6 duty, and the same shall be included in his account to be ren-  
7 dered to the treasurer of state as aforesaid. R. S., c. 12, § 25.

SECT. 26. He is authorized and directed to receive, for the  
2 use of the county, all such moneys as the United States shall  
3 pay for the use and keeping of county jails, and to account for  
4 the same according to law. R. S., c. 12, § 26.

## Chapter 9.

### THE ASSESSMENT AND COLLECTION OF TAXES.

#### ARTICLE I.—*Taxes on lands in unincorporated places.*

Sect. 1. To what taxes subject.

2. County treasurer to certify amount of county taxes to the treasurer of state.  
Treasurer of state to give credit for same.
3. Treasurer of state to publish lists of state and county taxes.
4. Owners of whole or any part may redeem by paying within two years. If not  
paid, land wholly forfeited to state.
5. Lands so forfeited to be sold annually, in the month of September, by the  
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6. Overplus to be paid to owners.
7. Owner may redeem of purchaser within one year.
8. Costs to be apportioned. County taxes received by treasurer of state to be paid  
to county treasurer. Treasurer of state to make a record of his doings in the  
sale. Certified copy thereof, evidence. Deed to purchaser shall convey the  
interest of the state in the land, and no more.
9. Owner may pay county taxes to county treasurer, &c.
10. County commissioners to make an annual assessment for opening, making and  
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11. Such assessment, when to be made. How published.
12. Agents to be appointed. Tax may be paid in money or labor.
13. If not paid, land to be sold. Notice, how given, of time and place of sale. Not  
to be sold for less than amount of tax, interest and charges. How redeemed  
from the sale.
14. If not sold, forfeited to county. How redeemed from forfeiture. Overplus paid  
to owner.
15. What title the purchaser shall take.
16. Any part owner may redeem his interest. Rate of interest, and time it shall  
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20. County commissioners' warrant to the assessors of towns.
21. No town tax, except for sums legally voted by the town.
22. Of assessors of towns.
23. Assessors to give notice before making any assessment.
24. Consequence of not bringing in lists to assessors.
25. Assessors may require such lists to be sworn to.
26. Assessors may make abatements on application within one year.
27. Right of appeal to the county commissioners. Appellant failing, subject to costs.
28. Taxes to be assessed according to the rules of the last act raising a state tax.  
To whom to be committed.
29. County and town taxes assessed by the same rules.
30. State and county taxes may be added to other taxes.
31. Overlay not to exceed five per cent.
32. Record of assessment, &c., to be deposited in the assessors' office.
33. Certificate of the assessors to the treasurer of state, of state tax.
34. To the county treasurer, of county tax.
35. Selectmen to be assessors, in case of failure of choice of assessors.
36. Penalty on towns for not choosing assessors or selectmen.
37. When county commissioners may appoint assessors of towns. Proceedings thereupon.
38. Duty of such assessors to observe warrants of state treasurers and county commissioners.
39. Penalty on assessors neglecting to assess any state tax.
40. Penalty for neglecting to assess any tax required by warrant of county commissioners.
41. When the assessors may be arrested.
42. Other assessors to be appointed by county commissioners in such case.
43. How the treasurer of state may proceed when towns neglect for five months to assess a state tax.
44. How county treasurer may proceed for neglect of towns in regard to taxes required in his warrant.
45. Proceedings of the state or county treasurer in case of deficiency of property of delinquent assessors.
46. Of the choice of assessors of plantations, assessed for state taxes.
47. Forfeiture by assessors refusing to be sworn.
48. New assessors to be chosen in such case.
49. Plantations subject to the same penalties as towns.
50. Of their officers.
51. Assessors to take a list of polls and valuation of property.
52. Plantation meetings.
53. Officers liable if they neglect to be sworn.
54. Lands to be assessed to the tenants or owners, in the town where situated.  
Persons, part owners with others, may be taxed separately on furnishing a description of their separate interest.
55. Lands of deceased persons before distribution may be taxed to executors, &c.

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57. Supplementary assessments may be made to correct mistakes, notwithstanding the overlay and disproportion on polls.
58. Notice to be given to assessors of changes of ownership, &c. Also of the interests of tenants in common, &c.
59. Certain corporate property taxable when located. Holden for taxes. Shares exempted.
60. Assessors responsible for their faithfulness only.

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62. Form of warrant for county and town taxes.
63. Provision in case of loss of warrant.
64. Of the choice of collectors.
65. Collectors' fees in case of distress or commitment.
66. Constable or collector required to serve warrant.
67. Also required to give bond.
68. Provision in case of the death of any collector.
69. Powers of plantations to choose collectors, &c.
70. Of distress, for non-payment of taxes, on goods and chattels.
71. Overplus to be restored, with an account.
72. Body of delinquent may be arrested for neglect, twelve days after demand.
73. If party is like to abscond, arrest may be made immediately.
74. In case of intended removal, a tax payable in instalments may be anticipated.
75. When new collectors or constables are elected, the former officers to perfect their collections.
76. Mode of distraining shares in corporations.
77. Duty of corporation officers to furnish certificates.
78. Collection of persons removing to other parts of the state.
79. In what cases collector may sue for taxes in his own name.
80. Remedy for a party illegally assessed.
81. Of distress on non-resident owners of improved land.
82. Officer may sue after two months' notice in writing.
83. Taxes on cattle, sheep or swine, belonging to non-resident owners, how collected.
84. Collector may demand aid. Penalty for refusing.
85. Collector to exhibit his account to selectmen, at least once in two months.
86. Forfeiture for neglect thereof.
87. Proceedings when collector removes from the state, or is about to do so ; and when treasurer has issued his warrant of distress.
88. Warrant to new collector in such case.
89. Penalty, if the old collector refuse to give up his bills, and pay over his collections.
90. When collector becomes incapacitated, assessors to appoint another.
91. Over payments to be restored to such collector, if any.
92. Right of assessors to demand the lists of persons in possession of them, in certain cases.
93. Treasurer of state may issue warrants of distress against delinquent collectors.
94. Treasurer of state shall also issue his execution at the request of the selectmen, if tax be overdue.

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96. A new assessment to be made on the town.
97. Otherwise the treasurer to make distress upon the assessors. If not paid on the new assessment, warrant may issue against estate of the inhabitants.
98. Delinquent collector liable to the suit of the town.
99. If collector die, his executor, &c., to settle with the assessors in two months after acceptance.
100. New collector to be thereupon appointed in writing, by assessors.
101. If executor, &c., neglect to settle, he may be chargeable with the whole sum committed to the deceased collector.
102. Treasurer to issue a warrant against delinquent collectors. Form of such warrant.
103. Duty of sheriff in returning executions or warrants of distress. When an alias may issue.
104. Sheriff's liability in case of neglect.
105. Treasurer of state, &c., to issue their warrants against him, directed to a coroner.
106. Officers selling personal property, to proceed as on execution.
107. Sale of real estate in such cases. Notice.
108. Proceedings at the sale.
109. Of the deed and its effect.
110. Alias warrant and proceedings thereon.
111. Deficient officer entitled to the privileges of a debtor, on a private execution.
112. His accounts to be adjusted with the assessors on his making proper exhibits, and delivering a copy of assessments.
113. Town to choose a new collector.
114. Collector refusing to deliver up assessments, &c., to be committed to jail.
115. Copies of assessments, &c., to be delivered over to the new collector.
116. Proceedings when a party declares an uncanceled tax to have been paid.
117. When a town neglects to choose a constable or collector, proceedings.
118. Plantations and their officers to be liable, as in case of towns.
- 119, 120. Proceedings of sheriff on receiving assessment and warrant. His fees.
121. Proceedings on commitment of persons on a warrant for taxes.
122. When they are discharged from confinement, town liable for the amount to state or county.
123. Of the liability of the collector in such case, if commitment be after one year.
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128. Abatements on such taxes as are paid at the periods mentioned.
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132. Town treasurers required to give bonds.
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 146. Further duty of treasurer.  
 147. Manner of discharging taxes, after advertisement.  
 148. If not paid in two years, further duty of treasurer.  
 149. Provision for discharge, after second notice.  
 150. Forfeited after three years. What title passes by the forfeiture.  
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 156. Proceedings in the sale. Expenses and fees.  
 157. Collector to lodge certificate with the treasurer, and deed for purchase.  
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 159. Treasurer to deliver deed to purchaser after two years. Remedy if he refuse.  
 160. Officer not to sell after expiration of two years from date of his warrant.  
 161. Validity of sale, how established.  
 162. Proof of notice having been given.  
 163. Collector to make return in thirty days to clerk. Clerk to record same.  
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 170. What polls and estates exempt.  
 171. Poll tax, where assessed.  
 172. Taxes on real estate, where and how assessed.  
 173. Taxes, how divided between landlord and tenant.



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175. Exceptions to the rule of the preceding section.  
176. Betterments and improvements, how assessed.  
177. Toll bridges, how taxed.  
178. Blood animals, how assessed.  
179. Personal property of non-residents, how assessed.  
180. Lien for the benefit of the person who is taxed for same, and pays the tax.  
181. Remedy of such, how enforced.  
182. Stock of companies invested in banks, how taxed.  
183. Personal property mortgaged, how taxed.  
184. Real estate of deceased person, how taxed.  
185. Personal estate of partners in business, how taxed.  
186. Treasurer to issue warrant for state tax.  
187. Substance of the warrant.  
188. Regulations to be observed by the assessors.  
189. Assessment of county tax.  
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ARTICLE I.—*Taxes on lands in unincorporated places.*

SECT. 1. All lands in any township or tract, not liable to be  
2 taxed by the assessors of any city, town or plantation, shall be  
3 subject to be taxed for their proportion of all state and county  
4 taxes granted by the legislature; and for such assessments as  
5 are made pursuant to law, by the county commissioners, for  
6 opening, making and repairing highways.

SECT. 2. Each such township and tract shall be assessed by  
2 the county commissioners, its due proportion, according to the  
3 then last state valuation, of all county taxes granted by the  
4 legislature. The lists of all county taxes so assessed, shall  
5 immediately be certified and transmitted by the county treasurer  
6 to the treasurer of state. In the list, each such township and  
7 tract shall be sufficiently described, with the date and amount  
8 of assessment on each. The treasurer of state shall, in his  
9 books, give credit to the county treasurer for the amount of each  
10 such assessment; and when paid to him, shall certify to the  
11 county treasurer the amount of tax and interest so paid, annually  
12 on the first Monday of January. 1849, c. 133, § 3.

SECT. 3. Within three months after the assessment of any  
2 such state tax by the legislature, the treasurer of state shall  
3 cause the list of such assessments, together with the list of any  
4 county tax so certified to him, to be advertised three weeks suc-

5 cessively in the state paper, and in some newspaper, if any,  
6 printed in the county in which the lands lie. The said lands  
7 shall be held to the state for the payment of such state and  
8 county taxes, with interest thereon, to commence at the expira-  
9 tion of one year from the date of the assessment.

1849, c. 133, § 2.

SECT. 4. The owners of the lands so assessed and advertised,  
2 may redeem the same by paying to the treasurer of state the  
3 amount of the taxes, with interest thereon, within two years  
4 from the date of the assessment. Each owner may pay for his  
5 interest in any tract, whether in common or not, and shall be  
6 entitled to a certificate from the treasurer of state, discharging  
7 the tax upon the number of acres, or interest, upon which such  
8 payment is made. Each part or interest of every such town-  
9 ship or tract, upon which the taxes so advertised shall not be  
10 paid with interest within two years from the date of such assess-  
11 ment, whether it is a state or county tax, shall be wholly  
12 forfeited to the state, and vest therein, free of any claims  
13 thereto by any former owner or person. 1849, c. 133, § 4, 6.

SECT. 5. All lands thus forfeited shall annually, in the month  
2 of September, be sold by the treasurer of state at public auction  
3 to the highest bidder, but never at a price less than the full  
4 amount due on the same for such unpaid state and county taxes  
5 and interest, and all costs of advertising the same. Notice of  
6 the sale shall be given by publishing a list of the lands to be  
7 sold, with the amount of such unpaid taxes, interest and costs  
8 on each parcel, and the time and place of sale, in the state  
9 paper, and in some newspaper, if any, printed in the county in  
10 which the lands lie, three weeks successively, within three  
11 months before the time of sale. 1854, c. 86, § 1.

SECT. 6. If any such tract is sold for a larger sum than the  
2 amount due, the surplus shall be held by the state, to be paid to  
3 the owner whose right has been so forfeited, upon due proof of  
4 such ownership produced to the governor and council.

1854, c. 86, § 2.

SECT. 7. Any owner may redeem his interest in such lands,  
2 by paying to the treasurer of state his part of the sums so due,  
3 at any time before the sale; or after the sale, by paying or

4 tendering to the purchaser, within a year, his proportion of what  
5 the purchaser paid therefor at the sale, with interest at the rate  
6 of twenty per cent. per annum from the time of sale, and reason-  
7 able charges of the re-conveyance. 1854, c. 86, § 2.

SECT. 8. The printers' bills for advertising such lands, shall  
2 be divided, in each case, by the number of townships and tracts  
3 advertised, and each shall be chargeable with its proportion there-  
4 of. All amounts of county taxes, and interest thereon, so received  
5 by the treasurer of state, shall be credited by him to the coun-  
6 ties to which the same belong, and paid to the several treasurers  
7 thereof. The treasurer of state shall make a record of his  
8 doings in every such sale; and a certified copy of such record  
9 shall be competent evidence in any court of the facts therein set  
10 forth. He shall give a deed to the purchaser, conveying all the  
11 interest of the state in the land sold. 1854, c. 86, § 2, 3.

SECT. 9. Any owner of lands, so assessed by the county  
2 commissioners for county taxes, may redeem the same, by  
3 paying to the county treasurer the amount due thereon for  
4 such taxes, interest and charges, and depositing with the treas-  
5 urer of state the county treasurer's certificate of such payment,  
6 at any time before the sale.

SECT. 10. The county commissioners shall assess upon all  
2 unincorporated townships and tracts of land in their counties,  
3 a sum of money sufficient to keep all county roads in such  
4 townships and tracts in good repair, so that the same may be  
5 safe and convenient for all purposes of public travel.

1849, c. 133, § 7. 1844, c. 96.

SECT. 11. They shall make such assessments, on or before  
2 the fifteenth day of July in each year. They shall publish a  
3 list of the townships and tracts so assessed, specifying the sum  
4 assessed on each township or tract, or part thereof, and the roads  
5 upon which the same is to be expended, in the state paper, and  
6 in some paper, if any, printed in the county where the lands lie,  
7 three weeks successively, the last publication to be within three  
8 months from the date of the assessment.

1849, c. 133, § 8. 1844, c. 96.

SECT. 12. They shall, at the time the assessment is made, or  
2 within three months thereafter, appoint a suitable agent or

3 agents, not members of their board, to superintend and direct  
4 the expenditure of the sums so assessed. Any owner of the  
5 lands so assessed, may pay his proportion of the assessment to  
6 the county treasurer, or in labor upon the road under the direc-  
7 tion of the agent, within one year from the date thereof. The  
8 certificate of the agent of the sum so expended, shall discharge  
9 the tax for the amount so certified. R. S., c. 25, § 51.

SECT. 13. If any owner fails to pay the sum so assessed  
2 upon his land within the time aforesaid, so much of his land as  
3 is required to raise the amount remaining due, with interest at  
4 the rate of twenty per cent. per annum, from the time prescribed  
5 for the payment of the tax, shall be sold by the county treas-  
6 urer at public auction to the highest bidder. The list of taxes  
7 so remaining due, with the date of the assessment, time of  
8 payment, and time and place of sale, shall first be published by  
9 the treasurer in the state paper, and one other paper, if any,  
10 printed in the county where the lands lie, three weeks success-  
11 ively, the first publication to be at least three months before the  
12 time of sale. At the sale, no bid shall be taken for less than  
13 the amount due for the tax, interest and costs. The purchaser  
14 shall take the land, subject to state and county taxes imposed  
15 upon the same, and the treasurer shall give him a deed accord-  
16 ingly, subject to be redeemed by the payment or tender to the  
17 purchaser, at any time within two years from the day of the  
18 sale, of the sums paid by him with interest, at the rate of twenty  
19 per cent. per annum, including any sums subsequently paid by  
20 him for state or county taxes thereon. 1849, c. 125, § 1.

SECT. 14. If no person becomes purchaser at such sale, the  
2 land shall be forfeited to the county, subject to all unpaid state  
3 and county taxes thereon. The land may be redeemed from  
4 such forfeiture to the county, by payment to the county treas-  
5 urer of the sum for which it was so forfeited, with interest at the  
6 rate of twenty per cent. per annum, at any time within two  
7 years from the day of sale. An entry of such payment upon  
8 the books of the county treasurer shall be a sufficient release  
9 and discharge of the land from such forfeiture. Any owner of  
10 the land so sold shall be entitled to his share in any overplus

11 remaining of the proceeds of such sale, on exhibiting to the  
12 treasurer satisfactory evidence of his title to the land.

1854, c. 86, § 4.

SECT. 15. Purchasers of land sold by reason of the non pay-  
2 ment of state and county taxes, and assessments for opening,  
3 making, and repairing roads, shall have no claim against the  
4 state or county, for any defect in the title under such sale, not-  
5 withstanding any irregularities in the proceedings, or failure to  
6 comply with the provisions of law under which the sales were  
7 made. The deeds given pursuant to sales made for non-payment  
8 of state and county taxes, shall vest in the grantee the title of  
9 the state, or of the county, to the lands sold, subject to the  
10 conditions of sale, and no more. 1852, c. 272.

SECT. 16. Any owner, part owner, tenant in common, or  
2 other person having a legal interest in any tract so advertised,  
3 sold or forfeited, may redeem his interest, by paying within the  
4 times prescribed, the amount so required to discharge the claim  
5 upon his interest in the land. The rate of interest upon unpaid  
6 state and county taxes, and taxes assessed by county commis-  
7 sioners for opening, making, and repairing roads, shall be  
8 twenty per cent., and shall commence at the expiration of one  
9 year from the date of the assessments. 1849, c. 125, § 4.

ARTICLE II.—*The assessment of taxes in incorporated places.*

SECT. 17. When any state tax is imposed, and is required to  
2 be assessed by the proper officers of the several towns and plan-  
3 tations in the state, the treasurer of state shall send such warrants,  
4 as he shall from time to time be ordered to issue for the assess-  
5 ment of such tax, enclosed to the sheriffs of the different counties,  
6 whose duty it shall be to transmit the same to the assessors of  
7 the several towns and organized plantations in their respective  
8 counties, according to the directions thereof.

R. S., c. 14, § 11.

SECT. 18. For the purpose of the assessment of any county  
2 tax, the county commissioners in the several counties, at their  
3 regular meeting or session next before the first day of January

4 annually, shall make up and prepare estimates of the sums  
5 necessary to defray the expenses which have accrued, or may  
6 probably accrue for one year from said day, including the build-  
7 ing and repairing of jails, court houses and appurtenances, with  
8 the debts owed by such counties. R. S., c. 14, § 12.

SECT. 19. Said estimates shall be recorded by the clerk of  
2 said commissioners in a book provided and kept for that purpose;  
3 and a copy of said estimates shall be signed by the chairman  
4 of the county commissioners, and attested by their clerk, who  
5 shall transmit the same to the office of the secretary of state, on  
6 or before the first day of January, annually, to be by him laid  
7 before the legislature. R. S., c. 14, § 13.

SECT. 20. The county commissioners of each county shall  
2 issue their warrant to the assessors of each town and organized  
3 plantation therein, requiring them forthwith to assess, in due  
4 form of law, the sum apportioned on such town or plantation,  
5 and to commit the assessment to the collector or constable for  
6 collection, according to law. R. S., c. 14, § 14.

SECT. 21. To render the assessment of any town, plantation  
2 or parish tax legal, the sum so assessed must be granted and  
3 voted for a legal object, at a meeting of the inhabitants or  
4 members of such corporations, being legally qualified voters,  
5 called and notified in the manner prescribed in chapters four  
6 and thirteen. R. S., c. 14, § 15.

SECT. 22. In each town, there shall be annually chosen three  
2 or five persons, to be assessors of all state, county and town  
3 taxes, to be assessed therein, in the course of the year for which  
4 they are chosen. R. S., c. 14, § 16.

SECT. 23. A convenient time before making any assessment,  
2 they shall give seasonable notice, in writing, to the inhabitants,  
3 by posting up notifications in some public place in the town, or  
4 notify the inhabitants in such other way, as the town may at its  
5 annual meeting direct, to make and bring in to them, true and  
6 perfect lists of their polls and all their estates, real and personal,  
7 not by law exempt from taxation, which they were possessed of  
8 at such periods, as the legislature from time to time orders and  
9 directs. R. S., c. 14, § 17.

SECT. 24. If any person, after such notice, does not bring in 2 such lists, he shall be thereby barred of his right to make appli- 3 cation to the county commissioners for any abatement of the 4 assessment on him, unless he makes it appear to such commis- 5 sioners that he was unable to offer such list at the time appointed.

R. S., c. 14, § 18.

SECT. 25. The assessors, or either of them, may require the 2 person presenting such list to make oath that the same is true, 3 which either of the assessors may administer; and such list, 4 being exhibited on oath, shall be a rule for that person's propor- 5 tion of the tax.

R. S., c. 14, § 19.

SECT. 26. The assessors of the town or plantation, for the 2 time being, on application within two years from the assessment, 3 may make such reasonable abatement as they think proper.

R. S., c. 14, § 20. 1844, c. 123, § 20.

SECT. 27. If they refuse to make any abatement, the com- 2 plainant may apply to the county commissioners at their next 3 meeting, and if they think he is overrated, he shall be relieved 4 by them, and be reimbursed out of the town treasury so much 5 of his tax as the commissioners shall abate, with incidental 6 charges. And the commissioners may require the assessors or 7 town clerk to produce the valuation by which the assessment 8 was made, or a copy of it. If the complainant fails in his 9 application, the commissioners shall allow the same costs to 10 the town as a prevailing party in a suit at law would recover 11 in the supreme judicial court, and shall issue their warrant of 12 distress for the collection thereof against the complainant.

R. S., c. 14, § 21. 1852, c. 252.

SECT. 28. The assessors so chosen and sworn shall assess 2 upon the polls and estates within such town their due propor- 3 tion of any tax, according to the rules in the then last act for 4 raising a state tax, and in this chapter, and make perfect lists 5 thereof under their hands, and commit the same to the constable 6 or collector of their town, if any, otherwise to the sheriff of the 7 county or his deputy, with a warrant under their hands, of the 8 form hereinafter prescribed.

R. S., c. 14, § 22.

SECT. 29. 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. R. S., c. 14, § 23.

SECT. 30. The assessors of any town or plantation may add  
2 their proportion of the state and county tax to any of their other  
3 taxes, and make out warrants and certificates accordingly, in  
4 which case one warrant shall be sufficient. R. S., c. 14, § 24.

SECT. 31. The assessors are empowered to apportion on the  
2 polls and estates, according to law, such additional sum, over and  
3 above the precise sum to them committed to assess, as any frac-  
4 tional division of such sum may render convenient, in the  
5 apportionment thereof, not exceeding five per cent. on the sum  
6 committed; and they shall certify that fact to the treasurer of  
7 such town or plantation. R. S., c. 14, § 25.

SECT. 32. The assessors shall make a record of their assess-  
2 ment, and of the invoice and valuation from which it was made,  
3 and, before the taxes are committed to the proper officer for  
4 collection, deposit the same, or a copy thereof, in the assessors'  
5 office, when any such is kept, otherwise with the town clerk,  
6 there to remain; and any place where the assessors usually meet  
7 to transact business and keep their papers or books, shall be con-  
8 sidered their office for the purposes aforesaid. R. S., c. 14, § 26.

SECT. 33. 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.

R. S., c. 14, § 27.

SECT. 34. When they have assessed, and committed for col-  
2 lection to the proper officer, any county tax, they shall return a  
3 certificate of the fact to the county treasurer, with the name of  
4 the officer to whom it was committed. R. S., c. 14, § 28.

SECT. 35. If any town does not choose assessors as aforesaid,  
2 or if so many of them refuse to accept, as that there are not  
3 such a number as the town has required, then the selectmen  
4 shall be the assessors, and each of them shall be sworn to a  
5 faithful discharge of his duty as assessor, and each selectman and  
6 assessor shall be paid for his services one dollar for every day  
7 he is necessarily employed in the service of the town.

R. S., c. 14, § 29.



SECT. 36. If any town neglects to choose selectmen or assessors, the default being made known to the supreme judicial court for the county, it shall forfeit and pay a sum not exceeding three hundred, nor less than one hundred dollars, as said court orders, for the use of the state. R. S., c. 14, § 30.

