

MAINE STATE LEGISLATURE

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REVISION II.

REPORT

OF THE

COMMISSIONER

APPOINTED TO

REVISE THE PUBLIC LAWS

OF THE

STATE OF MAINE.

THE STATE; ITS SOVEREIGNTY, DIVISIONS, DOMAIN, REVENUE, ETC.

TITLE I.

Augusta;

FULLER & FULLER, PRINTERS TO THE STATE.

1856.

REVISION II.

TEST OF

COMMISSIONER

REVERSE THE

STATE OF

THE STATE OF

NEW YORK

ROBERT A. GARDNER

1911

TITLE FIRST.

THE STATE; ITS SOVEREIGNTY, DIVISIONS, DOMAIN, REVENUE; PARTS OF ITS CIVIL AND MILITARY ADMINISTRATIONS.

- Chap.* 1. Divisions of the state. Notice of approval, time when effective, and construction of statutes. Notice of petitions to the legislature.
2. Sovereignty. Lands ceded to United States. Coast survey. Seat of government. Library. Secretary and treasurer of state. Tenure and qualification of officers.
 3. Towns, their meetings, officers, powers, and duties.
 4. Elections.
 5. Lands, their sale and settlement. Land agent. Location and care of lots for public uses.
 6. Assessment and collection of taxes.
 7. Registry of deeds.
 8. Treasury of counties.
 9. Indian tribes.
 10. The militia.
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Chapter 1.

DIVISIONS OF THE STATE. NOTICE OF APPROVAL, TIME WHEN EFFECTIVE, AND CONSTRUCTION OF STATUTES. PETITIONS.

- Sect.* 1. Bounds of counties, districts, towns, plantations.
2. Notice of approval of acts.
 3. Time when public acts become effective, i. e. thirty days.
 4. Rules of construction.
 - I. Meaning of words. Technical terms.
 - II. Singular and plural. Masculine and feminine.
 - III. Majority act.
 - IV. Annual meeting.
 - V. Grantor and grantee.
 - VI. Highway.
 - VII. Inhabitant.
 - VIII. Insane.
 - IX. Issue.
 - X. Lands and real estate.
 - XI. Month. Year.
 - XII. Oath.
 - XIII. Person.
 - XIV. Preceding and following.
 - XV. Seal.
 - XVI. United States and states.
 - XVII. Town.
 - XVIII. Written. Signature.
 - XIX. Will.
 - XX. Duly sworn. Sworn according to law. Sworn.

CHAP. 1.

- XXI. Acts of agents.
- XXII. Disinterested.
- XXIII. Municipal officers.
- XXIV. State paper.
- XXV. Abstracts and notes.
- XXVI. Acts of incorporation.

Sect. 5. Notice of petitions to the legislature.

Bounds of
counties, towns,
and other
divisions
continued.

Secretary to give
notice of
approval of acts.

1855, c. 131.

Acts become
effective in
thirty days after
recess.

R. S., c. 1, § 1.

Rules of
construction.

R. S., c. 1, § 3.

Meaning of
words; techni-
cal terms.

Singular and
plural.

Masculine.

Majority act.

Annual meeting.

Grantor and
grantee.

Highway.

Inhabitant.

Insane.

SECTION 1. The state is divided into counties, districts,
2 towns, and plantations. Their bounds continue as they are
3 established.

SECT. 2. When a public act is approved by the governor,
2 the secretary of state is to give written notice thereof to
3 the presiding officers of the senate and house describing it
4 by its title and the date of its approval, which is to be
5 entered on the journal of each house.

SECT. 3. A statute becomes effective in thirty days after
2 the recess of the legislature passing it, unless a different
3 time is named in the act.

SECT. 4. The following rules are to be observed in the
2 construction of statutes, unless such construction be incon-
3 sistent with the plain meaning of the enactment.

I. Words and phrases are to be construed according to
2 the common meaning of the language. Technical words
3 and phrases and such as have a peculiar meaning are to be
4 considered as conveying such technical or peculiar meaning.

II. Words of the singular may include the plural num-
6 ber; and words of the plural may include the singular num-
7 ber. Words of the masculine may include the feminine
8 gender.

III. Words giving authority to three or more persons
10 authorize a majority to act, when the enactment does not
11 otherwise determine.

IV. The words "annual meeting," when applied to towns,
13 mean the annual meeting required by law.

V. The word "grantor" means the person, who conveys
15 a freehold estate or interest in land; and the word
16 "grantee" the person, to whom it is conveyed.

VI. The word "highway" may include a county bridge,
18 "county road" or "county way." (a)

VII. The word "inhabitant" means a person having an
20 established residence in a place.

VIII. The words "insane person" may include an idiotic,
22 non compos, lunatic, or distracted, person.

- IX. The word "issue" applied to the descent of estates CHAP. 1.
 24 includes all lawful lineal descendants of the ancestor. Issue.
- X. The words "land or lands" and the words "real
 26 estate" include lands and all tenements and hereditaments Lands and real
estate.
 27 connected therewith, and all rights thereto and interests
 28 therein.
- XI. The word "month" means a calendar month; and Month.
 30 the word "year" a calendar year, unless otherwise ex- Year.
 31 pressed. The word "year" used for a date means year of
 32 our Lord.
- XII. The word "oath" includes an affirmation, when an Oath.
 34 affirmation is allowed.
- XIII. The word "person" may include a body corporate. Person.
- XIV. By the words "preceding" or "following" used Preceding and
following.
 37 with reference to a section is meant the section next pre-
 38 ceding or following that, in which it is used, when not oth-
 39 erwise expressed.
- XV. When the seal of a court, *magistrate*, or public Seal.
 41 officer, is to be affixed to a paper, the word "seal" may
 42 mean an impression made on the paper for that purpose
 43 with or without the use of wafer or wax. (a)
- XVI. The words "United States" include its district and United States
and state.
 45 territories. The word "state" used with reference to any
 46 organized portion thereof may mean the District of Colum-
 47 bia or a territory.
- XVII. The word "town" includes cities and plantations Form.
 49 unless otherwise expressed or implied.
- XVIII. The words "in writing" and "written" include Written.
 51 printing and other modes of making legible words. When Signature.
 52 the signature of a person is required he must write it or
 53 make his mark.
- XIX. The word "will" includes a codicil. Will.
- XX. When the words "duly sworn" or "sworn accord- Duly sworn.
Sworn according
to law.
 56 ing to law" are applied to an officer required by the consti-
 57 tution to take and subscribe an oath, the meaning is, that
 58 he has made oath faithfully and impartially to perform the
 59 duties of his office; and when applied to another person,
 60 that he has taken an oath so to perform the duties required
 61 of him. *When used in the statutes or when the word* Sworn.
 62 *"sworn" is used in them as a requirement, it means, that*
 63 *such an oath should be taken. (b)*

(a) The word *magistrate* is newly inserted—it is printed in italics. All words and lines so printed present in this revision new matter not now constituting part of the law.

(b) Payson vs. Hall, 30, Me. 319.

What is new matter in this revision.

CHAP. 1.

Acts of agents.

XXI. When an act, that may be lawfully done by an agent, is done by one authorized to do it, his principal may be regarded as having done it.

Disinterested.

XXII. When a person is required to be disinterested or indifferent in a matter, in which other persons are interested, a relationship to either of such persons by consanguinity or affinity within the sixth degree according to the rules of the civil law, or within the degree of second cousins inclusive, except by the written consent of the parties, will disqualify. (a)

Municipal officers.

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. (b)

State paper.

XXIV. The words "state paper" mean the newspaper designated by the legislature, in which public acts, resolves, advertisements, and notices, are required to be published. (c)

Abstracts and notes.

R. S., c. 1, § 5.

XXV. Abstracts of titles and chapters, marginal and other notes, are not to be considered as legal provisions.

Incorporations.

R. S., c. 1, § 2.

XXVI. Acts of incorporation are to be regarded in legal proceedings as public acts and to be in force on the date of their approval.

Notice of petitions to the legislature.

SECT. 5. When the rights of other persons or corporations may be affected by granting the prayer of a petition presented to the legislature, the petitioner may give notice thereof by causing an attested copy of it to be served upon them by an officer authorized to serve writs at least sixty days before the commencement of the session. When those, whose rights may be affected are not known, a copy may be published in the state paper three weeks successively, the last publication being thirty days before the commencement of the session. Notices in either of these modes shall be as effectual as if ordered by the legislature.

R. S., c. 13, § 1, 2, 3.

(a) *Spear vs. Robinson*, 29, Me. 531. *Bard vs. Wood*, 30, Me. 155. *Hardy vs. Sprowle*, 32, Me. 310.

(b) R. 1. This means in all the notes the revision made by Messrs. Hill, Baker and Toll.

(c) R. 1, in substance.

Chapter 2.**CHAP. 2.**

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

Sect. 1. Sovereignty of the state.

2. Process executed in places ceded to United States.
3. Future cessions by governor.
4. Compensation for cessions.
5. Entry on lands for coast survey.
6. Compensation therefor.
7. Report to be filed.
8. Tender of amends, costs.
9. Injury of works, penalty.
10. Augusta, seat of government.
11. Secretary of state, oath, duties.
12. Vacancy how filled.
13. Bond of secretary.
14. Notify persons appointed to office.
15. Prepare commissions, record qualifications, engross bills, report amount received for commissions.
16. Cause laws to be published and distributed.
17. Distribute blanks for election returns, neglect by him and by sheriffs.
18. Prepare and distribute blanks for railroad reports, arrange information obtained.
19. Librarian—duties.
20. Suits for breach of regulations of library.
21. Persons allowed to take books; register, time, damage.
22. Books not to be taken out.
23. Books to be taken out by any citizen. Vattemere's exchanges.
24. Receipts for and affidavit of librarian evidence. County attorneys to prosecute.
25. Librarian's annual report on library.
26. Treasurer of state, bond, place of office.
27. Condition of bond.
28. Not to have benefit from deposit, use, or loan of money.
29. Attorney general to prosecute, if he does.
30. Deposit of twenty thousand dollars only in a bank.
31. Monthly exhibits of deposits of money filed.
32. Times when and amounts received of land agent.
33. Governor and council to examine into truth of complaints, may declare office vacant.
34. To audit contingent funds.
35. May require a new bond, and on failure to give it declare the office vacant.
36. May fill vacancies.
37. Inventory to be taken in such cases.
38. Treasurers annual report of warrants and sums due.
39. Send warrants for taxes to sheriffs.
40. Issue warrants for collection of taxes.
41. Annual report on the state of the treasury.
42. Name of delinquents to be stated.
43. Accounts of county treasurers entered in a book.
44. Tenure of office during pleasure not longer than four years.
45. Certain officers excepted.
46. Certain officers to take official oath before governor and council.
47. All officers may be required to give new bonds.

CHAP. 2. *Sovereignty of the state. Lands ceded to the United States.*
 Coast survey. Seat of government.

Sovereignty.

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

R. S., c. 2, § 1.

Process executed
in places ceded.

SECT. 2. Civil, criminal, and military processes lawfully
 2 issued by an officer of the state may be executed in places
 3 ceded to the United States, over which a concurrent juris-
 4 diction has been reserved for such purposes.

R. S., c. 2, § 2.

Future cessions
to United States.

SECT. 3. The governor with consent of the council may,
 2 reserving such jurisdiction, cede to the United States for
 3 purposes named in its constitution any territory not ex-
 4 ceeding ten acres and not including any public or private
 5 burying ground, dwelling house, or meeting house, without
 6 consent of the owner.

R. S., c. 9, § 3.

Compensation
therefor.

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

R. S., c. 2, § 4.

Coast survey.

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

1846, c. 181, § 1.

Compensation
for use of land.

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

1846, c. 181, § 2,
3.

Report of it filed.

SECT. 7. The commissioners shall file in the office of the
 2 clerk of the supreme judicial court a report of their doings,
 3 which report shall be conclusive upon the parties, unless
 4 one of them within thirty days after the term of the court

Appeal allowed.

5 next after it is so filed, shall file in court his petition for a
 6 new trial, which, after due notice to the opposite party, may
 7 for due cause be granted to be had in the supreme judicial
 8 court.

CHAP. 2.

1846, c. 181, § 4.

SECT. 8. If before the entry upon the lands, sufficient
 2 amends were tendered to the owner, and the damages
 3 finally assessed shall not exceed the amount so tendered,
 4 judgment shall be rendered against the owner for costs.
 5 The costs recovered by the prevailing party shall be taxed
 6 in the same manner as in case of appeal from the judgment
 7 of a justice of the peace.

Tender of
amends.Costs.
1846, c. 181,
§ 5, 6.

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

Injury to works.

1846, c. 181, § 7.

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

Government
seat, Augusta.
R. S., c. 2, § 6.

The Secretary of State.

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

Secretary's oath
and duties.

R. S., c. 7, § 1.

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

Vacancy how
filled.

R. S., c. 7, § 2

SECT. 13. The secretary, and also the acting secretary
 2 appointed as aforesaid, shall give bond to the State of
 3 Maine to be deposited in the office of the treasurer in such
 4 sum, as the governor and council shall direct; with good
 5 and sufficient sureties with condition that he will faithfully
 6 appropriate according to law all moneys belonging to the

Bond and
condition.

CHAP. 2.

R. S., c. 7, § 3.

Notify officers
appointed.

R. S., c. 7, § 4.

Prepare
commissions.Record
qualifications.Report duties
received.

Engross bills.

R. S., c. 7, § 5, 7,
8, 9.Cause laws to be
published and
distributed.R. S., c. 7 § 6.
1855, c. 131.Distribute
blanks for
elections.Neglect by
sheriffs.Prepare blanks
for reports of

7 state, which may come to his hands, and render annually a
8 true account thereof to the governor and council.

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

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

SECT. 16. As soon as may be after its approval he shall
2 cause each public act to be published with the date of its
3 approval in the state paper. He shall distribute the laws,
4 when published, to such corporations officers and other per-
5 sons, as the legislature may direct.

SECT. 17. He shall cause all such blanks for election re-
2 turns, as shall be required by any law, to be seasonably dis-
3 tributed to the several cities, towns, and plantations, by
4 delivering them to their representatives, or other persons
5 or officers authorized to receive them, or by enclosing and
6 sealing them in packets directed to such cities, towns, or
7 plantations, and delivering the same to the sheriffs of the
8 counties to which they belong; and such sheriffs shall forth-
9 with deliver the same to the selectmen assessors or clerks
10 of such respective corporations, and take their receipt for
11 the same. If any such secretary or sheriff shall neglect his
12 duty in violation of this section, he shall forfeit and pay a
13 penalty of one hundred dollars for each offense.

SECT. 18. The secretary shall prepare the necessary
2 printed blank forms for reports of railroad corporations

CHAP. 2.

3 and transmit a suitable number thereof to each of said
 4 companies in the month of November annually. He shall
 5 arrange the information contained in the reports in a tabu-
 6 lar form, and prepare the same in a single document for the
 7 use of the legislature during its session.

railroads—
 arrange
 information.

1853, c. 41, § 18.

Library.

SECT. 19. The secretary of state shall be the librarian.
 2 He shall keep the library in rooms provided for it in the
 3 south wing of the capitol; and may appoint an assistant
 4 during the session of the legislature, whose compensation is
 5 not to exceed that of an engrossing clerk. Moneys appro-
 6 priated for its use are to be expended by him under the
 7 direction of the governor.

Librarian,
 duties.

R. S., c. 4, § 1,
 2, 3.

SECT. 20. Actions for breaches of the regulations for its
 2 management are to be brought in his name, and in case of
 3 a vacancy in the office may be brought or continued in the
 4 name of his successor.

Suits for
 breaches of
 regulations.

R. S., c. 4, § 2.

SECT. 21. Books may be taken from the library by the
 2 governor, members of the council, of the senate and house
 3 of representatives, judges of the supreme judicial court, sec-
 4 retary of state, treasurer of state, adjutant general, attorney
 5 general, land agent, reporter of decisions, and by chaplain,
 6 secretary and assistant secretary of the senate, chaplain,
 7 clerk and assistant clerk of the house, during the session of
 8 the legislature. The number of volumes so taken by each
 9 person shall not exceed three at one time. A register
 10 shall be kept of all the books so taken with the date of
 11 the taking and return. No book shall be retained more
 12 than three weeks. All shall be returned during the week
 13 preceding the sitting of the legislature. Any volume dam-
 14 aged or lost, or the set of which it is a part, shall be
 15 replaced by the person chargeable therewith, or such com-
 16 pensation made therefor as the secretary shall direct.

Persons allowed
 to take books;
 three weeks,
 register, damage.

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

SECT. 22. The following books shall not be taken from
 2 the library room, except for the use of either house, or of
 3 the committees of the legislature, during the session
 4 thereof: all books presented by the United States, or any
 5 of the states; all works books and documents relating to
 6 the laws or legislative proceedings of the United States, or
 7 of other states or countries; all digests, reports of dec-
 8 isions, and works relating to the science of the law, and
 9 Vattemare's exchanges.

Books not to be
 taken out.

1849, c. 97

CHAP. 2.

Books to be
taken by any
citizen.

SECT. 23. The secretary shall cause such books of Vatte-
2 mare's exchanges, as in his judgment should not be taken
3 from the library, to be labeled with the following words,
4 "Not allowed to be taken from the library," and the books
5 so labeled shall not be removed from it. He may, upon
6 the written application of any citizen for good reasons
7 therein set forth and upon conviction, that it would be safe
8 so to do, deliver to him, during the recess of the legislature,
9 books of that description not so labeled taking his receipt
10 therefor fixing the time for their return.

Receipts for, and
affidavit of
librarian.

SECT. 24. Such receipt, with the affidavit of the librarian
2 upon it of their loss and value, or of their damage, and
3 that they have not been returned uninjured, shall be prima
4 facie evidence thereof in any prosecution therefor. The
5 librarian shall annually on or before the first day of January
6 deliver to county attorneys such receipts of residents in
7 their counties with said affidavit; and it shall be their duty
8 to prosecute the receiptors in the name of the state. Any
9 sums recovered are to be paid to the librarian for the use
10 of the library.

Librarian's
annual report.

SECT. 25. He shall annually, in the month of January,
2 make a report to the legislature, in which shall be stated
3 all the receipts and expenditures on account of the library
4 for the preceding year with a list of all books maps and
5 charts added to the library within that time by exchange
6 donation or purchase, specifying each, and a list of all
7 books maps and charts missing or lost, with such sugges-
8 tions relating to the library as may lead to its improvement.

1849, c. 97.
1854, c. 109.

Treasurer of State.

Treasurer's
office.
Bond.

SECT. 26. The treasurer of the state shall keep his office
2 at the seat of government. He shall give the bond, which
3 is required by the constitution, in the penal sum of not less
4 than one hundred and fifty thousand dollars to the state of
5 Maine with good and sufficient sureties residing in the
6 state.

R. S., c. 8, § 1, 2.

Condition of
bond.

SECT. 27. The condition of the bond shall be for the
2 faithful discharge and performance of all the duties of his
3 office, and for the fidelity of all persons by him employed
4 and entrusted with any of the concerns of such office, and
5 that during his continuance in office he will not engage in
6 trade or commerce, or as a broker, agent, or factor, for any
7 merchant or trader; and that he, or his executors, adminis-

8 trators, or sureties, or their executors or administrators,
 9 shall render a just and true account of all his agents' and
 10 servants' doings and transactions in the office, to the legis-
 11 lature, or such committee as they shall appoint, on the first
 12 Wednesday of January, annually, and previous to the choice
 13 of a new treasurer, and at any other time, when required
 14 by the legislature, or the governor and council; and that he
 15 will settle and adjust said account, and faithfully deliver
 16 over to his successor in office, or to such person as the leg-
 17 islature shall appoint, all moneys, books, property, and
 18 appurtenances of the said office, in his, or any of his agents'
 19 possession, and pay over all such balances found due on
 20 such adjustment. Such bond, when approved as the consti-
 21 tution prescribes, shall be lodged in the secretary's office.

R. S., c. 8, § 3, 4.

SECT. 28. The treasurer shall not in any way receive for
 2 his own use any interest, premium, gratuity, or benefit, on
 3 account or by reason of any money belonging to the
 4 state, or by reason of any loan obtained for the state, or
 5 for keeping on hand or circulating the bills of any bank;
 6 but whatever is so received shall be accounted for to the
 7 state. He shall not loan, use in his own business, or for
 8 his own benefit, any such money, or permit any other person
 9 to do it, unless authorized by law upon pain of forfeiting a
 10 sum equal to the amount so used or loaned to be recovered
 11 by indictment in any court of competent jurisdiction.

Treasurer not to receive benefit from, use, or loan, money of the state.

Act of April 4, 1856.

SECT. 29. When the attorney general shall receive satis-
 2 factory information, that a treasurer of state has violated
 3 any of the provisions of the preceding section, he shall
 4 cause him to be indicted therefor.

Attorney general to prosecute.

Act of 1856.

SECT. 30. No greater amount of the money of the state
 2 than twenty thousand dollars shall be on deposit in a bank,
 3 unless it may be necessary for the purpose of paying bonds
 4 of the state and interest becoming payable at such bank.

\$20,000 only in a bank.
 Act of 1856.

SECT. 31. At the expiration of each month the treasurer
 2 shall prepare an exhibit showing the banks or places, in
 3 which moneys of the state have been kept or deposited
 4 during the past month, and the amount in each bank or
 5 place at the time of such exhibit, and file the same in
 6 the office of the secretary of state to be open to public
 7 inspection.

Monthly exhibits.

Act of 1856.

SECT. 32. In his annual report he shall state the time,
 2 when each sum was received of the land agent and the
 3 amount of it.

Time when and amount received of land agent.
 Act of 1856.

CHAP. 2.

Governor and council to examine into truth of complaints.

Act of 1856.

SECT. 33. Upon the written complaint of a person, that
2 the treasurer is insane, or insolvent, or that he has
3 absconded, or concealed himself to avoid his creditors, or
4 is absent from the state and neglecting his duties to the
5 hazard of the trust reposed in him, or that he has violated
6 any of the provisions of the twenty-eighth section of this
7 chapter, or has failed faithfully to perform the duties of his
8 office, the governor and council shall forthwith examine into
9 the truth thereof, and if any of them are found to be true,
10 they shall remove him and declare the office to be vacant.

Governor and council audit contingent fund.

Act of 1856.

SECT. 34. They shall audit his account of any contingent
2 fund appropriated for the treasurer or his office; and any
3 balance found to be due shall be paid by him to the state.

May require a new bond.

Act of 1856.

SECT. 35. When it shall be made to appear to them, that
2 his bond is not sufficient for the full security of the state,
3 they shall call upon him to procure a new bond; and if he
4 shall neglect for ten days after a written demand of one to
5 file a new bond to their satisfaction, they shall remove him
6 and declare the office vacant.

May fill vacancies.

SECT. 36. In case of a vacancy in the office of treasurer,
2 the governor with consent of the council shall appoint
3 some person a commissioner to perform the duties of the
4 office during the residue of the term for which he was
5 chosen, unless another should be sooner elected by the leg-
6 islature; and the person so appointed shall, before entering
7 on the duties of his office, take and subscribe the oaths, and
8 give bond with the same conditions, to the acceptance of
9 the governor and council, as are required of the treasurer.

R. S., c. 8, § 6.

Inventory for commissioner.