SECT. 37. In such case, and also when neither the selectmen nor assessors, chosen by any town, accept the trust, the county commissioners are empowered to appoint three or more suitable persons in the county to be assessors of taxes, as before mentioned; and such assessors, being duly sworn, shall assess upon the polls and estates within the town, their due proportion according to law, together with the said penalty, where the town makes default as aforesaid, and such sum as will answer their own reasonable charges for time and expense in said service, not exceeding one dollar per day for each man; and shall issue a warrant, under their hands, for collecting the same, and transmit a certificate thereof to the treasurer of the state, with the name of the person to whom the warrant is committed; and the assessors shall be paid their charges, as adjusted by the commissioners, out of the state treasury. R. S., c. 14, § 31.

SECT. 38. All assessors, chosen or appointed as above provided, shall duly observe all such warrants as they receive, while in office, from the state treasurer or the county commissioners of the county in which they reside, pursuant to any act of the legislature, imposing it for the use of the state, or granting it for the use of the county. R. S., c. 14, § 32.

SECT. 39. If the assessors of any town refuse or neglect to assess any state tax, apportioned on such town, and which they were required by the state treasurer's warrant to assess, they shall forfeit and pay the full sum mentioned in such warrant to the use of the state, and the treasurer of the state shall issue his warrant to the sheriff of the county, to levy the said sum, by distress and sale of the estate, real and personal, of such deficient assessors. R. S., c. 14, § 33.

SECT. 40. If such assessors neglect to assess the amount of the county tax, required in the warrant of the county commissioners, to be assessed by them, they shall forfeit that sum to the use of said county, and the same shall be levied by sale of

5 the estate, real and personal, of such assessors, by virtue of a  
6 warrant issued by the county treasurer to the sheriff of the  
7 county, for that purpose. R. S., c. 14, § 34.

SECT. 41. If the sheriff cannot find property of said assessors  
2 to satisfy the sum due on either of said warrants, he may arrest  
3 their bodies and imprison them until they pay the same.

R. S., c. 14, § 35.

SECT. 42. The county commissioners of the county in which  
2 such assessors dwell, shall forthwith appoint other proper per-  
3 sons to be assessors of such state and county taxes, according to  
4 the directions of the warrants mentioned in the thirty-eighth  
5 section; and such newly appointed assessors shall be sworn to  
6 perform the same duties, and be liable to similar penalties, as  
7 the former assessors. R. S., c. 14, § 36. 1841, c. 1, § 2.

SECT. 43. If the inhabitants of any town from which a state  
2 tax is required, neglect, for the space of five months, after  
3 having received the state treasurer's warrant for assessing it, to  
3 choose assessors to assess it, and cause the assessment thereof to  
4 be certified, as the law requires, to such treasurer for the time  
5 being, such treasurer shall issue his warrant, under his hand,  
6 to the sheriff of the same county, who shall proceed to levy  
7 such sums on the property, real or personal, of any inhabi-  
8 tants of such town, observing the regulations provided for  
9 satisfying warrants against deficient collectors, as hereinafter  
10 prescribed. But if the assessors of said town, within sixty days  
11 from the receipt of a copy of such warrant from the officer,  
12 deliver to him a certificate, according to law, of the assessment  
13 of the tax or taxes required by the warrant, and pay the officer  
14 his legal fees, he shall forthwith transmit the certificate to the  
15 state treasurer, and return the warrant unsatisfied.

R. S., c. 14, § 37.

SECT. 44. If the inhabitants of any town from which any  
2 county tax is required, neglect to choose and keep in office  
3 assessors to assess the same, as the law requires, the county  
4 treasurer, for the time being, after the lapse of five months from  
5 the time they received the county commissioners' warrant for  
6 assessing the same, shall issue his warrant to the sheriff of the  
7 same county, requiring him to levy and collect the sum men-

8 tioned in such warrant; and the sheriff shall execute the same,  
9 observing the regulations mentioned in the preceding section,  
10 subject to the condition therein named. R. S., c. 14, § 38.

SECT. 45. If the inhabitants of any town qualified to vote  
2 in town affairs, from which any state or county tax is required,  
3 choose assessors who neglect to assess the tax required by the  
4 warrant issued to them, or to re-assess any tax, on the failure  
5 of any collector, and to certify the assessment as the law directs,  
6 and the estates of such assessors are found insufficient to pay  
7 such taxes in the manner already provided, the treasurer of  
8 state, or the treasurer of the county, as the case may be, for  
9 the time being, is directed to issue his warrant to the sheriff of  
10 the same county, requiring him to levy, by distress and sale, so  
11 much of the sums mentioned in said warrants, as the estates of  
12 the assessors shall be insufficient to pay, on the real and per-  
13 sonal estates of any inhabitants of the deficient town; which  
14 warrants the sheriff or his deputy shall execute, observing all  
15 the provisions mentioned in the forty-third section.

R. S., c. 14, § 39.

SECT. 46. All plantations which are from time to time  
2 ordered by the legislature to pay any part of the public taxes,  
3 are vested with the same power as towns are, so far as relates  
4 to the choice of clerk, assessors and collectors of taxes; and  
5 any person who is chosen an assessor in any such plantation,  
6 and refuses to accept the said office, or to take the oath, after  
7 due notice, required by law to be taken by assessors of taxes in  
8 towns, shall be liable to the same penalties, to be recovered in  
9 the same manner as mentioned in the following section.

R. S., c. 14, § 40.

SECT. 47. If any assessor of taxes, after being chosen and  
2 notified to take the oath of an assessor, according to law, with-  
3 out any reasonable excuse, refuses to be sworn, he shall forfeit  
4 and pay fifteen dollars to the use of the town, to be recovered  
5 by their treasurer for the time being, by an action of debt,  
6 before any justice of the peace. R. S., c. 14, § 41.

SECT. 48. The selectmen of such towns, and the assessors of  
2 plantations, in the case mentioned in the two preceding sections,  
3 shall forthwith call a meeting of such town or plantation, and

4 elect some other person as assessor, in the place of the one  
5 chosen, who had refused to accept the office.

R. S., c. 14, § 42.

SECT. 49. If any of the plantations, mentioned in the forty-  
2 sixth section, neglect to choose a clerk, assessors and collector  
3 of taxes as aforesaid, or if the assessors chosen are remiss or  
4 neglect their duty, such plantation shall be subject to the same  
5 penalties as towns deficient in the same respect, and shall be  
6 proceeded with in the same manner.

R. S., c. 14, § 43.

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

R. S., c. 14, § 46.

SECT. 51. The assessors, so chosen and sworn, shall there-  
2 upon take a list of the ratable polls, and a valuation of the  
3 estates of the inhabitants of the plantation.

R. S., c. 14, § 47.

SECT. 52. The assessors of such plantations shall have power  
2 to issue their warrants for meetings of the inhabitants, in March,  
3 annually, for the choice of all proper officers, who shall be  
4 sworn by the moderator, or some justice of the peace; and every  
5 moderator shall be bound to notify the plantation officers, to  
6 appear before some justice of the peace, within seven days from  
7 the time of their choice, to take the necessary oaths of office, on  
8 pain of forfeiting ten dollars for his neglect.

R. S., c. 14, § 48. 1853, c. 42, § 1.

SECT. 53. Such plantation officer, neglecting to take the oath  
2 of office, when notified as aforesaid, shall be liable to the same  
3 penalties as town officers so neglecting, to be recovered in the  
4 same manner.

R. S., c. 14, § 49.

SECT. 54. Improved lands, and all real estate, or such as is  
2 usually denominated real, but which is made personal by statute,  
3 may be taxed to the tenant in possession, or to the owner,  
4 whether living in the state or not; and the assessors shall assess  
5 such estate, in the city, town or plantation where the same is  
6 situated; and when any tax is assessed on lands, either by act  
7 of the legislature, by the county commissioners, or by the asses-  
8 sors of any town or plantation, and such lands are owned, or  
9 claimed to be owned, by more than one person, in common and

10 undivided, or in severalty, any person may furnish the collector,  
11 or treasurer, to whom the tax is to be paid, with an accurate  
12 description of his part of said land, if held in severalty, or of  
13 the amount of his interest, if held in common, and pay such  
14 collector, or treasurer, his proportion of such tax; and upon  
15 such payment, the land of such person, or his interest therein,  
16 shall be held free of all claim and lien created by such tax.

R. S., c. 14, § 51. 1841, c. 1, § 2.

SECT. 55. When the owner of any lands died seized thereof,  
2 and they are not distributed among his heirs, or taken possession  
3 of by the devisees thereof, the assessors of the town or planta-  
4 tion in which they lie, may assess any legal taxes thereon to  
5 the executors or administrators of the deceased, and such assess-  
6 ment shall be enforced and collected of them, in the same man-  
7 ner as taxes assessed against them in their private and individual  
8 capacity may be enforced and collected; which shall be a charge  
9 against the estate, and allowed, with other necessary charges,  
10 by the judge of probate. R. S., c. 14, § 52.

SECT. 56. When such executor or administrator gives notice  
2 to the assessors that there are no funds of the estate remaining  
3 in his hands wherewith to pay such taxes, and furnishes to the  
4 assessors the names of the heirs, and the proportions of their  
5 interest in the estate, to the best of his knowledge, the taxes  
6 shall no longer be assessed to him. 1853, c. 7, § 1.

SECT. 57. When any assessors, after completing the assess-  
2 ment of any tax, discover, that by mistake they have omitted  
3 any polls or estate liable to be assessed, they may, for the term  
4 during which they were elected, by a supplement to the invoice  
5 and valuation, and the list of assessments, assess such polls and  
6 estate, their proportion of such tax, according to the principles  
7 on which the assessment was made, certifying that they were  
8 omitted by mistake. And such supplemental assessments shall  
9 be committed to the collector, with a certificate, under the hands  
10 of the assessors, stating that they were omitted by mistake, and  
11 that the powers in their previous warrant, naming the date of it,  
12 are extended to such supplemental list; and the collector shall  
13 have the same power, and be under the same obligations to

14 collect the same, as if they had been contained in the original  
15 list; and all assessments shall be valid, notwithstanding that by  
16 such supplemental list, the whole amount shall exceed the sum  
17 to be assessed, by more than five per cent., or alter the propor-  
18 tion of tax allowed by law to be assessed on the polls.

R. S., c. 14, § 53.

SECT. 58. When assessors continue to assess any real estate  
2 to the person to whom it was last assessed, such assessment  
3 shall be valid, though the ownership or occupancy has been  
4 changed, unless previous notice is given of such change, and of  
5 the name of the person to whom the same has been transferred  
6 or surrendered; and a tenant in common, or joint tenant, may  
7 be considered sole owner, for the purpose of taxation, unless he  
8 notifies the assessors what his interest is. R. S., c. 14, § 54.

SECT. 59. The buildings, lands and all other property not  
2 exempted by law from taxation, belonging to any corporations,  
3 established for the purpose of carrying on any kind of manufac-  
4 ture, where the same is made personal property by the act of  
5 incorporation, and all stock employed in factories, shall be taxed  
6 in the town or place where the incorporations are established,  
7 and where the stock employed in factories is manufactured; and  
8 the tax shall be assessed to the corporations, or to any person or  
9 persons who have their property and stock in possession; and  
10 there shall be a lien on such property and stock for the payment  
11 of such tax, for one year after it is assessed, with the right to  
12 sell the same or so much thereof as may be necessary for the  
13 payment of taxes, as in other cases, and the shares of the capital  
14 stock of said corporations shall be exempted from taxation to  
15 the owners thereof. 1843, c. 36.

SECT. 60. The assessors of towns, plantations, school districts,  
2 parishes and religious societies, shall not be responsible for  
3 the assessment of any tax which they are by law required to  
4 assess; but the liability shall rest solely with the corporations,  
5 for whose benefit the tax was assessed, and the assessors shall be  
6 responsible only for their own personal faithfulness and integ-  
7 rity. R. S., c. 14, § 56.

ARTICLE III.—*The Collection of Taxes in Incorporated Places.*

SECT. 61. The warrant to be issued by the selectmen or  
2 assessors, for the collection of the state taxes, shall be in sub-  
3 stance as follows :

— ss. A. B. constable or collector of the town of —  
5 within the county of — GREETING:

In the name of the state of Maine, you are hereby required to  
7 levy and collect, of the several persons named in the list here-  
8 with committed unto you, each one his respective proportion  
9 therein set down, of the sum total of such list, it being this  
10 town's proportion of the state tax for the year 18—; and you are  
11 to transmit and pay in the same unto — —, treasurer of  
12 the state, or to his successor in that office, and to complete and  
13 make up an account of your collections of the whole sum, on or  
14 before the — day of —. And if any person refuses or  
15 neglects to pay the sum he is assessed in the said list, to dis-  
16 train the goods or chattels of such person, to the value thereof;  
17 and the distress so taken, to keep for the space of four days at  
18 the cost and charge of the owner; and if he does not pay the  
19 sum, so assessed, within the said four days, then you are to sell  
20 at public vendue the distress so taken, for the payment thereof,  
21 with charges; first giving forty-eight hours notice of such sale,  
22 by posting up advertisements thereof, in some public place in  
23 the town (or plantation, as the case may be;) and the overplus,  
24 arising by such sale, if any, besides the sum assessed, and the  
25 necessary charges of taking and keeping the distress, you are  
26 immediately to restore to the owner; and for want of goods and  
27 chattels, whereon to make distress, besides those implements,  
28 tools and articles of furniture, which are by law exempt from  
29 attachment for debt for the space of twelve days, you are to take  
30 the body of such person, so refusing or neglecting, and him  
31 commit unto the common jail of the county, there to remain  
32 until he pays the same, or such part thereof, as shall not be  
33 abated by the assessors for the time being, or the county com-  
34 missioners for the said county.

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

{ Assessors.

And the certificate of the assessment of any state tax shall be  
 39 in substance as follows :

Pursuant to a warrant from the treasurer of the state of Maine,  
 41 dated the — day of —, we have assessed the polls and  
 42 estates of the — of —, the sum of —, and have commit-  
 43 ted lists thereof to the — of said —, viz: to —, with  
 44 warrants in due form of law, for collecting and paying the same  
 45 to — —, treasurer of said state or his successor in office,  
 46 on or before the — day of — next ensuing.

In witness whereof, we have hereunto set our hands at —,  
 48 this — day of — in the year —. } Assessors.

R. S., c. 14, § 57. 1850, c. 205.

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

R. S., c. 14, § 58.

SECT. 63. When an original warrant, issued by any assessors  
 2 and delivered to any constable or collector for the collection of  
 3 any tax, has been lost or destroyed by accident, the assessors  
 4 may issue a new warrant for the above purpose, which shall have  
 5 the same force as the original warrant. R. S., c. 14, § 59.

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

R. S., c. 14, § 60.

SECT. 65. In case of distress or commitment for the non-  
 2 payment of taxes, the officer shall be entitled to the same fees  
 3 which sheriffs, by law, are entitled to for levying executions,  
 4 saving that the travel, in case of distress, shall be computed  
 5 only from the dwelling house of the officer making such distress  
 6 to the place where it is made. R. S., c. 14, § 61.

SECT. 66. Every collector of taxes, or constable who is  
 2 required to collect taxes, shall receive a warrant from the



3 selectmen or assessors, of the kind before mentioned in this  
4 chapter, and shall faithfully obey the directions therein con-  
5 tained. R. S., c. 14, § 62.

SECT. 67. The assessors shall require such constable or col-  
2 lector to give bond for the faithful discharge of his duty, to the  
3 inhabitants of the town, in such sum, and with such sureties, as  
4 the selectmen approve; and bonds of collectors of plantations  
5 shall be given to the inhabitants thereof, approved by the asses-  
6 sors, conditioned that they will faithfully perform the duties  
7 mentioned in the warrant, for collection of said taxes.

R. S., c. 14, § 63.

SECT. 68. In case any constable or collector dies before per-  
2 fecting the collection of any assessment, the assessors, for the  
3 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.

R. S., c. 14, § 64.

SECT. 69. All plantations, which, from time to time, are  
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 from  
5 the same, as in case of towns.

R. S., c. 14, § 65.

SECT. 70. If any person refuses to pay the sum assessed, as  
2 his proportion of any tax, the constable or collector, to whom  
3 such tax is committed, with a warrant to collect the same, 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  
6 for the space of four days, at the expense of the owner, and if  
7 he do not pay the sum assessed on him, within that time, then  
8 the distress, so taken, shall be openly sold at vendue, by such  
9 officer, 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.

R. S., c. 14, § 66.

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

R. S., c. 14, § 67.

SECT. 72. If the person, so assessed, for the space of twelve days after demand of the same, refuses or neglects to pay said sum, and to show the constable or collector sufficient goods and chattels, whereby the sum may be levied, such constable or collector may arrest his body and commit him to jail, till he pays said sum, or is discharged by order of law.

R. S., c. 14, § 68.

SECT. 73. If, in the opinion of the assessors, there are just grounds to fear that any person, assessed as aforesaid, may abscond before the end of said twelve days, the constable or collector may demand immediate payment, and, on refusal, he may commit him as aforesaid.

R. S., c. 14, § 69.

SECT. 74. When any tax is made payable at two or more several days, and any person, who is an inhabitant of any town at the time of making such tax, and assessed therein, is about to remove from such town before the time fixed for any payment, the collector or constable may demand and levy the whole sum thus assessed, though the time for collecting any subsequent part of said tax, has not then arrived; and, in default of payment, he may distrain for the same, or take such other course as is provided in the seventy-second section.

R. S., c. 14, § 70.

SECT. 75. When new constables or collectors are chosen and sworn in any town, before the former officers have perfected their collections, the latter are empowered and required to perfect all such collections, the same as if the others had not been chosen and sworn.

R. S., c. 14, § 71.

SECT. 76. For non-payment of taxes, the collector or constable may distrain the shares owned by the delinquent in the stock of any corporation; and upon such seizure, the same proceedings may be had as when like property is seized and sold on execution.

R. S., c. 14, § 72.

SECT. 77. The proper officer of any such corporation, upon request of such constable or collector, shall give him a certificate of the shares or interest owned by such person in such corporation, and issue to the purchaser certificates of shares owned by such person, according to the by-laws of such corporation.

R. S., c. 14, § 73.

SECT. 78. When any person taxed in any town, in which he was living at the time of assessment, removes therefrom before paying the sums assessed upon him, the constable or collector to whom such assessment is committed for collection, with a legal warrant, may demand the same of him in any part of the state, and, upon his refusal to pay the same, may distrain such person by his goods, and for want of such distress, may commit him to the common jail of the county where he is found, there to remain until such tax is paid. R. S., c. 14, § 74.

SECT. 79. When any person, duly assessed in any tax, in any town or parish, dies before its payment, or removes from the town or parish where he resided when he was so assessed, to any other town or place in the state, and when any unmarried woman, being duly assessed as aforesaid, intermarries before the payment of the tax, the constable or collector may sue for the taxes in his own name, and recover the same, in an action of debt, in the same manner as other debts may be recovered; but shall recover no costs, unless he demanded the tax before bringing the action.

R. S., c. 14, § 75.

SECT. 80. If any sum of money is assessed which was not granted and voted for a legal object, with other moneys legally granted and voted, the assessment shall not thereby be void; nor shall any error, mistake or omission by the assessors, collector, or treasurer, render it void; but any person paying any such tax, may bring his action against the town, in the supreme judicial court for the county in which such town lies, and shall be entitled to recover the sum he was assessed for such illegal object, with twenty-five per cent. interest, and costs; and he may recover of the town for any damages he has actually sustained by reason of the mistakes, errors or omissions of the officers aforesaid.

R. S., c. 14, § 88.

SECT. 81. When the owner of improved lands, living in this state, but not in the town where the estate lies, is taxed, and neglects, for six months after the lists of assessment are committed to an officer for collection, to pay and discharge the same, such officer may distrain him by his goods and chattels, and for want thereof commit him to the common jail for the county where he is found.

R. S., c. 14, § 91.

SECT. 82. Or 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 debt. R. S., c. 14, § 92.

SECT. 83. When the owner or possessor of horses, mules,  
2 neat cattle, sheep or swine, resides in any other city, town or  
3 plantation, than the one in which such animals are kept and  
4 taxed, the constable or collector to whom any assessment on such  
5 animals is committed for collection, with a legal warrant, may  
6 demand the same of such owner or possessor in any part of the  
7 state, and, upon his refusal to pay the same, may distrain him  
8 by his goods, and for want thereof may commit him to the  
9 common jail of the county where he is found, there to be  
10 detained until such tax is paid, or he is thence delivered by due  
11 course of law. 1850, c. 190.

SECT. 84. 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 aid may be necessary, and any person  
4 refusing when so required, shall, on complaint, pay a fine not  
5 exceeding six dollars, at the discretion of the justice before  
6 whom the conviction is had, provided it appears that such aid  
7 was necessary; and on default of payment, the justice may  
8 commit the offender to jail for forty-eight hours.

R. S., c. 14, § 93.

SECT. 85. Every collector of taxes shall, once in two months  
2 at least, exhibit to the selectmen, and, where there are none, to  
3 the assessors of his town, a just and true account of all moneys  
4 received on the taxes committed to him, and produce the trea-  
5 surer's receipts for money by him paid. R. S., c. 14, § 94.

SECT. 86. Any collector of taxes, neglecting to perform the  
2 duty required in the preceding section, shall forfeit two and a  
3 half per cent. on the sums committed to him to collect, to be  
4 recovered by such town. R. S., c. 14, § 95.

SECT. 87. 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, respec-

6 tively, or when the time has elapsed; and the treasurer has  
7 issued his warrant of distress, in either case, the selectmen of  
8 such town, or assessors of such plantation, or committee of such  
9 parish, may call a meeting of such town, plantation or parish,  
10 to appoint a committee to settle with such collector, for the  
11 money he has received on his tax bills, and demand and receive  
12 of him such bills, and discharge him therefrom, and, at said  
13 meeting, may elect another constable or collector.

R. S., c. 14, § 96.

SECT. 88. The assessors shall then make out a new warrant,  
2 and deliver the same to him, with said bills, to collect the sums  
3 due thereon, and such collector shall have the same power, in  
4 the collection thereof, as the original collector.

R. S., c. 14, § 97.

SECT. 89. If such collector or constable refuses to deliver the  
2 bills of assessment, and pay all moneys collected by him, and  
3 remaining in his hands, when duly demanded of him, he shall  
4 pay a fine of two hundred dollars to the use of the town, plan-  
5 tation, or parish, as the case may be, and besides be liable to  
6 pay what shall remain due on said bills of assessment.

R. S., c. 14, § 98.

SECT. 90. When any constable or collector of taxes becomes  
2 insane, has a guardian, or by bodily infirmities is incapable of  
3 doing the duties of his office, before completing the collection,  
4 the assessors may appoint some suitable person a collector to  
5 perfect such collection, and grant him a warrant for the purpose,  
6 and he shall have the same power as the disqualified collector  
7 or constable; but no person shall be so appointed to complete  
8 the collection, unless by his own request or consent.

R. S., c. 14, § 99.

SECT. 91. When it appears that such insane or disqualified  
2 constable or collector has paid to the treasurer, to whom he was  
3 accountable, a larger sum than the amount of moneys he has  
4 collected from the persons named in his list, the assessors, in  
5 their warrant to the new constable or collector, by them ap-  
6 pointed, shall direct him to pay such overpaid sum to the guar-  
7 dian of such insane, or to the disqualified constable or collector.

R. S., c. 14, § 100.

SECT. 92. Such assessors, in the cases aforesaid, and also in  
2 case of the decease of a constable or collector, before perfecting  
3 his collection, may demand and receive the lists of assessment  
4 from any person having possession of the same, and deliver the  
5 same to the newly appointed collector. R. S., c. 14, § 101.

SECT. 93. 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, who is remiss and negligent  
4 in his duty in not paying into the public treasury, from time to  
5 time, the money required, within the time limited by law; and  
6 he shall direct his warrant, under his hand and seal, to the  
7 sheriff of the county in which such negligent officer lives, or to  
8 his deputy, to cause such sum as is due to be levied by distress  
9 and sale of such deficient constable or collector's real or personal  
10 estate, returning any overplus there may be, and for want of  
11 such estate, to commit the body of such delinquent officer to  
12 prison until he pays the same; which warrant the sheriff is  
13 hereby bound to obey. R. S., c. 14, § 102.

SECT. 94. When the time fixed by law for collecting any  
2 state tax has expired, and the same is unpaid, the state treasurer  
3 shall, at the request of the selectmen of any town, or assessors  
4 of any plantation, issue his execution against the collector of  
5 such town or plantation. R. S., c. 14, § 103.

SECT. 95. If any constable or collector, failing as aforesaid,  
2 has no estate, which can be found on which to make distress,  
3 and his person cannot be found within three months from the  
4 time, when a warrant of distress issues from the state treasurer;  
5 or if being committed to jail, he does not within three months  
6 satisfy the same, the town or plantation, whose collector has so  
7 failed, shall, within three months from the expiration of the  
8 beforementioned three months, make good to the state treasury  
9 the sums due from such deficient constable or collector.

R. S., c. 14, § 104.

SECT. 96. The assessors of such town or plantation, having  
2 written notice from such treasurer of the failure of such constable  
3 or collector, shall, forthwith, and without any further warrant,  
4 assess the said sum so due upon the inhabitants of such town or  
5 plantation, in the manner in which the sum so committed was

6 assessed, and commit the same to some other constable or collector for collection. R. S., c. 14, § 105.

SECT. 97. If such assessors neglect so to do, the treasurer of the state shall issue his warrant against such negligent assessors, for the whole sum so due from such deficient constable or collector, which shall be executed by the sheriff or his deputy, as other warrants issued by such treasurer. If after such second assessment, the tax is not paid to the treasurer within three months from the date of the commitment thereof, the treasurer may issue his warrant to the sheriff of the county, requiring him to levy the same upon the property, real and personal, of any of the inhabitants of the town, as is provided in the forty-third section. R. S., c. 14, § 106.

SECT. 98. Such deficient collector or constable, for whose default such town or plantation is answerable as aforesaid, shall at all times be answerable, in an action by such inhabitants, for all such sums as were assessed upon them, by means of his neglect and deficiency, and for all consequent damages.

R. S., c. 14, § 107.

SECT. 99. If any collector or constable of any town, plantation or parish, dies without having adjusted the accounts of taxes committed to him to collect, his executor or administrator shall, within two months after his acceptance of the trust, and giving bond according to law, settle the same with such assessors, as to such part as was received by him in his lifetime; with which such executors or administrators shall be chargeable, in the same manner as the deceased would be if living.

R. S., c. 14, § 108.

SECT. 100. The assessors shall thereupon appoint, in writing, some person a collector, to perfect such collection, who is hereby empowered and required to execute such powers as were granted to the former collector.

R. S., c. 14, § 109.

SECT. 101. If such executor or administrator fails of making up and settling the account of what was received by the deceased as before mentioned, within two months after accepting the trust as aforesaid, in case he has sufficient assets in his hands, he shall be chargeable with the whole sum committed to the testator or intestate for collection.

R. S., c. 14, § 110.

SECT. 102. If the constable or collector of any town, plantation or parish, to whom any taxes have been committed for collection, neglects to collect and pay the same to the treasurer named in the warrant of the assessors, by the time therein stated, such treasurer shall issue his warrant, returnable in ninety days to the sheriff of the same county, or his deputy, who are directed to execute the same, and such warrant shall be in substance as follows :

“A. B., treasurer of the — of —, in said county, to the sheriff of the county of —, or his deputy,                      Greeting.

“Whereas, C. D., of — aforesaid, (addition) on the — day of —, being a — of taxes granted and agreed on by the — aforesaid, had a list of assessments, duly made by the assessors of the — aforesaid, amounting to the sum of —, committed to him, with a warrant, under their hands, directing and empowering him to collect the several sums in the said assessment mentioned, and pay the same to the treasurer of — aforesaid, by the — day of —, but the said C. D. has been remiss in his duty by law required, and has neglected to collect the several sums aforesaid, and pay the same to the treasurer of the — aforesaid; and there still remains due thereof the sum of —, and the said C. D. still neglects to pay the same: You are hereby, in the name of the state, required forthwith to levy the aforesaid sum of —, by distress and sale of the estate, real or personal, of the said C. D., and pay the same unto the treasurer of the said —, returning the overplus, if any there be, to the said C. D. And for want of such estate, to take the body of the said C. D., and him commit to the jail in the county aforesaid, there to remain until he has paid the sum of —, with forty cents for this warrant, together with your fees, or is otherwise discharged therefrom by order of law; and make return of this warrant to myself, or my successor, as treasurer of said —, within ninety days from this time, with your doings therein.

“Given under my hand this — day of —, in the year one thousand eight hundred and —.” R. S., c. 14, § 111.

SECT. 103. On all executions or warrants of distress issued by the state treasurer, or the treasurer of any county, town,



3 plantation or parish, against any constable or collector, and  
4 delivered to the sheriff of any county or his deputy, such sheriff  
5 or deputy shall make return of his doings unto the treasurer  
6 who issued the same, within a reasonable time after the return  
7 day therein mentioned, with the money, if any, that he has  
8 received and collected by virtue thereof. And, when the same  
9 is returned unsatisfied, or satisfied in part only, such treasurer  
10 may issue an alias for such sum as is due on the return of the  
11 first; and so, as often as occasion occurs. A reasonable time  
12 after the return day shall be computed at the rate of forty-eight  
13 hours for every ten miles distance from the dwelling-house of  
14 the sheriff or his deputy to the place where the warrant is  
15 returnable. R. S., c. 14, § 112.

SECT. 104. Any sheriff or deputy sheriff who neglects to  
2 comply with the directions of such warrant, or any of them, shall  
3 be liable to pay the whole sum mentioned in such execution or  
4 warrant of distress. R. S., c. 14, § 113.

SECT. 105. The treasurer of state, and treasurers of counties,  
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. R. S., c. 14, § 114.

SECT. 106. Any officer, in making sale of any personal  
2 property distrained by him, by virtue of any warrant from the  
3 treasurer of state or county, town, plantation or parish, against  
4 any deficient constable or collector, shall proceed in the same  
5 manner as in the sale of such property seized on execution.

R. S., c. 14, § 115.

SECT. 107. When a warrant of distress, issued by the trea-  
2 surer of state, or of any county, town, plantation or parish, to  
3 the sheriff or his deputy, or to a coroner, is levied on the real  
4 estate of any deficient constable, collector, sheriff or deputy  
5 sheriff, for the purpose of being sold, notice of the intended sale  
6 shall be given, and of the time and place of sale, fourteen days

7 before such day, by posting advertisements in two or more public  
8 places in the town or place where the estate is situated, and  
9 also in two adjoining towns. R. S., c. 14, § 116.

SECT. 108. On the day, and at the place appointed, the  
2 officer, having such warrant, shall proceed to sell at public auc-  
3 tion all such estate, if necessary, and if not necessary, then so  
4 much thereof in common and undivided with the residue, as shall  
5 be necessary to satisfy the sum mentioned in the warrant, with  
6 all legal or reasonable charges. R. S., c. 14, § 117.

SECT. 109. Such officer shall make and execute to the pur-  
2 chaser a sufficient deed thereof, and such conveyance duly  
3 executed, shall be effectual, to all intents and purposes, as if  
4 executed by the deficient owner thereof. R. S., c. 14, § 118.

SECT. 110. In case the proceeds of such sale do not satisfy  
2 the sum named in the warrant and the necessary expenses, the  
3 treasurer, who issued such warrant, shall issue an alias warrant  
4 for the sum remaining due, and the officer executing the same  
5 shall take the body of such deficient collector, constable or  
6 deputy sheriff, and proceed as in cases of execution for debt.

R. S., c. 14, § 119.

SECT. 111. When such deficient officer is arrested, or com-  
2 mitted to jail, he shall be entitled to the same degree of liberty,  
3 as a debtor committed or arrested on execution, upon his giving  
4 sufficient bond, and to the same privileges, to which he would be  
5 entitled, by the laws in force, for the time being, respecting poor  
6 debtors, if he had been committed or arrested on an execution in  
7 favor of a private individual creditor. R. S., c. 14, § 120.

SECT. 112. When any constable or collector of taxes is taken  
2 on execution, by virtue of this chapter, the assessors may  
3 demand and receive of him a true copy of 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  
6 on the same assessments; and, on his compliance with this de-  
7 mand, he shall receive such credit as the assessors, on inspection  
8 of the assessment, adjudge him entitled to, and for the balance  
9 he shall be held accountable. R. S., c. 14, § 121.

SECT. 113. 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 the collection of the assessments, and  
4 he shall be duly sworn, and give such security, as is required of  
5 the first collector, and the assessors shall deliver the assessments,  
6 received back as aforesaid, to such new collector, with a proper  
7 warrant for completing the collection; and he shall proceed  
8 accordingly, in the manner before prescribed.

R. S., c. 14, § 122.

SECT. 114. 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  
5 a warrant from a justice of the peace, be committed to the county  
6 jail, there to remain, until he exhibits and gives up the same  
7 as required.

R. S., c. 14, § 123.

SECT. 115. In such case, the assessors shall take copies of  
2 the record of assessments, and deliver them to the collector chosen  
3 in the manner mentioned in the one hundred and thirteenth  
4 section, with their warrant for the collection of the taxes  
5 remaining uncollected by the former collector.

R. S., c. 14, § 124.

SECT. 116. When the tax of any person named in said assess-  
2 ment does not thereby appear to be paid, but such person declares  
3 to the collector, that it had been paid to the former collector, the  
4 new collector shall not proceed to distrain or commit such person,  
5 unless a vote of such town, plantation or parish is first passed  
6 therefor, and certified to him by the town, plantation or parish  
7 clerk.

R. S., c. 14, § 125.

SECT. 117. When any town neglects to choose any constable  
2 or collector, or any plantation to choose a collector to collect  
3 any state or county tax, the sheriff of the county is hereby  
4 authorized and directed to collect the same, having received an  
5 assessment made of the proportion of the several persons ratable  
6 in such town or plantation, with a warrant under the hands of  
7 the assessors of such town or plantation, duly chosen or appointed  
8 by the county commissioners, as the case may be.

R. S., c. 14, § 126.

SECT. 118. 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, and  
6 to be removed in the same manner, as in case of deficient con-  
7 stables and collectors chosen by towns. R. S., c. 14, § 127.

SECT. 119. The sheriff or his deputy, upon receiving such  
2 assessment and warrant for collection, as is mentioned in the  
3 two preceding sections, shall forthwith post, in some public  
4 place in the town or plantation assessed, an attested copy of  
5 such assessment and warrant, and shall make no distress for any  
6 of the sums so assessed, till after thirty days from his posting it  
7 up; and any person, paying the sum assessed on him, to such  
8 sheriff, before the expiration of said thirty days, shall pay at the  
9 rate of five per cent. over and above the sum assessed, to the  
10 sheriff for his fees, and no more. R. S., c. 14, § 128.

SECT. 120. All such as neglect to comply with the provisions  
2 of the preceding section, shall be proceeded against by the  
3 sheriff, by way of distress and arrest, in like manner as collectors  
4 are directed to distrain or arrest, and the sheriff or his deputy  
5 may require aid for the purpose, and the same fees shall be paid  
6 for the travel and service of the sheriff, as in other cases of dis-  
7 tress made. R. S., c. 14, § 129.

SECT. 121. When any officer, appointed to collect assessments  
2 by virtue of a warrant, for want of property, takes the body of  
3 any person, and commits him to prison, he shall give an attested  
4 copy of his warrant to the prison keeper, and certify, under his  
5 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 pays his assessment and charges, and thirty-three  
12 cents for the copy of the warrant; but he shall have the same  
13 degree of liberty, and the same privileges, as mentioned in the  
14 one hundred and eleventh section. R. S., c. 14, § 130.

SECT. 122. When any person, committed for non-payment of  
2 taxes due to the state or county, is discharged from confinement,

3 by virtue of any act, for the time being, for the relief of poor  
4 prisoners confined in jail for taxes, in every such case, the town  
5 or plantation, whose assessors issued the warrant, by which the  
6 prisoner was committed, shall pay the whole tax required of such  
7 town or plantation. R. S., c. 14, § 131.

SECT. 123. When any person, imprisoned for the non-payment  
2 of his proportion of any tax, is discharged from prison by virtue  
3 of the act mentioned in the preceding section, the collector, or  
4 constable making such imprisonment, shall not be discharged of  
5 the proportion due from such person, unless the imprisonment  
6 was made within one year, next after the commitment of the  
7 assessment to such constable or collector, unless the inhabitants  
8 of such town or plantation, in legal meeting, abate the same to  
9 such officer. R. S., c. 14, § 132.

SECT. 124. For the commitment of a person for non-payment  
2 of taxes, the officer shall be entitled to the same fees, to which  
3 sheriffs by law are entitled, for levying executions, except that  
4 his travel shall be computed only from his dwelling-house to the  
5 place of commitment. R. S., c. 14, § 133.

ARTICLE IV.—*Duties of town treasurers, when appointed  
collectors of taxes.*

SECT. 125. The inhabitants of any town or plantation may,  
2 in March, annually, appoint their treasurer, a collector of taxes;  
3 and the treasurer, so appointed, may appoint under him such  
4 number of assistants as may be necessary, and they shall give  
5 bond for the faithful discharge of their duties, in such sum, and  
6 with such sureties, as the selectmen may approve, and such  
7 collector of taxes shall have like powers, as are vested in collec-  
8 tors chosen for that purpose. R. S., c. 14, § 134.

SECT. 126. At any meeting, at which they vote to raise any  
2 tax, they may agree, not only on the abatement to be made to  
3 persons, who voluntarily pay their taxes to the collector, at  
4 certain periods, but likewise, the length of time, after the com-  
5 mitment of the tax to the treasurer, within which any person, by  
6 so paying his taxes, may be entitled to such abatement.

R. S., c. 14, § 135.

SECT. 127. A notification of such votes, and time when such  
2 taxes were committed, shall be posted up, by the treasurer, in  
3 one or more public places in such town, or other corporation  
4 aforesaid, within seven days after such commitment.

R. S., c. 14, § 136.

SECT. 128. All such inhabitants of any such town or planta-  
2 tion, who voluntarily pay the said collector, or his deputy, the  
3 amount of their taxes, at any of the periods mentioned in the  
4 notifications of the votes posted up as aforesaid, shall be entitled  
5 to an abatement of so much of their taxes, as is specified in such  
6 votes, to be allowed according to the time of such payment.

R. S., c. 14, § 137.

SECT. 129. All such taxes, as are not paid agreeably to the  
2 provisions of the preceding section, shall be collected by the  
3 collector, or his deputy, agreeably to the other provisions of this  
4 chapter.

R. S., c. 14, § 138.

SECT. 130. 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 preceding  
4 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 is duly qualified, together  
7 with his deputies.

R. S., c. 14, § 139.

SECT. 131. All the powers granted in this chapter to trea-  
2 surers who are appointed collectors of taxes, shall be extended  
3 till the collection of any tax committed to them is completed,  
4 notwithstanding the year for which they were appointed had  
5 elapsed.

R. S., c. 14, § 140.

SECT. 132. The selectmen of towns, and the assessors of plan-  
2 tations, shall require the treasurer of such town or plantation to  
3 give bond, with sufficient sureties, for the faithful performance  
4 of the duties of his office, and, if he neglects or refuses 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 case  
7 of vacancy.

R. S., c. 14, § 141.

SECT. 133. Every treasurer shall render an account of the  
2 state of the finances of his town or plantation, and exhibit all  
3 the books and accounts appertaining to his office, to the selectmen

4 of his town, or assessors of his plantation, or to any committee  
5 appointed by such town or plantation to examine said accounts,  
6 whenever required. And it shall be the duty of such selectmen  
7 or assessors to examine such treasurer's accounts as often as once  
8 in three months. R. S., c. 14, § 142.

SECT. 134. The treasurer of any town, who is also collector,  
2 may issue his warrant to the sheriff of the county in which such  
3 town is situated, or to his deputy, or a constable of the same  
4 town, directing him to distrain the person or property of any  
5 person, who is delinquent in paying his taxes, after the expira-  
6 tion of the time fixed for payment by vote of the town; which  
7 warrant shall be of the same tenor as that prescribed to be issued  
8 by selectmen or assessors to collectors, changing such parts as  
9 ought to be changed, returnable to the treasurer in thirty days.

R. S., c. 14, § 143.

SECT. 135. When the treasurer, being also collector, thinks  
2 there is danger of losing by delay, a tax assessed on any indi-  
3 vidual, he may distrain the person or property of such individual,  
4 before the expiration of the time fixed by the vote of the town.

R. S., c. 14, § 144.

SECT. 136. Before any such officer serves any such warrant,  
2 he shall deliver to the delinquent, or leave at his last and usual  
3 place of abode, a summons from said collector and treasurer,  
4 stating the amount of tax due, and that the same must be paid  
5 within ten days from the time of leaving such summons, with  
6 twenty cents for the use of the officer leaving the summons.

R. S., c. 14, § 145.

SECT. 137. If such sums be not so paid, then the officer shall  
2 serve such warrant, in the same manner as collectors of taxes  
3 are authorized to do, and shall receive the same fees as are  
4 allowed for levying executions in personal actions.

R. S., c. 14, § 146.

#### ARTICLE V.—*Special provisions.*

SECT. 138. The affidavit of any disinterested person, as to  
2 posting notifications required for the sale of any land, to be sold  
3 by the sheriff or his deputy, constable or collector, in the execu-  
4 tion of his office, may be used in evidence in any trial, to prove

5 the fact of notice; provided, such affidavit, made on one of the  
6 original advertisements, or on a copy of the same, is filed in the  
7 registry of the county or district, where the land lies, within six  
8 months. R. S., c. 14, § 147.

SECT. 139. When the estate of an inhabitant of any town,  
2 plantation or parish, not being an assessor thereof, is levied  
3 upon and taken, as mentioned in the forty-fifth section, he may  
4 maintain an action against such town, plantation or parish, and  
5 recover the full value of the estate so levied on, with interest,  
6 at the rate of twenty per cent. from the time it was taken, with  
7 costs. R. S., c. 14, § 148.

SECT. 140. Such value may be proved by any other legal  
2 evidence, as well as by the result of any sale under such levy.

R. S., c. 14, § 149.

SECT. 141. All warrants lawfully issued by the state trea-  
2 surer, or any county treasurer, shall be made returnable in  
3 three months, and may be renewed for the collection of such  
4 sum, as appears due upon them when returned; including  
5 expenses incurred in attempting to collect the same.

R. S., c. 14, § 150.

SECT. 142. The power and duty of the sheriff shall be the  
2 same in executing such alias or pluries warrant, as the original  
3 warrant. R. S., c. 14, § 151.

ARTICLE VI.—*The collection of taxes in incorporated places on  
lands of non-resident owners.*

SECT. 143. When no person appears to discharge the taxes  
2 duly assessed on any real estate in any town or plantation  
3 owned by non-residents, within nine months from the date of the  
4 assessment, the collector shall make a true copy of so much of  
5 the assessment as relates to the taxes due thereon, and certify  
6 the same to the treasurer of the town or plantation. All lands  
7 taxed to owners unknown, shall be deemed to be non-resident  
8 lands. 1844, c. 123, § 1.

SECT. 144. The treasurer shall record the same in a book  
2 kept for that purpose, and advertise in the state paper the names  
3 of the owners, if known by him, with the sum of the taxes on  
4 their lands respectively; and if the owners be not known by him,



5 he shall publish the taxes on the several rights, numbers of lots  
6 or divisions, with such short description, as he can conveniently  
7 give, containing the substance at least of the description in the  
8 inventory upon which the tax was assessed.

1844, c. 123, § 2.

SECT. 145. Where the name of the place, in which such  
2 lands lie, has been altered by law, or the place itself has been  
3 annexed to another town, within three years next preceding  
4 such advertisement, he shall express, not only the present  
5 name, but that by which it was last known.

R. S., c. 14, § 78.

SECT. 146. The treasurer shall cause the advertisements  
2 aforesaid to be published three weeks successively, within three  
3 months from the time the collector certifies to him the delin-  
4 quencies aforesaid, and shall also lodge with the clerk of the  
5 town or plantation where said lands lie, a copy of said advertise-  
6 ment; who shall record the same in the records kept by him.

1844, c. 123, § 3.

SECT. 147. Any person may discharge said taxes after sixty  
2 days from the first publication of the treasurer's first notice, and  
3 within two years from the date of the assessment, by paying to  
4 the treasurer the taxes with interest, at the rate of twenty per  
5 cent. per annum, from the date of the advertisement, together  
6 with costs of advertising, which costs shall be ascertained by  
7 adding fifty per cent. to the sums paid the printer, and by  
8 dividing the aggregate by the number of lots advertised, and such  
9 proportional costs only shall be allowed. 1844, c. 123, § 4.

SECT. 148. When any taxes on non-resident lands remain  
2 unpaid, or the amount paid by any person in discharge thereof,  
3 agreeably to the provisions of the one hundred and forty-seventh  
4 section, are not repaid or deposited with the treasurer, for the  
5 term of two years from the date of the assessment, the treasurer  
6 shall publish notice of the same in the state paper, therein  
7 stating the amount of taxes unpaid, and the amount or amounts  
8 paid into the treasury in discharge of any of said taxes, and the  
9 date of the assessment thereof; and that the land will be for-  
10 feited to the town or plantation, and to the person or persons so  
11 discharging said taxes, as aforesaid, unless payment of said taxes,

12 and the amount so paid in discharge thereof, with interest and  
13 costs, as provided in the one hundred and forty-seventh section,  
14 be made within three years from the date of the assessment.

1844, c. 123, § 5.

SECT. 149. Any person may discharge said taxes, after  
2 notice given as mentioned in the one hundred and forty-eighth  
3 section, and before the expiration of three years therein named,  
4 by paying the taxes, with interest at the rate of twenty per cent.  
5 per annum, from the date of the first advertisement, together  
6 with the costs of the first and second advertisements, the amount  
7 to be paid to be ascertained by adding fifty per cent. to the sums  
8 paid to the printer, and by dividing the aggregate by the number  
9 of lots advertised. 1844, c. 123, § 6. 1850, c. 172.

SECT. 150. If any taxes on real estate as aforesaid are not  
2 paid to the treasurer of the town, or to the person who discharged  
3 them as aforesaid, within three years next following the date of  
4 the assessment, such real estate shall be wholly forfeited, and  
5 the title thereof shall vest in the town or plantation or the person  
6 who paid said tax as aforesaid, free and quit from all claim by  
7 any former owner, and the same shall be held and owned by the  
8 town or plantation, or such person, by a title which is hereby  
9 declared to be perfect and indefeasible, provided all the require-  
10 ments of this act have been complied with. 1844, c. 123, § 7.

SECT. 151. When any person, not the owner of the land,  
2 shall discharge the taxes, costs and charges, as provided in the  
3 one hundred and forty-seventh section, he shall be entitled to a  
4 certificate from the town or plantation treasurer, where said tax  
5 was assessed, which certificate shall conform substantially to  
6 the notice required by the one hundred and forty-fourth section,  
7 in relation to the name of the owner, and amount of tax and  
8 cost paid; and the treasurer shall make a record of said certi-  
9 ficate. 1844, c. 123, § 8.

SECT. 152. When any taxes assessed upon non-resident real  
2 estate are discharged, as provided in the one hundred and  
3 forty-seventh and one hundred and forty-ninth sections, the  
4 owner thereof may, at any time within three years from the  
5 date of the assessment of said taxes, redeem the same by paying  
6 into the town treasury, for the benefit of the person who dis-

7 charged said taxes, the full amount paid therefor, together with  
8 interest on the whole, at the rate of twenty per cent. per annum.  
9 The treasurer and his sureties shall be subject to the same  
10 duties and liabilities relative to the payment of the money so  
11 deposited with said treasurer, to the person who is entitled to  
12 the same, as treasurers are subject to by this chapter, as to the  
13 payment of money deposited with them for the redemption of  
14 real estate of resident proprietors. 1844, c. 123, § 9.

SECT. 153. For all taxes legally assessed on any real estate,  
2 owned by non-residents, a lien is hereby created upon all timber  
3 and grass growing or standing thereon. All logs and hay cut  
4 thereon are liable to be taken and sold by the collector of taxes,  
5 sufficient to pay all taxes due on such real estate, with all legal  
6 costs and charges. The collector is entitled to the same fees,  
7 and the same proceedings shall be had, as is provided in sections  
8 sixty-five, seventy and seventy-one of this chapter.

1844, c. 123, § 19.

ARTICLE VII.—*The lien on lands of resident owners for taxes,  
and sale of such lands for non-payment of taxes.*

SECT. 154. For all taxes legally assessed on real estate be-  
2 longing to resident proprietors, a lien is hereby created, which  
3 shall continue in full force until the payment thereof. If any  
4 such tax remains unpaid for the term of nine months from the  
5 date of the assessment, the collector may give notice of the same,  
6 and of his intention to sell so much of such real estate as may  
7 be necessary for the payment of said tax and all charges, by  
8 posting notices thereof in the same manner and at the same  
9 places that warrants for town meetings are required to be posted,  
10 in the town or plantation where such lands lie, six weeks before  
11 the day of sale, designating the name of the owner, if known,  
12 the right, lot and range, the number of acres as near as may be,  
13 the amount of tax due and unpaid, and such other short descrip-  
14 tion as may be necessary to render the same certain and plain;  
15 and shall likewise lodge with the town or plantation clerk a  
16 copy of such notice, with his certificate on the same, that he has  
17 given notice of the intended sale as required by law. Such copy  
18 and certificate thereon shall be recorded by said clerk, and the

19 record so made shall be open to the inspection of all persons  
20 interested. It shall be the duty of the clerk to furnish to any  
21 person desiring the same, an attested copy of such record, on  
22 receiving payment, or tender of payment, of a reasonable sum  
23 therefor. 1844, c. 123, § 10.