SECT. 37. When such commissioner of the treasury is
2 appointed, the secretary of state and the attorney general,
3 or two impartial citizens to be appointed by warrant under
4 the hand and seal of the governor, as soon as practicable,
5 having given notice to the sureties, or any two of them, of
6 the late treasurer, or of the treasurer to be superseded,
7 shall take a true account and inventory of all moneys, notes,
8 books of account and other property, belonging to the state,
9 which were in the hands of such treasurer, or of any of his
10 agents, and deliver the same to such commissioner, he giv-
11 ing a receipt therefor, which shall be lodged in the secre-
12 tary's office.

R. S., c. 7, § 10.

Annual report of warrants and amounts due.

SECT. 38. The treasurer, on the first Wednesday of Jan-
2 uary annually, shall lay before the governor and council a
3 statement of the amount of all warrants in favor of the
4 state, and of any other sums of money, or balances due from

5 the several sheriffs in the state, and shall certify the names
6 of the sureties in their respective bonds.

CHAP. 2.

R. S., c. 8, § 7.

SECT. 39. He shall also send such warrants, as he shall be
2 ordered to issue, for assessing any tax, enclosed to the
3 sheriff of each county to be by him transmitted to the assess-
4 ors of the towns and plantations within such county.

Send warrants
to sheriffs for
taxes.

R. S., c. 8, § 8.

SECT. 40. He shall issue warrants or executions against
2 delinquent towns and plantations, assessors, constables and
3 collectors, to enforce the collection and payment of state
4 taxes in cases prescribed in the ninth chapter.

Treasurer to
issue warrants
for collection of
taxes.

R. S., c. 8, § 9.

SECT. 41. He shall annually, on the first Monday after
2 the meeting of the legislature, lay before the two houses
3 thereof a printed detailed account of the state of the
4 treasury; distinguishing, in the receipts and expenditures,
5 those sums which were due at the close of the preceding
6 year, from those which have become due during the current
7 year, and what sums are due to and from the treasury, and
8 the resources of the state for the ensuing year.

Report, annual
state of treasury.

R. S., c. 8, § 10.

SECT. 42. He shall report the names of any officers, who
2 have not settled their accounts, as by law required, and
3 those who are delinquent and have not paid over the money
4 in their hands belonging to the state, and the amount due
5 from such officers.

Names of
delinquents.

R. S., c. 8, § 11.

SECT. 43. Whenever the account of any county treasurer
2 is made to the treasurer of the state, it shall be his duty to
3 enter the same in a book kept for that purpose, and the
4 balance of each account, when the same is settled; which
5 book shall be open for the inspection of all persons
6 interested.

Accounts of
county
treasurers.

R. S., c. 8, § 12.

Tenure of offices and qualifications of officers.

SECT. 44. All civil officers, who shall be appointed by the
2 governor and council, whose tenure of office is not provided
3 for by law or limited by the constitution otherwise than
4 during the pleasure of the governor and council, shall hold
5 and exercise their respective offices for the term of four
6 years and no longer, unless reappointed; subject to removal
7 at any time within said term at the discretion of the gov-
8 ernor and council.

Tenure of office.

R. S., c. 9, § 1.

SECT. 45. But the preceding section shall not be con-
2 strued to extend to ministers of the gospel, who are ap-
3 pointed to solemnize marriages; or to such persons as are

Certain officers
excepted.

CHAP. 3.

R. S., c. 9, § 2.

Officers to make
oath before the
governor and
council.

4 commissioned by the governor, before whom certain officers
5 are required to take and subscribe their oaths of office.

SECT. 46. 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
5 and council, when in session, and in their recess before any
6 two members of the council; and every other person elected
7 or appointed to any civil office shall take and subscribe
8 the same before any one member of the council, or before
9 any magistrate commissioned by the governor for that pur-
10 pose, excepting in cases where the constitution otherwise
11 provides.

R. S., c. 10, § 1.

Officers may be
required to give
new bonds.

SECT. 47. When a public officer is required by law to give
2 a bond to the state, the governor and council may require
3 him to give a new bond if they consider it to be necessary.
4 They may, at the request of a surety upon such bond, require
5 a new bond, and when such new bond is given and accepted,
6 the obligees in such former bond shall be released from
7 liability thereon for acts and defaults of such officer occur-
8 ring after such acceptance. And if a new bond so required
9 shall not be given by such officer to the satisfaction of the
10 governor and council, within the time by them specified, he
11 shall be deemed to have vacated his office, and such vacancy
12 shall be filled in the manner provided by law.

1853, c. 31.

Chapter 3.**TOWNS ARE CORPORATIONS. MEETINGS, OFFICERS, PENALTIES FOR
THEIR NEGLECT OF DUTY.***Sect. 1.* Towns are corporations.

2. Town meeting to be called by selectmen.
3. Call of first meeting, of one when no officers.
4. Selectmen refusing, call by a justice on request of ten voters, who may have an article inserted in a warrant.
5. Form, articles specified in the warrant.
6. Warrant directed to a constable or individual.
7. Mode of notice, return to state the manner.
8. Errors in it, and in town records and tax lists how corrected.
9. Who are legal voters.
10. Annual meetings in March. Officers to be then chosen.
11. What officers must be chosen then.
12. What officers are to be chosen by ballot, if not otherwise agreed.
13. Vacancies supplied by municipal officers.
14. Moderator to preside, for his choice the desk.
15. Clerk to be sworn, form of his oath.
16. Officers chosen to be summoned to take their oaths.

Sect. 17. Penalty for neglect to be sworn.

18. Certificate and record to be made of oaths, and to be evidence that oath required by law has been taken.

19. Vacancies may be filled at any town meeting.

20. Moderator to be chosen, his duties.

21, 22. Powers of the moderator.

23. Meetings for the choice of state officers.

24. Votes not to be read, folded not received.

25. Money raised for what purposes.

26. Mayors of cities have casting vote.

27. Side walks made, trees planted.

28. By-laws for diseases, and measure of wood, coal, bark.

29. Wooden buildings, erection of regulated.

30. Cattle, swine, dogs, going at large regulated.

31. Police regulations may be established.

32. Coaches and other vehicles regulated.

33. Penalties prescribed for breaches of regulations.

34. Perambulations, proceedings respecting.

35. Monuments set up.

36. Disputed lines of towns, how settled.

37. Compensation how made.

38. Penalty for neglect of official duty.

SECT. 1. The inhabitants of each town are a body corporate capable of suing and being sued, and of appointing attorneys and agents.

Towns are corporations.
R. S., c. 5, § 23.

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

Meeting called by selectmen.
R. S., c. 5, § 1.

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

First meeting, how called; when no officers, how called.

R. S., c. 5, § 2.

SECT. 4. In case the selectmen shall unreasonably refuse to call a town meeting, any ten or more legal voters in said town may apply to a justice of the peace in the same county, who is hereby authorized to issue his warrant under his hand for calling such meeting. When ten or more of the qualified voters in town shall request in writing, that the selectmen should insert a particular matter or thing in a warrant for calling a town meeting, they shall insert the same in the next warrant, they shall issue for a meeting, or

Selectmen refusing, how called.

CHAP. 3.

R. S., c. 5, § 3.

Form of warrant, articles specified in it.

Idem, § 4.

Warrant, to whom directed.

R. S., c. 5, § 5.

Notice, how given.

R. S., c. 5, § 6, 7.

Errors in return, in records, and tax list corrected.

1855, c. 146,
1848, c. 37,
1855, c. 146.

Who are legal voters.

R. S., c. 5, § 8.

Annual meeting in March, officers then chosen.

10 shall call a meeting for the express purpose for the consid-
11 eration thereof.

SECT. 5. In either case the warrant shall specify the time
2 and place at which the meeting is to be held; and in dis-
3 tinct articles shall state the business to be acted upon at
4 such meeting; and no other business matter or thing shall be
5 there acted upon.

SECT. 6. The warrant may be directed to any constable
2 of the town, or any individual by name, directing him to
3 warn and notify all persons by law qualified to vote at such
4 meeting to assemble at the time and place appointed.

SECT. 7. 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
4 in said town seven days before the meeting; unless the
5 town has appointed by vote in legal meeting a different
6 mode, which any town is hereby empowered to do. (a)
7 In either case the person who notifies the meeting shall
8 make his return on the warrant stating the manner of
9 notice and the time it was given.

SECT. 8. When omissions or errors exist in the records
2 or tax lists of a town or school district, or in the returns
3 of warrants for meetings thereof, they may be amended on
4 oath according to the fact by the officer whose duty it was
5 to have made them correctly while in or after he ceases to
6 be in office. If the original warrant is lost or destroyed
7 the return, or an amendment of it, may be made upon a
8 copy thereof.

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

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,
4 or seven, persons inhabitants of the town to be selectmen
5 and overseers of the poor, when other persons shall not be
6 chosen to that office, three or more assessors, two or more
7 fence viewers, treasurer, surveyors of highways, surveyors

(a) Conspicuous place. *State vs. Williams*, 25, Me. 561. *Christ's Church vs. Woodward*, 26, Me. 172.

8 of lumber, tythingmen, sealers of leather, measurers of CHAP. 3.
 9 wood and bark, constables, collectors of taxes, and other R. S., c. 5, § 9.
 10 usual town officers, who shall be duly sworn. 1853, c. 42, § 1.

SECT. 11. The assessors and other subordinate officers What officers
 2 of cities shall be chosen on the second Monday of March must be chosen
 3 annually, *or as soon after as practicable*, (a) and shall hold then.
 4 their office for one year from that date, and until others are 1854, c. 55, § 1.
 5 chosen and qualified in their stead.

SECT. 12. The election of moderator, town clerk, select- Officers to be
 2 men, assessors, treasurer, school committee, and town agent, chosen by ballot.
 3 shall be by ballot; and all other of said officers may be by R. S., c. 5, § 10.
 4 ballot, or other method agreed on by a vote of the town.

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

SECT. 14. During the election of moderator of any town Who is to
 2 meeting the clerk shall preside; when he shall be absent preside in
 3 from any such meeting either of the selectmen or of the meeting.
 4 assessors, and if neither of those be present any constable
 5 may lawfully do all the duties of clerk in receiving and
 6 counting the votes for moderator. The moderator may call
 7 on the voters to give in their ballots for a clerk pro tem-
 8 pore, who shall be sworn by the moderator or a justice of R. S., c. 5, § 11.
 9 the peace.

SECT. 15. The town clerk, before entering on the duties Clerk to be
 2 of his office, shall be sworn before the moderator or a jus- sworn, form of
 3 tice of the peace truly to record all votes passed in that oath.
 4 and other town meetings during the ensuing year and until
 5 another clerk shall be chosen and sworn in his stead; and
 6 also faithfully to discharge all the other duties of said office. R. S., c. 5, § 12.

SECT. 16. The town clerk or any two of the selectmen Officers chosen,
 2 shall forthwith make out a list of the names of all those summoned to
 3 who shall have been chosen into office, of whom an oath is take their oath.
 4 required by law and deliver the same to a constable with a

CHAP. 3.

R. S., c. 5, § 13.

Penalty for
neglect to be
sworn.

5 warrant to him directed; and he shall within three days
6 from the day of receiving it summon each of the persons
7 therein named to appear before the town clerk within seven
8 days from the time of notice to take the oath of office by
9 law required; and at the end of ten days after receiving his
10 warrant the constable shall return the same or forfeit six
11 dollars for the use of the town; and the town shall allow
12 him a reasonable compensation for his services.

R. S., c. 5, § 14.

Certificate and
record of oath to
be made, and to
be evidence of it.

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

R. S., c. 5, § 15.

Vacancies may
be filled at any
town meeting.

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

R. S., c. 5, § 16.

Moderator to be
first chosen, his
duties.

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

SECT. 20. At every town meeting a moderator shall be
2 first chosen and sworn to the faithful and impartial dis-

CHAP. 3.

3 charge of the duties of his office by a justice of the peace,
 4 or by the person presiding at the meeting, when he is
 5 chosen said moderator shall regulate the business of the
 6 meeting; and when a vote declared by him shall immediately
 7 after such declaration be questioned by seven or more, he
 8 shall make the vote certain by polling the voters, or in
 9 such other way as the meeting may direct.

R. S., c. 5, § 17.

SECT. 21. No person shall speak in meeting before leave
 2 is obtained of the moderator, nor when any other person is
 3 speaking; and all shall be silent at the command of the
 4 moderator on pain of forfeiting one dollar for every breach
 5 of such order for the use of the town.

Moderator to be obeyed.

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
 3 him to withdraw from the meeting, and by his refusal he
 4 shall forfeit three dollars to the use of the town; and the
 5 moderator may cause him to be removed from the meeting
 6 by a constable and detained in confinement for three hours,
 7 unless the meeting shall be sooner dissolved or adjourned.

His powers and duties.

R. S., c. 5, § 19.

SECT. 23. Town meetings for the choice of governor,
 2 senators and representatives, shall be as the constitution
 3 directs; and the foregoing sections are not to be deemed
 4 applicable to such meetings.

Meetings for choice of state officers.

R. S., c. 5, § 20.

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

Votes not to be read, folded not received.

R. S., c. 5, § 21.

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

Money may be raised, for what purposes.

CHAP. 3.

R. S., c. 5, § 22.

Mayors of cities
to have casting
votes.1855, c. 125.
1836.By-laws for
what purposes
made, side
walks, trees.

1855, c. 149, § 1.

Respecting
diseases,
measurement of
wood, coal, and
bark.

1855, c. 149, § 2.

Wooden
buildings,
erection of
regulated.

1855, c. 149, § 3.

Cattle, swine,
dogs, going at
large, regulated.

Idem, § 4.

Police regula-
tions may be
established.

14 the costs of prosecution shall be a proper charge against
15 such city or town, and shall be paid out of the treasury
16 thereof.

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

SECT. 27. Every town in this state may by ordinances or
2 by-laws duly passed reserve and set off as side walks such
3 portions of the streets therein, as they may deem conven-
4 ient and proper, and authorize the planting of trees by the
5 side of them, and adopt such regulations as they may think
6 necessary for the preservation of such trees and for keeping
7 such side-walks clear of snow or other obstructions under
8 suitable penalties. (a)

SECT. 28. Such town may adopt such by-laws and ordi-
2 nances, as they may deem necessary, respecting infectious
3 diseases and the health of the place, the measure and sale
4 of wood, coal, and bark, brought into the place, and the
5 teams coming therewith, and enforce them by reasonable
6 penalties.

SECT. 29. Such towns may adopt such regulations in re-
2 gard to the erection of wooden buildings within their limits,
3 as they may think the public safety requires, and may define
4 the proportion and dimensions of the wooden buildings to
5 be erected under such regulations, and may provide penal-
6 ties necessary for the due execution thereof. Any building
7 erected in violation of such regulations shall be deemed to
8 be a nuisance, and be liable to all the proceedings and penal-
9 ties provided by law in case of nuisance.

SECT. 30. Such towns may make by-laws or ordinances to
2 regulate the going at large of dogs, swine, and cattle, there-
3 in, and establish such fines, penalties, and restrictions, as
4 they may deem necessary and proper to enforce the same:
5 *provided*, that no such by-laws and ordinances adopted as
6 aforesaid shall be inconsistent with the laws of this state.

SECT. 31. Any city may ordain and establish all such
2 police regulations, as the municipal government thereof may

(a) State vs. Merrill, 37, Mo. 329.

3 deem necessary and expedient for the prevention of crime,
4 the protection of property, and the preservation of order
5 therein, provided the same are not inconsistent with exist-
6 ing laws.

1850, c. 156, § 2.

SECT. 32. Such city may also ordain and establish all
2 such rules and orders, as the municipal government thereof
3 may deem necessary and expedient, for the due regulation
4 of omnibuses, stages, hackney-coaches, wagons, carts, drays,
5 hand-carts, and all other vehicles whatever, used and em-
6 ployed wholly or in part in said city, whether by establish-
7 ing their rates of fare, prescribing their routes, and places
8 of standing, or in any other manner whatever; whether such
9 vehicles are used for business, or pleasure, or the convey-
10 ance of passengers or freight, and whether by horse power
11 or otherwise.

Coaches and
vehicles
regulated.

Idem, § 3.

SECT. 33. 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
4 said city by complaint before the municipal or police court
5 of said city, or any justice of the peace, where no such
6 court is established: *provided* that no such rule or order
7 shall take effect or go into operation, until the same shall
8 have been published at least one week in some newspaper
9 printed in said city.

Penalties may be
prescribed for
breaches.

Idem, § 4.

SECT. 34. The selectmen of the most ancient town shall
2 give ten days notice in writing to the selectmen of the
3 adjoining towns of the time and place of meeting for per-
4 ambulation; and the selectmen, who shall neglect their duty
5 in notifying or attending in person, or by substitutes, shall
6 forfeit and pay ten dollars, two-thirds to the use of the town,
7 which shall comply with their duty, and the other third to
8 any two or more of the selectmen of the town complying, to
9 be recovered at any time within two years after the forfeit-
10 ure is incurred; and the proceedings of such selectmen,
11 after every such renewal of boundaries, shall be recorded in
12 their respective town books.

Perambulations,
proceedings
respecting them.

R. S., c. 5, § 25.

SECT. 35. All towns, which since the twenty-second day
2 of March in the year eighteen hundred and twenty-eight
3 have perambulated, or hereafter shall perambulate their
4 several lines as by law prescribed, and have established or
5 shall establish and set up stone monuments, at least two
6 feet high, at all the corners and several angles, and where
7 the lines shall cross highways, or on or near the banks of
8 all rivers, bays, lakes, or ponds, which said lines may cross,

Monuments to
be erected at
angles.

CHAP. 4.

R. S., c. 5.

Disputed lines
of towns, how
settled.

Idem, § 27.

Compensation,
how made.

Idem, § 28.

Penalty for
neglect of official
duty.

1846, c. 196, § 3.

9 or which are the boundaries of said lines, shall be exempted
10 from the duty of perambulating said lines, except once in
11 every ten years commencing in ten years from the time the
12 stone monument has been erected in the manner above
13 described.

SECT. 36. When a town shall petition the supreme judi-
2 cial court stating that a controversy exists between such
3 town and an adjoining one respecting a town line or lines,
4 and praying that the same may be run by commissioners to
5 be appointed by such court, the court may, after due notice
6 given to all parties concerned, appoint three commissioners,
7 who shall, after giving notice to all persons interested of
8 the time and place of meeting, ascertain and determine the
9 line or lines in dispute, and describe the same by courses
10 and distances, and make, set, and mention, in their return,
11 suitable monuments and marks for the permanent establish-
12 ment of such lines, and make duplicate returns of their pro-
13 ceedings; one of which shall be returned to the court, and
14 the other to the office of the secretary of state; and such
15 line or lines, so established and accepted, shall be deemed
16 in every court of law and for every purpose the true divid-
17 ing line or lines between such towns.

SECT. 37. The court may allow the commissioners a
2 proper compensation for their services, and issue a warrant
3 of distress according to law for its collection of said towns
4 in equal proportions.

SECT. 38. Any town officer, who shall neglect to perform
2 any duty, which he is by law required to perform, shall for-
3 feit a sum not exceeding twenty dollars for every such
4 neglect to be recovered in an action of debt in the name
5 and to the use of the town by the treasurer thereof; but
6 this section shall not apply to any neglect, for which a pen-
7 alty is provided by any other law.

Chapter 4.**ELECTIONS.****ARTICLE I. Lists of electors.**

- Sect.* 1. Lists of votes to be prepared by August eleventh, annually.
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66. Liability of town officers modified.
67. Punishment for misconduct of any elector.
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69. Penalties of the two preceding sections, how recovered.
70. Punishment for bribery and corruption at elections.
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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
3 correct alphabetical list of such inhabitants of their respect-
4 ive towns, as shall appear to them to be constitutionally

Lists of votes
prepared by
eleventh of
August
annually.

5 qualified to vote in the election of governor, senators, and
6 representatives, in the state government.

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R. S., c. 6, § 1.

SECT. 2. When a person of foreign birth shall exhibit
2 papers of naturalization issued to him in due form by a
3 court having jurisdiction to the municipal officers of a town,
4 in which he resides, if satisfied of these facts, and that such
5 person is entitled to vote, they shall approve such papers
6 by a written endorsement thereon with the date thereof
7 signed by one of them, and shall register in a book kept for
8 that purpose the name of such person, the date of such
9 papers, the date of approval, and the name of the court, by
10 which they were issued; and shall cause the name of such
11 person to be entered on the list of voters; and shall con-
12 tinue his name on the successive lists so long as he shall
13 continue to reside there and be in other respects qualified to
14 vote. If any such officer shall willfully omit, neglect, or
15 refuse, to perform any of these duties, he shall forfeit not
16 less than twenty nor more than one hundred dollars to be
17 recovered by indictment in any court of competent jurisdic-
18 tion. If said officers are of opinion, that such papers are
19 not genuine, or that they were not issued to the person
20 presenting them, or that he is not for other cause a legal
21 voter, they shall not approve such papers or perform the
22 other acts required; but he shall not by their refusal to
23 approve his papers, or to enter his name, be deprived of his
24 right to vote upon satisfactory proof of it.

1856,
c. 277, § 1, 2.

Municipal
officers, duties
respecting
papers of
naturalization.

SECT. 3. When such officers have prepared and posted up
2 a list of voters in each year, they shall not afterward strike
3 out the name of a person residing in that town without
4 notice first given to him of such intention and an opportu-
5 nity for a hearing allowed on one of the days fixed by law
6 for receiving evidence of the qualification of voters. Any
7 officer, who shall in violation of these provisions strike out
8 the name of a person on such list shall forfeit the amount
9 named in the preceding section to be recovered in an action
10 on the case by the person, whose name was stricken out.

Names on lists
not to be erased
without notice
by municipal
officers.

1856,
c. 277, § 3, 4.

SECT. 4. Any person, who wrongfully alters, erases, or
2 mutilates, any name on a list of voters, or who fraudulently
3 votes in the name of another, or under an assumed name,
4 shall forfeit the amount named in the second section of this
5 chapter to be recovered by indictment, one-half to the use
6 of the complainant, and the other to the use of the state,
7 and be imprisoned in the county jail not exceeding six
8 months.

Nor altered,
erased, or
mutilated by
others.

Fraudulent
voting.

1856,
c. 277, § 5, 6.

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Assessors to
make out lists
when selectmen
are not assessors.

R. S., c. 6, § 2.

Meetings to
correct lists,
notice of them.

R. S., c. 6, § 3.

Lists to be
deposited with
clerk and posted.

R. S., c. 6, § 4.

Names of voters'
to be inserted
without
application.

R. S., c. 6, § 5.

Names not to be
added or stricken
out, except as
provided.

R. S., c. 6, § 6.

When selectmen
are to meet to
correct lists.

R. S., c. 6, § 7.

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

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
4 receiving evidence of the qualifications of persons claiming
5 the right to vote in any such election, and for correcting
6 their said list, for a reasonable time, not exceeding two
7 days, between the eleventh and eighteen days of August of
8 each year; and shall give notice of the time and place of
9 their session, in the same manner as meetings of the inhab-
10 itants of said town may be notified.

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

SECT. 8. The selectmen at any regular session for cor-
2 recting such list shall place thereon the name of every per-
3 son known by or proved to them to be qualified as aforesaid,
4 whether such person applies therefor or not.

SECT. 9. After such list is prepared and deposited with
2 the clerk and posted up, as provided in the preceding sec-
3 tions of this chapter, the selectmen shall not add thereto,
4 nor strike out the name of any person, except as provided
5 in the four following sections.