SECT. 155. After the land is so advertised, and at least ten  
2 days before the day of sale, the collector shall notify the owner  
3 or occupant thereof, of the time and place of sale, by delivering  
4 to him in person, or leaving at his last and usual place of abode,  
5 a written notice signed by him, in which shall be stated the time  
6 and place of sale, and the amount of the taxes due. If such tax  
7 is paid before the time of sale, the amount to be paid for the  
8 advertisements and notice aforesaid shall not exceed one dollar.  
1849, c. 131, § 1, 2. 1844, c. 123, § 19.

SECT. 156. When no person appears to discharge the taxes  
2 duly assessed on any real estate of resident owners, with costs  
3 of advertising the same on or before the time of sale, the collector  
4 shall proceed to sell at public auction, to the highest bidder, so  
5 much of the real estate aforesaid, as may be necessary to pay the  
6 tax then due, with three dollars for advertising and selling the  
7 same, and twenty-five cents more for each copy required to be  
8 lodged with the town or plantation clerk. And if more than one  
9 right, lot or parcel of land is so advertised and sold, the said sum  
10 of three dollars shall be divided equally among the several lots  
11 or parcels advertised and sold at any one time; and the collector  
12 shall be entitled to receive, in addition, fifty cents on each parcel  
13 of real estate so advertised and sold, when more than one parcel  
14 is advertised and sold. 1844, c. 123, § 11.

SECT. 157. When any real estate shall be sold for taxes, as  
2 provided in the one hundred and fifty-sixth section of this chap-  
3 ter, the collector of taxes shall, within four days after the day  
4 of sale, lodge with the treasurer of the town or plantation in  
5 which the real estate lies, a certificate under oath, designating  
6 the quantity of land sold, the name of the owner or owners of  
7 each parcel, and the name of the purchaser or purchasers; what  
8 part of the amount on each was tax, and what was cost and  
9 charges; and shall also lodge with the treasurer aforesaid, within  
10 the time aforesaid, a deed of each parcel sold, running to the

11 purchasers. And the collector shall be allowed and paid by  
12 the treasurer, to be re-paid by the person redeeming, or by the  
13 purchaser, on delivery of the deed, the sum of fifty cents for  
14 each deed. 1844, c. 123, § 12.

SECT. 158. Any person to whom the right by law belongs,  
2 may, at any time within the space of two years from the date of  
3 the collector's certificate required in the preceding section to be  
4 lodged with the town or plantation treasurer, redeem any real  
5 estate of resident proprietors sold for taxes, on paying into the  
6 town or plantation treasury, for the purchaser, the full amount  
7 certified to be due, as in the foregoing section, both taxes and  
8 costs, including that allowed for the deed or deeds, together with  
9 interest on the whole at the rate of twenty per cent. per annum,  
10 from the date of said certificate, which sums shall be received  
11 and held by said treasurer, as the property of the purchaser  
12 aforesaid; and the said treasurer shall be held to pay the  
13 same to the said purchaser, his heirs or assigns, on demand; and  
14 if not paid when demanded, the purchaser shall have the right  
15 to sue for and recover the same, in any court of competent  
16 jurisdiction, with costs, and interest at the rate of twenty per  
17 cent. from and after demand is made as aforesaid. The sureties  
18 of the treasurer shall be liable to pay the same, on the failure  
19 of said treasurer so to pay. And in default of payment by  
20 either the treasurer or his sureties, the town or plantation shall  
21 pay the same, with cost and interest as aforesaid.

1844, c. 123, § 13.

SECT. 159. In case no person having legal authority so to  
2 do, redeems the same, within the time aforesaid, by paying the  
3 full amount required by this chapter, said treasurer shall  
4 deliver to the purchaser the deed or deeds so lodged with him  
5 by the collector; and if the treasurer wilfully refuses to deliver  
6 any such deed to such purchaser, on demand, after the expira-  
7 tion of the said term of two years and forfeiture of the land as  
8 aforesaid, he shall forfeit and pay to the said purchaser the  
9 full and just value of the property so to be conveyed, to be  
10 recovered in an action of debt in any court of competent juris-  
11 diction, with cost and interest as in other cases; the sureties of  
12 said treasurer shall make good the payment here required, in

13 default of payment by the principal; and on the failure of pay-  
14 ment by both the treasurer and his sureties; then the town or  
15 plantation where the said real estate lies shall be liable.

1844, c. 123, § 14.

SECT. 160. No officer to whom a warrant for collection of  
2 taxes is committed, shall sell any real estate for non-payment of  
3 taxes, after the expiration of two years from the date of such  
4 warrant.

1844, c. 123, § 15.

SECT. 161. In any trial at law or in equity, involving the  
2 validity of any sale of real estate for non-payment of taxes, it  
3 shall be sufficient for the party claiming under it, to produce in  
4 evidence the collector's deed, duly executed and recorded; the  
5 assessments signed by the assessors, and their warrants to the  
6 collector; and to prove that such collector complied with the  
7 requisitions of law, as to advertising and selling such real estate.

1844, c. 123, § 16.

SECT. 162. The copy of the notice of sale and the certificates  
2 thereon, deposited with the town or plantation clerk, as required  
3 in the one hundred and fifty-fourth section of this chapter, or if  
4 the same be lost or destroyed, an attested transcript of the town  
5 or plantation clerk's record thereof, shall be conclusive evidence  
6 that such notice was given as is required by this chapter, in the  
7 trial of all issues in which the collector who made the sale is not  
8 personally interested.

1844, c. 123, § 17.

SECT. 163. It shall be the duty of the collector making any  
2 sale of real estate for non-payment of taxes, within thirty days  
3 after such sale, to make a return with a particular statement of  
4 his doings in making such sale to the clerk of the town or plan-  
5 tation in which such real estate is situated; and said clerk shall  
6 record said return in the town or plantation records; and said  
7 return, or if the same is lost or destroyed, an attested copy of  
8 the record thereof, shall be evidence of the facts therein set forth,  
9 in all cases where such collector is not personally interested.

1844, c. 123, § 18.

SECT. 164. The treasurer's receipt, or certificate of payment,  
2 of a sufficient sum to redeem any lands taxed as aforesaid, shall  
3 be legal evidence of such payment and redemption.

R. S., c. 14, § 90.

ARTICLE VIII.—*General provisions respecting taxation.*

SECT. 165. A poll tax shall be assessed upon every male inhabitant of this state above the age of twenty-one years, whether a citizen of the United States or an alien, in the manner provided by law, unless he is exempted therefrom by the provisions of this chapter. 1845, c. 159, § 1.

SECT. 166. All real property within this state, all personal property of the inhabitants of this state, and all personal property hereinafter specified of persons not inhabitants of this state, shall be subject to taxation in the manner provided in this chapter. 1845, c. 159, § 2.

SECT. 167. Real estate, for the purposes of taxation, shall be construed to include all lands within this state, and all buildings and other things erected on or affixed to the same. The track of any railroad belonging to any railroad company incorporated by this state, where it is not otherwise provided in the charter incorporating the same, shall not be deemed real estate, but the land on which any track is constructed shall be deemed real estate and regarded as non-resident property for the purposes of taxation, and taxed according to its just value. 1845, c. 159, § 3.

SECT. 168. Improvements made upon, and the interest of any person in lands, the fee of which is in the state, shall be taxed as real estate to the tenant or occupant thereof. In the valuation of such estate, the price or value of the fee shall not be included. The taxes shall be assessed and collected in the same manner as taxes upon other real estate; but the title of the state in the fee of the land shall in no manner be affected by the tax or sale for non-payment thereof of the interest of the tenant or occupant. R. S., c. 25, § 115, 116.

SECT. 169. Personal estate shall, for the purposes of taxation, be construed to include all goods, chattels, moneys and effects, wheresoever they may be; all ships and vessels, at home or abroad; all obligations for money or other property; money at interest and debts due the persons to be taxed, more than they are owing; all public stocks and securities; all shares in moneyed corporations, within or without the state; all annuities payable to the person to be taxed when the capital of such

9 annuity is not taxed in this state; and all other property  
10 included in the last preceding state valuation for the purposes  
11 of taxation. 1845, c. 159, § 4.

SECT. 170. The following property and polls shall be ex-  
2 empted from taxation, namely :

、 *First*—The property of the United States and of this state.

*Second*—All real and personal property of literary institu-  
5 tions, which is by the articles of Separation exempted from  
6 taxation, the academy and college buildings, and personal  
7 property of all literary institutions, and the real and personal  
8 property of all benevolent, charitable and scientific institutions  
9 incorporated by this state.

*Third*—The household furniture of each person not exceeding  
11 two hundred dollars to any one family, his wearing apparel,  
12 farming utensils, mechanics' tools necessary for carrying on his  
13 business, and musical instruments not exceeding in value fifteen  
14 dollars to any one family.

*Fourth*—All houses of religious worship and the pews and  
16 furniture within the same, except for parochial purposes, and  
17 all tombs and rights of burial.

*Fifth*—All mules, horses, neat cattle, swine and sheep, less  
19 than six months old.

*Sixth*—The polls and estates of all Indians; and the polls  
21 of persons under guardianship.

*Seventh*—The polls and estates of all persons who by reason  
23 of age, infirmity and poverty may in the judgment of the  
24 assessors be unable to contribute towards the public charges.

*Eighth*—The polls and estates of inhabitants of islands on  
26 which there are no highways, may be exempted from the high-  
27 way tax at the discretion of the city, town or plantation to  
28 which they belong. 1845, c. 159, § 5. 1849, c. 118.

SECT. 171. The poll tax shall be assessed on each taxable  
2 person in the place where he shall be an inhabitant on the first  
3 day of April in each year. No person shall be considered an  
4 inhabitant of a place on account of his residing there as a  
5 student in a literary seminary. 1845, c. 159, § 6.

SECT. 172. All taxes on real estate shall be assessed in the  
2 city, town or plantation where the estate lies, to the person who



3 is the owner or in possession thereof on the first day of April  
4 in each year. In cases of mortgaged real estate the mortgager,  
5 for the purposes of taxation, shall be deemed the owner until  
6 the mortgagee shall take possession, after which the mortgagee  
7 shall be deemed the owner. 1845, c. 159, § 7.

SECT. 173. When a tenant, paying rent for real estate, shall  
2 be taxed therefor, he may retain out of his rent the one half the  
3 taxes paid by him, and when a landlord is assessed for such  
4 real estate, he may recover the one half of the taxes paid by him  
5 and his rent in the same action against the tenant, unless there  
6 be an agreement to the contrary. 1845, c. 159, § 8.

SECT. 174. All personal property, within or without this  
2 state, except in the cases enumerated in the following section,  
3 shall be assessed to the owner in the town where he is an in-  
4 habitant on the first day of April in each year. 1845, c. 159, § 9.

SECT. 175. The excepted cases referred to in the preceding  
2 section are the following, namely:

*First*—All goods, wares and merchandize, all logs, timber,  
4 boards and other lumber, and all stock in trade, including stock  
5 employed in the business of any of the mechanic arts, in any  
6 city, town or plantation within this state, other than where the  
7 owners reside, shall be taxed in such city, town or plantation, if  
8 the owners occupy any store, shop, mill or wharf therein, and  
9 shall not be taxable where the owners reside.

*Secondly*—All machinery employed in any branch of manu-  
11 facture, and all goods manufactured or unmanufactured, and all  
12 real estate belonging to any corporation, shall be assessed to  
13 such corporation in the town or other place where the same are  
14 situated or employed; and in assessing the stockholders for  
15 their shares in any such corporation, their proportional part of  
16 the value of such machinery, goods and real estate shall be  
17 deducted from the value of such shares.

*Thirdly*—All mules, horses, neat cattle, sheep and swine,  
19 shall be taxed in the town where they are kept on the first day  
20 of April, in each year, to the owner or person who has them in  
21 possession at that time. All such animals, which may be in

22 any other town than that in which the owner or possessor resides,  
23 for the purpose of pasturing, or any other temporary purpose,  
24 on said first day of April, shall be taxed to such owner or pos-  
25 sessor in the town where he resides; and all such animals,  
26 which may be out of the state, or in any unincorporated place  
27 within the state on said first day of April, for any purpose what-  
28 ever, and being owned by, or in charge and possession of any  
29 person residing in any city, town or plantation in this state,  
30 shall be taxed to such owner or possessor in the city, town or  
31 plantation where he resides.

*Fourthly*—All personal property belonging to minors under  
33 guardianship, shall be assessed to the guardian in the place  
34 where he is an inhabitant. The personal property of all other  
35 persons under guardianship shall be assessed to the guardian in  
36 the town where the ward is an inhabitant.

*Fifthly*—All personal property held in trust by an executor,  
38 administrator or trustee, the income of which is to be paid to  
39 any married woman or other person, shall be assessed to the  
40 husband of such married woman, or to such other person, respec-  
41 tively, in the place of which he is an inhabitant. But if such  
42 married woman, husband or other person reside out of the state,  
43 the same shall be assessed to such executor, administrator or  
44 trustee, in the place where he resides.

*Sixthly*—Personal property placed in the hands of any corpo-  
46 ration as an accumulating fund, for the future benefit of heirs  
47 or other persons, shall be assessed to the person for whose benefit  
48 the same is accumulating, if within the state, otherwise to the  
49 person so placing it, or his executors or administrators, until a  
50 trustee shall be appointed to take charge of such property or the  
51 income thereof, and then to such trustee.

*Seventhly*—The personal property of deceased persons in the  
53 hands of their executors or administrators not distributed, shall  
54 be assessed to the executors or administrators in the town  
55 where the deceased person last dwelt, until they shall give  
56 notice to the assessors that said property has been distributed  
57 and paid over to the persons entitled to receive it. If the  
58 deceased at the time of his death did not reside in the state,

59 such property shall be assessed in the town in which such exec-  
60 utors or administrators live.

1845, c. 159, § 10. 1846, c. 189, § 1.

SECT. 176. Betterments and improvements made upon such  
2 lands of literary institutions as are exempted from taxation, not  
3 including sites and buildings occupied by such institutions and  
4 their officers, shall be deemed personal property, and taxed to  
5 the tenant or owner thereof, in the town or plantation wherein  
6 the same may be. 1843, c. 30.

SECT. 177. The stock of all toll bridges shall be taxed as  
2 personal property to the owners thereof in the towns where they  
3 reside. 1846, c. 189, § 2.

SECT. 178. Blood animals brought into the state and kept for  
2 the purpose of improvement of the breed, shall not be taxed at a  
3 higher rate than stock of the same quality and kind bred in the  
4 state. 1855, c. 134.

SECT. 179. All goods, wares, merchandize or other personal  
2 property, which, on the first day of April in each year, is  
3 within this state for the purpose of sale, and owned by persons  
4 residing out of the state, shall be liable to be taxed to the person  
5 or persons having the same in possession for the purpose of  
6 sale. 1849, c. 140, § 1. 1853, c. 42, § 2.

SECT. 180. Such person shall have a lien upon such property,  
2 which, after having paid the tax, he may enforce for the re-  
3 payment of all sums by him lawfully paid in discharge of the  
4 tax. A lien is also created upon the property for the payment  
5 of the tax, which may be enforced by the constable or collector  
6 to whom the tax is committed, by a sale of the property, pursuant  
7 to the provisions of the seventy, seventy-first and sixty-fifth  
8 sections of this chapter. 1849, c. 140, § 2.

SECT. 181. If any person, under the provisions of the fore-  
2 going section, pays more than his proportionate part of the tax,  
3 or if his own goods or property are applied to the payment and  
4 discharge of the whole tax, he shall be entitled to recover of the  
5 owner of the goods, wares or merchandise, such portion of the  
6 whole tax as would be such owner's proper share.

1849, c. 140, § 3.

SECT. 182. When any insurance or other incorporated company is required by law to invest its capital stock or any part thereof in the stock of any bank or banks, or other corporation in this state, for the security of the public, such investments shall not be liable to taxation except to the stockholders of the company so investing as making a part of the value of their respective shares in the capital stock of said company.

1845, c. 159, § 11.

SECT. 183. When personal property is mortgaged or pledged, it shall, for the purposes of taxation, be deemed the property of the party who has it in possession.

1845, c. 159, § 12.

SECT. 184. The undivided real estate of any deceased person may be assessed to the heirs or devisees of such person without designating any of the heirs or devisees by name, until they give notice to the assessors of the division of the estate and the names of the several heirs or devisees. And until such notice is given, each heir or devisee shall be liable for the whole of such tax, and have a right to recover of the other heirs or devisees their respective portions thereof when paid by him, and in an action for that purpose, the undivided shares of such heirs or devisees in the estate upon which such tax has been paid, may be attached on mense process or taken on execution issued on judgment recovered in an action therefor.

1845, c. 159, § 13.

SECT. 185. Partners in mercantile or other business, whether residing in the same or different towns, may be jointly taxed under their partnership name in the town where their business is carried on, for all the personal property enumerated in the first paragraph of section one hundred and seventy-six of this chapter, employed in such business; and if they have places of business in two or more towns, they shall be taxed in each town for the portion of property employed therein. And said partners shall be jointly and severally liable for such tax.

1845, c. 159, § 14.

SECT. 186. When a state tax is ordered by the legislature, the treasurer of the state shall forthwith send his warrants, directed to the mayor and aldermen, selectmen or assessors, of

4 each city, town or plantation, or other place, in this state,  
5 requiring them to assess upon the polls and estates of each its  
6 proportion of such state tax, and the amount of such proportion  
7 shall be stated in such warrant. 1845, c. 159, § 15.

SECT. 187. The treasurer in his warrant shall require said  
2 mayor and aldermen, selectmen and assessors, respectively, to  
3 make a fair list of their assessments, setting forth in distinct  
4 columns against each person's name, how much he is assessed  
5 for polls, how much for real estate, and how much for personal  
6 estate, distinguishing any sum assessed to such person as  
7 guardian, or for any estate in his possession, as executor,  
8 administrator or trustee, and to insert in such list the number  
9 of acres of land which they have assessed to each non-resident  
10 proprietor, and the value at which they have estimated the  
11 same, and such list or lists when completed and signed by them,  
12 or the major part of them, to commit to the collector or collectors,  
13 constable or constables, of such city, town, plantation, or other  
14 place, respectively, with their warrant or warrants, in due form  
15 of law, requiring them to collect and pay the same to the trea-  
16 surer of the state, at such time as the legislature, in the act  
17 authorizing such tax, shall direct the same to be paid. And  
18 to return a certificate of the names of such officers and the  
19 amount committed to each to collect, one month at least before  
20 the time at which said officers are required to pay in such tax.

1845, c. 159, § 16.

SECT. 188. In the assessment of all state, county, town,  
2 plantation, parish or society taxes, the assessors thereof shall  
3 govern themselves by the rules contained in this chapter, until  
4 otherwise provided by the legislature, except in parishes and  
5 societies where a different provision for assessing their taxes is  
6 made by law, and shall assess on the taxable polls therein one-  
7 eighth part of the whole tax, and if such proportion in any case,  
8 exclusive of highway taxes to be paid by the polls, exceeds one  
9 dollar to each poll, it shall be reduced to that sum; and the  
10 same rule shall be observed in the assessment of highway taxes,  
11 and the residue of such taxes shall be assessed on the estates  
12 according to their value. 1845, c. 159, § 17.

SECT. 189. The county commissioners in their respective  
 2 counties, when duly authorized to assess a county tax, shall  
 3 apportion the same on the polls and estates of the several cities,  
 4 towns, plantations and other places therein, as fixed by the then  
 5 last state valuation, in the proportion provided in the one hun-  
 6 dred and eighty-sixth section of this chapter.

1845, c. 159, § 18.

SECT. 190. In all cases where the party to whom a payment  
 2 or tender is required to be made, in order to redeem land which  
 3 have been sold for taxes, resides out of the state, or has no  
 4 known residence within the state, the payment to redeem the  
 5 same may be made within the time prescribed by law to the  
 6 treasurer of state, or of the county or town under whom the  
 7 sale was made, and shall have the same effect as if made to such  
 8 party, and such treasurer shall hold the money so paid, subject  
 9 to the order and for the benefit of such party.

## Chapter 10.

### INDIAN TRIBES.

*Sect. 1.* Agents of Indian tribes now in office to remain.

2. When a vacancy happens, how to be filled.

3. General duties of the agent of the Penobscot tribe.

4. Agents of both tribes to be sworn and to give bonds. Their duties.

5. Certain contracts void, unless allowed by the agent.

6. Limitation of leases and other contracts.

7. Agents may sue in their own names for the benefit of the Indians.

8. Agents to keep a record of proceedings and settle accounts annually with the governor, &c.

9. No foreigner to be permitted to take timber, &c., from the township reserved for the Passamaquoddy tribe.

10. Of the islands, &c., belonging to the Penobscot tribe.

11. Agent of the Penobscot tribe to place avails of leases, &c., in the state treasury.

Sect. 12. Amount to be at agent's risk, if he sell or lease on credit.

13. Surveys of islands from Oldtown falls, &c., and estimates, to be made by the land agent.

14. What shall be designated upon the plans.

15. How the lots shall be located.

16. Agent of the Penobscot tribe to give to each Indian a certificate of his lot. Form.

17. No Indian to sell or lease his lot nor commit waste.

18. Of the public farm.

19. Agent to employ a superintendent to manage the farm and take care of the infirm and orphans.

20. He may lease reserved privileges for mills, booms and fisheries.

21. Survey and assignment of lots on the point of Oldtown island.

22. Same subject. Restrictions on transfers.

23. Appropriation of the interest on the amount of four townships purchased of the Penobscot Indians.

24. Agents of the Passamaquoddy tribe may sell timber and grass on township number two on St. Croix river. Surveyor of such timber to be sworn.

25. Appropriation of \$1,000 annually to the Passamaquoddy Indians.

26. How distributed.

27. Same subject.

28. Salary of the agent.

29. Warrants drawn for certain purposes.

30. Penalty for selling spirituous liquors to Indians.

31, 32, 33. Bounties on produce raised by the Indians.

SECT. 1. Those persons who have been appointed as agents  
2 for the Penobscot and Passamaquoddy tribes of Indians, shall  
3 continue to perform the duties assigned to them, according to  
4 the tenure of their respective appointments. R. S., c. 15, § 1.

SECT. 2. When either of those agents dies or resigns, or is  
2 removed, the governor, with advice of the council, may appoint  
3 another agent in his place, but there shall never be more than  
4 three, nor less than one, for each tribe. R. S., c. 15, § 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 moneys, as from time to time become due, by  
5 virtue of any treaty or agreement between the state and such  
6 tribe. R. S., c. 15, § 3.

SECT. 4. The agent or agents of both such tribes shall be  
2 duly sworn, and give bonds to the state, with sureties to the  
3 satisfaction of the governor and council, for the faithful discharge  
4 of their respective duties, and have the care and management of

5 the property belonging to the respective tribes, for their use and  
6 benefit. R. S., c. 15, § 4.

SECT. 5. All contracts, relating to the sale or disposal of  
2 trees, timber, or grass growing or on said Indian lands, made  
3 with any of the Indians belonging to either of said tribes, unless  
4 examined and allowed by the agent or agents of the tribe to  
5 which the Indian or Indians contracted with belong, shall be  
6 utterly void. R. S., c. 15, § 5.

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  
3 effect for a longer term than one year; nor shall they, in any  
4 one year, sell or dispose of trees or timber of said Indians to an  
5 amount exceeding five hundred dollars; except as is provided  
6 in the tenth and twentieth sections. R. S., c. 15, § 6.

SECT. 7. The agents for each of said tribes may, in their own  
2 names and capacity, maintain any actions for money due to any  
3 Indians, and for injuries done to them, or to the property of any  
4 Indians belonging to their respective tribes; and all sums or  
5 damages recovered by such agents shall be distributed to the  
6 Indians of the tribe for which they are agents, according to their  
7 usages, or vested in articles useful to them. R. S., c. 15, § 7.

SECT. 8. The agents of each tribe shall keep a true record  
2 of their proceedings, and correct accounts of all receipts and  
3 expenditures of every kind; and shall, annually, and oftener if  
4 required, lay the same before the governor and council for in-  
5 spection and adjustment, who are hereby authorized to settle and  
6 adjust the same, and draw warrants on the treasury for such  
7 sums as may from time to time be found necessary in carrying  
8 into effect all treaties with said tribes. R. S., c. 15, § 8.