SECT. 10. In every town containing by such last census
2 more than three thousand inhabitants the selectmen shall
3 be in open session for a reasonable time for the purpose of
4 correcting such list on the Friday and Saturday next pre-
5 ceding the second Monday of September annually.

SECT. 11. In every town containing more than two thou-
2 sand qualified electors the selectmen shall be in open session
3 for a reasonable time on the day preceding any election of
4 governor, senators, representatives, in the state legislature,
5 or in congress, or of electors of president and vice presi-
6 dent of the United States, and previously, if they see cause,
7 for the purpose of hearing and deciding on applications of
8 persons claiming the right to vote at such election; provided

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9 that if the election be appointed for Monday, such previous
 10 session shall be held on Saturday instead of such preceding
 11 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
 3 such applications at some convenient place for so long a
 4 time immediately preceding the opening of the polls, as they
 5 shall think necessary, and shall hear and determine any
 6 such application at any time before the polls are closed;
 7 *provided*, that when the town contains five thousand inhab-
 8 itants or more, no such application shall be received after
 9 three o'clock in the afternoon of said day. R. S., c. 6, § 9.

SECT. 13. The selectmen shall order notice of the time
 2 and place of all their sessions, required or authorized in the
 3 three preceding sections, to be given in the warrant for
 4 calling the respective town meetings. Notice of such 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
 3 respective towns qualified to vote in the choice of town
 4 officers, and deposit such list in the office of the town clerk,
 5 and post up a copy thereof in one or more public places in
 6 such town on or before the twentieth day of February
 7 annually. Lists of electors of town officers.
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
 3 warrant for calling the meeting in such town, on the day
 4 next preceding the day of annual election of town officers
 5 in the month of March annually, unless the same happen on
 6 the Lord's day, in which case the selectmen shall be in ses-
 7 sion on the Saturday preceding, or the morning of the day
 8 of election, and for so long a time as they may judge neces-
 9 sary, to receive evidence of the qualifications of persons
 10 claiming to have their names entered on said list. Meetings to correct lists.
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
 3 and representatives in the state legislature, in and for the
 4 several wards in their respective cities, in the same manner
 5 as selectmen and assessors are required to prepare them for
 6 towns, the aldermen performing the duties of selectmen,
 7 and the city wardens shall be governed by said lists. These provisions applicable to cities.
R. S., c. 6, § 13.

CHAP. 4. **ARTICLE II.** *Notifying meetings, penalty for neglect so to do, proceedings at elections, and returns.*

Call of meetings
for election of
state officers.

SECT. 17. The selectmen of every town by their warrant
2 shall cause the inhabitants thereof qualified according to
3 the constitution to be notified and warned seven days at
4 least before the second Monday of September annually to
5 meet at some suitable place to be designated in said war-
6 rants to give in their votes for governor, senators, and
7 representatives, as the constitution requires; and such
8 meeting shall be warned in the manner legally established
9 for warning other town meetings in such town.

R. S., c. 6, § 14.

Penalty for
neglect to call
such and other
meetings.

SECT. 18. Whenever the aldermen of cities, selectmen of
2 towns, or assessors of plantations, shall neglect to issue
3 their warrant as required by law for any meeting to be
4 holden for the choice of state or county officers, or repre-
5 sentatives to the legislature of this state, or to the con-
6 gress of the United States, or of electors of president and
7 vice president of the United States, they shall forfeit the
8 sum of fifty dollars each to the city, town, or plantation,
9 wherein the neglect occurred. Said forfeiture shall be re-
10 covered in an action of debt to be prosecuted by the treas-
11 urer of the city, town, or plantation; or by any citizen
12 thereof when said treasurer shall be a member of the de-
13 linqunt board.

1846, c. 196, § 1.

Penalty for
neglect of officer
to notify and
make return.

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

1846, c. 196, § 2.

Meetings, when
opened.

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 ex-
4 ceed five hundred; in which case an earlier and suitable
5 time in the day may be appointed by the selectmen.

R. S., c. 6, § 15.

Officers presid-
ing have powers
of moderators.

SECT. 21. The selectmen or other officers, authorized and
2 required by the constitution and laws to preside at any
3 such meeting, shall then and there have all the powers of
4 moderators of town meetings, as provided in chapter three;
5 and it shall be their duty to refuse the vote of any person
6 not qualified to vote.

R. S., c. 6, § 16.

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SECT. 22. If the selectmen or a majority of them be
 2 absent from any such meeting duly warned, or being pres-
 3 ent shall neglect or refuse to act as such and to do all the
 4 duties required of them at such meeting, the qualified
 5 voters at such meeting may choose so many selectmen pro
 6 tempore, as may be necessary to constitute or to complete
 7 the number competent to do the duties. R. S., c. 6, § 17.

Selectmen
absent, others
may be chosen.

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

Who shall
preside.

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

Duties and
powers of
selectmen,
pro tempore.

SECT. 25. At every meeting for the choice of governor,
 2 senators, representatives, and other public officers requir-
 3 ing the like qualifications in the electors, the selectmen or
 4 other officer presiding shall require the qualified electors to
 5 give in their votes for the officer or officers to be chosen on
 6 one list or ballot, or so many of such officers, as the person
 7 voting may determine to vote for; designating the intended
 8 office of each person voted for; *provided* that if the meeting
 9 so decide, they may vote for the representative or repre-
 10 sentatives to the state legislature on a separate ballot. R. S., c. 6, § 20.

What votes on
one list.

SECT. 26. The selectmen or other officers presiding at
 2 any election as aforesaid shall keep and use the check list
 3 required by this chapter at the polls during the election of
 4 any of the officers aforesaid; and they shall also have and
 5 use suitable ballot boxes to be furnished at the expense of
 6 the town; and no vote shall be received, unless delivered
 7 by the voter in person, nor until the presiding officer or
 8 officers shall have had opportunity to be satisfied of his
 9 identity, and shall find his name on the list, and mark it,
 10 and ascertain that his vote be single. R. S., c. 6, § 21.

Check lists and
ballot boxes to
be used.

SECT. 27. No ballot shall be received at any election of
 2 state or town officers, unless in writing or printing upon
 3 clean white paper without any distinguishing mark or figures
 4 thereon, besides the name of the person voted for, and the

Votes on white
paper without
marks.

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R. S., c. 6, § 22.

When fail to
choose, duty of
selectmen.

5 offices to be filled, but no vote shall be rejected on this
6 account, after it shall have been received into the ballot
7 box.

SECT. 28. Whenever it satisfactorily appears to the select-
2 men at any town meeting held for the choice of represent-
3 atives to the legislature, after a reasonable number of trials,
4 that a choice cannot conveniently be effected of any or all
5 the representatives, to which the town is entitled, the pre-
6 siding selectmen shall declare their judgment to the inhab-
7 itants at such meeting within a reasonable time after the
8 last trial, and notify them accordingly; of which decision
9 and notice, the clerk shall then make a record, and in no
10 case shall a new balloting commence after six o'clock in the
11 afternoon.

No ballot after
6 o'clock.

R. S., c. 6, § 23.

Meeting
adjourned for
one week.

SECT. 29. On such notice being given and recorded, or after
2 six o'clock in the afternoon, there being no balloting then
3 pending, the meeting shall be considered as adjourned to
4 the same day of the next week following, and at the hour
5 and place for which the first meeting was notified, and the
6 selectmen shall make proclamation thereof to the meeting.

R. S., c. 6, § 24.

Proceedings as
before.

SECT. 30. At such adjournment a further trial or trials
2 shall be had, and if no choice then be made, the like pro-
3 ceedings shall be had, as are provided in the preceding sec-
4 tion, and the meeting shall be considered as further
5 adjourned to the same day and hour of the next week at
6 the same place, and such meetings and adjournments to
7 successive weeks may be continued to be had, until a choice
8 shall be effected and declared.

R. S., c. 6, § 25.

Electors,
representatives
to congress and
county officers,
meetings for
choice.

SECT. 31. All town meetings required to be held for the
2 election of county treasurer or register of deeds, or of rep-
3 resentatives to congress, or of electors of president and
4 vice president of the United States, or for the determina-
5 tion of questions expressly submitted to the people by the
6 legislature, so far as it respects the calling notifying and
7 conducting the same, shall be subject to the regulations
8 made in this chapter for the election of governor, senators,
9 and representatives, unless otherwise provided by law.

R. S., c. 6, § 26.

Result of
ballotings, how
ascertained.

SECT. 32. In order to determine the result of any elec-
2 tion by ballot the number of persons, who voted at such
3 election, shall first be ascertained by counting the whole
4 number of separate ballots given in, which shall be distinctly
5 stated recorded and returned. Blank pieces of paper and
6 votes for persons not eligible to the office shall not be
7 counted as votes, but the number of such blanks and the

8 number and names on ballots for persons not eligible shall
 9 be recorded and return made thereof. In case of represent-
 10 atives to congress, and to the state legislature, registers of
 11 deeds, county and state officers, except where a different
 12 rule is prescribed in the constitution, the person or persons,
 13 not exceeding the number to be voted for at any one time
 14 for any such office, having the highest number of votes given
 15 at such election shall be deemed and declared to be elected.
 16 If a number of the persons voted for greater than is required
 17 to be chosen shall receive an equal number of votes, the
 18 same being the highest number of votes given at such elec-
 19 tion, no one of them shall be deemed or declared to be
 20 elected. In all other cases no person shall be deemed or
 21 declared to be elected, who has not received a majority of
 22 the whole number of votes counted as aforesaid; and if a
 23 number greater than is required to be chosen shall severally
 24 receive a majority of the whole number of votes so given,
 25 the number so required, of those who have the greatest
 26 excess in votes over such majority, shall be declared to be
 27 elected. If the number to be elected cannot be so com-
 28 pleted by reason of any two or more of such persons having
 29 received an equal number of votes, the persons having such
 30 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
 2 to be delivered at the office of the secretary of state the
 3 returns of votes given in his town, for governor, senators,
 4 representatives to the legislature, representatives to con-
 5 gress, electors of president and vice president of the United
 6 States, and for county officers within thirty days next suc-
 7 ceeding any meeting for their election, or shall deposit the
 8 same post paid in some post office directed to the secretary
 9 of state within fourteen days after such meeting to be trans-
 10 mitted by mail; and shall also forward as soon as practica-
 11 ble to such office a statement attested by him of the number
 12 of votes for the said several officers given at such election
 13 in his town, which shall be opened and filed by the secretary,
 14 and preserved for the examination of the public.

Clerk to
 transmit return
 to secretary of
 state.

R. S., c. 6, § 28.
 1848, c. 50.

SECT. 34. If any such return is not received by the sec-
 2 retary of state within thirty days next succeeding such
 3 meeting, he shall forthwith notify the county attorney of
 4 the county in which such town is situated, whose duty it
 5 shall be to give immediate notice thereof to the clerk of
 6 such town, and unless he receives satisfactory evidence,

County attorney
 to be notified if
 return not
 received.

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R. S., c. 6, § 29.

Loss of returns,
how supplied.

7 that said clerk has complied with the requirements of the
8 preceding section, to prosecute for the penalty hereinafter
9 provided.

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
4 forthwith cause a copy of the record of the meeting, at
5 which such vote was given, to be made with their certificate
6 upon the same sheet, that the same is a true copy of the
7 record, that it truly exhibits the names of all persons voted
8 for for the offices designated, and the number of votes
9 given for each at such meeting, and that said copy contains
10 all the facts which were stated in the original return.

R. S., c. 6, § 30.

Oath to be made
to copy of record.

SECT. 36. The selectmen and town clerk, who were pres-
2 ent at the meeting and signed the original return, shall sign
3 the certificate mentioned in the preceding section designa-
4 ting their office against their names as in the original re-
5 turn, and shall make oath that said copy and certificate are
6 true before some justice of the peace of the county, who
7 shall make certificate of such oath on the same paper.

R. S., c. 6, § 31.

Sealed and
returned.

SECT. 37. Such copy and certificates shall then be sealed
2 up and directed to the secretary of state with the nature
3 of the contents written on the outside, and the clerk of
4 such town shall cause the same to be delivered into the
5 office of the secretary of state, as soon as may be.

R. S., c. 6, § 32.

Vacancies how
filled in towns
not classed.

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
6 notice for the meeting of the qualified electors of said town
7 to choose some person to supply such vacancy; and at such
8 meeting the like proceedings shall be had, as at any meet-
9 ing held on the second Monday in September for the like
10 purpose; and if necessary the meeting may be adjourned
11 as provided in the twenty-ninth and thirtieth sections.

R. S., c. 6, § 33.

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

These provisions
applicable to
organized
plantations.

SECT. 39. Except when otherwise specially provided, the
2 regulations made in this chapter in reference to towns and
3 town officers shall be applicable to organized plantations

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4 and their officers; and the assessors of any such plantation
5 shall be considered selectmen for all the purposes of this
6 chapter, and liable to perform the duties under the like
7 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
3 the offices, except where other provision is expressly made,
4 the inhabitants of any city shall remain and continue a
5 town, and shall possess all the rights and powers, and shall
6 be subject to all the duties, obligations, and liabilities of
7 towns.

Cities for
purposes of
electing state
officers consid-
ered towns.

R. S., c. 6, § 35.

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

Their officers to
perform duties
of town officers.

R. S., c. 6, § 36.

SECT. 42. The city constables shall with the like excep-
2 tion be deemed constables of the town for the purposes of
3 notifying all ward meetings for such elections, and of main-
4 taining order in said meetings.

Idem.

R. S., c. 6, § 37.

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

Electors in
cities to meet in
wards.

R. S., c. 6, § 38.

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

Warden pro
tempore may be
chosen.

R. S., c. 6, § 39.

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

Islands in
Portland, how
votes given.R. S., c. 6, § 40.
1845, c. 266, § 1.

SECT. 46. The warden of the said ward shall preside
2 impartially at such meetings, receive the votes of all the
3 qualified electors present, sort, count, and declare, them in

Proceedings in
their meetings.

CHAP. 4.

R. S., c. 6, § 41.
1845, c. 206, § 1.

In cities,
representatives
on same lists as
other officers.

R. S., c. 6, § 42.

If no choice,
further meetings.

R. S., c. 6, § 43.

Aldermen of
cities when to be
in session to
correct lists of
voters.

Notice to be
given.

1856,
c. 219, § 1, 2.

R. S., c. 6, § 45.

4 open meeting and in the presence of the clerk, who shall
5 make a list of the persons voted for with the number of
6 votes for each person against his name, and the offices re-
7 spectively, and in open ward meeting and in the presence
8 of the warden shall make a fair record thereof; a fair copy
9 of this list shall be attested by the warden and clerk,
10 sealed up in open meeting, and delivered to the clerk of
11 ward number one in said Portland within eighteen hours
12 after the closing of the polls, and the votes thus thrown
13 shall be deemed as thrown in and belonging to the last
14 mentioned ward.

SECT. 47. In voting for representatives to the state legis-
2 lature in the wards of any city the names shall be on the
3 same ballot with the other officers to be chosen at the meet-
4 ing by electors of like qualifications, unless the board of
5 aldermen in their warrant notifying the meeting shall
6 require a separate ballot or ballots, which they are hereby
7 authorized to do.

SECT. 48. When a choice of any such representative is
2 not effected, the aldermen shall call new meetings of the
3 wards for the purpose, to be held at one and the same time,
4 within two weeks after any former meeting, and the like
5 proceedings shall be had at such meetings, as at the time
6 first appointed, until a choice is effected.

SECT. 49. In a city containing more than two thousand
2 electors the aldermen shall be in session on all days of
3 election, when a list of voters is required, and from nine
4 o'clock forenoon to one o'clock afternoon on each of the
5 six secular days preceding at some central and convenient
6 place for the purpose of receiving evidence of the qualifica-
7 tions of voters, whose names are not on the lists; and on
8 satisfactory evidence produced prior to the day of election
9 shall enter the name of the person found qualified on the
10 list for the proper ward; and on such evidence produced
11 on the day of election shall deliver to each such person a
12 written paper by them signed directed to the proper warden
13 requiring him to enter the name of such person on his list;
14 the same shall be entered and his vote received. Notices
15 of their places and times of session for these purposes shall
16 be given in the warrant for calling the meeting. The polls
17 shall remain open until four of the clock in the afternoon,
18 and shall then be closed. For these purposes not less than
19 three aldermen shall constitute a quorum.

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SECT. 50. Whenever two or more towns or plantations
 2 are classed agreeably to the constitution of this state for
 3 the purpose of choosing a representative to the legislature,
 4 the selectmen of the oldest town in such district shall
 5 appoint a time and place for the meeting of the selectmen
 6 of the several towns in such district, and give reasonable
 7 notice thereof to such selectmen for the purpose of exam-
 8 ining copies of the lists of votes for representatives in the
 9 manner prescribed by the constitution, where no time or
 10 place of meeting has been otherwise established. When
 11 thus assembled the selectmen of the towns so classed
 12 shall by a majority of votes reckoned by towns determine
 13 the time and place for their future meetings in said district
 14 for the purpose aforesaid, and such time and place shall
 15 continue fixed, until altered by a like vote.

Meetings of
 selectmen of
 towns classed to
 examine votes.

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

When no choice,
 new meetings to
 be called.

R. S., c. 6, § 47.

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

Copies of lists to
 be delivered
 person elected.

R. S., c. 6, § 48.

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

Vacancies, how
 filled.

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
 3 shall then be had, as is required by the constitution and
 4 laws for the election of representatives on the second
 5 Monday of September, and shall meet within four days

Idem.

CHAP. 4.

R. S., c. 6, § 50.

Contested
elections, notice
of to be given.

6 thereafter to examine the lists of votes, and if a choice has
7 been made, shall deliver copies of the lists to the persons
8 elected, as provided in section fifty-two, otherwise such
9 proceedings shall be had as are provided in section fifty-
10 one. The provisions of sections fifty, fifty-one, fifty-two,
11 fifty-three and fifty-four, shall apply to and be observed by
12 the assessors of plantations, as well as selectmen of towns.

R. S., c. 6, § 51.

Voters in places
not incorporated.

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

R. S., c. 6, § 52.

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

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

Penalty for
neglect to
perform duties
required of
selectmen.

SECT. 57. If any selectman, or other town city or planta-
2 tion officer, or any selectman or other such officer chosen
3 pro tempore, willfully neglects or refuses to perform any of
4 the duties required of him, or willfully authorizes, or per-
5 mits to be done, anything prohibited either by the constitu-
6 tion or by the several provisions of this chapter, he shall
7 for each offense forfeit not less than fifty nor exceeding five
8 hundred dollars to be recovered by indictment to the use
9 of the state, and to suffer imprisonment in the county jail
10 not more than nine nor less than three months, or either of

11 said punishments; except where otherwise expressly pro-
 12 vided in this chapter.

CHAP. 4.

R. S., c. 6, § 53.

SECT. 58. If any constable or other person legally re-
 2 quired to summon the qualified voters of any city, town, or
 3 plantation, to give in their votes for governor, senators,
 4 representatives to the legislature of this state, or to con-
 5 gress, or for a county treasurer, or register of deeds, or of
 6 electors of president and vice president of the United
 7 States, willfully refuses or neglects to summon such voters
 8 agreeably to law, and make due return of such warrant
 9 within the proper time, he shall forfeit not less than fifty
 10 nor more than two hundred dollars to be recovered by
 11 indictment, one half to the use of the state, and the other
 12 half to the use of the complainant.

Penalty for
neglect by
constables.

R. S., c. 6, § 54.

SECT. 59. If the selectmen of any town or assessors of
 2 any plantation willfully neglect to deposit lists of the
 3 qualified voters with the town or plantation clerk and to
 4 post up such lists as are required in section seven, they
 5 shall severally forfeit for such offense not less than fifty
 6 nor more than one hundred dollars; and for each day's
 7 neglect after the twentieth day of August and until the
 8 election then next ensuing they shall severally forfeit the
 9 sum of thirty dollars.

Penalty for
neglect to
deposit and
post lists.

R. S., c. 6, § 55.

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

Penalty for
neglect to keep
check lists, or to
reject illegal
votes.

R. S., c. 6, § 56.

SECT. 61. The penalties in the two preceding sections
 2 shall be recovered in an action of debt in the name, and
 3 to the use of the inhabitants of the town or plantation,
 4 where the offense is committed; to be commenced and
 5 prosecuted to final judgment at the request of any qualified
 6 voter in such town or plantation by the treasurer thereof,
 7 unless he is one of the delinquent officers, and in that case,
 8 by one of the constables.

Penalties, how
recoverable.

R. S., c. 6, § 57.

SECT. 62. If any selectman or other officer of any city,
 2 town or plantation or selectman or other officer thereof
 3 chosen pro tempore, shall willfully neglect or refuse to
 4 perform the duties required by the thirty-fifth thirty-sixth
 5 and thirty-seventh sections, on notice of the loss and
 6 destruction of any such return, as is therein described, he
 7 shall forfeit not less than one hundred nor more than five

Penalty for
neglect to supply
lost return.

CHAP. 4.

R. S., c. 6, § 58.

False oath
punished as
perjury.

8 hundred dollars to be recovered by indictment to the use
9 of the state.

SECT. 63. Any such selectman or other officer, whether
2 permanent or pro tempore, who shall in such case make
3 a false certificate and make oath to the truth thereof, shall
4 on conviction thereof suffer the pains and penalties pro-
5 vided against the crime of perjury, and be also disqualified
6 from holding any office under the constitution and laws of
7 this state for ten years.

R. S., c. 6, § 59.

Penalty for
neglect of
persons to whom
returns are
entrusted.

SECT. 64. Every person, to whom the returns of votes of
2 any city, town or plantation, for governor, senators, or rep-
3 resentatives in congress, are entrusted by the clerk thereof
4 for the purpose of forwarding them to the office of the
5 secretary of state, who shall willfully neglect to use all
6 proper means for the delivery thereof within the time
7 required by the constitution and laws, shall forfeit for such
8 neglect not less than one hundred nor more than five hun-
9 dred dollars to the use of the state to be recovered by
10 indictment, or be imprisoned in the county jail for a term
11 not less than two nor more than six months at the discre-
12 tion of the court having cognizance thereof.

R. S., c. 6, § 60.

County
attorneys to
prosecute.

SECT. 65. Every county attorney, who shall receive from
2 the secretary of state a certificate, that the return of the
3 votes of any town, city, or plantation in his county for
4 governor, senators, or representatives in congress, has not
5 been duly received at the secretary's office, shall immediately
6 ascertain, so far as he may be able, by the default of what
7 officer of such town or other person such neglect may have
8 happened, and demand of such officer or other person, if he
9 finds such default willful or caused by culpable negligence,
10 the sum or sums forfeited by such neglect; and if the same
11 be not immediately paid, prosecute such delinquent accord-
12 ing to law; and all sums thus recovered shall enure to the
13 use of the state.

R. S., c. 6, § 61.

Liability of town
officers limited.

SECT. 66. In no case, except as in sections eighteen and
2 nineteen, shall any officer of any city, town, or plantation,
3 incur any punishment or penalty, or be made to suffer in
4 damages by reason of his official acts or neglects, unless
5 the same shall be unreasonable, corrupt, or willfully oppress-
6 ive; *provided* that the neglect to prepare the list of voters,
7 to deposit it in the town clerk's office, or to post it up, as
8 required in this chapter, or to call town, city, or plantation
9 meetings for elections, or to cause returns of votes, or

CHAP. 4.

10 copies thereof to be delivered into the office of the secretary of state, as required by the constitution and laws of this state, or to make the records by law required, shall be deemed unreasonable, unless the contrary be made to appear.