SECT. 9. No citizen or subject of any foreign government  
2 shall purchase, cut, or carry off any trees, timber or grass stand-  
3 ing or growing on the township reserved for the benefit of the  
4 Passamaquoddy tribe; and if any agent for such tribe gives to  
5 any such citizen or subject a permit for such unlawful purpose,  
6 he shall forfeit and pay a sum not exceeding five hundred, nor  
7 less than one hundred dollars, to be recovered by action of debt,  
8 one-half to the use of the state, and the other half to the use of  
9 any person prosecuting therefor. R. S., c. 15, § 10.



SECT. 10. The islands belonging to the Penobscot tribe may be leased by their agents, for the benefit of such tribe, for any term not exceeding twelve years; and the burnt and decaying timber on the two Indian townships on the west branch of Penobscot river may be sold by such agents, when they shall judge it for the interest of such tribe: provided, such lease and sales, and the terms and conditions thereof, shall be assented to by the governor and lieutenant governor of the tribe, and approved by the governor of the state. R. S., c. 15, § 10. 1854, c. 101.

SECT. 11. Such agents of the Penobscot tribe shall place the avails of the leases and sales made by them in the state treasury, subject to the order of the governor and council, according to law. R. S., c. 15, § 11.

SECT. 12. All such leases and sales as are mentioned in the tenth section, which are made on credit, shall be at the risk of the agents, and be accounted for as money. R. S., c. 15, § 12.

SECT. 13. The land agent shall cause the islands in Penobscot river, from Old Town falls to Mattawamkeag point, to be accurately surveyed and numbered, if the same has not been already done, and their present value estimated, and duplicate plans thereof made and returned to the land office, and to the Indian agent. R. S., c. 15, § 13.

SECT. 14. He shall also, if the same has not been already done, cause to be surveyed, and laid down in both of said plans, a suitable quantity of land, adjoining all water privileges belonging to said islands, which may be deemed valuable for mills, booms and fisheries; and a suitable tract for a farm, for the accommodation of the aged, the invalids and orphan children of the tribe, and suitable tracts of wood and timber land; and shall designate on such plans a suitable lot for each Indian of the tribe, male and female, of the age of twenty-one years or more, who may apply therefor for cultivation, not exceeding the due proportion which may belong to him of such surveyed lands, after deducting the part reserved for public use; the lots so assigned shall be the property of the person to whom assigned, during the pleasure of the legislature. R. S., c. 15, § 14.

SECT. 15. In all cases the lots shall be so located to any 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. R. S., c. 15, § 15.

SECT. 16. The agents for said Penobscot tribe shall issue to  
2 each of the Indians, who has had his lot surveyed and desig-  
3 nated as aforesaid, a certificate, in substance as follows :

“Know all men by these presents, that I, —, agent for the  
5 Penobscot tribe of Indians, have caused to be surveyed and set  
6 off to —, his portion of land on the islands in Penobscot  
7 river, belonging to said tribe of Indians, as contemplated by the  
8 acts of the legislature of the state of Maine, bounded and  
9 described as follows : —. To have and to hold the same, as  
10 contemplated by the acts aforesaid, with all privileges conferred  
11 by said acts. In witness whereof, I have hereunto set my hand  
12 and seal, as agent of the Penobscot tribe of Indians, this —  
13 day of —, in the year one thousand eight hundred and —

{ Agent of the Penobscot  
tribe of Indians.”

R. S., c. 15, § 16.

SECT. 17. No Indian belonging to the tribe shall sell or lease  
2 his lot, commit strip or waste, or carry off the growth faster  
3 than is necessary for cultivation, unless by permission of the  
4 agent, and if guilty of so doing, he shall be dealt with as a  
5 trespasser. R. S., c. 15, § 17.

SECT. 18. The agent, from time to time, shall have the land  
2 cleared, and suitable buildings erected on the lot, which may be  
3 laid out for a public farm, the expense of which shall be paid out  
4 of the interest accruing to said tribe, from the sale of the four  
5 townships, purchased by the state, not however to exceed half  
6 the interest. R. S., c. 15, § 18.

SECT. 19. He shall employ a superintendent to manage the  
2 farm, and take care of the infirm and the orphans, and his  
3 services shall be annually paid by the state, agreeably to the  
4 Indian treaty with the commonwealth of Massachusetts, made in  
5 the year eighteen hundred and eighteen; and cause as much land  
6 to be ploughed for any Indian for cultivation, and furnish such  
7 farming utensils, and seed, as he may judge necessary, under  
8 the direction of the governor and council. R. S., c. 15, § 19.

SECT. 20. He may lease any reserved privileges for mills, 2 booms and fisheries, for a term sufficiently long to induce persons to take leases of them, with the approval of the governor 4 and council; and all the rents shall be paid into the treasury, 5 to be expended for the benefit of the tribe, under the direction of 6 the governor and council. R. S., c. 15, § 20.

SECT. 21. It shall be the duty of such agent to cause to be 2 surveyed, and set off into house and garden lots, the public lands 3 belonging to said Penobscot tribe, situated on the point of Old 4 Town island, except so much as may be necessary for a common 5 and streets, and also lots for a church, school house, public 6 hall, store house and burying ground. He shall assign to each 7 person or family of said tribe applying therefor, one of said lots 8 for the sole use and occupation of such person or family.

R. S., c. 15, § 21.

SECT. 22. In assigning such lots, the agents shall, as far as 2 practicable, give to each person or family the lot on which they 3 have made improvements; and such lots, so assigned, shall be 4 held by the person or family during the pleasure of the legislature; but no Indian shall convey his lot or improvements to any 6 person, who is not a member of the tribe; but when a lot shall 7 be lawfully sold to one of the tribe, the purchaser shall hold it 8 during the pleasure of the legislature. R. S., c. 15, § 22.

SECT. 23. The governor, with advice of council, may draw 2 orders on the treasury, for any sum not exceeding the interest 3 for the four townships purchased by the state of the Penobscot 4 tribe, in June, eighteen hundred and thirty-three, and of any 5 other moneys paid into the the treasury; and for the full amount 6 of rents paid in as aforesaid, and when the whole amount of such 7 sums, in the opinion of the governor and council, is more than 8 is necessary for said tribe, the excess may be invested for the 9 benefit of the tribe. R. S., c. 15, § 23.

SECT. 24. The agents of the Passamaquoddy tribe of Indians 2 are authorized to sell, to the best advantage, at public or private 3 sale, to a citizen of the state, the timber and grass from township 4 ship numbered two, on the St. Croix river, usually called the 5 Indian township, to the amount of one thousand dollars annually; 6 expressly retaining in the written contract of sale, a lien on

7 the timber and grass cut, until the amount due for stumpage  
8 of the same is paid. Every surveyor, appointed by such agents  
9 to scale or survey the lumber so sold, before entering on the  
10 duties of his appointment, shall be sworn to the faithful perfor-  
11 mance of his trust, and file a certificate of his oath with the  
12 agents. R. S., c. 15, § 24. 1843, c. 18.

SECT. 25. There shall be paid to the Passamaquoddy Indians,  
2 the sum of one thousand dollars annually, out of the interest  
3 accruing upon the funds belonging to said tribe.

1854, c. 101, § 1.

SECT. 26. The agent for said tribe shall pay out said money  
2 in person, as follows: four hundred dollars in the month of May,  
3 annually; and three hundred dollars in the month of November,  
4 annually; in an equal proportion to each member of said tribe.

1854, c. 101, § 2.

SECT. 27. He shall, in person, distribute to the distressed  
2 poor of the tribe three hundred dollars annually, in sums not  
3 exceeding fifty dollars in any one month, in such portions to  
4 each of such distressed persons as his circumstances may seem  
5 to demand.

1854, c. 101, § 3.

SECT. 28. He shall be paid three hundred dollars a year;  
2 payable semi-annually, in the months of May and November,  
3 out of the funds of said tribe, in full for his services as agent,  
4 including commissions on disbursements. 1854, c. 101, § 4.

SECT. 29. The governor, with the advice of council, may  
2 draw warrants on the treasury for the sums specified in this act,  
3 to be paid to the Indians, and for the salary of the agent, and  
4 also for the bounties on agricultural products, which may become  
5 due under the provisions of sections thirty-one and thirty-two of  
6 this chapter.

1854, c. 101, § 5.

SECT. 30. If any person sells or gives to any Indian any  
2 spirituous liquors, on conviction thereof, before any justice of  
3 the peace, he shall be fined not less than five dollars, nor more  
4 than twenty dollars, one-half to the state, and the other to the  
5 complainant.

R. S., c. 15, § 30.

SECT. 31. Bounties shall be paid to every Indian of the Pe-  
2 nobscot or Passamaquoddy tribe, for produce raised by him,

3 either on his own land or on land belonging to the tribe, as  
4 follows:

I. For every bushel of wheat, twenty cents.

II. For every bushel of rye, oats, barley, buckwheat, peas or  
7 beans, ten cents.

III. For every bushel of potatoes, turnips, parsnips, beets or  
9 carrots, five cents. R. S., c. 15, § 31.

SECT. 32. Before any such bounty is paid to any such Indian,  
2 he shall prove to the satisfaction of the agent, the number of  
3 bushels of each article before named, which have been raised by  
4 him on the land before mentioned. R. S., c. 15, § 32.

SECT. 33. Such agent shall keep an account of moneys so  
2 paid out, and present the same, duly certified, to the governor  
3 and council, in the month of January, annually, for examination  
4 and allowance. R. S., c. 15, § 33.

## Chapter 11.

### THE MILITIA.

ARTICLE I.—*Exemptions, enrollments, ununiformed and uniformed or active militia, organization, duties of.*

Sect. 1. Who exempt from duty. How discharged if enrolled.

2. Who are to be enrolled, and by whom. Assessors to return a list to clerk.  
Clerk to transmit a copy to the adjutant general. These to constitute the  
ununiformed militia.

3. Duties and government of.

4. How called out, &c. Penalty for neglect.

5. Penalty for neglect of duty by civil officers.

6. Uniformed militia. How raised.

7. Volunteers, how apportioned. Two-thirds of the companies to be native citizens.  
If not, to be disbanded.

8. Provision of a division; neglect to raise its number of companies.

9. Arms, equipments, &c., to be furnished.

10. Commissioned officers responsible for safe keeping and return of the same.

11. Armories to be provided.

12. Penalties for wilful injury of arms. How recovered.

13. Responsibility for arms, &c., how discharged.

14. Commissioned officers of certain companies.

15. How companies may be raised.

*Sect. 16. Election of officers of companies.*

17. Compensation of quarter master general.
18. Numbering of companies, battalions and regiments. How commanded.
19. Time of service of non-commissioned officers and privates.
20. Officers of companies.
21. Discipline and field exercises.
22. Inspection and company trainings.
23. Reviews, time and place. Soldiers not required to travel more than twenty miles.
24. Annual returns of commanding officers.
25. Fines for non-appearance, &c.
26. Disbanded companies, arms of, recorded by quarter master general.
27. Adjutants entitled to no pay. To furnish blanks.
28. Militia how organized. Numbers of divisions, regiments and brigades.
29. Limits of infantry companies, how defined.
30. Members of companies, how discharged.
31. Company musician, penalty for non-performance.

*ARTICLE II.—Rosters, rolls, returns, arms and equipments.*

32. How rosters and orderly books are to be kept.
33. Adjutant general to receive abstract of returns. Returns of brigade inspectors.
34. Penalties for neglect of captain to make returns.
35. Adjutant general to make returns.
36. Officers and soldiers to be constantly equipped.
37. Equipments, uniforms and musical instruments exempt from attachment.
38. Officers and privates exempt from arrest, &c.
39. Erection and repairs of gun houses.

*ARTICLE III.—Officers, appointment, election and qualification of.*

40. Commissioned officers required by laws of the United States, how chosen or appointed.
41. Non-commissioned officers, how appointed.
42. Additional officers, and how appointed.
43. Manner of choosing officers. Ten days notice to electors.
44. Officers to take rank from day of their election or appointment.
45. If commission be lost by casualty, officer may be commissioned anew.
46. Precedence in rank, to be decided by lot in certain cases.
47. Oath of commissioned officers.
48. Clerks of companies, how appointed and sworn.
49. Duties of such clerks.
50. Clerks pro tempore.
51. Any member may be required to perform certain duties of the clerk, in certain cases. Forfeiture for neglect.
52. Commanding officer to keep the records in such cases.
53. Vacancy of superior officer, how supplied.
54. If a company be destitute of officers, commander of regiment or battalion may appoint non-commissioned officers.
55. In case a company remain without officers three months, commander of regiment shall detail an officer to take command. Such officer to keep records, and prosecute for fines.
56. Penalty, if non-commissioned officer or private, in such case, neglect to warn the company, when ordered.

*Sect.* 57. Compensation of adjutant and quarter master general.

58. General duties of officers.

ARTICLE IV.—*Officers, how discharged.*

59. Term of office limited to seven years, unless re-elected. Proviso. Occasions for discharge.

60. Officers not to resign, when under arrest; nor between May 1 and November 1, except for special reasons.

61. Officers to deliver up orderly and other books and property, before resigning.

62. Penalty for refusal to deliver up property of the state, on removal from office.

63. No officer exempt from duty until discharged, except when under arrest.

64. Officers convicted of infamous crimes, to be placed under arrest.

65. Elections of unsuitable persons to be void. Officers, becoming unfit, may be discharged.

ARTICLE V.—*Discipline, trainings and review.*

66. Citizens not held to perform military duty on election days. Penalty if officers require it.

67. Penalty for parading or marching troops within fifty rods of a court house, when court is in session.

68. Precedence of companies on parade.

69. Rank of officers of different corps, doing duty together.

70. Officers to be assigned to destitute companies on parade.

71. Officers to assign limits to parade.

72. Punishment of disorderly soldiers.

73. Volunteer companies may establish by-laws.

74. Commander in chief may order further trainings, on approach of public danger.

ARTICLE VI.—*Notifications, excuses, by-laws and regulations.*

75. Mode of notifying men to appear.

76. Time of notifying for trainings, reviews and elections. Proviso. Notice on parade.

77. Duty of persons ordered to notify for elections.

78. Excuses must be made within twenty days. Persons, who have held commissions, to give notice.

79. Fines imposed under by-laws of companies. How recovered.

80. Commander-in-chief may prescribe rules and regulations for government of militia in actual service.

ARTICLE VII.—*Courts martial.*

81. How constituted. Quorum. One may adjourn.

82. Appointment of marshal and orderly officer.

83. Members of general courts martial, how appointed.

84. Members of division courts martial, how detailed.

85. Special officer for summary investigation of complaints, how appointed.

86. Division advocate, how appointed; term of office; duties.

87. Duties in relation to prosecutions before courts martial.

88. Courts martial, how convened.

89. Witnesses. Depositions.

90. Judgment and sentence.

91. Division advocate to keep a summary of proceedings.

92. Copies to be evidence in suits for fines.

*Sect. 93.* Division advocate to enforce payment of fines and costs.

94. Proceedings, judgment and execution in such suits. Appropriation of fines.
95. Compensation of members, officers and witnesses.
96. Presidents to prepare reports of decisions on questions of law.
97. Accused officer to be arrested, and to have a copy of charges before trial.
98. Proceedings, if he fail to appear, withdraw, or stand mute.
99. Offences of commissioned officers triable by courts martial.
100. Limitation of prosecutions before courts martial.
101. Arrests on the field of parade.

ARTICLE VIII.—*Proceedings on drafts for actual service.*

102. Persons drafted to pay fifty dollars, or procure a substitute within twenty-four hours, or be liable to march as soldiers.
103. Fines appropriated to hire substitutes.
104. Officers, how detailed; non-commissioned officers and privates, how drafted.
105. Drafts from companies not organized.
106. Persons detached, to furnish themselves with three days provision.
107. Selectmen to furnish further supplies in carriages.
108. Penalty for neglect of selectmen in such case.
109. Officers responsible for camp equipage and utensils.
110. Members of cavalry companies to march with their own horses, after appraisal.
111. Officer neglecting to make draft, to be arrested.
112. Pensions to be allowed, if a soldier be killed or disabled when on duty.

ARTICLE IX.—*Rules and articles for governing the troops stationed in forts and garrisons within this state; and also the militia or any part thereof when called into actual service.*

113. Rules, and penalties for violation thereof.

ART. I. Attendance on divine worship. Behavior.

II. Profanity.

III. Seditious or disrespectful words.

IV. Contempt towards superior officers.

V. Mutiny.

VI. Not endeavoring to suppress mutiny.

VII. Assaulting superior officer, or disobedience of orders.

VIII. Desertion.

IX. Advising to desert.

X. Provocations or challenges.

XI. Officers suffering others to fight duels.

XII. Officers to quell affrays and disorders.

XIII. Upbraiding others for refusing challenges.

XIV. Officers to keep good order, and redress abuses.

XV. Officer wronged, may complain to the commander-in-chief.

XVI. Inferior officer wronged, may complain to colonel.

XVII. Selling or wasting ammunition.

XVIII. Absence without leave.

XIX. Absence one mile from camp without leave.

XX. Not retiring to quarters at beating of tattoo.

XXI. Officers and soldiers to repair to parade at time fixed.

XXII. Intoxication.

XXIII. Sentinel sleeping on his post.

XXIV. Making false alarms.



- ART. XXV. Quitting platoon or division without leave.
- XXVI. Insulting or abusing persons bringing provisions.
- XXVII. Abandoning post in time of engagement.
- XXVIII. Making known the watch word.
- XXIX. Relieving the enemy.
- XXX. Corresponding with the enemy.
- XXXI. Public stores taken from the enemy, to be secured.
- XXXII. Leaving post for plunder.
- XXXIII. Compelling commanding officer to abandon post.
- XXXIV. Sutlers and retailers subject to military orders.
- XXXV. When different corps do duty together, the oldest officer to command.
- XXXVI. Same rule, when different corps march or encamp together.
- XXXVII. General courts martial, how constituted.
- XXXVIII. Rank of members.
- XXXIX. Appointment of prosecuting officer; oath of members and prosecutor.
- XL. Deportment of members; mode of giving votes.
- XLI. Witnesses to be examined under oath.
- XLII. No sentence of death, without concurrence of two-thirds of the members.
- XLIII. Punishment for refusal of witnesses to testify.
- XLIV. Rank of officers for trial of a field officer. Proceedings to be between sunrise and sunset.
- XLV. Sentence to be reported to commanding officer.
- XLVI. Regimental courts martial.
- XLVII. How constituted; majority to decide.
- XLVIII. Commanders of forts may order courts martial.
- XLIX. Disturbance of courts martial.
- L. Offenders to be arrested previous to trial.
- LI. Confinement limited to eight days, or until a court martial can be convened.
- LII. By whom prisoner shall be kept. Notice of accusation.
- LIII. Punishment for releasing prisoner.
- LIV. Officers having prisoners in custody to report to colonel or commander-in-chief.
- LV. Officer under arrest leaving his confinement.
- LVI. Punishment for disgraceful conduct in an officer.
- LVII. Officers, gunners, matrosses, and others connected with artillery, subject to these rules.
- LVIII. To be tried by their own officers, if practicable.
- LIX. No sentence of death, except as expressly provided.
- LX. Fines to be appropriated to sick or necessitous soldiers.
- LXI. Offences not capital, though not herein specified, to be tried by general or regimental courts martial.
- LXII. Officers or soldiers accused of certain crimes, to be surrendered to the civil authority.

ARTICLE I.—*Exemptions, enrollments, ununiformed and ununiformed or active militia, organization, duties of.*

SECT. 1. There shall be exempted from military duty under 2 the laws of this state, all persons exempted from such duty

3 by the laws of the United States. Also the judges of the  
4 supreme judicial court; all ministers of the gospel regularly  
5 ordained according to the usages of their denomination, so long  
6 as they sustain that relation in their denomination; all officers  
7 who have held military or naval commissions and who have  
8 been regularly discharged, or have in accordance with military  
9 or naval usage, without fault on their part, been discharged, or  
10 ceased to act as such; all quakers and shakers, so long as they  
11 continue members of such denominations; all members of engine  
12 companies, while they continue to do duty in such companies;  
13 all mariners, unless they have been discharged, and have done  
14 no service on board any vessel for more than three months at  
15 the time they shall be warned; all persons unable from bodily  
16 infirmity to do military duty; all idiots, lunatics, common  
17 drunkards, vagabonds, paupers and persons convicted of infa-  
18 mous crimes. When any person enrolled shall exhibit to the  
19 enrolling officers proof that he is exempted by any part of this  
20 section, they shall strike his name from the roll.

R. S., c. 16, § 2, 3. 1848, c. 84, § 1.

SECT. 2. All other white male citizens of the United States,  
2 residing within this state, between the ages of eighteen and  
3 forty-five years, shall be enrolled by the assessors of the cities,  
4 towns and plantations in which they reside. They shall make  
5 such enrollment annually, on the first day of May, of all such  
6 persons then residing within their limits, and make a list of  
7 their names and seasonably deliver the same to the clerk of their  
8 city, town or plantation, to be by him preserved on file in his  
9 office. He shall annually, in the month of May or June, trans-  
10 mit a certified copy of such list to the office of the adjutant  
11 general. Persons so enrolled shall constitute the un-uniformed  
12 militia of the state. 1848, c. 84, § 1, 2. 1854, c. 96, § 7.

SECT. 3. The un-uniformed militia thus constituted, shall be  
2 subjected to no active duty whatever, except in case of insur-  
3 rection, war, invasion, or to prevent invasion; in such case the  
4 governor and commander-in-chief is authorized and required to  
5 order out from time to time, by draft or otherwise, so many of  
6 the militia as the necessity of the case may demand. The  
7 militia, when called into active service, shall be governed and

8 trained according to the laws of the United States and of this  
9 state. 1854, c. 96, § 7.

SECT. 4. If necessary, the order of the commander-in-chief,  
2 calling out the un-uniformed militia, may be made and directed  
3 to the municipal officers of any town within the state. And it  
4 shall be the duty of such officers to appoint a time and place of  
5 parade for the un-uniformed militia in such city, town or plan-  
6 tation, and to order them to appear at such time and place, either  
7 by leaving a written notice or orally, and then and there to  
8 proceed to draft so many thereof, or to accept so many volun-  
9 teers as may be required by the order of the commander-in-chief;  
10 and such municipal officers shall notify the commander-in-chief  
11 forthwith, that they have performed the duty aforesaid, by  
12 returning to him an alphabetical list of the names of the persons  
13 so drafted or volunteered; and whenever any person thus de-  
14 tached or drafted, or any such volunteer, shall neglect or refuse  
15 to appear at the time and place designated by the municipal  
16 officers aforesaid, and shall not, within twenty-four hours after  
17 he shall be notified, pay to the municipal officers the sum of  
18 fifty dollars, or procure an able-bodied, white male person in  
19 his stead, such person, on being ordered to march to the place  
20 of rendezvous, shall be considered a soldier belonging to the  
21 detachment, and shall be dealt with accordingly.

1848, c. 84, § 3.

SECT. 5. Any civil officer named in this chapter, who shall  
2 neglect or refuse at any time to obey the provisions thereof,  
3 shall forfeit and pay not less than twenty dollars, nor more  
4 than five hundred dollars, for each and every offense, to be re-  
5 covered in any court of competent jurisdiction, for the use and  
6 benefit of the state. 1848, c. 84, § 4.

SECT. 6. The uniformed or active militia of this state shall  
2 consist of volunteers, or companies raised at large; and shall,  
3 in all cases, be first ordered into service to suppress riots, to  
4 repel invasions, or to aid civil officers in the execution of the  
5 laws of the state. 1854, c. 96, § 7.

SECT. 7. The whole number of volunteers shall not exceed  
2 ten thousand men, and shall be apportioned to the several  
3 divisions of the militia throughout the state, as follows: to the

4 first division, twenty-six companies; to the second division,  
5 twenty-two companies; to the third division, fifteen companies;  
6 to the fourth division, twenty-four companies; to the fifth divi-  
7 sion, twenty-six companies; to the sixth division, twenty-two  
8 companies; to the seventh division, eighteen companies; to the  
9 eighth division, twenty-one companies; and to the ninth division,  
10 twenty-six companies. Two-thirds, at least, of every such com-  
11 pany shall be native born American citizens. Whenever the  
12 number of such citizens in any such company shall become less  
13 than two-thirds of the whole number, it shall be the duty of the  
14 governor and council forthwith to disband the same.

1855, c. 1 § 77.

SECT. 8. If any division shall neglect or refuse for the term  
2 of two years to raise at large their quota of volunteers accord-  
3 ing to the provisions of this chapter, the commander-in-chief  
4 may grant permission to citizens in any other division to raise  
5 at large the prescribed number of volunteers.