R. S., c. 6, § 62.

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

Punishment for misconduct of electors.

R. S., c. 6, § 63.

SECT. 68. If any officer of the militia shall parade his men, or exercise any military command on any day of election of any public officer, such as is described in section sixty-three of chapter ten and not thereby excepted, or except in time of war or public danger, he shall for each offense forfeit not less than ten, nor more than three hundred dollars.

Penalty for military parades on days of election.

R. S., c. 6, § 64.

SECT. 69. The penalties provided in the two preceding sections may be recovered by indictment one half to the use of the state and the other half to the use of the complainant.

Penalties in two preceding sections, how recovered.

R. S., c. 6, § 65.

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

Punishment for bribery and corruption at elections.

R. S., c. 6, § 66.

SECT. 71. If any person at any election of state and county officers, or of electors of president and vice president, shall knowingly give his vote in any city, town, or plantation, where he has no legal right so to do, he shall be liable to indictment therefor by the grand jury in the county wherein

Punishment for knowingly voting where not entitled.

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1842, c. 21.

Betting on
elections
prohibited and
punished.

6 said offense is committed, and upon conviction thereof shall
7 be punished by imprisonment in the county jail for a term
8 not less than three months nor more than one year.

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

1841, c. 7, § 1, 4.

Mayor or
treasurer to sue
for penalty.

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

1841, c. 7, § 3.

Money paid for
bet or wager
recoverable
back.

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

1841, c. 7, § 2.

Conveyances for
such purposes
void; value
forfeited.

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

1841, c. 7, § 5.

ARTICLE V. *Organization of plantations for purposes of elec-
tions, and choice of electors of president and vice president.*

Plantations for
purposes of
elections, how
organized.

SECT. 76. One or more of the county commissioners of
2 any county, on application to them in writing signed by
3 three or more persons qualified, as the constitution requires
4 to be voters, inhabitants of any unincorporated place in said
5 county not organized as a plantation for the purposes of
6 elections, may issue a warrant to one of said persons requir-
7 ing him to warn a meeting of the inhabitants of such place
8 qualified as aforesaid residing within such limits as shall be
9 described in such warrant, to be held at some central place

CHAP. 4.

10 therein, and at a time therein specified by posting up notices
 11 of such meeting and of its object in two or more public
 12 places within said limits at least seven days before said day 1840, c. 89, § 1.
 13 of meeting.

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

Proceedings at
 their meetings
 for such
 purpose.

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

Limits to be
 described by
 their assessors,
 1840, c. 89, § 1.

SECT. 79. On like application and with similar proceed-
 2 ings on a warrant of such county commissioners, any such
 3 plantation may be divided, and a part thereof annexed to a
 4 similar adjoining plantation, or a new plantation be formed
 5 of a part so taken from the former plantation. In such
 6 case a like description of the newly formed plantation shall
 7 by the assessors thereof be transmitted to the secretary of
 8 state. Plantations so organized shall be plantations for the 1842, c. 25.
 9 purposes of elections.

May be divided,
 how.

SECT. 80. The assessors of all such plantations shall
 2 annually on or before the eleventh day of August make out
 3 a list of all such inhabitants within the limits of such plant-
 4 ation, as they shall judge to be constitutionally qualified to
 5 vote in the election of governor, senators and representa-
 6 tives in the state legislature, and the same shall by them be
 7 deposited in the office of the plantation clerk, and posted
 8 up and corrected in the manner required in case of towns,
 9 in the first article of this chapter. 1840, c. 89, § 2.
 R. S., c. 6, § 34.

List of voters
 prepared, posted,
 corrected.

SECT. 81. They shall call a meeting of said inhabitants of
 2 the plantation to be held on the second Monday of Septem-
 3 ber annually at some convenient and central place in such
 4 plantation for the election of governor, senators and repre-
 5 sentatives in the state legislature, by a warrant in due form
 6 by them signed, in which the time place and purposes of the
 7 meeting shall be set forth; and notice thereof shall be
 8 given by posting up a copy thereof in one or more public
 9 places in such plantation at least seven days before the day
 10 of such meeting. Similar notice shall be given of all meet-
 11 ings for choice of representatives in the state legislature, of

State officers,
 meetings to be
 called for their
 choice.

CHAP. 4.

1840, c. 89, § 2.
R. S., c. 6, § 34.

Votes, how
received.
List of voters
returned.

12 any state and county officers, representatives to congress,
13 and of electors of president and vice president of the United
14 States.

SECT. 82. Such assessors shall preside impartially at all
2 such meetings, receive the votes of all qualified voters
3 present, sort, count, and declare them in open plantation
4 meeting and in presence of the clerk, who shall form a list
5 of the persons voted for with the number of votes for each
6 person written out in words against his name, and make a
7 full record thereof in presence of the assessors and in open
8 plantation meeting. The clerk shall make out fair copies
9 of the list of voters so posted up as corrected, and of the
10 names of all the voters on said list who were actually pres-
11 ent and voted at said election, which copies shall be attested
12 by the assessors and the clerk in open plantation meeting,
13 and he shall cause the record of said votes to be delivered
14 within the time required by the constitution and the laws to
15 the proper person appointed to receive the same, and the
16 copy of the list of voters and of the names of the persons
17 actually present, who voted at the election, to be transmit-
18 ted to the secretary of state with the record of votes
19 required to be transmitted by him to the secretary of state.

1840, c. 89, § 3.
1855, c. 121.

Votes to be
received and
allowed in
elections.

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

1840, c. 89, § 3.

Votes to be
rejected on
failure to comply
with legal
provisions.

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

1855, c. 121,
§ 1, 2.

Annual meetings
in March and
officers chosen.

SECT. 85. All plantations organized as aforesaid shall
2 hold their annual meeting in March, at which meeting three
3 assessors and a clerk shall be chosen. One or more sur-
4 veyors of lumber, and two or more fence viewers, and a
5 constable or constables, may also be chosen. Such consta-

bles shall give like bonds, have like powers and duties, and be subject to like liabilities as constables of towns. The bond shall be approved by the assessors and deposited with the clerk of the plantation. All the officers of such plantations shall be liable to the same penalties for official neglect or misconduct, that such officers of towns are by law liable to. The voters in such plantations shall be liable to the same penalties that voters in towns are liable to for unlawful voting.

1840, c. 89, § 4.
1843, c. 35.
1846, c. 182.
1850, c. 181.
1853, c. 42, § 1.

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

Electors of
president and
vice president.

1847, c. 26, § 1.

SECT. 87. On Tuesday next after the first Monday in the month of November of the year, when the election of president and vice president is to be made, the people of this state qualified to vote for senators in its legislature shall assemble in town, plantation, city or ward meeting, to be notified held and regulated in the manner prescribed by the constitution and laws for the election of such senators.

Meetings for
their choice,
when and how
called.

1847, c. 26, § 2.

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

All names on
one ballot.

1847, c. 26, § 3.

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

Votes, how
received and
returned.

1847, c. 26, § 4.

SECT. 90. On the second Tuesday after such meeting the governor and council shall be in session, and shall open and examine the returns of votes so made and count the same; and the secretary of state shall forthwith transmit to each of such persons as shall have received the greatest number of votes so returned, not exceeding the number required to be then chosen, a certificate of his election.

Governor and
council to count
votes.

Secretary to
notify persons
elected.

1847, c. 26, § 5.

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

Vacancies to be
filled by the
legislature.

CHAP. 4.

1847, c. 26, § 6.

Electors meet to
fill vacancies.

1847, c. 26, § 7.

Their
proceedings.

1847, c. 26, § 8.

Their
compensation.

1847, c. 26, § 9.

Secretary to
furnish blanks.

1847, c. 26, § 10.

6 resentatives assembled in one room choose as many electors,
7 as shall be necessary to complete the number to which this
8 state may then be entitled.

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

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

SECT. 94. The said electors shall receive such compensa-
2 tion for their travel and attendance as the members of the
3 legislature.

SECT. 95. The secretary of state shall procure blank
2 returns of the proper form for such cities, towns, and plant-
3 ations, and to furnish the several clerks thereof with the
4 same at least thirty days before the day for the election of
5 electors by the people of this state as aforesaid.

SECT. 96. All laws in force in relation to the duties of
 2 city, town, and plantation, officers and of voters in the elec-
 3 tion of governor, senators and representatives to the legis-
 4 lature of this state, shall, as far as the same may be appli-
 5 cable, apply and be in force in regard to the meetings and
 6 elections to be held of such electors, and the returns to be
 7 made thereof, under the provisions of this chapter.

Town officers to
 proceed as in
 other meetings.

1847, c. 26, § 11.

Chapter 5.

LANDS. THEIR SALE AND SETTLEMENT. LAND AGENT. LOCATION AND CARE OF LOTS FOR PUBLIC USES.

Sect. 1. Land agent's bond, duties, restrictions.

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 one thousand 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. Proprie-
 tors 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.

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. 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.

22. Any person aggrieved may file exceptions.

23. Townships selected for settlement; list of, to be published.

24. Roads to be located in.

25. Price of; mode of payment; certificate to the purchaser; proof of payment.

26. Settling duties required.

27. Forfeiture on failure to perform settling duties.

28. Agent appointed to superintend the location, and payment of the labor.

29. Settler's lot and improvements not exceeding one thousand dollars exempted
 from attachment.

30. Shall descend to his children. Not liable for debts except, &c.

CHAP. 5.*Sect. 31.* Cannot be conveyed without consent of wife.

32. Townships for sale to be set apart, and notice published. Minimum price to be fixed. Sale September first, on sealed proposals. Manner of proceeding.

33. Land agent may sell tracts in incorporated towns and on islands.

34. Land agent to report to governor and council once in three months, and to settle his account once a year at least.

35. Form and particulars of his report.

36. Money from the treasury to be paid on warrant. To keep notes, make schedules, and return same to treasurer.

37. Report of suits commenced, and of costs incurred.

Land agent's
bond, duties and
restrictions.**SECT. 1.** The land agent shall give a bond to the state in

2 the sum of fifty thousand dollars with sufficient sureties to
 3 the satisfaction of the governor and council for the faithful
 4 performance of the duties of his office. He shall superin-
 5 tend and manage the sale and settlement of the public lands
 6 of the state. He shall not, when appointed or during his
 7 continuance in office, be in any manner, directly or indi-
 8 rectly, concerned in the lumber business on the state lands,
 9 or in the purchase of the public lands, or of any timber or
 10 grass growing or cut thereon.

R. S., c. 3,
§ 1, 2, 3, 4, 5.Attend person-
ally to duties,
appoint
assistants.**SECT. 2.** He shall receive all moneys and securities accru-

2 ing to the state from the sale of lands, timber, and grass,
 3 or in payment for timber or grass, cut by trespassers, and
 4 pay over to the treasurer of state all moneys so received
 5 and found due from him on settlement. All securities shall
 6 be made payable to the treasurer of state. He shall per-
 7 sonally attend to the duties of his office, as far as practica-
 8 ble, and may employ so many assistants, as he shall find
 9 necessary, for whose doings he shall be responsible. All
 10 persons so employed by him shall be sworn to the faithful
 11 discharge of their duties. No person so employed shall be
 12 concerned, directly or indirectly, in the purchase of lands,
 13 or of timber or grass on lands belonging to the state.

R. S., c. 3,
§ 6, 7, 10.Execute deeds,
collect notes,
and sums due.**SECT. 3.** He shall execute deeds in behalf of the state,

2 conveying lands, which have been granted by the legisla-
 3 ture or sold by lawful authority, as soon as the grantees
 4 have complied with the conditions of their respective grants,
 5 and collect all sums due to the state by note or from any
 6 of the sources mentioned in this chapter, and collect the
 7 interest on all notes at least annually, and pay at the expi-
 8 ration of every month into the state treasury all moneys so
 9 collected or received by him.

R. S., c. 3,
§ 35, 49.Governor and
council and land
agent a board to
direct surveys.**SECT. 4.** The governor and council and land agent shall

2 constitute a board, under whose direction all surveys of
 3 land shall be made. An accurate plan or map of all lands

CHAP. 5.

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

Surveys, how
made.

Maps and field
notes.

R. S., c. 3,
§ 17, 18, 19, 20.

SECT. 5. Every surveyor, in surveying the public lands,
 2 shall explore each lot carefully, and enter in his field notes
 3 the quantity and quality of pine, spruce, and other valuable
 4 timber thereon, and all other useful information within his
 5 knowledge relating to the value of the land. He shall
 6 deposit duplicate plans of his surveys and his field notes in
 7 the land office within sixty days after the completion of his
 8 surveys.

Surveyors to
explore and
enter in field
notes timber.

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
 4 agent, and cut down, take, or carry away, any trees or grass
 5 standing or being upon said lands, such persons, and all
 6 persons who shall furnish teams, implements, or apparatus,
 7 or supplies of provisions, or of other articles, used in com-
 8 mitting and carrying on such trespasses, are declared to
 9 be trespassers, and shall be jointly and severally liable in
 10 damages for the trespasses so committed, and may be sued
 11 for the same in any county in the state. All such teams,
 12 implements, apparatus, and supplies, shall be forfeited to
 13 the use of the state. The measure of damages shall be the
 14 highest price which such timber, logs, or other lumber, or
 15 hay would bring at the usual place of sale of such articles.
 16 Nothing in this section shall affect the right of the state to
 17 seize and sell any timber, logs, lumber, or hay, cut as afore-
 18 said. At such sale no person, who was in any way con-
 19 cerned in committing such trespass, or in supplying or in
 20 any manner aiding those who committed the same, shall be
 21 allowed to become, directly or indirectly, purchasers.

Trespasses,
prosecutions for
them.

R. S., c. 3,
§ 41, 42, 43, 44.

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-

Rule of
damages when

CHAP. 5.

suit for benefit
of an individual.
1853, c. 47.

Reservation of
1,000 acres for
public uses, may
be located by
agreement.

R. S., c. 3,
§ 11, 14.
1850, c. 196, § 3.

Location
without
agreement.

R. S., c. 3, § 14,
1850, c. 196, § 3.

Location to be
made before
offered for sale,

1850, c. 196, § 3,
c. 209, § 5.

Land agent to
have care of lots
located,

May sell timber
and grass on
them,

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.

SECT. 8. In every township there shall be reserved one
2 thousand acres of land, and at the same rate in all tracts
3 less than a township, for the exclusive benefit of such town
4 or tract as the legislature shall direct, to average in quality,
5 situation, and value as to timber, with the other lands in
6 the township or tract. In townships or tracts sold and not
7 incorporated or organized into plantations the lands re-
8 served for public uses may be selected and located by the
9 land agent and the proprietors by a written agreement
10 describing the same by metes and bounds signed by them
11 and recorded in the land office. The plan or outline of the
12 lands so selected shall be entered on the plan of the town-
13 ship or tract in the land office, all which shall be a sufficient
14 location of such lands.

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

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

SECT. 11. The land agent shall have the care of the re-
2 served lands in all townships or tracts, until the same are
3 incorporated or organized into plantations and the fee
4 becomes vested in the town, or is otherwise parted with.
5 He may, from time to time, sell the timber and grass
6 thereon for cash, except the grass growing on improvements
7 made by an actual settler, until so incorporated or organized
8 into a plantation for such sum, as he shall think just and

9 reasonable. When so sold, he shall give the purchaser a
 10 permit under his hand and seal, in which shall be set forth
 11 the terms of the contract, which shall be recorded in the
 12 office. The proprietors of the township or tract shall have
 13 the option to become purchasers of the same at the rate per
 14 acre, for which the township or tract was sold.

CHAP. 5.

Give proprietors
an option.1850, c. 196,
§ 1, 2.
1852, c. 284, § 1.

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

To keep an
account with
lots.1850, c. 196, § 5.
1852, c. 284, § 2.

SECT. 13. The treasurer shall keep a separate account
 2 with the reserved land in each such township, in which shall
 3 be entered all sums by him received and paid on account
 4 thereof, and the balance shall remain in the treasury until
 5 such township or tract is by law authorized to receive the
 6 same, and thereupon it shall be paid over to the proper
 7 officers thereof.

Treasurer to
keep an account.Disposition of
the money.1850, c. 196, § 6.
1852, c. 284, § 2.

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

Money to
constitute a fund
for schools.

1846, c. 217, § 1.

SECT. 15. The annual interest shall be added to the prin-
 2 cipal of such fund until the inhabitants of said township or
 3 tract shall be incorporated into a town, or shall be organ-
 4 ized as a plantation for election or other purposes and shall
 5 establish in such plantation one or more school districts
 6 according to law. *When any such township shall be incor-*
 7 *porated as a town, the said funds belonging to said town*
 8 *shall be paid over by the treasurer of state to the treasurer*
 9 *of the trustees of the ministerial and school funds in such*
 10 *town, to be added to the funds of that corporation, and shall*
 11 *be held and managed as the other school funds of that town*
 12 *are required by law to be held and managed.* If such town-
 13 ship or tract shall be organized as a plantation, the fund
 14 shall be paid annually by the treasurer of state to the
 15 assessors of such plantations to be applied for the support
 16 of schools according to the number of scholars in each dis-

Money, how
and when to be
paid over.

CHAP. 5.

17 trict. When the plantation is composed of two or more
 18 townships the interest derived from lots in a township is to
 19 be distributed, as nearly as may be, for the support of
 20 schools in that township. *The interest so to be paid shall*
 21 *be made up to the first day of January in each year, and*
 22 *shall be paid to such assessors by the treasurer, on produc-*
 23 *tion of satisfactory evidence that such plantation is organ-*
 24 *ized, and school districts established therein according to*
 25 *law, and that assessors are duly sworn and qualified. (a)*

1846, c. 217, § 3.

Location of
land, how
made.

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

R. S., c. 122,
§ 1, 2, 3, 4.
1850, c. 193, § 3.The same,
committee
sworn.

SECT. 17. Said committee, before acting under such war-
 2 rant, shall be sworn to the faithful discharge of the duty
 3 assigned them before a justice of the peace; and a certifi-
 4 cate thereof shall be indorsed on the warrant.

R. S., c. 122, § 2.

Give notice.

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

R. S., c. 122, § 3.

Return,
acceptance,
record.

SECT. 19. They shall make return of said warrant and
 2 their doings thereon under their hands to the next supreme
 3 judicial court in the county after having completed the
 4 service; which, being accepted by the court and recorded
 5 in the registry of deeds of the same county within six
 6 months, shall be a legal assignment and location of such
 7 reserved proportions for the uses designated.

R. S., c. 122, § 4.

(a) R. 1. It is not perceived, that those parts of the section printed in italics have been enacted, but they seem to be appropriate to carry the other provisions fully into effect.

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

CHAP. 5.

Location by
grantee, how
made.

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
 3 in the thirteenth section of chapter eighty-eight.

Location on
partition.

R. S., c. 122, § 6.

SECT. 22. Any person aggrieved by any opinion, direction,
 2 or judgment of said court in any matter of law in any
 3 proceedings for the location of such public lots, may allege
 4 exceptions to the same in the same manner and the same
 5 proceedings shall be had as in other actions.

Exceptions may
be filed.

1850, c. 183, § 2.

The sale of lands for settlement.

SECT. 23. Out of such townships as have been or shall
 2 be located and designated for settlement the land agent
 3 shall from time to time select a number, not exceeding ten
 4 in any one year, to be offered for sale in lots for settlement.
 5 He shall publish a list of the townships so selected, and
 6 with it a list of the townships offered for sale and settle-
 7 ment in former years, in which lands may still remain for
 8 sale. The list shall be published in some paper in each
 9 county in the state, in which any paper is published, *once a*
 10 *week for three months within six months after the selection*
 11 *is so made.* (a) With such list shall be published the
 12 substance of so much of this chapter as relates to the terms
 13 and conditions of the sale and settlement of such lands.

Townships to be
selected for
settlement, list
to be published.

1850, c. 206, § 1.

SECT. 24. In townships so selected, in which suitable
 2 roads have not been located, the land agent shall cause to
 3 be located such roads as the public interest and the accom-
 4 modation of the future settlement may require.

Roads to be
located by land
agent.

1850, c. 206, § 2.

SECT. 25. The price of the settling lots shall be fifty cents
 2 per acre, for which the purchaser shall give three notes
 3 payable in labor on the roads in said township, in one, two,
 4 and three years from the date thereof, under the direction
 5 of the land agent. The land agent shall thereupon give
 6 him a certificate shewing, that he has become a purchaser
 7 of the lot or lots therein described, and that he will be
 8 entitled to a deed thereof, when he shall have complied

Price and mode
of payment.

CHAP. 5.

9 with the requirements of law. The certificate of the person
 10 appointed by the land agent to superintend the laying out
 11 of the labor on the roads shall be evidence of the payment
 12 of the notes. Only one lot not exceeding two hundred
 13 acres shall be granted to the same person, who must be a
 14 citizen of the United States.

1850, c. 206, § 3.

Settling duties
required.

R. S., c. 3,
§ 26, 27.
1842, c. 33,
§ 1, 2.
1850, c. 206, § 3.

Forfeiture for
failure to
perform.

1842, c. 33, § 2.

Agents to
superintend
location of
settlers and
labor by them.

1850, c. 206, § 4.

Settlers' lot to
the value of
\$1,000, exempted
from attachment.

1849, c. 150, § 1.

Descend to
children free
from debts of
deceased till 18
years old.

SECT. 26. Beside the payment of the notes every such
 2 purchaser shall be required, within two years from the date
 3 of his certificate, to establish his residence on his lot, and
 4 within four years from the date of his certificate to clear
 5 upon each lot not less than fifteen acres, ten at least of
 6 which shall be well laid down to grass, and to build a com-
 7 fortable dwelling house upon it.

SECT. 27. If the purchaser fails to perform any of the
 2 duties required of him, or to pay his notes, he forfeits all
 3 right to the land; and the land agent may dispose of it to
 4 another person.

SECT. 28. The land agent shall appoint some suitable
 2 person or persons in the vicinity to superintend the location
 3 of settlers, the payment of the road labor, and the perform-
 4 ance of the several duties of settlers.

SECT. 29. Any purchaser of a lot of wild land of the
 2 state, not exceeding one hundred and sixty acres, having
 3 complied with the conditions of the purchase may hold the
 4 same with the improvements thereon free from attachment
 5 and the levy of any execution thereon while he shall remain
 6 in actual possession thereof. The value so exempted shall
 7 not exceed one thousand dollars to be set off to the owner
 8 in such portion of the lot, as he may direct, by the apprais-
 9 ers appointed to levy the execution in the same manner, as
 10 real estate is set off and appraised on execution.

SECT. 30. On the decease of such purchaser such lot and
 2 the improvements shall descend to his children, subject to
 3 the right of dower of his widow, and shall not be liable to
 4 be sold for the payment of his debts, except in case his
 5 other property shall not be sufficient for the payment
 6 thereof, and, in that case, his children shall have the occu-
 7 pancy and improvement of the same, subject to the dower
 8 of the widow, until the youngest surviving child shall attain
 9 the age of eighteen years. The remainder of the estate,
 10 after the life estate of the widow, and after the attainment
 11 of the age of eighteen years by the youngest surviving
 12 child, may be sold in the same manner as other estates of
 13 deceased persons for the payment of such debts, as the

14 other estates of the decedent shall not be sufficient to pay.
 15 If he shall die without issue, such lot shall descend and be
 16 disposed of in the same manner as any other property.

CHAP. 5.

1849, c. 150,
 § 1, 2, 3, 4.

SECT. 31. No such purchaser having a wife shall convey
 2 his said lot by deed, unless his wife shall join in the con-
 3 veyance; and she shall be required to acknowledge the
 4 same to be her free act and deed before a proper magistrate.

Not to be
 conveyed
 without consent
 of wife.

1849, c. 150, § 5.

SECT. 32. The land agent, under the direction of the
 2 governor and council, shall annually in the month of Feb-
 3 ruary set apart for sale not exceeding ten townships of
 4 lands not suitable for settlement, and record the same in a
 5 book to be kept for that purpose in the land office, and
 6 shall cause a list of the same to be published in the state
 7 paper six months successively before the day of sale. The
 8 tracts so set apart may be offered for sale in townships or
 9 parts of townships, as will be most for the interest of the
 10 state. Three months at least before the day of sale he
 11 shall fix a minimum price on each tract or parcel, and enter
 12 the same in said book, and cause the list with such minimum
 13 price to be published in one paper in each county in the
 14 state in which a paper is published, once a week at least,
 15 for three months successively before the day of sale. The
 16 day of sale shall be the first day of September, and the
 17 place the land office in Bangor. The manner of sale shall
 18 be by sealed proposals, which may be received at any time
 19 after the list with the minimum price is published. No
 20 proposal shall be received unless ten per cent. of the mini-
 21 mum price is therewith paid into the land office. All pro-
 22 posals shall be numbered and entered in a book in the order
 23 in which they are received, and filed in the land office. No
 24 proposal shall be received after the hour of twelve, noon,
 25 of the day of sale. None shall be received or considered
 26 unless entered in said book. No proposal, after having
 27 been so entered and filed, shall ever be withdrawn from
 28 the office. Immediately after twelve, noon, of the day of
 29 sale, the proposals so entered shall be publicly opened by
 30 the land agent, and declared in the order in which they are
 31 so entered and numbered. The person making the highest
 32 bid above the minimum price shall be declared the pur-
 33 chaser, and on payment of one-third of the purchase money
 34 in cash, including the ten per cent. of the minimum price
 35 deposited, the land agent shall make out and deliver to him
 36 a conditional deed in the usual form of state deeds of the
 37 tract by him purchased, taking for the remainder of the

Townships of
 timbered land
 set apart.

Mode of sale.

CHAP. 5.

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

1853, c. 46,
 § 1, 2, 3, 4.
 1853, c. 53.

Land agent may
 sell tracts in
 towns or on
 islands.

R. S., c. 3, § 30.
 1842, c. 33, § 3, 4.

Land agent to
 report to
 governor and
 council once in
 three months.

R. S., c. 3, § 46.

Form and
 contents of his
 report.

SECT. 33. The land agent may sell at public or private
 2 sale, for such price as he shall consider fair and for the
 3 interest of the state, all tracts of land owned by the state
 4 on islands or in incorporated towns.

SECT. 34. The land agent shall report to the governor
 2 and council once in three months, and oftener if required, a
 3 particular account of all doings in his office, and the names
 4 of his agents; and they are hereby authorized to audit and
 5 settle his accounts at the close of each year prior to the
 6 annual session of the legislature, and at such other times, as
 7 may be designated.

SECT. 35. He shall in his reports particularly describe all
 2 the lands, which have been surveyed for sale and settlement,
 3 and exhibit plans of the same with the field notes of the
 4 surveyor; and when any land has been sold, he shall de-
 5 scribe the same, and report the sum received therefor, the
 6 names of the purchasers, and their sureties; the names of

(a) It is not perceived, that all the provisions of this section have been enacted; but it is so framed, as to be difficult to distinguish them from others, and all the provisions appear to be appropriate to carry into complete effect the existing law.

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

R. S., c. 3, § 46.

SECT. 36. The money to be paid out of the treasury by
 2 virtue of this chapter shall be paid by a warrant from the
 3 governor, as in other cases; and all notes taken by the land
 4 agent on account of the state shall be safely kept by him,
 5 and he shall make out a schedule of said notes, annually,
 6 and also quarterly trial balances, and balance sheets of the
 7 land office ledger, and shall return the same to the state
 8 treasurer, who shall enter the same in a book kept for that
 9 purpose.

Money to be
paid on warrant.Land agent to
keep notes.Schedule
returned to
treasurer.

R. S., c. 3, § 48.

SECT. 37. He shall make his annual report to the governor
 2 and council, and include therein a written statement of the
 3 number of suits instituted on notes given for lands sold, and
 4 for timber and grass cut by trespassers, or otherwise, and
 5 the amount of costs in each of said suits, for the year pre-
 6 ceding.

Land agents
annual report.

R. S., c. 3, § 50.

Chapter 6.

THE ASSESSMENT AND COLLECTION OF TAXES.

ARTICLE I. *General provisions. Taxable property and taxation.*

Sect. 1. Poll tax, on whom assessed.

2. Real and personal property taxable.
3. Construction of the term real estate.
4. Improvements on lands belonging to the state, how taxed.
5. Construction of the term personal estate.
6. What polls and estates exempt.
7. Poll tax, where assessed.
8. Taxes on real estate, where and how assessed.
9. Taxes, how divided between landlord and tenant.
10. Taxes on personal estate, how and where assessed.
11. Exceptions to the rule of the preceding section.
12. Betterments and improvements, how assessed.
13. Toll bridges, how taxed.
14. Blood animals, how assessed.

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- Sect. 15.* Personal property of non-residents, how assessed.
 16. Lien for the benefit of the person who is taxed for same, and pays the tax.
 17. Remedy of such, how enforced.
 18. Stock of companies invested in banks, how taxed.
 19. Personal property mortgaged, how taxed.
 20. Real estate of deceased person, how taxed.
 21. Personal estate of partners in business, how taxed.
 22. Treasurer to issue warrant for state tax.
 23. Substance of the warrant.
 24. Regulations to be observed by the assessors.

ARTICLE II. Taxes on lands in places not incorporated.

- Sect. 25.* To what taxes subject.
 26. County treasurer to certify amount of county taxes to the treasurer of state, Treasurer of state to give credit for same.
 27. Treasurer of state to publish lists of state and county taxes.
 28. Owners of whole or any part may redeem by paying within two years. If not paid, land wholly forfeited to state.
 29. Lands so forfeited to be sold annually, in the month of September, by the treasurer of state. Notice of time and place of sale. Not to be sold for less than amount of state and county taxes, interest and charges.
 30. Overplus to be paid to owners.
 31. Owner may redeem of purchaser within one year.
 32. 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.
 33. Owner may pay county taxes to county treasurer, &c.
 34. County commissioners to make an annual assessment for opening, making and repairing roads.
 35. Such assessment, when to be made. How published.
 36. Agents to be appointed. Tax may be paid in money or labor.
 37. 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.
 38. If not sold, forfeited to county. How redeemed from forfeiture. Overplus paid to owner.
 39. What title the purchaser shall take.
 40. Any part owner may redeem his interest. Rate of interest, and time it shall commence.

ARTICLE III. The assessment of taxes in incorporated places.

- Sect. 41.* Of state tax assessed on towns.
 42. Estimates for county taxes to be annually made by the county commissioners.
 43. To be recorded and a copy transmitted to the secretary of state.
 44. County commissioners' warrant to the assessors of towns.
 45. No town tax, except for sums legally voted by the town.
 46. Assessors to give notice before making any assessment.
 47. Consequence of not bringing in lists to assessors.
 48. Assessors may require such lists to be sworn to.
 49. Assessors may make abatements on application within one year.
 50. Right of appeal to county commissioners. Appellant failing, subject to costs.
 51. Taxes to be assessed according to the rules of the last act raising a state tax. To whom to be committed.
 52. County and town taxes assessed by the same rules.
 53. State and county taxes may be added to other taxes.
 54. Overlay not to exceed five per cent.
 55. Record of assessment, &c., to be deposited in the assessors' office.
 56. Certificate of the assessors to the treasurer of state, of state tax.

- Sect. 57.* To the county treasurer, of county tax.
58. Selectmen to be assessors, in case of failure of choice of assessors.
59. Penalty on towns for not choosing assessors or selectmen.
60. When county commissioners may appoint assessors of towns. Proceedings thereupon.
61. Duty of such assessors to observe warrants of state treasurer and county commissioners.
62. Assessors to transmit name of collector to treasurer of state, who is to issue warrant of tax not paid.
63. Penalty on assessors neglecting to assess any state tax.
64. Penalty for neglecting to assess any tax required by warrant of county commissioners.
65. When the assessors may be arrested.
66. Other assessors to be appointed by county commissioners in such case.
67. How the treasurer of state may proceed when towns neglect for five months to assess a state tax.
68. How county treasurer may proceed for neglect of towns in regard to taxes required in his warrant.
69. Proceedings of the state or county treasurer in case of deficiency of property of delinquent assessors.
70. Of the choice of assessors of plantations, assessed for state taxes.
71. Forfeiture by assessors refusing to be sworn.
72. New assessors to be chosen in such case.
73. Plantations subject to the same penalties as towns.
74. Of their officers.
75. County commissioners may cause places not incorporated to be organized when taxed.
76. Assessors to take a list and valuation of property.
77. Plantation meetings.
78. Officers liable if they neglect to be sworn.
79. 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.
80. Lands of deceased persons before distribution may be taxed to executors, &c.
81. Not to be taxed to executors, &c., after he gives notice that he has no funds, &c.
82. Supplementary assessments may be made to correct mistakes, notwithstanding the overlay and disproportion on polls.
83. Notice to be given to assessors of changes of ownership, &c. Also of the interests of tenants in common, &c.
84. Certain corporate property taxable where located. Holden for taxes. Shares exempted.
85. Assessors responsible for their faithfulness only.

ARTICLE IV. *Taxes in incorporated places.*

- Sect. 86.* Form of assessors' warrant for collection of state taxes; and of the certificate of assessment.
87. Form of warrant for county and town taxes.
88. Provision in case of loss of warrant.
89. Of the choice of collectors.
90. Collectors' fees in case of distress or commitment.
91. Constable or collector required to serve warrant.
92. Also required to give bond.
93. Provision in case of the death of any collector.
94. Powers of plantations to choose collectors, &c.
95. Of distress, for non-payment of taxes, on goods and chattels.
96. Overplus to be restored, with an account.
97. Body of delinquent may be arrested for neglect, twelve days after demand.
98. If party is like to abscond, arrest may be made immediately.
99. In case of intended removal, a tax payable in instalments may be anticipated.
100. When new collectors or constables are elected, the former officers to perfect their collections.

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- Sect.* 101. Mode of distraining shares in corporations.
102. Duty of corporation officers to furnish certificates.
103. Collection of persons removing to other parts of the state.
104. In what cases collector may sue for taxes in his own name.
105. Remedy for a party illegally assessed.
106. Of distress of non-resident owners of improved land.
107. Officer may sue after two months' notice in writing.
108. Taxes on cattle, sheep or swine, belonging to non-resident owners, how collected.
109. Collector may demand aid. Penalty for refusing.
110. Collector to exhibit his account to selectmen, at least once in two months.
111. Forfeiture for neglect thereof.
112. Proceedings when collector removes from the state, or is about to do so; and when treasurer has issued his warrant of distress.
113. Warrant to new collector in such case.
114. Penalty, if the old collector refuse to give up his bill, and pay over his collections.
115. When collector becomes incapacitated, assessors to appoint another.
116. Over payments to be restored to such collector, if any.
117. Right of assessors to demand the lists of persons in possession of them, in certain cases.
118. Treasurer of state may issue warrants of distress against delinquent collectors.
119. Treasurer of state shall also issue his execution at the request of the selectmen, if tax be overdue.
120. Liability of the town to make up deficiency of its collector.
121. A new assessment to be made on the town.
122. Otherwise the treasurer to make distress upon the assessors. If not paid on the new assessment, warrant may issue against estate of the inhabitants.
123. Delinquent collector liable to the suit of the town.
124. If collector die, his executor, &c., to settle with the assessors in two months after acceptance.
125. New collector to be thereupon appointed in writing, by assessors.
126. If executor, &c., neglect to settle, he may be chargeable with the whole sum committed to the deceased collector.
127. Treasurer to issue a warrant against delinquent collectors. Form of such warrant.
128. Duty of sheriff in returning executions or warrants of distress. When an alias may issue.
129. Sheriff's liability in case of neglect.
130. Treasurer of state, &c., to issue their warrants against him, directed to a coroner.
131. Officers selling personal property, to proceed as on execution.
132. Sale of real estate in such cases. Notice.
133. Proceedings at the sale.
134. Of the deed and its effect.
135. Alias warrant and proceedings thereon.
136. Deficient officer entitled to the privilege of a debtor, on a private execution.
137. His accounts to be adjusted with the assessors on his making proper exhibits, and delivering a copy of assessments.
138. Town to choose a new collector.
139. Collector refusing to deliver up assessments, &c., to be committed to jail.
140. Copies of assessments, &c., to be delivered over to the new collector.
141. Proceedings when a party declares an uncanceled tax to have been paid.
142. When a town neglects to choose a constable or collector, proceedings.
143. Plantations and their officers to be liable, as in case of towns.
- 144, 145. Proceedings of sheriff on receiving assessment and warrant. His fees.
146. Proceedings on commitment of persons on a warrant for taxes.
147. When they are discharged from confinement, town liable for the amount to state or county.
148. Of the liability of the collector in such case, if commitment be after one year.

Sect. 149. Officer's fees in cases of commitment for taxes.

ARTICLE V. *Duties of town treasurers when appointed collectors of taxes.*

Sect. 150. Towns may appoint their treasurer collector of taxes. He may appoint assistants. Their bond.

151. Towns may agree on abatements to be made on payments at stated times.
152. Public notice to be given within seven days.
153. Abatements on such taxes as are paid at the periods mentioned.
154. Taxes not so paid to be collected, as usual.
155. Assessors to deposit the assessments with the treasurer, together with a warrant.
156. Treasurer's powers to continue till the collection shall be completed.
157. Town treasurers required to give bonds.
158. To render an account every three months, if requested.
159. May issue his warrant to the sheriff, &c., to distrain for taxes, after the times fixed for payment.
160. Treasurer may distrain before, if there be danger of losing a tax.
161. Officer to give previous notice before distraining.
162. His powers the same as those of collectors of taxes.

ARTICLE VI. *Special provisions.*

Sect. 163. Affidavit as to posting notices to be proof in cases of sale of land by sheriff, &c.

164. Remedy for a person whose estate is taken.
165. Event of sale not conclusive as to value.
166. Treasurer's warrants returnable in three months and renewable.
167. Sheriff's powers the same on alias and pluries warrants.

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

Sect. 168. Duty of collector, if not paid in nine months from date of assessment.

169. Treasurer to record the certificate, and to advertise.
170. What description, when the name of the town has been changed.
171. Further duty of treasurer.
172. Manner of discharging taxes, after advertisement.
173. If not paid in two years, further duty of treasurer.
174. Provision for discharge, after second notice.
175. Forfeited after three years. What title passes by the forfeiture.
176. Certificate to be given to the person, not an owner, who paid the amount to the treasurer. To be recorded.
177. Owner may refund amount so paid within three years. Treasurer's liability.
178. Lien for taxes on timber and grass, on lands of non-resident owners.

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

Sect. 179. Lien on lands of residents. If not paid within nine months, collector to give notice of sale. Manner of notice, and further proceedings.

180. After the advertisement the owner to have personal notice, at least ten days before the sale. What costs he shall pay.
181. Proceedings in the sale. Expenses and fees.
182. Collector to lodge certificate with the treasurer, and deed for purchase.
183. Redemption; costs, duty and liability of treasurer.
184. Treasurer to deliver deed to purchaser after two years, Remedy if he refuse.
185. Officer not to sell after expiration of two years from date of his warrant.
186. Validity of sale, how established.
187. Proof of notice having been given.
188. Collector to make return in thirty days to clerk. Clerk to record same.
189. Treasurer's receipt or certificate to be evidence of redemption.

CHAP. 6.

ARTICLE I. *General provisions respecting taxation.*

Poll tax.

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

1845, c. 159, § 1.

Real and
personal estate
taxable.

SECT. 2. All real property within this state, all personal
 2 property of the inhabitants of this state, and all personal
 3 property hereinafter specified of persons not inhabitants of
 4 this state shall be subject to taxation in the manner provided
 5 in this chapter.

1845, c. 159, § 2.

Real estate;
what it includes.

SECT. 3. Real estate, for the purposes of taxation, shall
 2 be construed to include all lands within this state, and all
 3 buildings and other things erected on or affixed to the same.
 4 The real estate of railroad corporations shall be taxable in
 5 the towns, where it is, and be regarded as non-resident land;
 6 but the track of the road and the land, on which it is con-
 7 structed, shall not for this purpose be deemed real estate.

1845, c. 159, § 3,
and c. 165, § 1.Improvements
and interests in
land.

SECT. 4. Real estate of literary institutions not exempted
 2 by the articles of separation, except buildings for colleges
 3 and academies and the lots, on which they stand; interest
 4 and improvements in land, the fee of which is in the state;
 5 interest by contract or otherwise in land exempted from
 6 taxation.

1847, c. 22,
1849, § 118.Personal estate
taxable,
described.

SECT. 5. Personal estate shall, for the purposes of taxa-
 2 tion, be construed to include all goods, chattels, moneys, and
 3 effects, wheresoever they may be; all ships and vessels, at
 4 home or abroad; all obligations for money or other prop-
 5 erty; money at interest and debts due the persons to be
 6 taxed more than they are owing; all public stocks and
 7 securities; all shares in moneyed railroad and other corpo-
 8 rations within or without the state; all annuities payable to
 9 the person to be taxed when the capital of such annuity is
 10 not taxed in this state; and all other property included in
 11 the last preceding state valuation for the purposes of taxa-
 12 tion.

1845, c. 159, § 4.

Polls and estates
not taxable.

SECT. 6. The following property and polls shall be ex-
 2 empted from taxation, namely:

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

5 *Second*—All real and personal property of literary insti-
 6 tutions, which is by the articles of separation exempted from
 7 taxation; the academy and college buildings and personal

8 property of all literary institutions; and the real and per-
 9 sonal property of all benevolent charitable and scientific
 10 institutions incorporated by this state.

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

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

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

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

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

27 *Eighth*—The polls and estates of inhabitants of islands,
 28 on which there are no highways, may be exempted from the
 29 highway tax at the discretion of the city, town or planta-
 30 tion to which they belong.

1845, c. 159, § 5.
 1849, c. 118.
 1856, c. 279.

SECT. 7. The poll tax shall be assessed on each taxable
 2 person in the place where he shall be an inhabitant on the
 3 first day of April in each year. No person shall be consid-
 4 ered an inhabitant of a place on account of residing there
 5 as a student in a literary seminary.

Poll tax, where
 assessed.

1845, c. 159, § 6.
 1853, c. 42, § 2.

SECT. 8. All taxes on real estate shall be assessed in the
 2 city, town, or plantation, where the estate lies, to the person
 3 who is the owner or in possession thereof on the first day
 4 of April in each year. In cases of mortgaged real estate
 5 the mortgager, for the purposes of taxation, shall be deemed
 6 the owner, until the mortgagee shall take possession, after
 7 which the mortgagee shall be deemed the owner.

Real estate,
 where taxed.

1845, c. 159, § 7.

SECT. 9. When a tenant paying rent for real estate shall
 2 be taxed therefor, he may retain out of his rent the one-half
 3 the taxes paid by him, and when a landlord is assessed for
 4 such real estate, he may recover the one-half of the taxes
 5 paid by him and his rent in the same action against the
 6 tenant, unless there be an agreement to the contrary.

Landlord and
 tenant to pay
 equally.

1845, c. 159, § 8.

SECT. 10. All personal property within or without this
 2 state, except in the cases enumerated in the following sec-

Personal estate
 taxable where
 owner resides.

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1845, c. 159, § 9.

Except as follows,

tion, shall be assessed to the owner in the town where he is an inhabitant on the first day of April in each year.

SECT. 11. The excepted cases referred to in the preceding section are the following, namely:

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

Second—All machinery employed in any branch of manufacture, and all goods manufactured or unmanufactured, and all real estate belonging to any corporation, shall be assessed to such corporation in the town or other place where the same are situated or employed; and in assessing the stockholders for their shares in any such corporation their proportional part of the value of such machinery goods and real estate shall be deducted from the value of such shares.

Third—All mules, horses, neat cattle, sheep, and swine, shall be taxed in the town where they are kept on the first day of April, in each year, to the owner or person, who has them in possession at that time. All such animals, which may be in any other town, than that in which the owner or possessor resides, for the purpose of pasturing or any other temporary purpose on said first day of April, shall be taxed to such owner or possessor in the town where he resides; and all such animals, which may be out of the state, or in any unincorporated place within the state on said first day of April, for any purpose whatever, and being owned by, or in charge and possession of any person residing in any city, town, or plantation in this state, shall be taxed to such owner or possessor in the city, town, or plantation, where he resides.

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

Fifth—All personal property held in trust by an executor, administrator, or trustee, the income of which is to be paid to any married woman or other person, shall be assessed to

40 the husband of such married woman, or to such other per-
 41 son, respectively, in the place of which he is an inhabitant.
 42 But if such married woman, husband, or other person reside
 43 out of the state, the same shall be assessed to such execu-
 44 tor, administrator, or trustee, in the place where he resides.
 45 *Sixth*—Personal property placed in the hands of any cor-
 46 poration as an accumulating fund for the future benefit of
 47 heirs or other persons shall be assessed to the person, for
 48 whose benefit the same is accumulating, if within the state,
 49 otherwise to the person so placing it, or his executors, or
 50 administrators, until a trustee shall be appointed to take
 51 charge of such property or the income thereof, and then to
 52 such trustee.

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

62 *Eighth*—Property held by a religious society as a min-
 63 isterial fund is to be assessed to the treasurer of such
 64 society; real estate in the town, where it is; personal
 65 property in the town, where such society usually holds its
 66 meetings.

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

SECT. 12. Betterments and improvements made upon such
 2 lands of literary institutions as are exempted from taxation,
 3 not including sites and buildings occupied by such institu-
 4 tions and their officers, shall be deemed personal property,
 5 and taxed to the tenant or owner thereof in the town or
 6 plantation wherein the same may be.

Improvements
 on land
 exempted.

1843, c. 30.

SECT. 13. The stock of all toll bridges shall be taxed as
 2 personal property to the owners thereof in the towns
 3 where they reside.

Toll bridges.
 1846, c. 189, § 2.

SECT. 14. Blood animals brought into the state and kept
 2 for the purpose of improvement of the breed shall not be
 3 taxed at a higher rate than stock of the same quality and
 4 kind bred in the state.

Blood animals.

1855, c. 134.

SECT. 15. All goods, wares, merchandize, or other per-
 2 sonal property, which, on the first day of April in each
 3 year, is within this state for the purpose of sale and
 4 owned by persons residing out of the state, shall be liable

Personal
 property of
 non-residents.

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1849, c. 140, § 1.
1853, c. 12, § 2.

Lien in favor of
persons paying
tax.

1849, c. 140, § 2.

His remedy.

1849, c. 150, § 3.

Stock of
companies
invested, how
taxed.

1845, c. 159, § 11.

Personal
property
mortgaged, how
taxed.
1845, c. 159, § 12.

Real estate of
one deceased,
how taxed.

1845, c. 159, § 13.
1853, c. 7.

Personal estate
of partners, how
taxed.