1848, c. 84, § 7.

SECT. 9. Each company of uniformed volunteer militia, raised  
2 at large, shall, whenever the state may have on hand for distri-  
3 bution arms and equipments suitable to its corps of service, be  
4 furnished therewith. Each company so raised shall be provided  
5 with the requisite books of tactics, and musical instruments,  
6 and with such tents and other articles of camp equipage as the  
7 commander-in-chief may direct.

1854, c. 96, § 1.

SECT. 10. The commissioned officers of every company receiv-  
2 ing arms, equipments or other military property, in virtue of  
3 this act, shall, from the time of their qualification, be held  
4 jointly and severally responsible for the safe keeping and return  
5 thereof to the state.

1854, c. 96, § 2.

SECT. 11. Suitable armories shall be provided in advance, by  
2 companies making requisition for arms and equipments, or by  
3 the town within the limits of which said companies shall have  
4 been chiefly raised, or shall have voted to establish said armories;  
5 and all arms, equipments and camp equipage furnished to said  
6 companies, shall be regularly deposited in said armories, subject  
7 to withdrawal for the military uses and purposes only of said  
8 companies, in body, and under the proper officer or officers.

9 The evidence that the armories named in this section have been  
10 duly provided for, shall be the certificate to the acting quater-  
11 master-general, of the mayor, or two or more aldermen, select-  
12 men or assessors, as the case may be, of the locality in which  
13 such armories are established. 1854, c. 96, § 3.

SECT. 12. Any person who shall willfully mar or injure any  
2 of the arms, equipments or other military property issued to  
3 any company of volunteer militia, or the armory, or any portion  
4 thereof, or of its fixtures, provided for the deposit of arms,  
5 equipments or other military property, shall be subject to a fine  
6 of not more than fifty dollars; said fine to be recovered in any  
7 court of competent jurisdiction, in the name of the clerk or  
8 commanding officer of the company legally in charge or posses-  
9 sion, and to be paid into the treasury of the company, for  
10 appropriation to its military purposes, by a vote of the commis-  
11 sioned officers. 1854, c. 96, § 4.

SECT. 13. No resignation of any officer of a company of  
2 volunteers shall be accepted, nor shall such officer be by any  
3 form of discharge relieved from his responsibility for arms,  
4 equipments or other articles of military property furnished to  
5 said company, until it shall be made to appear by certificate of  
6 not less than two of the officers thereof, that the said arms,  
7 equipments and other articles of military property, are, at the  
8 time of date of such certificate, undiminished in quantity, and  
9 unimpaired in value, reasonable use and wear and losses by fire  
10 excepted. 1854, c. 96, § 5.

SECT. 14. The number of commissioned officers to each com-  
2 pany of light infantry or riflemen, raised within the cities of  
3 Bath, Portland, Bangor and Calais, and within the towns of  
4 Newcastle, Damariscotta and Saco, shall be as follows: one  
5 captain, one first lieutenant, one second lieutenant, one third  
6 lieutenant, and one fourth lieutenant. 1844, c. 96, § 6.

SECT. 15. The commander-in-chief, with the advice of the  
2 council, may grant petitions for raising companies at large, not  
3 to exceed the total number stated in the fourteenth section of  
4 this chapter, for all the divisions, inclusive of companies now  
5 raised and organized. 1854, c. 96, § 7.

SECT. 16. Whenever forty-eight men are enlisted, according to the provisions of this chapter, an election of officers may be ordered upon notification being given by one or more of the petitioners, attested by the mayor of any city, the selectmen of any town, or the assessors of any plantation within the state, to the commander-in-chief; and in case there be no officer of the volunteer corps conveniently located to preside at such election, the major-general, or other officer, whose duty it shall be to cause an election to take place, may authorize the members so enlisted to choose some suitable person to preside at the election, and to make return thereof to the major general, or other officer commanding the division. 1854, c. 96, § 7.

SECT. 17. For his services in issuing arms, equipments, and other military property, under the provisions of this chapter, the acting quarter-master-general shall be annually allowed and paid, in quarterly payments, the sum of one hundred dollars. 1854, c. 96, § 8.

SECT. 18. The several volunteer companies of cavalry, artillery, light infantry, and riflemen in each division, shall be numbered, and a record made of such numbers in the adjutant general's office; and when they exist in sufficient numbers in any one division, they shall compose battalions and regiments, and be put under the command of such regimental, brigade and division officers, as the commander-in-chief may designate, and, when not attached to any battalion or regiment, shall remain under the command of the captain, or commanding officer of the company, subject to the orders of the brigadier general of the brigade to which the company is attached. 1848, c. 84, § 10.

SECT. 19. Every non-commissioned officer and soldier of any company raised at large shall be holden to do duty therein for the term of five years from his enlistment, unless disability after enlistment should absolutely incapacitate him to perform such duty, or he should be regularly discharged by the proper officer. 1848, c. 84, § 11.

SECT. 20. To each company of light infantry or riflemen, except as is provided in section fourteen, there shall be one captain, one first and one second lieutenant, four sergeants, four corporals, one or more fifers or buglers, and one or more drum-

5 mers. To each company of artillery, one captain, one first and  
6 two second lieutenants, five sergeants, four corporals, one or  
7 more fifers, one or more drummers and three drivers. To each  
8 company of cavalry, one captain, two lieutenants, one cornet,  
9 five sergeants, four corporals, one saddler, one farrier and one or  
10 more trumpeters. 1848, c. 84, § 12.

SECT. 21. The system of discipline and field exercise which  
2 is ordered to be observed by the regular army of the United  
3 States in the different corps of cavalry, artillery, light infantry  
4 and riflemen, or such other system as may at any time hereafter  
5 be directed for the volunteers and militia, by the laws of the  
6 United States, shall be observed by the companies raised at  
7 large in this state, in the discipline and exercise of said corps  
8 respectively. 1848, c. 84, § 15.

SECT. 22. Every commanding officer of a company raised at  
2 large, shall parade his company on the last Wednesday in May,  
3 annually, at one o'clock in the afternoon, for the purpose of  
4 inspecting, examining and taking account of all equipments of  
5 his men, in order that a thorough inspection may be made of all  
6 volunteer companies in the state. Every commanding officer of  
7 a company shall exercise and discipline as well as inspect his  
8 company on said day. Every commanding officer as aforesaid,  
9 shall, in addition thereto, parade his company for exercise and  
10 discipline on two other days, at the hour aforesaid, by his own  
11 order. 1848, c. 84, § 16.

SECT. 23. There shall also be an inspection and review in  
2 each year, and the commanding officer of each division within  
3 which such volunteer corps is located, shall order such troops to  
4 parade in the month of September annually, at such time as he  
5 shall deem expedient, regard being had to the scattered or com-  
6 pact situation of the troops. The commanding officer of the  
7 brigade shall appoint the place and give notice thereof to the  
8 commanding officer of the division. But if the troops to be  
9 inspected compose a regiment or battalion, the commanding  
10 officer thereof shall appoint the place and give notice to the  
11 commanding officer of the brigade; and the place appointed for  
12 inspection and review shall be as central as in the judgment of  
13 the officer appointing the place may be expedient. No officer,

14 non-commissioned officer or private, shall be obliged to travel  
15 more than twenty miles from the armory of the company to  
16 which he belongs, to any review of a regiment or less body of  
17 troops. No larger body than a brigade shall be ordered to  
18 parade at the same time and place, except by order of the major  
19 general. 1848, c. 84, § 17.

SECT. 24. The commanding officers of all volunteer com-  
2 panies, shall, on or before the first day of November annually,  
3 make out and certify to the adjutant general a list of all persons  
4 belonging to their respective companies, describing the duties  
5 performed by each individual in his company throughout the  
6 year. 1848, c. 84, § 18.

SECT. 25. Every non-commissioned officer, musician or private,  
2 who shall unnecessarily neglect to appear on the days and at the  
3 times and places appointed for such duty, agreeably to the  
4 provisions of this chapter, shall pay two dollars for each and  
5 every such neglect, to be collected in an action of debt, one-  
6 half of which shall go to the prosecutor, and the other half to  
7 the clerk of the company, for the use of said company.  
1848, c. 84, § 19.

SECT. 26. Whenever any volunteer company which has  
2 received any arms and equipments from the acting quartermaster  
3 general, shall be disbanded, the acting quartermaster general is  
4 required to receive said arms and equipments on presentation of  
5 the same by the officers of said company or their agents.  
1848, c. 84, § 20.

SECT. 27. No adjutant shall be entitled to any pay for services  
2 required by this chapter. It shall be the duty of the adjutant  
3 general to furnish the necessary books and blanks for all returns  
4 required by this chapter. 1848, c. 84, § 21.

SECT. 28. The governor is authorized, with advice of the  
2 council, to organize and arrange the militia of this state into  
3 divisions, brigades, regiments, battalions and companies, con-  
4 formably to the laws of the United States, and make such  
5 alterations therein as from time to time may be necessary.  
6 Each division, brigade and regiment shall be numbered at the  
7 formation thereof, and a record made of such numbering in the



8 adjutant general's office. Every new division, brigade and  
9 regiment shall be designated by the number next higher than  
10 that of the division established next before it, and the divisions,  
11 brigades and regiments shall take rank according to their  
12 numbers, the first being highest in rank. The governor, with  
13 advice of the council, may organize independent battalions of  
14 infantry with a battalion staff, where the local situation of the  
15 troops is such that they cannot be conveniently connected with  
16 a regiment. R. S., c. 16, § 12.

SECT. 29. The municipal officers of every town shall ascer-  
2 tain, define and establish the limits in their town of every  
3 company of infantry belonging to the un-uniformed militia.

1843, c. 39.

SECT. 30. Each brigadier general, with his own brigade,  
2 upon application of a majority of the members of any company  
3 of cavalry, artillery, light infantry, or riflemen, expressed by  
4 their vote at any regular training, and such application being  
5 communicated by the commanding officer of such company, may  
6 discharge any non-commissioned officer or private from any of  
7 the aforesaid companies; and such non-commissioned officer or  
8 private shall forthwith be enrolled in the un-uniformed militia,  
9 within the bounds of which he resides; and every non-commis-  
10 sioned officer so discharged shall be considered as reduced to the  
11 ranks. R. S., c. 16, § 18.

SECT. 31. Every commanding officer of a company may enlist  
2 as musicians for his company, and within the bounds of the same,  
3 not exceeding two drummers and two fifers, or one fifer and one  
4 bugler, for and during the term of seven years, unless sooner  
5 discharged by removal to such distance from the said company  
6 as to render it inconvenient for the said musician to perform the  
7 duties required of him, or by reason of some other good and legal  
8 excuse.

Any musician, so enlisted, who, after having been duly notified  
10 and warned, shall refuse to perform his duty as a musician at  
11 any legal meeting of said company, shall forfeit and pay for  
12 every such offense the same sum as would be forfeited by any  
13 non-commissioned officer or private for non-appearance at any  
14 such meeting; and in case of removal or discharge of any such

15 musician, the said commanding officer may, from time to time,  
16 enlist other musicians to fill such vacancy. R. S., c. 16, § 23.

ARTICLE II.—*Rosters, rolls and returns.*

SECT. 32. The aid-de-camp to each major general, by him  
2 appointed to be orderly officer, the aid-de-camp of each brigade,  
3 and the adjutant of each regiment, battalion or corps, shall  
4 constantly keep a correct roster of the division, brigade, regi-  
5 ment, battalion or corps to which they respectively belong, and  
6 an orderly book, and record therein all orders and other official  
7 communications received or issued by their respective command-  
8 ing officers, and copy, distribute and transmit all such orders  
9 and other papers, as they may be directed by said officers, and  
10 attend them while on military duty. R. S., c. 16, § 24.

SECT. 33. The adjutant general shall record an abstract of  
2 the returns made to him in a book to be kept for the purpose.  
3 The brigade inspectors shall make the annual returns of their  
4 inspection of their respective brigades to the adjutant general,  
5 and transmit abstracts thereof to the major generals of their  
6 divisions, on or before the last day of November, annually.  
1841, c. 1, § 3.

SECT. 34. If any captain or commanding officer shall refuse  
2 or neglect to make the return of the state of his company as  
3 required by this chapter, and continues to neglect or refuse to  
4 make such return for fifteen days after being notified by the  
5 adjutant general that such return has not been received, he shall  
6 forfeit and pay a fine of ten dollars; one-half thereof to the use  
7 of the state, and the remainder to the adjutant, who shall be  
8 required to collect said fine by an action of debt in any court  
9 proper to try the same. R. S., c. 16, § 25.

SECT. 35. The adjutant general shall form and sign correct  
2 abstracts of all the returns, as before herein required, and trans-  
3 mit one of them to the commander-in-chief, and one to the  
4 president of the United States, on or before the first day of  
5 January, annually. R. S., c. 16, § 30.

SECT. 36. Every officer, non-commissioned officer and private  
2 in the uniformed militia shall constantly keep himself furnished

3 with the arms and equipments required by the laws, and the  
4 regulations of his company. R. S., c. 16, § 31.

SECT. 37. The arms, ammunition, accoutrements and uniform  
2 of every officer, non-commissioned officer and private, and the  
3 uniform and musical instruments of the musicians of such com-  
4 panies, shall be exempted from attachment, execution or distress.  
R. S., c. 16, § 33.

SECT. 38. No officer, non-commissioned officer or private  
2 shall be arrested on any civil process during his going unto,  
3 returning from, or his performance of military duty, nor during  
4 his going unto, remaining at, or returning from any place, at  
5 which he may be ordered to meet for the election of any officer  
6 or officers. And no officer shall be arrested in any civil process  
7 while going to, serving upon, or returning from any court mar-  
8 tial, court of inquiry, or board of officers, upon which it may be  
9 the duty of such officer to attend. R. S., c. 16, § 36.

SECT. 39. The commander-in-chief is hereby authorized to  
2 cause all necessary repairs to be made upon all the carriages  
3 and apparatus of the artillery, and all the gun houses belonging  
4 to the state; and also to cause gun houses to be erected for the  
5 safe keeping of the public property, as aforesaid, where such  
6 have not been erected; good and sufficient deeds of land therefor  
7 being first given, free of expense to the state.

R. S., c. 16, § 43.

SECT. 40. The commissioned officers of the militia, named in  
2 the laws of the United States, shall be chosen and appointed in  
3 the manner following:

The major generals shall be chosen by the senate and house of  
5 representatives, each having a negative on the other. The sec-  
6 retary of state, as soon as may be after any such election, shall  
7 notify the person elected thereof; and if such person shall not  
8 signify his acceptance of the office within thirty days after such  
9 notice, he shall be considered as declining.

The adjutant general and quarter master general shall be ap-  
11 pointed by the governor, with advice of the council, with the  
12 rank of brigadier general.

They shall keep their offices at the seat of government; and  
14 their commissions shall continue in force four years from the

15 time of their appointment, unless they shall be sooner removed  
16 by the governor and council.

The division inspectors shall be appointed by the major generals  
18 of their respective divisions, with the rank of lieutenant colonel.

The aids-de-camp of the major generals shall be appointed by  
20 their respective major generals, with the rank of major.

The division quarter masters shall be appointed by the major  
22 generals of their respective divisions, with the rank of major.

The brigadier generals shall be chosen by the written votes of  
24 the field officers of their respective brigades.

The brigade majors shall be appointed by their respective brig-  
26 adier generals, with the rank of major.

The aids-de-camp of the brigadier generals, and quarter masters  
28 of brigades, shall be appointed by the brigadier generals of their  
29 respective brigades, with the rank of captain.

The field officers of regiments and battalions shall be chosen by  
31 the written votes of the captains and subalterns of their respec-  
32 tive regiments and battalions.

The captains and subalterns of companies shall be chosen by  
34 the written votes of the members of their respective companies.

The adjutants, the quarter masters and the pay masters of  
36 regiments, shall be appointed by the colonels of their respective  
37 regiments, with the rank of lieutenant.

The chaplains, the surgeons and the surgeons' mates of regi-  
39 ments, shall be appointed by the colonels of their respective  
40 regiments.

The aforementioned officers shall be commissioned by the governor.

R. S., c. 16, § 45. 1841, c. 1, § 3.

SECT. 41. Sergeants and corporals shall be appointed by, and  
2 receive their warrants from the captains of their companies.

R. S., c. 16, § 46. 1849, c. 122.

SECT. 42. In addition to the officers specified in the laws of  
2 the United States, there shall be the following, who shall receive  
3 commissions from the governor, viz :

Aids-de-camp to the commander-in-chief, not to exceed four in  
5 number, with the rank of lieutenant colonel, to be appointed by  
6 the governor.

One or more hospital surgeons, to be appointed by the governor; and said surgeons, while in actual service, shall be at the head of the medical department, within the district assigned them by the commander-in-chief, with advice of the council.

A division advocate for each division, to be appointed by the commander-in-chief.

An adjutant and quarter master to each battalion of artillery and cavalry, to be appointed by the commanding officers of their respective battalions, with the rank of lieutenant.

And the following non-commissioned officers, viz:

To each regiment, a quarter master sergeant and a sergeant major, a drum and fife major, master, deputy master and musicians of the regimental bands, to be appointed by the colonels of their respective regiments, who shall grant them warrants accordingly.

A quarter master sergeant to each separate battalion of artillery and cavalry, to be appointed by the commanding officers of their respective battalions, who shall grant them warrants accordingly.

R. S., c. 16, § 47.

SECT. 43. Each major general is authorized and it shall be his duty, from time to time, to give all such orders as may be necessary for filling, by election, any vacancy of brigadier general, field officer, captain or subaltern, existing within his division. Previously to any such election, the electors shall have ten days notice thereof, at least, and no election for the choice of brigadier general or field officer shall be valid until a majority of all the electors qualified by law to vote in such choice, counting all the existing vacancies in the offices of such electors, shall be present at such election.

Every person, who shall have been elected to any office as aforesaid, and shall not, within one hour after he shall be declared so elected, signify his acceptance to the presiding officer thereof in person, or in writing, shall be considered as declining to serve, and a new election shall be had. R. S., c. 16, § 48.

SECT. 44. The commission of every officer shall designate the division, brigade, regiment or battalion, and the corps in which he shall be commissioned, and the day of his election or appointment; and he shall take rank from that day: and whenever an

5 officer is transferred from one corps or station to another in the  
6 same grade, the day of the date of his original appointment or  
7 election shall be expressed in his new commission, and that day  
8 be considered the date of his commission. R. S., c. 16, § 51.

SECT. 45. When an officer shall by any casualty lose his  
2 commission, upon his making affidavit thereof before any justice  
3 of the peace of the county wherein he resides, and on filing such  
4 affidavit in the office of the adjutant general, he shall be entitled  
5 to receive a new commission of the same tenor and date as the  
6 one so lost. R. S., c. 16, § 52.

SECT. 46. When two or more officers of the same grade are  
2 on duty together, and their commissions bear an equal date, and  
3 former pretensions of some commission do not decide their rank,  
4 then their relative rank with each other shall be determined by  
5 lot, to be drawn by them before the commanding officer present;  
6 and when on a court martial, before the president thereof.

R. S., c. 16, § 53.

SECT. 47. Every officer duly commissioned shall, before he  
2 enters upon the discharge of the duties of his office, take and  
3 subscribe the oaths required by the constitution, before some  
4 justice of the peace, or before some superior field or general  
5 officer, or staff officer of the rank of field officer who has pre-  
6 viously taken and subscribed them himself. And on the back  
7 of every military commission the following form of certificate of  
8 qualification shall be printed :

“STATE OF MAINE.

“This may certify that ———, commissioned as within,  
11 on this ——— day of ———, in the year 18—, personally  
12 appeared, and took and subscribed the oaths, required by the  
13 constitution of this state, to qualify him to discharge the duties  
14 of his office. Before me, ———, ‘——.’”

R. S., c. 16, § 54.

SECT. 48. To every company there shall be a clerk, who shall  
2 be one of the sergeants, and he shall be appointed by the captain  
3 or commanding officer thereof, and on the back of his warrant  
4 as sergeant the captain or commanding officer shall in writing  
5 certify that he does thereby appoint him to be clerk of the  
6 company. And before such clerk enters upon the duties of his

7 clerkship, he shall be sworn to the faithful discharge of his duty,  
8 by taking the following oath before the captain or commanding  
9 officer of the company to which he belongs, who is hereby author-  
10 ized to administer the same, viz :

“I, A. B., do solemnly swear, that I will faithfully and impar-  
12 tially perform all the duties incumbent on me, as clerk of the  
13 company to which I belong, according to the best of my abilities  
14 and understanding. So help me God.”

And the captain or commanding officer of the company shall,  
16 at the time of administering said oath, certify on the back of  
17 the warrant of the sergeant appointed to be clerk, that he was  
18 duly qualified by taking the oath required by law.

R. S., c. 16, § 55.

SECT. 49. The clerk shall keep a fair and exact roll of the  
2 company, together with the state of the arms and equipments  
3 belonging to each man, which roll he shall annually revise on  
4 the first Tuesday of May, and correct the same from time to  
5 time, as the state of the company may require. He shall reg-  
6 ister all orders and proceedings of the company in the orderly  
7 book; keep exact details of all drafts and detachments; distribute  
8 all company orders and notifications, which he may be required  
9 to do; examine the equipments of the men, when ordered; note  
10 all delinquencies; sue for and recover all fines and forfeitures  
11 which may be required to be sued for in this chapter; and keep  
12 accounts in the orderly book of all fines and forfeitures, and all  
13 other moneys collected by him, with the persons' names of  
14 whom they were collected, and of the times when, and for what  
15 offense; which book shall not be alienated from the company,  
16 and shall always be open to the inspection of any officer or  
17 private of the company.

R. S., c. 16, § 56.

SECT. 50. In case of the sickness, absence, or other disability  
2 of the clerk of any company, the commanding officer thereof  
3 may appoint a clerk pro tempore, who shall be duly sworn before  
4 he enters on the duties of the office; and shall, for the time  
5 expressed in his appointment, or until specially discharged, have  
6 all the powers, and be subject to all the duties, and liable to all  
7 the penalties of the clerk in whose place he is put.

R. S., c. 16, § 57.

SECT. 51. In case of such sickness, absence or other disability, 2 or whenever the office of clerk in any company shall become 3 vacant, and it shall satisfactorily appear to the commanding 4 officer that no person will accept the same, temporarily or per- 5 manently, as the case may be, he may issue his order in writing 6 to any non-commissioned officer or private in said company, 7 requiring him to perform all the duties of the clerk of said com- 8 pany, except keeping the records, until the clerk shall be able 9 to perform the same, or some other person be appointed, for a 10 term not exceeding three months; and if any non-commissioned 11 officer or private so appointed, and who shall not have been, 12 within one year previous, required to perform the same duties, 13 shall refuse or neglect to perform all or any of the duties of said 14 office, during said term, except keeping the records, he shall 15 forfeit and pay not less than ten, nor more than twenty dollars, 16 to be recovered by indictment, or by action on the case, by any 17 person whatever; one half to the use of the state, and the other 18 half to the use of the prosecutor. R. S., c. 16, § 58.

SECT. 52. In all such cases, the records of the company shall 2 be kept by the commanding officer, so long as such vacancy, 3 absence, sickness or other disability shall continue; and the 4 records so kept shall be competent evidence of such orders and 5 temporary appointments, as well as of all matters of which such 6 records would be evidence if kept by the clerk.

R. S., c. 16, § 59.

SECT. 53. When the office of major general, brigadier general, 2 colonel, lieutenant colonel, major commandant or of captain 3 shall be vacant, or in case of the absence of any such officer, the 4 officer next in grade and in commission in the division, brigade, 5 regiment, battalion or company, on due notice thereof from the 6 proper superior officer, shall exercise the command, and perform 7 the duties thereof, until the vacancy shall be supplied.

R. S., c. 16, § 60.

SECT. 54. When a company shall have neither commissioned 2 nor non-commissioned officers, the commanding officer of the 3 regiment or battalion, to which such company belongs, shall 4 appoint suitable persons within said company, to be non-commis- 5 sioned officers of the same, and grant them warrants accord-



6 ingly; one of which non-commissioned officers he shall appoint  
7 clerk, and endorse his warrant and administer the oath to him,  
8 as directed in the forty-eighth section; and the senior non-com-  
9 missioned officer of a company, while there are no commissioned  
10 officers in office, shall command the same; and all the powers of  
11 commanding officer shall be vested in him, until some commis-  
12 sioned officer shall be appointed, or chosen and qualified.