5 to be taxed to the person or persons having the same in
6 possession for the purpose of sale.

SECT. 16. Such person shall have a lien upon such prop-
2 erty, which, after having paid the tax, he may enforce for
3 the re-payment of all sums by him lawfully paid in discharge
4 of the tax. A lien is also created upon the property for
5 the payment of the tax, which may be enforced by the con-
6 stable or collector to whom the tax is committed by a sale
7 of the property pursuant to the provisions of the ninetieth,
8 ninety-fifth, and ninety-sixth sections of this chapter.

SECT. 17. If any person under the provisions of the fore-
2 going section pays more than his proportionate part of the
3 tax, or if his own goods or property are applied to the pay-
4 ment and discharge of the whole tax, he shall be entitled
5 to recover of the owner of the goods wares or merchandise
6 such portion of the whole tax, as would be such owner's
7 proper share.

SECT. 18. When any insurance or other incorporated com-
2 pany is required by law to invest its capital stock or any
3 part thereof in the stock of any bank or banks, or other
4 corporation, in this state for the security of the public, such
5 investments shall not be liable to taxation except to the
6 stockholders of the company so investing as making a part
7 of the value of their respective shares in the capital stock
8 of said company.

SECT. 19. When personal property is mortgaged or
2 pledged, it shall, for the purposes of taxation, be deemed
3 the property of the party, who has it in possession.

SECT. 20. The undivided real estate of any deceased
2 person may be assessed to the heirs or devisees of such
3 person without designating any of the heirs or devisees by
4 name, until they give notice to the assessors of the division
5 of the estate and the names of the several heirs or devi-
6 sees. And until such notice is given, each heir or devisee
7 shall be liable for the whole of such tax, and have a right
8 to recover of the other heirs or devisees their respective
9 portions thereof when paid by him, and in an action for
10 that purpose the undivided shares of such heirs or devisees
11 in the estate, upon which such tax has been paid, may be
12 attached on mesne process or taken on execution issued on
13 judgment recovered in an action therefor.

SECT. 21. Partners in mercantile or other business,
2 whether residing in the same or different towns, may be
3 jointly taxed under their partnership name in the town,

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4 where their business is carried on for all the personal prop-
 5 erty enumerated in the first paragraph of section eleven of
 6 this chapter employed in such business; and if they have
 7 places of business in two or more towns, they shall be
 8 taxed in each town for the portion of property employed
 9 therein. And said partners shall be jointly and severally 1845, c. 159, § 14.
 10 liable for such tax.

SECT. 22. When a state tax is ordered by the legislature,
 2 the treasurer of the state shall forthwith send his warrants
 3 directed to the mayor and aldermen, selectmen or assessors,
 4 of each city, town, plantation, or other place, in this state
 5 requiring them to assess upon the polls and estates of
 6 each its proportion of such state tax, and the amount of 1845, c. 159, § 15.
 7 such proportion shall be stated in such warrant.

Treasurer of
 state to issue
 warrants for
 state tax.

SECT. 23. The treasurer in his warrant shall require said
 2 mayor and aldermen selectmen and assessors respectively
 3 to make a fair list of their assessments setting forth in dis-
 4 tinct columns against each person's name, how much he is
 5 assessed for polls, how much for real estate, and how much
 6 for personal estate, distinguishing any sum assessed to such
 7 person as guardian, or for any estate in his possession as
 8 executor administrator or trustee, and to insert in such list
 9 the number of acres of land, which they have assessed to
 10 each non-resident proprietor, and the value at which they
 11 have estimated the same, and such list or lists, when com-
 12 pleted and signed by them, or the major part of them, to
 13 commit to the collector or collectors constable or consta-
 14 bles of such city, town, plantation, or other place, respect-
 15 ively, with their warrant or warrants in due form of law
 16 requiring them to collect and pay the same to the treasurer
 17 of the state, at such time as the legislature in the act
 18 authorizing such tax shall direct the same to be paid. And
 19 to return a certificate of the names of such officers and the
 20 amount committed to each to collect one month at least
 21 before the time at which said officers are required to pay 1845, c. 159, § 16.
 22 in such tax.

Substance of his
 warrant.

SECT. 24. In the assessment of all state, county, town,
 2 plantation, parish or society taxes, the assessors thereof
 3 shall govern themselves by the rules contained in this chap-
 4 ter, until otherwise provided by the legislature, except in
 5 parishes and societies where a different provision for assess-
 6 ing their taxes is made, and shall assess on the taxable polls
 7 therein one-eighth part of the whole tax, and if such pro-
 8 portion in any case, exclusive of highway taxes to be paid

Assessors to be
 governed by the
 rules
 established.

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1845, c. 159, § 17.

9 by the polls, exceeds one dollar to each poll, it shall be re-
 10 duced to that sum; and the same rule shall be observed in
 11 the assessment of highway taxes, and the residue of such
 12 taxes shall be assessed on the estates according to their
 13 value.

ARTICLE II. *Taxes on lands in places not incorporated.*

Lands in places
 not incorporated,
 may be taxed by
 the state.
 1849, c. 133, § 1.

Are subject to
 county taxes.

Treasurer of
 county to certify
 them to treasurer
 of state, who is
 to give credit for
 them.

1849, c. 133, § 3.

Treasurer of
 state to publish
 lists of state and
 county taxes.

1849, c. 133,
 § 2, 4.

Lands forfeited
 in two years if
 taxes not paid.

SECT. 25. Lands not exempted and not liable to be
 2 assessed in any town may be taxed by the legislature for a
 3 just proportion of all state and county taxes.

SECT. 26. Such lands may be assessed by the county com-
 2 missioners according to the last state valuation for a due
 3 proportion of county taxes. Lists of such taxes, including
 4 those made on account of highways, shall be immediately
 5 certified and transmitted by the county treasurer to the
 6 treasurer of state. In the list each such township and tract
 7 shall be sufficiently described with the date and amount of
 8 assessment on each. The treasurer of state shall in his
 9 books give credit to the county treasurer for the amount of
 10 each such assessment; and when paid to him shall certify
 11 to the county treasurer the amount of tax and interest so
 12 paid, annually, on the first Monday of January.

SECT. 27. Within three months after the assessment of
 2 any such state tax by the legislature the treasurer of state
 3 shall cause the list of such assessments, together with the
 4 list of any county tax so certified to him, to be advertised
 5 three weeks successively in the state paper and in some
 6 newspaper, if any, printed in the county in which the lands
 7 lie. The said lands shall be held to the state for the pay-
 8 ment of such state and county taxes with interest thereon
 9 at the rate of twenty per cent., to commence at the expira-
 10 tion of one year from the date of the assessment.

SECT. 28. The owners of the lands so assessed and adver-
 2 tised may redeem the same by paying to the treasurer of
 3 state the amount of the taxes with interest thereon within
 4 two years from the date of the assessment. Each owner
 5 may pay for his interest in any tract, whether in common or
 6 not, and shall be entitled to a certificate from the treasurer
 7 of state discharging the tax upon the number of acres, or
 8 interest, upon which such payment is made. Each part or
 9 interest of every such township or tract, upon which the
 10 taxes so advertised shall not be paid with interest within
 11 two years from the date of such assessment, whether it is a
 12 state or county tax, shall be wholly forfeited to the state,

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13 and vest therein free of any claims thereto by any former
14 owner or person.

1849, c. 133, § 4, 6.
1854, c. 86, § 2.

SECT. 29. All lands thus forfeited shall annually in the
2 month of September be sold by the treasurer of state at
3 public auction to the highest bidder, but never at a price
4 less than the full amount due on the same for such unpaid
5 state and county taxes and interest and all costs of adver-
6 tising the same. Notice of the sale shall be given by pub-
7 lishing a list of the lands to be sold with the amount of
8 such unpaid taxes interest and costs on each parcel and the
9 time and place of sale in the state paper, and in some news-
10 paper, if any, printed in the county in which the lands lie,
11 three weeks successively within three months before the
12 time of sale.

Treasurer of
state to sell
lands forfeited
at auction in
September,
annually.

1854, c. 86, § 1.

SECT. 30. If any such tract is sold for a larger sum than
2 the amount due, the surplus shall be held by the state to be
3 paid to the owner, whose right has been so forfeited, upon
4 due proof of such ownership produced to the governor and
5 council.

Pay surplus to
owners.

1854, c. 86, § 2.

SECT. 31. Any owner may redeem his interest in such
2 lands by paying to the treasurer of state his part of the
3 sums so due at any time before the sale; or after the sale
4 by paying or tendering to the purchaser within a year his
5 proportion, of what the purchaser paid therefor at the sale,
6 with interest at the rate of twenty per cent. per annum
7 from the time of sale, and reasonable charges of the re-
8 conveyance.

Owner may
redeem from
purchaser within
one year.

1854, c. 86, § 2.

SECT. 32. The printers' bills for advertising such lands
2 shall be divided in each case by the number of townships
3 and tracts advertised, and each shall be chargeable with its
4 proportion thereof. All amounts of county taxes and inter-
5 est thereon so received by the treasurer of state shall be
6 credited by him to the counties, to which the same belong,
7 and paid to the several treasurers thereof. The treasurer
8 of state shall make a record of his doings in every such
9 sale; and a certified copy of such record shall be conclusive
10 evidence in any court of the facts therein set forth. He
11 shall give a deed to the purchaser conveying all the interest
12 of the state in the land sold.

Copy of record
of treasurer's
doings evidence.

Costs
apportioned.

County taxes
paid to treasurer
of county.

1854, c. 86, § 2, 3.

SECT. 33. 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

Owner may pay
to treasurer of
county before
sale.

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1855, c. 116.

County
commissioners
to make annual
assessments for
roads.

1844, c. 96.
1849, c. 133, § 7.

Assessments
when made,
how published.

1844, c. 96.
1849, c. 133, § 8.

Agents to be
appointed to
expend money—
give bond.

Taxes may be
paid in labor.

R. S., c. 25, § 51.
1849, c. 133, § 8.

Lands to be sold
by county
treasurer on
failure to pay
within one year.

Notice, how
given.

5 treasurer of state the county treasurer's certificate of such
6 payment, at any time before the sale.

SECT. 34. The county commissioners shall assess upon
2 all unincorporated townships and tracts of land in their
3 counties a sum of money sufficient to keep all county roads
4 in such townships and tracts in good repair, so that the
5 same may be safe and convenient for all purposes of public
6 travel.

SECT. 35. They shall make such assessments on or before
2 the fifteenth day of May in each year. They shall publish
3 a list of the townships and tracts so assessed, specifying
4 the sum assessed on each township or tract, or part thereof,
5 and the roads upon which the same is to be expended, in
6 the state paper, and in some paper, if any, printed in the
7 county where the lands lie, three weeks successively, the
8 last publication to be within three months from the date of
9 the assessment.

SECT. 36. They shall, at the time the assessment is made
2 or within three months thereafter, appoint a suitable agent
3 or agents not members of their board to superintend and
4 direct the expenditure of the sums so assessed. Such
5 agents shall give bond with approved sureties to expend
6 the money faithfully and to render an account thereof on
7 demand. Any owner of lands so assessed may pay his
8 proportion of the assessment to the county treasurer, or in
9 labor upon the road under the direction of the agent within
10 one year from the date thereof. The certificate of the
11 agent of the sum so expended shall discharge the tax for
12 the amount so certified.

SECT. 37. If any owner fails to pay the sum so assessed
2 upon his land within the time aforesaid, so much of his land
3 as is required to raise the amount remaining due with
4 interest at the rate of twenty per cent. per annum, from
5 the time prescribed for the payment of the tax, shall be
6 sold by the county treasurer at public auction to the highest
7 bidder. The list of taxes so remaining due, with the date
8 of the assessment, time of payment, and time and place of
9 sale, shall first be published by the treasurer in the state
10 paper, and one other paper, if any, printed in the county
11 where the lands lie, three weeks successively, the first pub-
12 lication to be at least three months before the time of sale.
13 At the sale no bid shall be taken for less than the amount
14 due for the tax interest and costs. The purchaser of land

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15 sold for state or county taxes shall take the land subject to
 16 state and county taxes imposed upon the same, and the
 17 treasurer shall give him a deed accordingly, subject to be
 18 redeemed by the payment or tender to the purchaser at
 19 any time within two years from the day of the sale of the
 20 sums paid by him with interest at the rate of twenty per
 21 cent. per annum, including any sums subsequently paid by
 22 him for state or county taxes thereon.

May be
 redeemed within
 two years.

1849, c. 133,
 § 8, 9.

SECT. 38. If no person becomes purchaser at such sale,
 2 the land shall be forfeited to the county, subject to all un-
 3 paid state and county taxes thereon. The land may be
 4 redeemed from such forfeiture to the county by payment to
 5 the county treasurer of the sum, for which it was so for-
 6 feited, with interest at the rate of twenty per cent. per
 7 annum at any time within two years from the day of sale.
 8 An entry of such payment upon the books of the county
 9 treasurer shall be a sufficient release and discharge of the
 10 land from such forfeiture. Any owner of the land so sold
 11 shall be entitled to his share in any overplus remaining of
 12 the proceeds of such sale, on exhibiting to the treasurer
 13 satisfactory evidence of his title to the land.

If not sold,
 forfeited to
 county in two
 years after day
 of sale.

1854, c. 86, § 4.

SECT. 39. Purchasers of land sold by reason of the non-
 2 payment of state and county taxes and assessments for
 3 opening, making, and repairing roads, shall have no claim
 4 against the state or county for any defect in the title under
 5 such sale, notwithstanding any irregularities in the proceed-
 6 ings, or failure to comply with the provisions of law under
 7 which the sales were made. The deeds given pursuant to
 8 sales made for non-payment of state and county taxes shall
 9 vest in the grantee the title of the state, or of the county,
 10 to the lands sold subject to the conditions of sale, and no
 11 more.

Purchasers
 acquire title of
 the state only,
 and have no
 claim on the
 state.

1852, c. 272.

SECT. 40. Any owner, part owner, tenant in common, or
 2 other person having a legal interest in any tract so adver-
 3 tised, sold, or forfeited, may redeem his interest by paying
 4 within the times prescribed the amount so required to dis-
 5 charge the claim upon his interest in the land. The rate
 6 of interest upon unpaid state and county taxes, and taxes
 7 assessed by county commissioners for opening, making, and
 8 repairing roads, shall be twenty per cent., and shall com-
 9 mence at the expiration of one year from the date of the
 10 assessments.

Part owner may
 redeem his
 share.

1849, c. 125, § 4.

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ARTICLE III. *The assessment of taxes in incorporated places.*

Treasurer of
state to send
warrants to
sheriffs for
assessments on
towns.

SECT. 41. When any state tax is imposed and is required
2 to be assessed by the proper officers of the several towns
3 and plantations in the state, the treasurer of state shall
4 send such warrants, as he shall from time to time be ordered
5 to issue for the assessment of such tax, enclosed to the
6 sheriffs of the different counties, whose duty it shall be to
7 transmit the same to the assessors of the several towns and
8 organized plantations in their respective counties according
9 to the directions thereof.

R. S., c. 14, § 11.

County
commissioners
to make annu-
ally estimates
for county
taxes.

SECT. 42. 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 Jan-
4 uary annually, shall make up and prepare estimates of the
5 sums necessary to defray the expenses, which have accrued
6 or may probably accrue for one year from said day, includ-
7 ing the building and repairing of jails, court houses and
8 appurtenances, with the debts owed by such counties.

R. S., c. 14, § 12.

Estimates to be
recorded and
transmitted to
secretary of
state.

SECT. 43. Said estimates shall be recorded by the clerk
2 of said commissioners in a book provided and kept for that
3 purpose; and a copy of said estimates shall be signed by the
4 chairman of the county commissioners and attested by their
5 clerk, who shall transmit the same to the office of the secre-
6 tary of state, on or before the first day of January, annu-
7 ally, to be by him laid before the legislature.

R. S., c. 14, § 13.

County
commissioners
to apportion
sums to be
assessed and
issue warrants
to assessors.

SECT. 44. When a county tax is authorized the county
2 commissioners shall apportion the same upon the towns and
3 other places according to the last state valuation, and issue
4 their warrant to the assessors requiring them forthwith to
5 assess the sum apportioned to their town or place, and to
6 commit their assessment to the constable or collector for
7 collection.

R. S., c. 14, § 14.
1845, c. 159, § 18.

Assessments not
legal, unless
sums raised at a
legal meeting.
R. S., c. 14, § 15.

SECT. 45. No assessment of a tax by a town or parish
2 will be legal, unless the sum assessed be raised by vote of
3 the qualified voters at a meeting legally called and notified.

Assessors to give
notice to bring
in lists of taxable
property.

SECT. 46. A convenient time before making any assess-
2 ment the assessors shall give seasonable notice in writing
3 to the inhabitants by posting up notifications in some public
4 place in the town, or notify the inhabitants in such other
5 way, as the town may at its annual meeting direct, to make
6 and bring in to them true and perfect lists of their polls
7 and all their estates real and personal, not by law exempt

8 from taxation, which they were possessed of at such CHAP. 6.
 9 periods, as the legislature from time to time orders and R. S., c. 14, § 17.
 10 directs.

SECT. 47. If any person after such notice does not bring If no lists, no
appeal for
abatement.
 2 in such lists, he shall be thereby barred of his right to make
 3 application to the county commissioners for any abatement
 4 of the assessment on him, unless he makes it appear to such
 5 commissioners, that he was unable to offer such list at the R. S., c. 14, § 18.
 6 time appointed.

SECT. 48. The assessors, or either of them, may require Person present-
ing list may be
required to make
oath to it.
 2 the person presenting such list to make oath, that the same
 3 is true, which either of the assessors may administer; and
 4 such list, being exhibited on oath, shall be a rule for that R. S., c. 14, § 19.
 5 person's proportion of the tax.

SECT. 49. The assessors of the town or plantation for the Abatements may
be made within
one year.
 2 time being on application within two years from the assess-
 3 ment may make such reasonable abatement, as they think R. S., c. 14, § 20,
1844, c. 123, § 20.
 4 proper.

SECT. 50. If they refuse to make any abatement, the com- Appeal to
county
commissioners.
 2 plainant may apply to the county commissioners at their
 3 next meeting, and if they think he is overrated, he shall be
 4 relieved by them, and be reimbursed out of the town treas-
 5 ury so much of his tax as the commissioners shall abate
 6 with incidental charges. And the commissioners may re-
 7 quire the assessors or town clerk to produce the valuation,
 8 by which the assessment was made, or a copy of it. If the
 9 complainant fails in his application, the commissioners shall
 10 allow the same costs to the town as to a prevailing party
 11 in a suit at law in the supreme judicial court, and shall issue R. S., c. 14, § 21.
1852, c. 252.
 12 their warrant of distress for the collection thereof against
 13 the complainant.

SECT. 51. The assessors so chosen and sworn shall assess Assessments to
be made accord-
ing to rules
prescribed.
 2 upon the polls and estates within such town their due pro-
 3 portion of any tax, according to the rules in the then last
 4 act for raising a state tax and in this chapter, and make
 5 perfect lists thereof under their hands, and commit the
 6 same to the constable or collector of their town, if any,
 7 otherwise to the sheriff of the county or his deputy, with a
 8 warrant under their hands of the form hereinafter pre- R. S., c. 14, § 22.
 9 scribed.

SECT. 52. All county and town taxes shall be assessed County and
town taxes
assessed by
same rules.
 2 and apportioned by the assessors of the several towns upon
 3 the polls and estates within the same according to the rules R. S., c. 14, § 23.
 4 prescribed in the preceding section.

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State and county
may be added to
other taxes.

R. S., c. 14, § 24.
1843, c. 2.

Overlay not
more than five
per cent.

R. S., c. 14, § 25.

Record to be
made of assess-
ment and
invoice and
deposited.

R. S., c. 14, § 26.

Certificate to be
sent to treasurer
of state.

R. S., c. 14, § 27.

And to treasurer
of the county.

R. S., c. 14, § 28.

Selectmen
to be assessors
in certain
events.

R. S., c. 14, § 29.

Penalty for
neglect to choose
selectmen and
assessors.

R. S., c. 14, § 30.

When no
assessors county
commissioners
may appoint.

SECT. 53. The assessors of any town or plantation may
2 add their proportion of the state and county tax to any of
3 their other taxes, and make out warrants and certificates
4 accordingly, in which case one warrant shall be sufficient.

SECT. 54. The assessors are empowered to apportion on
2 the polls and estates such additional sum over and above
3 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
6 sum committed; and they shall certify that fact to the
7 treasurer of such town or plantation.

SECT. 55. The assessors shall make a record of their
2 assessment and of the invoice and valuation, from which it
3 was made, and before the taxes are committed to the proper
4 officer for collection deposit the same, or a copy thereof, in
5 the assessors' office, when any such is kept, otherwise with
6 the town clerk, there to remain; and any place, where the
7 assessors usually meet to transact business and keep their
8 papers or books, shall be considered their office for the
9 purposes aforesaid.

SECT. 56. As soon as the assessors of any town have
2 assessed any state tax and committed the same with a war-
3 rant for its collection to the proper officer, they shall return
4 a certificate thereof to the state treasurer with the name of
5 such officer.

SECT. 57. When they have assessed and committed for
2 collection to the proper officer any county tax, they shall
3 return a certificate of the fact to the county treasurer with
4 the name of the officer to whom it was committed.

SECT. 58. If any town does not choose assessors, or if so
2 many of them refuse to accept, that there are not such a
3 number as the town has required, the selectmen shall be the
4 assessors, and each of them shall be sworn to a faithful dis-
5 charge of his duty as assessors, and each selectman and
6 assessor shall be paid for his services one dollar for every
7 day he is necessarily employed in the service of the town.

SECT. 59. If any town neglects to choose selectmen or
2 assessors, the default being made known to the supreme
3 judicial court for the county, it shall forfeit and pay a sum
4 not exceeding three hundred, nor less than one hundred
5 dollars, as said court orders for the use of the state.

SECT. 60. In such case, and also when neither the select-
2 men nor assessors chosen by any town accept the trust, the
3 county commissioners are empowered to appoint three or

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4 more suitable persons in the county to be assessors of
 5 taxes, and such assessors, being duly sworn, shall assess
 6 upon the polls and estates within the town their due pro-
 7 portion of state and county taxes together with the said
 8 penalty, where the town makes default as aforesaid, and
 9 such sum as will answer their own reasonable charges for
 10 time and expense in said service not exceeding one dollar
 11 per day for each man; and shall issue a warrant under their
 12 hands for collecting the same, and transmit a certificate
 13 thereof to the treasurer of the state with the name of the
 14 person, to whom the warrant is committed; and the assess-
 15 ors shall be paid their charges as adjusted by the commis-
 16 sioners out of the state treasury.

Proceedings
thereon.

R. S., c. 14, § 31.

SECT. 61. All assessors chosen or appointed as above
 2 provided shall duly observe all such warrants, as they
 3 receive while in office from the state treasurer, or the
 4 county commissioners of the county in which they reside.

Such assessors
to obey warrants.

R. S., c. 14, § 32.

SECT. 62. Assessors shall on or before the day fixed for
 2 the payment of a state tax transmit to the treasurer of
 3 state the name of the collector, to whom such tax has been
 4 committed for collection. When this duty is not performed
 5 and the tax or any part of it remains unpaid for sixty days
 6 after the time fixed, the warrant of said treasurer to collect
 7 of the inhabitants of such town or place the amount unpaid
 8 shall be issued to the sheriff or his deputy.