R. S., c. 16, § 61.

SECT. 55. When any company shall have remained without  
2 any commissioned officers for the term of three months, the  
3 commanding officer of the regiment to which said company  
4 belongs shall detail some suitable officer of the staff, or of the  
5 line, not above the rank of lieutenant, to train and discipline  
6 said company, until some officer shall be elected, or appointed by  
7 the commander-in-chief, as provided in the second section of the  
8 seventh article of the constitution, and commissioned; and such  
9 officer so detailed shall have the same power and authority,  
10 and be subject to the same liabilities, as if he were captain of  
11 such company; and he shall keep the records of the company,  
12 and prosecute for all fines and forfeitures, in such manner as he  
13 may be authorized and required to do, by virtue of the eight-  
14 eenth section of this chapter; one half of the amount recovered  
15 to be to the use of the regiment, and the other half to the use  
16 of the officer. The officer so prosecuting shall be a competent  
17 witness in the case.

R. S., c. 16, § 62.

SECT. 56. When the officer, so detailed to command such  
2 company, or, where no officer shall have been detailed, whenever  
3 the commanding officer of the regiment, to which such company  
4 belongs, shall, in writing, order any non-commissioned officer or  
5 private, to notify the persons liable to do duty in such company  
6 to appear for any duty required by law, any non-commissioned  
7 officer or private who shall neglect or refuse to notify such per-  
8 sons to meet at the time and place and for the purposes  
9 mentioned in such order, as aforesaid, shall forfeit and pay not  
10 less than twenty, nor more than one hundred dollars, to be  
11 recovered by indictment, or by an action on the case, by any  
12 person whatever; one half to the use of the state, and the other  
13 half to the prosecutor.

R. S., c. 16, § 63.

SECT. 57. The adjutant general and quarter master general shall receive compensation for their services to be allowed by the legislature. R. S., c. 16, § 64.

SECT. 58. It shall be incumbent on all officers and non-commissioned officers, whose duties are not herein fully defined, to do and perform all such duties as by law and military principles and usages are attached to their offices respectively; provided such duties shall be required of them by their senior and commanding officer. R. S., c. 16, § 66.

ARTICLE IV.—*Officers how discharged.*

SECT. 59. All military officers, who have been or may hereafter be commissioned, shall hold their respective offices for a term not longer than seven years from the date of their commissions, unless re-appointed or re-elected: and the commander-in-chief shall discharge all such officers accordingly: provided, that in case of vacancy of major general in any division, the commissions of the brigadier generals in such divisions shall not terminate by the limitation aforesaid, till the office of major general shall be filled. But no officer shall be discharged within the term of five years, otherwise than in pursuance of the sentence of a court martial, except by the commander-in-chief, on request of such officer in writing; by actual removal of residence out of the bounds of his command, and to such distance that the major general shall think it inconvenient for him to discharge the duties of his office; by twelve months absence without leave of the commanding officer of his division, or by the legal disbanding of the corps to which he belongs; and whenever any division, brigade, regiment or battalion shall be divided, and the residence of any staff officer attached thereto shall be without the bounds of the corps in which he was commissioned, such staff officer shall be entitled to an honorable discharge, and shall cease to do duty in such office, after such division is made; and the commanding officer may proceed to fill the vacancy thereby. R. S., c. 16, § 67. 1843, c. 33, § 6.

SECT. 60. No officer shall be permitted to resign, while under arrest: and no resignation of any officer shall be approved, if such resignation be offered between the first day of May and the

4 first day of November, unless the reasons offered by the officer  
5 wishing to resign within those days be very urgent.

R. S., c. 16, § 68.

SECT. 61. No general or field officer shall approve a resig-  
2 nation until the orderly and other books and property of the  
3 state, in possession of the resigning officer, are taken care of for  
4 the use of the corps to which such officer belongs, in order  
5 that such books and property may be delivered to his successor.

R. S., c. 16, § 69.

SECT. 62. If any person, having held an office in the militia,  
2 shall, after his discharge or removal from office, neglect or  
3 refuse, after demand made upon him by his successor in office,  
4 to deliver over to his said successor any property in his posses-  
5 sion belonging to the state, said person shall forfeit and pay a  
6 sum not less than twenty dollars, nor more than one hundred  
7 dollars, to the use of the state, to be recovered by indictment  
8 before the court.

R. S., c. 16, § 70.

SECT. 63. No officer shall be considered as exempted from  
2 the duties of his station, except when under arrest, until he shall  
3 have been discharged by one of the methods or causes pointed  
4 out in section fifty-seven, or shall have received a certificate of  
5 discharge from the commander-in-chief.

R. S., c. 16, § 71.

SECT. 64. If any officer shall in due course of law be con-  
2 victed of any infamous crime, he shall be forthwith put in arrest,  
3 and deprived of all military command, until an opportunity  
4 shall be had for both houses of the legislature to address the  
5 governor for his removal.

R. S., c. 16, § 72.

SECT. 65. No idiot, lunatic, common drunkard, vagabond,  
2 pauper, nor any person convicted of any infamous crime, nor any  
3 other than white, able bodied, male citizens, shall be eligible  
4 to any office in the militia; and whenever it shall appear to  
5 the commander-in-chief, that any person, thus ineligible, has  
6 received a majority of votes cast at any election of officers, he  
7 shall not commission him; but, with the advice and consent of  
8 the council, shall declare said election null and void, and  
9 appoint some person to fill the vacancy. And when it shall  
10 appear to the commander-in-chief, that any person commissioned  
11 as an officer in the militia of this state, has become an idiot,

12 lunatic, common drunkard or vagabond, he shall, with the advice  
13 of the council, forthwith remove him from office, and a new elec-  
14 tion shall be ordered to fill such vacancy. R. S., c. 16, § 73.

ARTICLE V.—*Discipline, trainings, reviews.*

SECT. 66. No officer, non-commissioned officer or private  
2 shall be held to perform any military duty on any day, except  
3 on days which are or may be specially prescribed by law, on  
4 which the selectmen of the town in which such officer, non-  
5 commissioned officer or private resides, shall appoint a meeting  
6 for the election of a representative to the legislature; nor shall  
7 there be any military parade on the day pointed out by the  
8 constitution of this state for the election of governor and sena-  
9 tors; nor on any day which may be appointed for the choice of  
10 electors of president and vice-president of the United States, or  
11 representatives to congress; and it shall not be lawful for any  
12 officer to parade his men on either of said days, unless in case  
13 of invasion made, or threatened, or in obedience to the orders of  
14 the commander-in-chief, except as is herein before excepted;  
15 and if any officer, contrary to the provisions aforesaid, shall  
16 parade his men on either of said days of election, he shall be  
17 liable to be tried by a court martial; and shall moreover forfeit  
18 a sum not less than fifty, nor more than three hundred dollars,  
19 to be sued for and recovered, in an action on the case, before  
20 any court of competent jurisdiction; one moiety thereof to the  
21 use of the person who may prosecute for the same, the other to  
22 the use of the state. R. S., c. 16, § 78.

SECT. 67. If the commanding officer of any company, bat-  
2 talion, regiment or brigade of the militia of this state shall  
3 parade, march or exercise the same within the distance of fifty  
4 rods from any court house of any county, whilst any judicial  
5 court shall be in session therein, unless when called out to sup-  
6 press insurrection, repel invasion, or enforce the laws, he shall,  
7 for every such offense, forfeit and pay a fine not less than  
8 twenty, nor more than one hundred dollars, to be recovered by  
9 indictment, to the use of the state. R. S., c. 16, § 79.

SECT. 68. At all regimental and battalion parades, the several  
2 companies shall form in regiment or battalion, according to the

3 rank of the officers present actually commanding them; and the  
4 same rule shall apply in all cases, excepting those in which  
5 artillery, cavalry, light infantry and riflemen may, by usage and  
6 necessity, be detached from the regiments and battalions.

R. S., c. 16, § 80.

SECT. 69. When different corps shall parade, join, or do duty  
2 together, the senior officer present, according to rank, shall  
3 command without regard to corps.

R. S., c. 16, § 81.

SECT. 70. When a company, destitute of commissioned officers,  
2 shall parade with other troops, the commanding officer present  
3 shall assign some commissioned officer or officers to such destitute  
4 company to command the same while on parade.

R. S., c. 16, § 82.

SECT. 71. Every commanding officer, when on duty, is hereby  
2 authorized to ascertain and fix necessary limits and bounds to  
3 his parade, no road in which the people usually travel to be  
4 included; within which no spectator shall have a right to enter,  
5 without liberty from such commanding officer; and in case any  
6 person shall intrude within the limits of the parade, after once  
7 being forbidden, he shall be subject to be confined under guard  
8 during the time of parade, or a shorter time, at the discretion of  
9 the commanding officer.

R. S., c. 16, § 83.

SECT. 72. Any non-commissioned officer or private, who shall,  
2 while under arms or when on duty, behave himself with con-  
3 tempt to an officer, or shall conduct in a disorderly manner, or  
4 excite or join in any tumult or riot, or be guilty of any other  
5 unmilitary conduct, may be put under guard, and so kept for a  
6 longer or shorter time, at the discretion of the commanding  
7 officer of the company, not beyond the time when the company  
8 to which he belongs is dismissed; and shall moreover forfeit a  
9 sum not less than five, nor more than twenty dollars for each  
10 offense, according to the degree and aggravation thereof.

R. S., c. 16, § 85.

SECT. 73. All companies, raised at large by voluntary enlist-  
2 ment, may establish by-laws and regulations, not repugnant to  
3 the laws of the state, for perfecting themselves in military  
4 knowledge and discipline, in which they may determine what  
5 number of company trainings they will have in each year, and

6 may establish penalties and forfeitures to enforce the observance  
7 thereof, to be recovered by action of debt in any court of com-  
8 petent jurisdiction; for assessing and collecting funds and for any  
9 other purposes necessary to the good order and government of  
10 such companies: which by-laws and regulations shall be binding  
11 on such of the members thereof as subscribe their names to the  
12 same. R. S., c. 16, § 86.

SECT. 74. No private shall be compelled to perform any other  
2 military duty in one year than is herein provided, except in time  
3 of war or public danger, and for choice of officers, nor after  
4 sunset. But on the approach of any public danger, when, in  
5 the opinion of the commander-in-chief, any of the exigencies are  
6 likely to happen upon which the militia could, by the constitu-  
7 tion of the United States, be called into actual service, he shall  
8 have power to order such other and further training and disci-  
9 plining of the militia, or any part thereof, as he may deem  
10 necessary. R. S., c. 16, § 87.

ARTICLE VI.—*Notifications, excuses, by-laws and regulations.*

SECT. 75. When the commanding officer of a company shall  
2 order out his company for inspection or training, or for any  
3 battalion, regimental, brigade or division inspection or review,  
4 he shall issue orders to some one or more of the non-commis-  
5 sioned officers or privates of his company, requiring him or them  
6 to notify the men belonging to his company to appear at the  
7 time and place appointed; and it shall be the duty of the non-  
8 commissioned officer or officers, private or privates, so ordered  
9 as aforesaid, to give notice of the time and place appointed  
10 for the parade of said company to each and every man he or  
11 they shall have been ordered to notify, either verbally, or by  
12 delivering to each man in person, or by leaving at his usual  
13 place of abode, a written or printed order; but no private shall  
14 be obliged thus to notify more than once in the same year.

R. S., c. 16, § 88.

SECT. 76. No notice shall be legal for any company inspec-  
2 tion or training, or for any battalion, regimental, brigade or  
3 division inspection or review, unless the same shall be given  
4 four days at least previous to the time appointed therefor; and

5 ten days previous notice shall be given, if the meeting be  
6 ordered for the election of officers. Provided always, that in  
7 case of invasion, insurrection or other emergency, any notice,  
8 however short, shall be legal and binding. And whenever any  
9 company shall be paraded, the commanding officer thereof may  
10 verbally notify the men, so paraded, to appear on some future  
11 day, not exceeding thirty days from the time of such notifica-  
12 tion, for any military duty required by law, and such notice shall  
13 be legal as it respects the men present. R. S., c. 16, § 89.

SECT. 77. When any non-commissioned officer or private in  
2 any company shall receive orders from the commanding officer  
3 of such company to notify and warn such company, or any  
4 part thereof, to meet for the purpose of choosing any officer or  
5 officers, it shall be the duty of such non-commissioned officer or  
6 private to give every person he is so ordered to warn, verbal  
7 notice, or to leave him a written or printed notification, at his  
8 usual place of abode, specifying the time, place and purpose of  
9 said meeting. R. S., c. 16, § 90.

SECT. 78. All excuses for non-appearance of non-commissioned  
2 officers and privates must be made within twenty days after  
3 any training, view of arms, or other military duty, to the com-  
4 manding officers of their respective companies; and on the  
5 delinquent's producing, or causing to be produced, satisfactory  
6 evidence of his inability to appear, his commanding officer may  
7 excuse him; but all commanding officers of companies are hereby  
8 forbidden from receiving any excuse for non-appearance, under  
9 any pretence whatever, after the expiration of the twenty days  
10 allowed. Any such non-commissioned officer or private who  
11 shall neglect to give, or cause to be given, to his commanding  
12 officer such satisfactory evidence of his inability to appear, pro-  
13 vided he is not prevented therefrom by severe sickness or other  
14 inevitable accident within the said twenty days, shall forfeit  
15 and pay the penalty by law provided for such non-appearance.  
16 And if a warrant be issued to an individual who may have held  
17 a commission in this state, or any other of the United States,  
18 which may not be within the knowledge of the commanding  
19 officer of the company in which he is so warned, it shall be his  
20 duty to give notice thereof in manner above provided, or such

21 commission shall not exempt him from such fine as would other-  
22 wise be imposed upon him for non-appearance. All commanding  
23 officers of companies shall inform, or cause their clerks to be  
24 informed, of all excuses for non-appearances which they may  
25 allow as good and sufficient. R. S., c. 16, § 91.

SECT. 79. Every company of the uniformed militia may by  
2 their by-laws provide for the payment of such fines and penalties,  
3 not inconsistent with the provisions of this chapter or of the  
4 laws of the state, for non-appearance at company trainings and  
5 drills, for deficiency in arms and equipments, for neglect of any  
6 duty required by law, for disobedience of orders, or disorderly  
7 behavior when on duty, as the good of the service shall require.  
8 If such by-laws are submitted to, and approved by the com-  
9 mander-in-chief, the fines and penalties thereby imposed may be  
10 sued for and recovered in an action of debt, or any other proper  
11 action, by the clerk of the company. R. S., c. 16, § 22, 92.

SECT. 80. When the militia shall be called into actual  
2 service, the commander in chief may prescribe such rules and  
3 regulations as the good of the same shall require, to be enforced  
4 by suitable fines and penalties to be prescribed by him, and  
5 enforced and collected in such manner as he may order.

#### ARTICLE VII.—*Courts martial.*

SECT. 81. All courts martial shall consist of three members,  
2 to be detailed in the manner hereinafter directed.

One of the members of each court shall be designated, in the  
4 order under which they shall act, as the president thereof, and  
5 in case of his absence at the trial of any cause within their  
6 jurisdiction, the senior officer of such court, who shall be present,  
7 shall officiate as president pro tempore.

Any two members of said court shall constitute a quorum for  
9 the trial of all causes coming before them in the manner here-  
10 inafter provided.

Any one member of said court may, and it shall be his duty to  
12 adjourn the proceedings thereof from time to time, as to him  
13 may appear just, in the absence of the other members.

R. S., c. 16, § 111.



SECT. 82. When any such court shall be in session, the president thereof shall appoint a marshal, whose duty it shall be to preserve order therein, and with the concurrence of either of the associate members, he may also appoint a warrant officer to attend upon the same. R. S., 16, § 112.

SECT. 83. When the commander-in-chief shall deem it necessary to assemble any general court martial, for the trial of any officer above the rank of captain, it shall be lawful for him to appoint the president and members thereof from any division or divisions of the militia, which the circumstances of the case and the ends of justice may, in his opinion, require.

R. S., c. 16, § 113.

SECT. 84. Every court martial for the trial of officers of, and under, the rank of captain, including the regimental staff, shall be ordered by the major general of the division to which the officer to be tried belongs, to be held within the limits thereof, and he shall regularly detail the members thereof from the roster of his division, according to rank; provided, however, that it shall be the duty of the major general to pass such officer or officers as in his opinion may be interested, or implicated, in the result of the trial; and all officers, so detailed, shall, while in the same office, be ineligible to serve on such court martial a second time, until all other officers in the division, who are not legally disqualified, shall have been detailed as aforesaid.

R. S. c., 16, § 114.

SECT. 85. Summary inquiry may be made into the truth and circumstances of any matter contained in any complaint or allegation against the conduct of any officer or corps of the militia, by an officer specially appointed for that purpose.

If the complaint be made against any officer above the rank of captain, or corps of militia greater than the command of a captain, the appointment shall be made by the commander in chief; if against any other officers or corps, the inquiry shall be made by appointment of the major general of the division to which those complained against belong; and it shall be the duty of any officer appointed to make such inquiry to report the result of his inquiry and investigation as soon as may be after he shall have completed the same, to the adjutant general's

14 office, if ordered by the commander in chief; and to the major  
15 general, if directed by him.

In either of the above cases, the officer making and reporting  
17 such summary inquiry, shall file his account for such services  
18 in the adjutant general's office, to be presented to the legislature  
19 for allowance. R. S., c. 16, § 115.

SECT. 86. There shall be appointed and commissioned by the  
2 governor, a division advocate for the militia, of suitable learning  
3 in the law, for each division, with the rank of major, to continue  
4 in office for the term of five years, whose duty shall be as follows:  
5 To reduce to proper form the charges and specifications of  
6 charges contained in every written complaint of any person  
7 aggrieved, or of any commissioned officer, which may be lodged  
8 with him, against any military officer within his division, upon  
9 any alleged offense by such officer committed, and cognizable by  
10 the court martial within his division.

When the officer against whom complaint is made, shall be  
12 above the rank of captain, he shall transmit the same, so  
13 reduced to form, to the adjutant general's office, within fifteen  
14 days next after the receipt of such complaint, for the considera-  
15 tion of the commander-in-chief.

When the officer so complained against shall be of the rank of  
17 captain and under, including regimental staff officers, he shall  
18 transmit in like manner the complaint, so reduced to form, to the  
19 major general of the division to which the officer belongs, for his  
20 consideration. R. S., c. 16, § 116.

SECT. 87. When a court martial is ordered by the com-  
2 mander-in-chief, or by the major general of any division, for the  
3 trial of any officer on charges and specifications of charges  
4 preferred against him, the division advocate shall prosecute the  
5 same; and in all cases the division advocate shall be furnished  
6 by the adjutant general, if the court be ordered by the com-  
7 mander in chief, and by the major general, if the court be  
8 ordered by him, forty days at least before the time of trial, with  
9 a copy of the general division order convening the court, and of  
10 the charges and specifications preferred, and cause the respond-  
11 ent to be served with a copy thereof twenty days at least before  
12 the trial. R. S., c. 16, § 117.

SECT. 88. The courts martial hereby authorized shall be  
2 convened from time to time, according to the appointment and  
3 order of the commander-in-chief, or of the major generals of the  
4 several divisions, for the trial of such officers as are, by the  
5 provisions of this chapter, made amenable to the jurisdiction of  
6 said courts respectively. R. S., c. 16, § 118.

SECT. 89. All persons summoned to testify in any cause  
2 ordered for trial, or pending before either of said courts, by  
3 virtue of a subpoena issued by the division advocate, if for the  
4 state, or by any justice of the peace, if for the respondent, shall  
5 be held to obey such subpoena under the same penalties and  
6 liabilities for neglect as are provided in other public prosecu-  
7 tions: all oaths required of persons testifying in said courts may  
8 be administered by any member thereof; depositions may be  
9 taken and used in like manner as in cases pending in courts of  
10 common law. R. S., c. 16, § 119.

SECT. 90. If the respondent shall be found guilty by said  
2 court, either upon admission, trial or default, of any charge  
3 preferred against him, involving an offense against military law,  
4 or the principles of duty and usage, attached to his office, the  
5 court shall sentence him to be reprimanded in orders, and to pay  
6 a fine of not less than ten, nor exceeding fifty dollars, together  
7 with part or all of the costs of court, or to either, according to  
8 the nature of the offense; or to be removed from office, with or  
9 without the payment of such fine and costs, at the discretion of  
10 the court; and in addition thereto, if the court think proper, to  
11 be disqualified for, and incapable of holding any military office  
12 under this state for life or for a term of years. And the judg-  
13 ment or sentence of the court shall, as soon as may be, be  
14 certified by the president, under seal of the court, to the com-  
15 mander-in-chief, to be promulgated and carried into effect.

R. S., c. 16, § 120.

SECT. 91. The division advocate shall keep a summary record  
2 of the proceedings of each court, from day to day, under the  
3 direction of the court. R. S., c. 16, § 121.

SECT. 92. A copy of the record of any court martial, certified  
2 by the president of any such court, together with a duly authen-  
3 ticated copy of the order convening said court, shall be sufficient

4 and conclusive evidence to sustain, in any court, any action  
5 commenced for the recovery of any fine, or costs, or part of costs,  
6 or either, agreeably to the provisions of the two following sections:

R. S., c. 16, § 122.

SECT. 93. In the order of the commander-in-chief promul-  
2 gating the sentence of any court martial, as herein directed, if  
3 such sentence shall include the payment, by any officer, of any  
4 fine and costs, or either, the division advocate of such division  
5 shall be directed, and it shall be his duty, to enforce the pay-  
6 ment of such fine and costs, by an action of debt to be commenced  
7 in his own name, within thirty days next succeeding such order,  
8 unless the same shall be sooner paid to him by such officer.

R. S., c. 16, § 123.

SECT. 94. The court before whom such action shall be com-  
2 menced, shall render judgment therein, and issue execution  
3 accordingly, against the property and body of the defendant, in  
4 accordance with the provisions of law, for the amount of such  
5 fine and costs, including the costs of such action, upon proof  
6 that the same has been awarded by the sentence of a court mar-  
7 tial in the manner herein provided; and no action for such fine  
8 and costs, or either, shall abate in consequence of the death,  
9 resignation, removal or expiration of the term of office of the  
10 division advocate who may have commenced the same; but such  
11 action may be prosecuted afterwards to final judgment by his  
12 successor, and the court before which the same may be pending,  
13 may order such continuances and amendments and notices to  
14 the successor as may be necessary, and render such judgment  
15 as the rights of the parties may require. The fine and costs  
16 which shall be included in such sentence, shall be paid over by  
17 the division advocate, when collected, to the treasurer of the  
18 state, for the use of the state.

R. S., c. 16, § 124.

SECT. 95. The compensation of the officers and witnesses  
2 shall be as follows:

To each member of the court, and to the division advocate, for  
4 each day spent in holding a session of said court, two dollars,  
5 and for every mile's travel, four cents.

In addition to his pay for travel and attendance at the session of the court, the division advocate, in each case, may charge in the pay roll, as follows, and no more :

For drawing charges and specifications and filing the same, three dollars ;

For preparing the case for trial, three dollars ; subpoenas, ten cents each ; copies of the case for service on the respondent, one dollar ; recording the case, two dollars ;

To the marshal, two dollars a day ;

To the warrant officer attending upon the court, one dollar a day.

All witnesses duly summoned and attending any court as aforesaid, shall be allowed one dollar a day for attendance, and four cents a mile for travel to and from court : but no witness' fees shall be taxed against the state until he has certified his travel and attendance, and unless summoned by the direction of the division advocate.

A pay roll shall be made up, including all said fees and reasonable expenses for room and stationery, at the close of each session of said courts, and certified by the president and division advocate, and filed in the office of the adjutant general ; and the same shall be paid out of the treasury of the state to the several persons entitled thereto.

R. S., c. 16, § 125.

SECT. 96. It shall be the duty of the president of every court held as aforesaid to prepare compendious reports of all questions of law arising and adjudged in trials had before him, and of the decisions made thereon, stating in substance so much of the evidence as may be necessary for a correct understanding thereof, and deposit the same in the office of the adjutant general.

R. S., c. 16, § 126.

SECT. 97. Every officer to be tried by a court martial, shall be put in arrest, so as to be suspended from the exercise of his office, and shall have a copy of the charges exhibited against him, and notice of the time and place of trial, twenty days at least before his trial is commenced, but the time of such trial shall, in all cases, be within sixty days from the time of such arrest.

R. S., c. 16, § 127.

SECT. 98. If any officer, for the trial of whom a court martial is appointed, shall neglect to appear and make defence, or, if appearing, shall afterwards withdraw in contempt of court, or being arraigned before a court martial, shall, from obstinacy or deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment as if he had regularly pleaded not guilty. R. S., c. 16, § 128.