Assessors to
transmit to state
treasurer name
of collector.

Treasurer to
issue warrant if
tax not paid.

1856.

SECT. 63. If the assessors of any town refuse or neglect
 2 to assess any state tax apportioned on such town, and which
 3 they were required by the state treasurer's warrant to
 4 assess, they shall forfeit and pay the full sum mentioned in
 5 such warrant to the use of the state, and the treasurer of
 6 the state shall issue his warrant to the sheriff of the county
 7 to levy the said sum by distress and sale of the estate, real
 8 and personal, of such deficient assessors.

Penalty for
neglect to make
assessments of
state tax.

R. S., c. 14, § 33.

SECT. 64. If such assessors neglect to assess the amount
 2 of the county tax required in the warrant of the county
 3 commissioners to be assessed by them, they shall forfeit
 4 that sum to the use of said county, and the same shall be
 5 levied by sale of the estate, real and personal, of such
 6 assessors by virtue of a warrant issued by the county treas-
 7 urer to the sheriff of the county for that purpose.

Same as respects
county tax.

R. S., c. 14, § 34.

SECT. 65. If the sheriff cannot find property of said
 2 assessors to satisfy the sum due on either of said warrants,
 3 he may arrest their bodies and imprison them, until they
 4 pay the same.

Assessors may
be arrested.

R. S., c. 14, § 35.

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Other assessors
may be
appointed.

R. S., c. 14, § 36.
1841, c. 1, § 2.

Towns
neglecting for
five months to
assess, treasurer
to issue warrant
to sheriff to
collect.

R. S., c. 14, § 37.

For like neglect
treasurer of
county to issue
warrant.

R. S., c. 14, § 33.

Warrants to be
issued to collect
of inhabitants,
if not collected
of assessors.

SECT. 66. The county commissioners of the county, in
2 which such assessors dwell, shall forthwith appoint other
3 proper persons to be assessors of such state and county
4 taxes; and such newly appointed assessors shall be sworn
5 to perform the same duties, and be liable to similar penal-
6 ties, as the former assessors.

SECT. 67. If the inhabitants of any town, from which a
2 state tax is required, neglect for the space of five months,
3 after having received the state treasurer's warrant for
4 assessing it, to choose assessors to assess it, and cause the
5 assessment thereof to be certified to such treasurer for the
6 time being, such treasurer shall issue his warrant under his
7 hand to the sheriff of the same county, who shall proceed to
8 levy such sums on the property, real or personal, of any
9 inhabitants of such town observing the regulations provided
10 for satisfying warrants against deficient collectors, as here-
11 inafter prescribed. But if the assessors of said town within
12 sixty days from the receipt of a copy of such warrant from
13 the officer deliver to him a certificate according to law of
14 the assessment of the tax or taxes required by the warrant,
15 and pay the officer his legal fees, he shall forthwith trans-
16 mit the certificate to the state treasurer, and return the
17 warrant unsatisfied.

SECT. 68. 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
5 from the time they received the county commissioners' war-
6 rant for assessing the same, shall issue his warrant to the
7 sheriff of the same county requiring him to levy and collect
8 the sum mentioned in such warrant; and the sheriff shall
9 execute the same, observing the regulations mentioned in
10 the preceding section, subject to the condition therein
11 named.

SECT. 69. If the inhabitants of any town qualified to vote
2 in town affairs, from which any state or county tax is re-
3 quired, choose assessors, who neglect to assess the tax
4 required by the warrant issued to them, or to re-assess any
5 tax on the failure of any collector, and to certify the assess-
6 ment as the law directs, and the estates of such assessors
7 are found insufficient to pay such taxes in the manner
8 already provided, the treasurer of state, or the treasurer of
9 the county, as the case may be, for the time being, is
10 directed to issue his warrant to the sheriff of the same

11 county requiring him to levy by distress and sale so much
 12 of the sums mentioned in said warrants, as the estates of
 13 the assessors shall be insufficient to pay, on the real and
 14 personal estates of any inhabitants of the deficient town;
 15 which warrants the sheriff or his deputy shall execute
 16 observing all the provisions mentioned in the forty-third
 17 section.

R. S., c. 14, § 39.

SECT. 70. All plantations, which are from time to time
 2 ordered by the legislature to pay any part of the public
 3 taxes, are vested with the same power as towns are, so far
 4 as relates to the choice of clerk, assessors, and collectors of
 5 taxes; and any person, who is chosen an assessor in any
 6 such plantation and refuses to accept the said office or to
 7 take the oath, after due notice, required by law to be taken
 8 by assessors of taxes in towns, shall be liable to the same
 9 penalties to be recovered in the same manner as mentioned
 10 in the following section.

Plantations
taxed invested
with the powers
of towns for
such purpose.

R. S., c. 14, § 40.

SECT. 71. If any assessor of taxes, after being chosen and
 2 notified to take the oath of an assessor according to law,
 3 without any reasonable excuse refuses to be sworn, he shall
 4 forfeit and pay fifteen dollars to the use of the town to be
 5 recovered by their treasurer for the time being by an action
 6 of debt before any justice of the peace.

Penalty on
assessors for
refusing to be
sworn.

R. S., c. 14, § 41.

SECT. 72. The selectmen of such towns and the assessors
 2 of plantations in the case mentioned in the two preceding
 3 sections shall forthwith call a meeting of such town or plant-
 4 ation to elect some other person as assessor in the place
 5 of the one chosen, who had refused to accept the office.

Meetings called
to elect others.

R. S., c. 14, § 42.

SECT. 73. If any of the plantations mentioned in the sev-
 2 entieth section neglect to choose a clerk, assessors, and
 3 collector of taxes as aforesaid, or if the assessors chosen
 4 are remiss or neglect their duty, such plantation shall be
 5 subject to the same penalties as towns deficient in the same
 6 respect, and shall be proceeded with in the same manner.

Plantations
subject to same
penalties as
towns.

R. S., c. 14, § 43.

SECT. 74. The clerk, assessors, and collectors of planta-
 2 tions, shall be duly sworn in the same manner as similar
 3 officers chosen by a town, and be entitled to the same com-
 4 pensation, unless otherwise agreed.

Officers of
plantations to be
sworn.

R. S., c. 14, § 46.

SECT. 75. When a state or county tax is laid or appor-
 2 tioned on a place not incorporated or organized, the state
 3 treasurer or county commissioners of that county may issue
 4 their warrant to one of the principal inhabitants command-
 5 ing him to notify the other inhabitants of such place quali-
 6 fied to vote for governor to assemble on a day and at a

When a tax is
laid on a place
not incorporated,
county
commissioners
may cause it to
be organized as
a plantation.

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7 place named in the warrant to choose the officers required
 8 in a plantation. Notice of such meeting is to be given by
 9 posting an attested copy of the warrant in two public and
 10 conspicuous places in the place fourteen days before the
 11 day of meeting. The warrant with such inhabitant's returns
 12 thereon is to be returned to the meeting; when the officers
 13 shall be chosen and sworn. If the inhabitant, to whom the
 14 warrant is directed fails to perform the duties required of
 15 him, he shall forfeit the sums due for state and county
 16 taxes to be recovered by the treasurer, to whom the tax is
 17 payable.

R. S., c. 14,
 § 44, 45.
 1849, c. 133.

Assessors to
 make a list of
 polls, &c.,
 R. S., c. 14, § 47.

Officers of
 plantations to be
 chosen annually.

R. S., c. 14, § 48.
 1853, c. 42, § 1.

Penalty for
 neglect to be
 sworn.

R. S., c. 14, § 49.

Lands may be
 assessed to
 owners or
 tenants.

Part owners
 may be taxed
 and pay
 separately.

R. S., c. 14, § 51.
 1847, c. 1, § 2.

SECT. 76. The assessors shall thereupon take a list of
 2 the ratable polls, and a valuation of the estates of the
 3 inhabitants of the plantation.

SECT. 77. The assessors of such plantations shall have
 2 power to issue their warrants for meetings of the inhabi-
 3 tants in March, annually, for the choice of all proper
 4 officers, who shall be sworn by the moderator or some
 5 justice of the peace; and every moderator shall be bound
 6 to notify the plantation officers to appear before some
 7 justice of the peace within seven days from the time of
 8 their choice to take the necessary oaths of office on pain
 9 of forfeiting ten dollars for his neglect.

SECT. 78. Such plantation officer neglecting to take the
 2 oath of office when notified as aforesaid shall be liable to
 3 the same penalties as town officers so neglecting to be
 4 recovered in the same manner.

SECT. 79. Improved lands and all real estate, or such as
 2 is usually denominated real but which is made personal by
 3 statute, may be taxed to the tenant in possession, or to the
 4 owner, whether living in the state or not; and the assessors
 5 shall assess such estate in the city town or plantation where
 6 the same is situated; and when any tax is assessed on
 7 lands, either by act of the legislature, by the county com-
 8 missioners, or by the assessors of any town or plantation,
 9 and such lands are owned, or claimed to be owned, by more
 10 than one person, in common and undivided, or in severalty,
 11 any person may furnish the collector, or treasurer, to whom
 12 the tax is to be paid, with an accurate description of his
 13 part of said land, if held in severalty, or of the amount of
 14 his interest, if held in common, and pay such collector or
 15 treasurer his proportion of such tax; and upon such pay-
 16 ment the land of such person or his interest therein shall
 17 be held free of all claim and lien created by such tax.

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SECT. 80. When the owner of any lands died seized thereof, and they are not distributed among his heirs, or taken possession of by the devisees, the assessors of the town or plantation, in which they lie, may assess any legal taxes thereon to the executors or administrators of the deceased, and such assessment shall be enforced and collected of them, in the same manner as taxes assessed against them in their private and individual capacity may be enforced and collected; which shall be a charge against the estate, and allowed with other necessary charges by the judge of probate.

Lands of persons deceased may be taxed to executors or administrators.

R. S., c. 14, § 52.

SECT. 81. When such executor or administrator gives notice to the assessors, that there are no funds of the estate in his hands wherewith to pay such taxes, and furnishes to the assessors the names of the heirs, and the proportions of their interest in the estate to the best of his knowledge, the taxes shall no longer be assessed to him.

They may be relieved by giving notice.

1850, c. 7, § 1.

SECT. 82. When any assessors after completing the assessment of any tax discover, that by mistake they have omitted any polls or estate liable to be assessed, they may for the term during which they were elected by a supplement to the invoice and valuation and the list of assessments assess such polls and estate their proportion of such tax according to the principles, on which the assessment was made certifying, that they were omitted by mistake. And such supplemental assessments shall be committed to the collector with a certificate under the hands of the assessors stating, that they were omitted by mistake, and that the powers in their previous warrant, naming the date of it, are extended to such supplemental list; and the collector shall have the same power, and be under the same obligations to collect the same, as if they had been contained in the original list; and all assessments shall be valid, notwithstanding that by such supplemental list the whole amount shall exceed the sum to be assessed by more than five per cent., or alter the proportion of tax allowed by law to be assessed on the polls.

Supplementary assessments may be made to correct mistakes.

R. S., c. 14, § 53.

SECT. 83. When assessors continue to assess any real estate to the person to whom it was last assessed, such assessment shall be valid, though the ownership or occupancy has been changed, unless previous notice is given of such change, and of the name of the person to whom the same has been transferred or surrendered; and a tenant in common, or joint tenant, may be considered sole owner for

Assessments may continue to be made to same person till notice given.

Tenant in common considered owner.

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R. S., c. 14, § 54.

Property of
manufacturing
corporations
taxed where
used, and may
be to the person
in possession.

the purpose of taxation, unless he notifies the assessors what his interest is.

SECT. 84. The buildings lands and all other property, not exempted by law from taxation, belonging to any corporation, established for the purpose of carrying on any kind of manufacture, where the same is made personal property by the act of incorporation, and all stock employed in factories, shall be taxed in the town or place where the corporations are established, and where the stock employed in factories is manufactured; and the tax shall be assessed to the corporations, or to any person or persons who have their property and stock in possession; and there shall be a lien on such property and stock for the payment of such tax for one year after it is assessed with the right to sell the same or so much thereof as may be necessary for the payment of taxes, as in other cases, and the shares of the capital stock of said corporations shall be exempted from taxation to the owners thereof.

1853, c. 36.

Assessors
responsible for
personal
faithfulness
only.

SECT. 85. The assessors of towns, plantations, school districts, parishes, and religious societies, shall not be responsible for the assessment of any tax, which they are by law required to assess; but the liability shall rest solely with the corporations, for whose benefit the tax was assessed, and the assessors shall be responsible only for their own personal faithfulness and integrity.

R. S., c. 14, § 56.

ARTICLE IV. *The collection of taxes in incorporated places.*

Form of warrant
for collection of
state taxes.

SECT. 86. The warrant to be issued by the selectmen or assessors for the collection of the state taxes shall be in substance, as follows:

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

GREETING:!!

In the name of the State of Maine you are hereby required to levy and collect of the several persons named in the list herewith committed unto you, each one his respective proportion therein set down, of the sum total of such list, it being this town's proportion of the state tax for the year 18—; and you are to transmit and pay in the same unto —, treasurer of the state, or to his successor in that office, and to complete and make up an account of your collections of the whole sum on or before the — day of 15 —. And if any person refuses or neglects to pay the sum he is assessed in the said list, to distrain the goods or

17 chattels of such person to the value thereof; and the dis-
 18 tress so taken to keep for the space of four days at the
 19 cost and charge of the owner; and if he does not pay the
 20 sum so assessed within the said four days, then you are to
 21 sell at public vendue the distress so taken for the payment
 22 thereof with charges; first giving forty-eight hours notice
 23 of such sale by posting up advertisements thereof in some
 24 public place in the town (or plantation, as the case may
 25 be;) and the overplus arising by such sale, if any, besides
 26 the sum assessed and the necessary charges of taking and
 27 keeping the distress you are immediately to restore to the
 28 owner; and for want of goods and chattels, whereon to
 29 make distress, besides those implements, tools and articles
 30 of furniture, which are by law exempt from attachment of
 31 debt, for the space of twelve days, you are to take the
 32 body of such person so refusing or neglecting and him com-
 33 mit unto the common jail of the county, there to remain
 34 until he pays the same or such part thereof, as shall not be
 35 abated by the assessors for the time being, or the county
 36 commissioners for the said county.

37 Given under our hands, by virtue of a warrant from the
 38 treasurer aforesaid, this — day of —.

39 } Assessors.

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

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

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

52 } Assessors.

SECT. 87. The warrant to be issued for the collection of
 2 county town or plantation taxes shall also be made out by
 3 the assessors thereof in the same tenor changing those
 4 parts, which should be changed to adapt it to the particular
 5 case.

R. S., c. 14, § 57.
 1850, c. 205.

Form of warrant
 for county and
 town taxes same
 in substance.

R. S., c. 14, § 58.

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New warrant
issued in case of
loss.

R. S., c. 14, § 59.

Collectors may
be chosen, if
not, constables
collect.

R. S., c. 14, § 60.

Fees of collector.

R. S., c. 14, § 61.

Collector to
obey direction of
his warrant.

R. S., c. 14, § 62.

To give
approved
bond.

R. S., c. 14, § 63.

If collector dies
assessors to
appoint one.

R. S., c. 14, § 64.

Plantations may
choose
collectors.

R. S., c. 14, § 65.

SECT. 88. When an original warrant issued by any assess-
ors and delivered to any constable or collector for the col-
lection of any tax has been lost or destroyed by accident,
the assessors may issue a new warrant for the above pur-
pose, which shall have the same force as the original war-
rant.

SECT. 89. The qualified voters of any town, when they
choose constables, may also choose a collector or collectors
of taxes, and agree what sum shall be allowed as a compen-
sation for the performance of the duties of such office; but
if such collector or collectors so chosen refuse to serve, or
if none are chosen, then the constable or constables of such
town shall collect the taxes.

SECT. 90. In case of distress or commitment for the non-
payment of taxes the officer shall be entitled to the same
fees which sheriffs are entitled to for levying executions,
saving that the travel in case of distress shall be computed
only from the dwelling house of the officer making such dis-
tress to the place, where it is made.

SECT. 91. Every collector of taxes or constable, who is
required to collect taxes, shall receive a warrant from the
selectmen or assessors of the kind before mentioned in this
chapter, and shall faithfully obey the directions therein con-
tained.

SECT. 92. The assessors shall require such constable or
collector to give bond for the faithful discharge of his duty
to the inhabitants of the town in such sum and with such
sureties, as the selectmen approve; and bonds of collectors
of plantations shall be given to the inhabitants thereof,
approved by the assessors, conditioned that they will faith-
fully perform the duties mentioned in the warrant for collec-
tion of said taxes.

SECT. 93. In case any constable or collector dies before
perfecting the collection of any assessment, the assessors
for the time being of such town or plantation shall appoint
at the charge of the same some suitable person to perfect
the collection, and grant him a sufficient warrant for that
purpose.

SECT. 94. All plantations, which from time to time are
ordered by the legislature to pay any proportion of the
public taxes, are hereby vested with all the powers, so far
as relates to the choice of constables and collectors and
requiring bonds from the same, as in case of towns.

SECT. 95. If any person refuses to pay the sum assessed
 2 as his proportion of any tax, the constable or collector, to
 3 whom such tax is committed with a warrant to collect the
 4 same, is hereby authorized and directed to distrain the per-
 5 son so refusing by his goods and chattels; and the distress
 6 so taken to keep for the space of four days at the expense
 7 of the owner, and if he do not pay the sum assessed on him
 8 within that time, then the distress so taken shall be openly
 9 sold at vendue by such officer for the payment of such sum,
 10 notice of such sale being posted up in some public place in
 11 the same town forty-eight hours before the expiration of
 12 said four days.

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Collectors to
distrain, if taxes
not paid.

R. S., c. 14, § 66.

SECT. 96. The officer, after deducting the amount of the
 2 tax and the expenses of sale, shall restore the overplus to
 3 the former owner with an account in writing of the sale
 4 and charges.

Overplus to be
restored.

R. S., c. 14, § 67.

SECT. 97. If the person so assessed, for the space of
 2 twelve days after demand of the same, refuses or neglects
 3 to pay said sum, and to show the constable or collector
 4 sufficient goods and chattels, whereby the sum may be levied,
 5 such constable or collector may arrest his body and commit
 6 him to jail, till he pays said sum, or is discharged by order
 7 of law.

After twelve
days notice
collectors may
arrest and
imprison.

R. S., c. 14, § 68.

SECT. 98. If in the opinion of the assessors there are
 2 just grounds to fear that any person assessed as aforesaid
 3 may abscond before the end of said twelve days, the con-
 4 stable or collector may demand immediate payment, and on
 5 refusal he may commit him as aforesaid.

May before, if
about to
abscond.

R. S., c. 14, § 69.

SECT. 99. When any tax is made payable at two or more
 2 several days, and any person, who is an inhabitant of any
 3 town at the time of making such tax and assessed therein,
 4 is about to remove from such town before the time fixed
 5 for any payment, the collector or constable may demand and
 6 levy the whole sum thus assessed, though the time for col-
 7 lecting any subsequent part of said tax has not then
 8 arrived; and in default of payment he may distrain for the
 9 same, or take such other course as is provided in the
 10 seventy-second section.

When payable
by instalments,
whole may be
demanded of one
about to remove.

R. S., c. 14, § 70.

SECT. 100. When new constables or collectors are chosen
 2 and sworn in any town before the former officers have per-
 3 fected their collections, the latter are empowered and
 4 required to perfect all such collections, as if the others had
 5 not been chosen and sworn.

Former
collectors to
complete
collections.

R. S., c. 14, § 71.

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Collectors may
distrain shares
in a corporation.

R. S., c. 14, § 72.

Duties of officers
of the
corporation.

R. S., c. 14, § 73.

Collectors may
collect in any
part of state of
persons
removed.

R. S., c. 14, § 74.

In what cases
collector may
sue for taxes.

R. S., c. 14, § 75.

Assessments not
void, if include
sums raised for
an illegal object.
Person paying
may recover of
town.

R. S., c. 14, § 88.

Collections how
made, of non-

SECT. 101. For non-payment of taxes the collector or
2 constable may distrain the shares owned by the delinquent
3 in the stock of any corporation; and upon such seizure the
4 same proceedings may be had as when like property is
5 seized and sold on execution.

SECT. 102. The proper officer of any such corporation,
2 upon request of such constable or collector, shall give him a
3 certificate of the shares or interest owned by such person
4 in such corporation, and issue to the purchaser certificates
5 of shares owned by such person according to the by-laws
6 of such corporation.

SECT. 103. When any person taxed in any town, in which
2 he was living at the time of assessment, removes therefrom
3 before paying the sums assessed upon him, the constable or
4 collector to whom such assessment is committed for collec-
5 tion may demand the same of him in any part of the state,
6 and upon his refusal to pay the same may distrain such
7 person by his goods, and for want of such distress, may
8 commit him to the common jail of the county where he is
9 found there to remain until such tax is paid.

SECT. 104. When any person duly assessed in any tax
2 in any town or parish dies before its payment, or removes
3 from the town or parish, where he resided when he was so
4 assessed, to any other town or place in the state, and when
5 any unmarried woman being duly assessed as aforesaid
6 intermarries before the payment of the tax, the constable
7 or collector may sue for the taxes in his own name, and
8 recover the same in action of debt, as other debts may be
9 recovered; but shall recover no costs, unless he demanded
10 the tax before bringing the action.

SECT. 105. If any sum of money is assessed, which was
2 not granted and voted for a legal object, with other moneys
3 legally granted and voted, the assessment shall not thereby
4 be void; nor shall any error mistake or omission by the
5 assessors, collector, or treasurer, render it void; but any
6 person paying any such tax may bring his action against
7 the town in the supreme judicial court for the county, in
8 which such town lies, and shall be entitled to recover the
9 sum he was assessed for such illegal object with twenty-five
10 per cent. interest and costs; and he may recover of the
11 town for any damages he has actually sustained by reason
12 of the mistakes errors or omissions of the officers aforesaid.

SECT. 106. When the owner of improved lands living in
2 this state, but not in the town where the estate lies, is

CHAP. 6.

3 taxed, and neglects for six months after the lists of assess-
 4 ment are committed to an officer for collection to pay and
 5 discharge the same, such officer may distrain him by his
 6 goods and chattels, and for want thereof commit him to the
 7 common jail for the county where he is found.

residents of
improved land.

R. S., c. 14, § 91.

SECT. 107. Or such officer, after two months notice in
 2 writing given to such person, may sue him for such taxes
 3 in his own name in an action of debt.

May be sued
after two months
notice.

R. S., c. 14, § 92.

SECT. 108. When the owner or possessor of horses, mules,
 2 neat cattle, sheep or swine, resides in any other city town
 3 or plantation, than the one in which such animals are kept
 4 and taxed, the constable or collector to whom any assess-
 5 ment on such animals is committed for collection may
 6 demand the same of such owner or possessor in any part of
 7 the state, and upon his refusal to pay the same may dis-
 8 train him by his goods, and for want thereof may commit
 9 him to the common jail of the county where he is found
 10 there to be detained until such tax is paid, or he is thence
 11 delivered by due course of law.

Taxes on
animals of
non-resident,
how collected.

1850, c. 190.

SECT. 109. Any collector impeded in collecting taxes in
 2 the execution of his office may require proper persons to
 3 assist him in any town, where such aid may be necessary,
 4 and any person refusing when so required shall on com-
 5 plaint pay a fine not exceeding six dollars at the discretion
 6 of the justice before whom the conviction is had; *provided*
 7 it appears, that such aid was necessary; and on default of
 8 payment the justice may commit the offender to jail for
 9 forty-eight hours.