SECT. 99. Every commissioned officer shall be liable to be tried by a court martial for the following offenses :

For any unmilitary conduct, neglect of duty, or disobedience of orders, or behaving in an unofficerlike manner when on duty ;

For wilfully oppressing or injuring any under his command ;

For setting on foot or joining in any combination to resist or evade the lawful orders of any commissioned officer ;

For presuming to exercise any command, while under arrest, in which case, if convicted, he shall be removed from office ;

For neglect or refusal, as commanding officer, to call out his company at the times required in this chapter, or by any other law, or at any other time when lawfully required thereto by his superior officer ;

For excusing any under his command for unnecessary absence or deficiency ;

For neglect or refusal to make a draft or detachment when legally ordered under the authority of the commander-in-chief ;

For parading his men on either of the days of election mentioned in section sixty-six, contrary to the provisions thereof ;

For neglecting or refusing, after receiving his commission, forthwith to take and subscribe the oaths required by the constitution to qualify him to discharge the duties of his office.

R. S., c. 16, § 129.

SECT. 100. No officer shall be tried by a court martial for any offense which shall have been committed more than one year previous to the time when a complaint shall have been made in writing therefor, unless he shall have repeated such offense in two or more successive years ; or by reason of having absented himself, or some other manifest impediment, he shall not have been amenable to justice within that period.

R. S., c. 16, § 130.

SECT. 101. No arrest on the field for offenses committed on  
2 parade, shall be legal, unless made by the commanding officer,  
3 present, in writing; and unless such commanding officer shall  
4 within fifteen days exhibit to the competent authority his com-  
5 plaint in writing, setting forth the cause of arrest.

R. S., c. 16, § 131.

ARTICLE VIII.—*Proceedings on drafts for actual service.*

SECT. 102. When, in case of actual or threatened invasion,  
2 insurrection, or other public danger or emergency, the militia  
3 shall be ordered out, or any part thereof shall be ordered to be  
4 detached, or drafted, by the commander-in-chief, any person  
5 who shall be ordered out, detached or drafted, in pursuance of,  
6 and obedience to, such orders, and shall not within twenty-four  
7 hours after he shall be notified thereof pay a fine of fifty dollars  
8 to the commanding officer of the company to which he belongs,  
9 or procure an able bodied man in his stead, such person, on  
10 being ordered to march to the place of rendezvous, shall be  
11 considered as a soldier belonging to the detachment, and be  
12 dealt with accordingly.

R. S., c. 16, § 132.

SECT. 103. All fines paid as aforesaid shall be appropriated  
2 to the hire of men to complete the detachment.

R. S., c. 16, § 133.

SECT. 104. The officers of any detachment ordered to be  
2 made as aforesaid, shall be regularly detailed from the rosters;  
3 and the non-commissioned officers and privates, by lot, from the  
4 company rolls.

R. S., c. 16, § 134.

SECT. 105. When any company shall not be organized, the  
2 officer commanding the brigade, or regiment, shall, either by  
3 himself or some officer under him, proceed to make and com-  
4 plete the detachment from such unorganized company.

R. S., c. 16, § 135.

SECT. 106. When the militia or any part thereof, after hav-  
2 ing been ordered out or detached as aforesaid, shall be ordered  
3 to march for the service of the state, each non-commissioned  
4 officer and private so ordered to march shall provide and take  
5 with him three days' provisions, unless otherwise ordered.

R. S., c. 16, § 136.

SECT. 107. The selectmen of every town, and aldermen of every city, and the assessors of every plantation to which the men detached as aforesaid, and ordered to march for the service of the state, belong, shall provide and cause carriages to attend them with further supplies of provisions, and also the necessary camp equipage and camp utensils, until notice shall be given them by the commanding officer of the detachment to desist; and the selectmen, aldermen and assessors shall present their accounts for supplies to the legislature for allowance.

R. S., c. 16, § 137.

SECT. 108. When the selectmen of any town, aldermen of any city, or assessors of any plantation from which a detachment or part thereof, as aforesaid, shall march, being notified by the commanding officer of such detachment or part thereof belonging to such town, city or plantation, shall neglect or refuse to furnish the necessary supplies, camp equipage, and camp utensils, the town, city or plantation to which the selectmen, aldermen or assessors neglecting or refusing as aforesaid belong, shall forfeit not less than two hundred, nor more than five hundred dollars, to be sued for and recovered by any person, who may prosecute for the same, in an action on the case, in any court of competent jurisdiction; one moiety to the prosecutor, and the other to the use of the state.

R. S., c. 16, § 138.

SECT. 109. The officer by whom or to whose order any camp equipage or camp utensils shall be delivered, shall be accountable for the same, unless injured or lost by some accident not in his power to prevent.

R. S., c. 16, § 139.

SECT. 110. When any draft or detachment shall be made from any company of cavalry for actual service, the men drafted or detached shall march with their own horses; and before they march, if there be time, the horses shall be appraised by three impartial men, to be appointed by the commanding officer of the brigade to which the company belongs from which the draft or detachment is made.

R. S., c. 16, § 140.

SECT. 111. When any officer, neglecting or refusing to make a draft or detachment, when ordered as aforesaid, shall be arrested, the officer next in command shall be ordered to make the draft or detachment.

R. S., c. 16, § 141.



SECT. 112. If any non-commissioned officer or private shall be killed, or die of wounds received, when on any military duty required by this act, his widow, child or children shall receive from the legislature such relief as shall be just and reasonable. And if any officer, non-commissioned officer or private shall be wounded, or otherwise disabled when on such duty, he shall receive from the state just and reasonable relief.

R. S., c. 16, § 142.

ARTICLE IX.—*Rules and articles for governing the troops stationed in forts and garrisons within this state; and also the militia, or any part thereof, when called into actual service.*

SECT. 113. The following rules and articles are hereby established and declared to be in force for governing all troops stationed in forts and garrisons within this state; and also the militia, or any part thereof, when called into actual service, viz:

I. All officers and soldiers shall diligently attend divine service; all officers and soldiers who shall unnecessarily absent themselves from, or behave indecently or irreverently at any place of divine worship, shall, if commissioned officers, be brought before a general court martial, there to be publicly reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for the first offense, forfeit twenty cents, to be deducted out of his next pay; for the second offense, he shall not only forfeit a like sum, but be confined twenty-four hours; and, for every like offense, shall suffer and pay in like manner; which money, so forfeited, shall be applied to the use of the sick soldiers of the troop or company to which the offender belongs.

II. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article, and if a commissioned officer be thus guilty of profane cursing or swearing, he shall forfeit and pay, for each and every such offense, sixty-seven cents.

III. Any officer or soldier who shall presume to use traitorous or disrespectful words against the authority of the United States in congress assembled, or the legislature of this state, if a com-

26 missioned officer, he shall be cashiered; if a non-commissioned  
27 officer or soldier, he shall suffer such punishment as shall be  
28 inflicted upon him by the sentence of a court martial.

IV. Any officer or soldier, who shall behave himself with  
30 contempt or disrespect towards the commander-in-chief, or any  
31 general or commanding officer of the troops or militia of this  
32 state, or shall speak words tending to his hurt or dishonor, shall  
33 be punished according to the nature of his offence, by the judg-  
34 ment of a court martial.

V. Any officer or soldier who shall begin, excite, or join in  
36 any mutiny or sedition in the troop, company or regiment to  
37 which he belongs, or in any other troop or company in the ser-  
38 vice of the state, or in any party, post, detachment or guard,  
39 on any pretence whatsoever, shall suffer such punishment as by  
40 a court martial shall be inflicted.

VI. Any officer, non-commissioned officer or soldier, who,  
42 being present at any mutiny or sedition, doth not use his utmost  
43 endeavors to suppress the same; or coming to the knowledge of  
44 any intended mutiny, doth not without delay give information  
45 thereof to his commanding officer, shall be punished by sentence  
46 of a court martial, according to the nature of his offense.

VII. Any officer or soldier who shall strike his superior officer,  
48 or draw or lift up any weapon, or offer any violence against him,  
49 being in the execution of his office, on any pretence whatsoever,  
50 or shall disobey any lawful commands of his superior officer,  
51 shall suffer such punishment as shall, according to the nature  
52 of his offense, be inflicted upon him by the sentence of a court  
53 martial.

VIII. Any non-commissioned officer or soldier who shall desert,  
55 or without leave from his commanding officer, absent himself from  
56 the troop or company to which he belongs, or from any detach-  
57 ment of the same, shall, upon conviction thereof, suffer death,  
58 or such other punishment as shall be inflicted by the sentence of  
59 a general court martial.

IX. Any officer or soldier who shall be convicted of having  
61 advised or persuaded any other officer or soldier to desert, shall  
62 suffer such punishment as shall be inflicted by the sentence of a  
63 court martial.

x. No officer or soldier shall use any reproachful or provoking  
65 speeches or gestures to another; nor shall any officer or soldier  
66 presume to send a challenge to any person to fight a duel, upon  
67 pain, if a commissioned officer, of being cashiered; if a non-  
68 commissioned officer or soldier, of suffering punishment at the  
69 discretion of a court martial.

xI. If any commissioned or non-commissioned officer, com-  
71 manding a guard, shall, knowingly and willingly, suffer any  
72 person whatsoever to go forth to fight a duel, he shall be pun-  
73 ished as a challenger; and likewise all seconds, promoters and  
74 carriers of challenges, in order to duels, shall be deemed as  
75 principals, and punished accordingly.

xII. All officers, of what condition soever, shall have power to  
77 part and quell all quarrels, frays and disorders, though the per-  
78 sons concerned should belong to another regiment, troop or  
79 company; and either to order officers into arrest, or non-com-  
80 missioned officers or soldiers to prison, until their proper superior  
81 officer shall be acquainted therewith; and whosoever shall refuse  
82 to obey such officer, though of an inferior rank, or shall draw  
83 his sword upon him, shall be punished at the discretion of a  
84 general court martial.

xIII. Any officer or soldier who shall upbraid another for  
86 refusing a challenge, shall be considered a challenger, and  
87 punished accordingly.

xIV. Every officer commanding in quarters, garrison, or on a  
89 march, shall keep good order, and, to the utmost of his power,  
90 redress all such abuses or disorders, as may be committed by  
91 any officer or soldier under his command; and if, upon complaint  
92 made to him, of officers or soldiers beating or otherwise ill treating  
93 any person, or of committing any kind of riots to the disquieting  
94 the good citizens of this or either of the United States, he shall  
95 refuse or omit to see justice done on the offender or offenders, and  
96 reparation made to the party or parties injured, so far as the  
97 offender's pay shall enable him or them, he shall, upon proof  
98 thereof, be punished by a general court martial, as if he himself  
99 had committed the crimes or disorders complained of.

xv. If any officer shall think himself to be wronged by his  
101 colonel, or the commanding officer of his regiment, and shall,

102 upon due application made to him, be refused to be redressed,  
103 he may complain to the general, or commander-in-chief of the  
104 forces in service, in order to obtain justice ; who shall examine  
105 into the complaint, and see that justice be done.

XVI. If any inferior officer or soldier shall think himself  
107 wronged by his captain, or other officer commanding the troop  
108 or company to which he belongs, he may complain thereof to  
109 the commanding officer of the regiment, who shall summon a  
110 regimental court martial, for the doing justice to the complain-  
111 ant ; from which regimental court martial either party, if he  
112 think himself still aggrieved, may appeal to a general court  
113 martial. But if, upon a second hearing, the appeal shall  
114 appear to be vexatious and groundless, the person, so appeal-  
115 ing, shall be punished at the discretion of the said general  
116 court martial.

XVII. Any non-commissioned officer or soldier, who shall be  
118 convicted at a court martial of having sold, or, designedly or  
119 through neglect, wasted the ammunition delivered out to him,  
120 to be employed in the service of the state, shall, if a non-com-  
121 missioned officer, be reduced to a private, and, if a soldier, shall  
122 suffer such punishment as shall be inflicted upon him by a court  
123 martial.

XVIII. No officer or soldier shall be out of his quarters or  
125 camp, without leave from his commanding officer, upon penalty  
126 of being punished according to the nature of his offense, by the  
127 sentence of a court martial.

XIX. All non-commissioned officers and soldiers, who shall  
129 be found one mile from the camp, without leave in writing  
130 from their commanding officer, shall suffer such punishment  
131 as shall be inflicted on them by the sentence of a court  
132 martial.

XX. Every non-commissioned officer and soldier shall retire  
134 to his quarters or tent, at the beating of the tattoo, in default  
135 of which he shall be punished according to the nature of his  
136 offense, by the sentence of a court martial.

XXI. No officer, non-commissioned officer or soldier shall fail  
138 to repair, at the time fixed, to the place of parade or exercise,  
139 or other rendezvous appointed by his commanding officer, if not

140 prevented by sickness or some other evident necessity; nor  
141 shall go from the said place of rendezvous, or from the guard,  
142 without leave from his commanding officer, before he shall be  
143 regularly dismissed or relieved; on the penalty of being pun-  
144 ished according to the nature of his offense, by sentence of a  
145 court martial.

XXII. Any commissioned officer who shall be found drunk on  
147 his guard, party or other duty, under arms, shall be cashiered  
148 for it; and any non-commissioned officer or soldier so offending,  
149 shall suffer such punishment as shall be inflicted by the sen-  
150 tence of a court martial.

XXIII. Any sentinel who shall be found sleeping upon his  
152 post, or shall leave it before he shall be regularly relieved,  
153 shall suffer such punishment as shall be inflicted by the sen-  
154 tence of a general court martial.

XXIV. Any person, belonging to the forces employed in the  
156 service of this state, who, by discharging fire arms, drawing of  
157 swords, beating of drums, or by any other means whatsoever,  
158 shall occasion false alarms in camp, garrison or quarters, shall  
159 suffer such punishment as shall be ordered by the sentence of  
160 a general court martial.

XXV. Any officer or soldier who shall, without urgent  
162 necessity, or without the leave of his superior officer, quit his  
163 platoon or division, shall be punished according to the nature  
164 of his offense, by the sentence of a court martial.

XXVI. No officer or soldier shall do violence, or offer any  
166 insult or abuse to any person, who shall bring provisions or  
167 other necessaries to the camp, garrison or quarters of the forces  
168 of this state, on pain of suffering such punishment as a court  
169 martial shall direct.

XXVII. Any officer or soldier who shall abandon any post  
171 committed to his charge, or shall speak words inducing others  
172 to do the like, in time of an engagement, shall suffer death, or  
173 such other punishment as shall be inflicted by the sentence of  
174 a general court martial.

XXVIII. Any person belonging to the forces in the service of  
176 this state, who shall make known the watch word to any person  
177 not entitled to receive it, according to the rules and discipline

178 of war, or shall presume to give the parole or watch word  
179 different from what he received, shall suffer death, or such  
180 other punishment, as shall be ordered by the sentence of a  
181 general court martial.

XXIX. If any person, belonging to the forces in the service  
183 of this state, shall relieve the enemy with money, victuals or  
184 ammunition, or shall knowingly harbor and protect an enemy,  
185 he shall suffer such punishment as by the sentence of a court  
186 martial shall be inflicted.

XXX. If any person, belonging to the main forces, shall be  
188 convicted of holding correspondence with, or giving intelligence  
189 to, the enemy, either directly or indirectly, he shall suffer such  
190 punishment as by the sentence of a court martial shall be  
191 inflicted.

XXXI. All public stores, taken from the enemy by the forces  
193 in the service of this state, shall be secured for the use of the  
194 state.

XXXII. If any officer or soldier shall leave his post or colors,  
196 to go in search of plunder, he shall, upon conviction thereof  
197 before a general court martial, suffer such punishment as by  
198 the sentence of the said court martial shall be inflicted.

XXXIII. If any commander of any garrison, fortress or post  
200 shall be compelled, by the officers or soldiers under his com-  
201 mand, to give up to the enemy or abandon it, the commissioned  
202 officers, non-commissioned officers or soldiers, who shall be  
203 convicted of having so offended, shall suffer death, or such  
204 other punishment as shall be inflicted upon them by the sen-  
205 tence of a court martial.

XXXIV. All sutlers and retailers to the camp, and all persons  
207 serving with the troops of the state in the field, shall be subject  
208 to orders according to the rules and discipline of war.

XXXV. If, upon marches, guards or in quarters, different  
210 corps shall happen to join or do duty together, the eldest  
211 officer, by commission, then on duty or in quarters, shall  
212 command the whole, and give out orders for what is needful for  
213 the service, regard being always had to the several ranks of  
214 those corps, and the posts they usually occupy.

xxxvi. If any regiments, troops or detachment of horse or  
216 foot shall happen to march with, or be encamped or quartered  
217 with any bodies or detachments of other troops, the eldest  
218 officer, without respect to corps, shall take upon him the com-  
219 mand of the whole, and give the necessary orders to the  
220 service.

xxxvii. A general court martial shall not consist of less  
222 than seven commissioned officers, and the president of such  
223 court martial shall not be the commander-in-chief nor com-  
224 manding officer of the troops in service or garrison where the  
225 offender shall be tried, nor under the degree of a field officer.

xxxviii. The members of courts martial shall, when belonging  
227 to different corps, take rank as herein before directed, when on  
228 other duty.

xxxix. Some person shall be appointed by the commanding  
230 officer, who shall order the court martial, to prosecute in the  
231 name of the state of Maine; and in trials of offenders, such  
232 person shall administer to each member the following oath:

“You swear that you will well and truly try and determine,  
234 according to your evidence, the matter now before you between  
235 the state of Maine and the prisoner to be tried; that you will  
236 duly administer justice according to the rules and articles for  
237 governing the troops of the said state, without partiality, favor  
238 or affection; and if any doubt shall arise which is not explained  
239 by the said articles, according to your conscience, the best of  
240 your understanding, and the custom of war in like cases; that  
241 you will not divulge the sentence of the court until it shall be  
242 approved of by the commanding officer; and that you will not  
243 upon any account at any time whatsoever, disclose or discover  
244 the vote or opinion of any particular member of the court  
245 martial, unless required to give evidence as a witness by a court  
246 of justice in a due course of law. So help you God.”

Which oath being administered to the members of the court,  
248 the president shall administer the following oath to the person  
249 prosecuting as aforesaid:

“You, A. B., do swear that you will not upon any account  
251 at any time whatsoever, disclose or discover the vote or opinion

252 of any particular member of the court martial, unless required  
253 to give evidence thereof as a witness by a court of justice in a  
254 due course of law. So help you God."

XL. All members of a court martial are to behave with  
256 calmness and decency; and in the giving their votes are to  
257 begin with the youngest in commission.

XLII. All persons who give evidence before a court martial,  
259 shall be examined upon oath; which oath shall be administered  
260 by the president of the court martial in the following form:

"You swear the evidence you shall give in the cause now in  
262 hearing, shall be the truth, the whole truth, and nothing but  
263 the truth. So help you God."

XLIII. No sentence of death shall be given against any  
265 offender by any general court martial, unless two-thirds of the  
266 members shall concur therein.

XLIII. All persons called to give evidence in any cause before  
268 a court martial, who shall refuse to give evidence, shall be pun-  
269 ished for such refusal at the discretion of such court martial.

XLIV. No field officer shall be tried by any person under the  
271 degree of a captain: nor shall any proceedings or trials be  
272 carried on, excepting between the hours of sunrise and sunset.

XLV. No sentence of a court martial shall be put in execu-  
274 tion until after report shall be made to the commanding officer,  
275 where the court martial shall be held; and his orders to be  
276 issued for carrying such sentence into execution.

XLVI. The commissioned officers in any regiment may, by  
278 the appointment of their colonel or commanding officer, hold  
279 regimental courts martial for the inquiring into such disputes,  
280 or criminal matters, as may come before them, and for inflict-  
281 ing punishment for small offenses; and shall give judgment by  
282 the majority of voices; but no sentence shall be executed till  
283 the commanding officer, not being a member of the court mar-  
284 tial, shall have confirmed the same.

XLVII. No regimental court martial shall consist of less than  
286 five officers, excepting in cases where that number cannot be con-  
287 veniently assembled, when three may be sufficient; who shall  
288 likewise determine upon the sentence by a majority of voices.



XLVIII. Any officer, commanding in a fort, castle, barrack  
290 or elsewhere, where the corps under his command consists of  
291 detachments from different regiments, or of any independent  
292 company or companies, may assemble courts martial for the  
293 trial of offenders, in the same manner as if they were regi-  
294 mental; whose sentence shall not be executed until it shall be  
295 confirmed by the said commanding officer.

XLIX. No person whatsoever shall use menacing words,  
297 signs or gestures in the presence of a court martial then sitting,  
298 or shall cause any disorder or riot so as to disturb their pro-  
299 ceedings, on the penalty of being punished at the discretion of  
300 the said court martial.

L. To the end that offenders may be brought to justice,  
302 whenever any officer or soldier shall commit a crime deserving  
303 punishment, he shall, by his commanding officer, if an officer,  
304 be put in arrest; if a non-commissioned officer or soldier, be  
305 imprisoned until he shall be either tried by a court martial or  
306 shall be lawfully discharged by proper authority.

LI. No officer or soldier who shall be put in arrest or  
308 imprisonment, shall continue in his confinement more than  
309 eight days, or until such time as a court martial can be con-  
310 veniently assembled.

LII. No officer commanding a guard, or provost marshal,  
312 shall refuse to receive or keep any prisoner committed to his  
313 charge by any officer belonging to the forces of this state;  
314 which officer shall, at the time of commitment, deliver an  
315 account in writing, signed by himself, of the crime with which  
316 the prisoner is charged.

LIII. No officer commanding a guard, or provost marshal,  
318 shall presume to release any prisoner committed to his charge  
319 without proper authority for so doing, nor shall he suffer any  
320 prisoner to escape, on the penalty of being punished for it by  
321 the sentence of a court martial.

LIV. Every officer or provost martial, to whose charge pris-  
323 oners shall be committed, is hereby required, within twenty-  
324 four hours after such commitment, or as soon as he shall be  
325 released from his guard, to give in writing to the colonel of the

326 regiment to which the prisoner belongs, when the prisoner is  
327 confined upon the guard belonging to the said regiment, and  
328 his offense only relates to the neglect of duty in his own corps,  
329 or to the commander-in-chief, their names, their crimes, and  
330 the names of the officers who committed them, on the penalty  
331 of his being punished for disobedience or neglect, at the dis-  
332 cretion of a court martial.

LV. If any officer, under arrest, shall leave his confinement  
334 before he shall be set at liberty by the officer who confined  
335 him, or by a superior power, he shall be cashiered for such  
336 offense.

LVI. Any commissioned officer who shall be convicted before  
338 a general court martial of behaving in a scandalous, infamous  
339 manner, such as is unbecoming the character of any officer and  
340 gentleman, shall be discharged from the service.

LVII. All officers, conductors, gunners, matrosses, drivers,  
342 or any other person whatsoever, receiving pay or hire in the  
343 service of the state artillery, shall be governed by the aforesaid  
344 rules and articles, and shall be subject to be tried by courts  
345 martial, in like manner with other officers and soldiers.

LVIII. For differences arising amongst themselves, or in  
347 matters relating to their own corps, the courts martial may be  
348 composed of their own officers; but where a sufficient number  
349 cannot be assembled, or in matters wherein their corps are  
350 interested, the officers of artillery shall sit in courts martial  
351 with the officers of other corps.

LIX. No person shall be sentenced to suffer death, except in  
353 the cases expressly mentioned in the foregoing articles.

LX. The field officers of each and every regiment shall  
355 appoint some suitable person belonging to such regiment, to  
356 receive such fines as may arise within the same for any breach  
357 of any of the foregoing articles, and shall direct the same to be  
358 properly applied to the relief of such sick or necessitous  
359 soldiers as belong to such regiment; and such persons shall  
360 account with such officer for all fines received and the applica-  
361 tion thereof.

LXI. All crimes, not capital, and all disorders and neglects  
363 which officers and soldiers may be guilty of, to the prejudice of

364 good order and military discipline, though not mentioned in the  
365 foregoing articles, are to be taken cognizance of by a general  
366 or regimental court martial, according to the nature and  
367 degree of the offense, and be punished at their discretion.

LXII. When any officer or soldier shall be accused of a  
369 capital crime, or having used violence or committed any  
370 offense against the person or property of the good people of this  
371 or either of the United States, such as is punishable by the  
372 known laws of the land, the commanding officer or officers of  
373 every regiment, troop or party, to which the person or persons  
374 so accused shall belong, are hereby required, upon application  
375 duly made by or in behalf of the party or parties injured, to  
376 use his utmost endeavors to deliver over such accused person  
377 or persons to the civil magistrate; and likewise to be aiding  
378 and assisting the officers of justice in apprehending and  
379 securing the person or persons so accused, in order to bring  
380 them to trial. And if any commanding officer or officers shall  
381 wilfully neglect or shall refuse, upon the application aforesaid,  
382 to deliver over such accused person or persons to the civil  
383 magistrate, or to be aiding and assisting the officers of justice  
384 in apprehending such person or persons, such officer or officers  
385 so offending shall be cashiered. R. S., c. 16, § 143.