Collectors may
demand aid.

Penalty for
refusing.

R. S., c. 14, § 93.

SECT. 110. Every collector of taxes shall once in two
 2 months at least exhibit to the selectmen, and where there
 3 are none to the assessors of his town, a just and true
 4 account of all moneys received on the taxes committed to
 5 him, and produce the treasurer's receipts for money by him
 6 paid.

Collectors to
exhibit account
of collections
once in two
months.

R. S., c. 14, § 94.

SECT. 111. Any collector of taxes neglecting to perform
 2 the duty required in the preceding section shall forfeit two
 3 and a half per cent. on the sums committed to him to col-
 4 lect to be recovered by such town.

Penalty for
neglecting.

R. S., c. 14, § 95.

SECT. 112. When a collector having taxes committed to
 2 him to collect has removed, or in the judgment of the select-
 3 men assessors or treasurer of a town or committee or
 4 treasurer of a parish is about to remove out of the state
 5 before the time set in his warrants to make payment to
 6 such treasurers respectively, or when the time has elapsed,

Collectors
removed or
about to do so
may be required
to give up tax
bills and settle
up.

CHAP. 6.

R. S., c. 14, § 96.

New warrant
to new collector.

R. S., c. 14, § 97.

Penalty for
refusing to
deliver tax bills.

R. S., c. 14, § 98.

Collector
becoming
incapable,
another
appointed.

R. S., c. 14, § 99.

Sums by him
overpaid to be
restored.R. S., c. 14,
§ 100.Assessors may
in such cases
demand tax lists
and deliver them
to new
collector.R. S., c. 14,
§ 101.

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

SECT. 113. The assessors shall then make out a new war-
2 rant and deliver the same to him with said bills to collect
3 the sums due thereon, and such collector shall have the
4 same power in the collection thereof as the original
5 collector.

SECT. 114. If such collector or constable refuses to deliver
2 the bills of assessment, and pay all moneys collected by
3 him and remaining in his hands, when duly demanded of
4 him, he shall pay a fine of two hundred dollars to the use
5 of the town, plantation, or parish, as the case may be, and
6 besides be liable to pay what shall remain due on said bills
7 of assessment.

SECT. 115. When any constable or collector of taxes
2 becomes insane, has a guardian, or by bodily infirmities is
3 incapable of doing the duties of his office, before completing
4 the collection, the assessors may appoint some suitable
5 person a collector to perfect such collection, and grant him
6 a warrant for the purpose, and he shall have the same
7 power as the disqualified collector or constable; but no
8 person shall be so appointed to complete the collection,
9 unless by his own request or consent.

SECT. 116. When it appears that such insane or disquali-
2 fied constable or collector has paid to the treasurer, to
3 whom he was accountable, a larger sum than the amount of
4 moneys he has collected from the persons named in his list,
5 the assessors, in their warrant to the new constable or
6 collector by them appointed, shall direct him to pay such
7 overpaid sum to the guardian of such insane, or to such dis-
8 qualified constable or collector.

SECT. 117. Such assessors in the cases aforesaid, and
2 also in case of the decease of a constable or collector
3 before perfecting his collection, may demand and receive
4 the lists of assessment from any person having possession
5 of the same, and deliver the same to the newly appointed
6 collector.

SECT. 118. The state treasurer shall issue his warrant of
 2 distress against any constable or collector, to whom any
 3 tax has been committed for collection, who is remiss and
 4 negligent in his duty in not paying into the public treasury,
 5 from time to time, the money required within the time
 6 limited by law; and he shall direct his warrant under his
 7 hand and seal to the sheriff of the county in which such
 8 negligent officer lives, or to his deputy, returnable in sixty
 9 days from its date, to cause such sum as is due to be levied
 10 with interest thereon from the day fixed for the payment
 11 with fifty cents for the warrant by distress and sale of such
 12 deficient constable or collector's real or personal estate,
 13 returning any overplus there may be, and for want of such
 14 estate to commit the body of such delinquent officer to
 15 prison until he pays the same; which warrant the sheriff is
 16 hereby bound to obey. Warrants not satisfied may be
 17 renewed for the amount unpaid to be of like validity and
 18 executed in like manner.

CHAP. 6.

Treasurer of
state may
issue his warrant
against
delinquent
collectors.

R. S., c. 14,
§ 102, 1856.

SECT. 119. When the time fixed by law for collecting any
 2 state tax has expired, and the same is unpaid, the state
 3 treasurer shall, at the request of the selectmen of any town,
 4 or assessors of any plantation, issue his execution against
 5 the collector of such town or plantation.

Shall do so at
request of
selectmen.

R. S., c. 14,
§ 103.

SECT. 120. If any constable or collector failing as afore-
 2 said has no estate, which can be found on which to make
 3 distress, and his person cannot be found within three months
 4 from the time, when a warrant of distress issues from the
 5 state treasurer; or if being committed to jail, he does not
 6 within three months satisfy the same, the town or planta-
 7 tion, whose collector has so failed, shall within three months
 8 from the expiration of the beforementioned three months
 9 make good to the state treasury the sums due from such
 10 deficient constable or collector.

Town to pay
when its
collector fails
to pay.

R. S., c. 14,
§ 104.

SECT. 121. The assessors of such town or plantation,
 2 having written notice from such treasurer of the failure of
 3 such constable or collector, shall forthwith and without any
 4 further warrant assess the said sum so due upon the inhab-
 5 itants of such town or plantation in the manner, in which
 6 the sum so committed was assessed, and commit the same to
 7 some other constable or collector for collection.

Assessors in
such case to
make a new
assessment.

R. S., c. 14,
§ 105.

SECT. 122. If such assessors neglect so to do, the treas-
 2 urer of the state shall issue his warrant against such negli-
 3 gent assessors for the whole sum so due from such deficient
 4 constable or collector, which shall be executed by the sheriff

If they fail to
do so, warrant
to issue against
them.

CHAP. 6.

If not paid
within three
months warrant
to be issued
against
inhabitants.

R. S., c. 14,
§ 106.

Collector to be
responsible to
town for all
damages.

R. S., c. 14,
§ 107.

When collector
dies administra-
tor to settle
taxes within
two months
after appointed.

R. S., c. 14,
§ 108.

Assessors to
appoint new
collector.

R. S., c. 14,
§ 109.

Administrator
failing to do
his duty,
chargeable with
amount.

R. S., c. 14,
§ 110.

Treasurer to
issue his warrant
against
delinquent
collectors.

Form of it.

5 or his deputy, as other warrants issued by such treasurer.
6 If after such second assessment the tax is not paid to the
7 treasurer within three months from the date of the commit-
8 ment thereof, the treasurer may issue his warrant to the
9 sheriff of the county requiring him to levy the same upon
10 the property real and personal of any of the inhabitants of
11 the town, as is provided in the sixty-seventh section.

SECT. 123. Such deficient collector or constable, for whose
2 default such town or plantation is answerable as aforesaid,
3 shall at all times be answerable in an action by such inhab-
4 itants for all such sums as were assessed upon them by
5 means of his neglect and deficiency, and for all consequent
6 damages.

SECT. 124. If any collector or constable of any town,
2 plantation or parish, dies without having adjusted the
3 accounts of taxes committed to him to collect, his executor
4 or administrator shall within two months after his accept-
5 ance of the trust settle the same with such assessors as to
6 such part as was received by him in his lifetime; with which
7 such executors or administrators shall be chargeable in the
8 same manner as the deceased would be if living.

SECT. 125. The assessors shall thereupon appoint in
2 writing some person a collector to perfect such collection,
3 who is hereby empowered and required to execute such
4 powers as were granted to the former collector.

SECT. 126. If such executor or administrator fails of
2 making up and settling the account of what was received by
3 the deceased as before mentioned within two months after
4 accepting the trust as aforesaid, in case he has sufficient
5 assets in his hands, he shall be chargeable with the whole
6 sum committed to the testator or intestate for collection.

SECT. 127. If the constable or collector of any town,
2 plantation, or parish, to whom any taxes have been commit-
3 ted for collection, neglects to collect and pay the same to
4 the treasurer named in the warrant of the assessors by the
5 time therein stated such treasurer shall issue his warrant
6 returnable in ninety days to the sheriff of the same county
7 or his deputy, who are directed to execute the same, and
8 such warrant shall be in substance as follows:

9 "A. B., treasurer of the — of —, in said county, to
10 the sheriff of the county of —, or his deputy,

11 GREETING.

12 "Whereas, C. D., of — aforesaid, (addition) on the —
13 day of —, being a — of taxes granted and agreed on

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

R. S., c. 14,
§ 111.

SECT. 128. On all executions or warrants of distress
 2 issued by the state treasurer, or the treasurer of any county,
 3 town, plantation, or parish, against any constable or col-
 4 lector and delivered to the sheriff of any county or his
 5 deputy, such sheriff or deputy shall make return of his
 6 doings unto the treasurer, who issued the same, within a
 7 reasonable time after the return day therein mentioned
 8 with the money, if any, that he has received and collected
 9 by virtue thereof. And when the same is returned unsat-
 10 isfied, or satisfied in part only, such treasurer may issue an
 11 alias for such sum as is due on the return of the first; and
 12 so as often as occasion occurs. A reasonable time after
 13 the return day shall be computed at the rate of forty-eight
 14 hours for every ten miles distance from the dwelling-house
 15 of the sheriff or his deputy to the place where the warrant
 16 is returnable.

Sheriff's duty
respecting such
warrant.

R. S., c. 14,
§ 112.

SECT. 129. Any sheriff or deputy sheriff who neglects to
 2 comply with the directions of such warrant, or any of them,

Penalty for
neglect.

CHAP. 6.

R. S., c. 14,
§ 113.

Warrants to be
issued to coroner
when sheriff is
delinquent.

3 shall be liable to pay the whole sum mentioned in such
4 execution or warrant of distress.

SECT. 130. The treasurer of state, and treasurers of
2 counties, towns, plantations and parishes, respectively, are
3 empowered to make out their warrants directed to a coro-
4 ner of the county, where any sheriff is deficient as aforesaid,
5 requiring him to distrain for the same upon the real or per-
6 sonal estate of such deficient sheriff or his deputy, as is
7 before directed with respect to the sheriff or his deputy
8 making distress upon the estate of deficient constables and
9 collectors, which warrants the coroner is required and
10 empowered to execute.

R. S., c. 14,
§ 114.

Property
distrained to be
sold as if seized
on execution.

SECT. 131. Any officer in making sale of any personal
2 property distrained by him by virtue of any warrant from
3 the treasurer of state or county, town, plantation or parish,
4 against any deficient constable or collector, shall proceed in
5 the same manner as in the sale of such property seized on
6 execution.

R. S., c. 14,
§ 115.

Real estate
taken, how sold.

SECT. 132. When a warrant of distress issued by the
2 treasurer of state, or of any county, town, plantation or
3 parish, to the sheriff or his deputy, or to a coroner, is levied
4 on the real estate of any deficient constable, collector, sher-
5 iff or deputy sheriff, for the purpose of being sold, notice
6 of the intended sale shall be given, and of the time and
7 place of sale, fourteen days before such day, by posting ad-
8 vertisements in two or more public places in the town or
9 place where the estate is situated, and also in two adjoining
10 towns.

R. S., c. 14,
§ 116.

Proceedings at
sale.

SECT. 133. On the day and at the place appointed the
2 officer having such warrant shall proceed to sell at public
3 auction all such estate, if necessary, and if not necessary,
4 then so much thereof in common and undivided with the
5 residue, as shall be necessary to satisfy the sum mentioned
6 in the warrant with all legal or reasonable charges.

R. S., c. 14,
§ 117.

Deed made to
convey title.

SECT. 134. Such officer shall make and execute to the
2 purchaser 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.

Warrant not
satisfied,
collector's body
arrested on an
alias.

SECT. 135. In case the proceeds of such sale do not sat-
2 isfy the sum named in the warrant and the necessary ex-
3 penses, the treasurer, who issued such warrant, shall issue
4 an alias warrant for the sum remaining due, and the officer
5 executing the same shall take the body of such deficient col-

CHAP. 6.

6 lector, constable, or deputy sheriff, and proceed as in cases
7 of execution for debt.

R. S., c. 14,
§ 119.

SECT. 136. When such deficient officer is arrested or com-
2 mitted to jail, he shall be entitled to the same degree of
3 liberty, as a debtor committed or arrested on execution
4 upon his giving sufficient bond and to the same privileges,
5 to which he would be entitled by the laws in force respect-
6 ing poor debtors, if he had been committed or arrested on
7 an execution in favor of a private individual creditor.

Collector to have
privileges of a
common
debtor.

R. S., c. 14,
§ 120.

SECT. 137. When any constable or collector of taxes is
2 taken on execution by virtue of this chapter, the assessors
3 may demand and receive of him a true copy of any of the
4 assessments, which he received of them and then has in his
5 hands unsettled with the whole evidence of all payments
6 made on the same assessments; and on compliance with
7 this demand he shall receive such credit as the assessors on
8 inspection of the assessment adjudge him entitled to, and
9 for the balance he shall be held accountable.

Collector
arrested
assessors may
demand copy
of assessments
and adjust
amount.

R. S., c. 14,
§ 121.

SECT. 138. The same town plantation or parish may pro-
2 ceed to the choice of another collector, at any time, to com-
3 plete the collection of the assessments, and he shall be duly
4 sworn and give such security, as is required of the first
5 collector, and the assessors shall deliver the assessments
6 received back as aforesaid to such new collector with a
7 proper warrant for completing the collection; and he shall
8 proceed accordingly in the manner before prescribed.

Town may at
any meeting
choose another
collector.

R. S., c. 14,
§ 122.

SECT. 139. If any collector or constable taken as afore-
2 said shall refuse on demand made to deliver up to the
3 assessors the assessment committed to him with all evidence
4 of payments, as aforesaid, he shall forthwith, by the officer
5 who took him, or by a warrant from a justice of the peace,
6 be committed to the county jail there to remain until he
7 exhibits and gives up the same as required.

When collector
refuses to deliver
assessment, to
be committed to
jail.

R. S., c. 14,
§ 123.

SECT. 140. In such case the assessors shall take copies
2 of the record of assessments and deliver them to the col-
3 lector chosen in the manner mentioned in the one hundred
4 and twenty-ninth section with their warrant for the collec-
5 tion of the taxes remaining uncollected by the former
6 collector.

Copies in such
case delivered
to new
collector.

R. S., c. 14,
§ 124.

SECT. 141. When the tax of any person named in said
2 assessment does not thereby appear to be paid, but such
3 person declares to the collector, that it had been paid to
4 the former collector, the new collector shall not proceed to
5 distrain or commit such person, unless a vote of such town,

When a person
asserts that his
tax has been
paid,
proceedings.

CHAP. 6.

R. S., c. 14,
§ 125.

Sheriff collects
when no
collector
chosen.

R. S., c. 14,
§ 126.

Plantations to
proceed as
towns when no
collectors or
when they
neglect their
duties.

R. S., c. 14,
§ 127.

Sheriff how to
proceed to
collect.

R. S., c. 14,
§ 128.

Same.

R. S., c. 14,
§ 129.

Proceedings
when body
taken.

6 plantation, or parish is first passed therefor and certified to
7 him by the town plantation or parish clerk.

SECT. 142. When any town neglects to choose any con-
2 stable or collector, or any plantation to choose a collector
3 to collect any state or county tax, the sheriff of the county
4 is hereby authorized and directed to collect the same hav-
5 ing received an assessment made of the proportion of the
6 several persons ratable in such town or plantation with a
7 warrant under the hands of the assessors of such town or
8 plantation duly chosen or appointed by the county commis-
9 sioners, as the case may be.

SECT. 143. When plantations neglect to choose consta-
2 bles or collectors, or if those chosen and accepting their
3 trust neglect their duty, such plantations shall be proceeded
4 with in the same manner as in the case of deficient towns,
5 and such deficient constables or collectors shall be liable to
6 the same penalties, and to be removed in the same manner,
7 as in case of deficient constables and collectors chosen by
8 towns.

SECT. 144. The sheriff or his deputy upon receiving such
2 assessment and warrant for collection, as is mentioned in
3 the two preceding sections, shall forthwith post in some
4 public place in the town or plantation assessed an attested
5 copy of such assessment and warrant, and shall make no
6 distress for any of the sums so assessed till after thirty
7 days from his posting it up; and any person paying the
8 sum assessed on him to such sheriff before the expiration of
9 said thirty days shall pay at the rate of five per cent. over
10 and above the sum assessed to the sheriff for his fees and
11 no more.

SECT. 145. All such as neglect to comply with the provis-
2 ions of the preceding section shall be proceeded against by
3 the sheriff by way of distress and arrest, as collectors are
4 directed to distrain or arrest, and the sheriff or his deputy
5 may require aid for the purpose, and the same fees shall be
6 paid for the travel and service of the sheriff, as in other
7 cases of distress made.

SECT. 146. When any officer appointed to collect assess-
2 ments by virtue of a warrant for want of property takes the
3 body of any person and commits him to prison, he shall
4 give an attested copy of his warrant to the prison keeper,
5 and certify under his hand the sum such person is to pay as
6 his proportion of the assessment with the costs of taking
7 and committing; and that for want of goods and chattels

CHAP. 6.

8 whereon to make distress he had taken his body; and such
 9 copy with the certificate thereon under the hand of the
 10 officer shall be a sufficient warrant to require the prison
 11 keeper to receive and keep such person in custody, till he
 12 pays his assessment and charges and thirty-three cents for
 13 the copy of the warrant; but he shall have the same degree
 14 of liberty and the same privileges, as mentioned in the one
 15 hundred and thirty-sixth section.

R. S., c. 14,
 § 130.

SECT. 147. When any person committed for non-payment
 2 of taxes due to the state or county is discharged from con-
 3 finement by virtue of any act for the relief of poor prison-
 4 ers confined in jail for taxes, the town or plantation, whose
 5 assessors issued the warrant by which the prisoner was
 6 committed, shall pay the whole tax required of such town or
 7 plantation.

When
 discharged
 from arrest
 town liable for
 state and county
 taxes.

R. S., c. 14,
 § 131.

SECT. 148. When any person imprisoned for the non-
 2 payment of his proportion of any tax is discharged from
 3 prison, the collector or constable making such imprisonment
 4 shall not be discharged of the proportion due from such
 5 person, unless the imprisonment was made within one year
 6 next after the commitment of the assessment to such con-
 7 stable or collector, unless the inhabitants of such town or
 8 plantation in legal meeting abate the same to such officer.

Collector liable
 for tax if does
 not commit
 within one year.

R. S., c. 14,
 § 132.

SECT. 149. For the commitment of a person for non-pay-
 2 ment of taxes the officer shall be entitled to the same fees,
 3 to which sheriffs by law are entitled for levying executions,
 4 except that his travel shall be computed only from his
 5 dwelling-house to the place of commitment.

Fees for
 commitment.

R. S., c. 14,
 § 133.

ARTICLE V. *Duties of town treasurers, when appointed col-
 lectors of taxes.*

SECT. 150. The inhabitants of any town or plantation
 2 may in March annually appoint their treasurer a collector of
 3 taxes; and the treasurer so appointed may appoint under
 4 him such number of assistants as may be necessary, and
 5 they shall give bond for the faithful discharge of their duties
 6 in such sum and with such sureties, as the selectmen may
 7 approve, and such collector of taxes shall have like powers,
 8 as are vested in collectors chosen for that purpose.

Towns may
 appoint treasurer
 collector, and
 he may have
 assistants who
 are to give bond.

R. S., c. 14,
 § 134.

SECT. 151. At any meeting, at which they vote to raise
 2 any tax, they may agree not only on the abatement to be
 3 made to persons, who voluntarily pay their taxes to the col-
 4 lector at certain periods, but likewise the length of time

May agree on
 abatement for
 payments at
 stated times.

CHAP. 6.

R. S., c. 14,
§ 135.

Notice thereof
to be given.

R. S., c. 14,
§ 136.

Those paying
at such times
entitled to
abatement.

R. S., c. 14,
§ 137.

No abatement
on failure to do
it.

R. S., c. 14,
§ 138.

Assessors to
deposit
assessment
with treasurer.

R. S., c. 14,
§ 139.

Treasurers'
powers
continued till
collection
completed.

R. S., c. 14,
§ 140.

Treasurer to
give bond.

R. S., c. 14,
§ 141.

To render
account once
in three months.

5 after the commitment of the tax to the treasurer, within
6 which any person by so paying his taxes may be entitled to
7 such abatement.

SECT. 152. A notification of such votes and the time when
2 such taxes were committed shall be posted up by the treas-
3 urer in one or more public places in such town or other
4 corporation aforesaid within seven days after such commit-
5 ment.

SECT. 153. All such inhabitants of any such town or
2 plantation, who voluntarily pay the said collector or his
3 deputy the amount of their taxes at any of the periods
4 mentioned in the notifications of the votes posted up as
5 aforesaid, shall be entitled to an abatement of so much of
6 their taxes, as is specified in such votes to be allowed
7 according to the time of such payment.

SECT. 154. All such taxes, as are not paid agreeably to
2 the provisions of the preceding section, shall be collected
3 by the collector or his deputy agreeably to the other pro-
4 visions of this chapter.

SECT. 155. The assessors of any town or plantation,
2 which may at their annual meeting regulate the collection
3 of their taxes agreeably to the provisions contained in the
4 five preceding sections, shall assess their taxes in due form,
5 and deposit the same in the hands of the treasurer for col-
6 lection, together with their warrant for that purpose, after
7 he is duly qualified together with his deputies.

SECT. 156. All the powers granted in this chapter to
2 treasurers, who are appointed collectors of taxes, shall be
3 extended till the collection of any tax committed to them
4 is completed, notwithstanding the year for which they were
5 appointed had elapsed.

SECT. 157. The selectmen of towns and the assessors of
2 plantations shall require the treasurer of such town or
3 plantation to give bond with sufficient sureties for the
4 faithful performance of the duties of his office, and if he
5 neglects or refuses to give such bond, it shall be deemed a
6 refusal to accept the office, and the town or corporation
7 shall proceed to a new choice, as in case of vacancy.

SECT. 158. Every treasurer shall render an account of
2 the state of the finances of his town or plantation, and
3 exhibit all the books and accounts appertaining to his office,
4 to the selectmen of his town, or assessors of his plantation,
5 or to any committee appointed by such town or plantation
6 to examine said accounts, whenever required. And it shall

7 be the duty of such selectmen or assessors to examine such
8 treasurer's accounts as often as once in three months.

CHAP. 6.

R. S., c. 14,
§ 142.

SECT. 159. The treasurer of any town, who is also col-
2 lector, may issue his warrant to the sheriff of the county, in
3 which such town is situated, or to his deputy, or a constable
4 of the same town, directing him to distrain the person or
5 property of any person, who is delinquent in paying his
6 taxes, after the expiration of the time fixed for payment by
7 vote of the town; which warrant shall be of the same tenor
8 as that prescribed to be issued by selectmen or assessors
9 to collectors changing such parts as ought to be changed
10 returnable to the treasurer in thirty days.

Treasurer may
issue warrant
to sheriff to
collect.

R. S., c. 14,
§ 143.

SECT. 160. When the treasurer being also collector
2 thinks there is danger of losing by delay a tax assessed on
3 any individual, he may distrain the person or property of
4 such individual before the expiration of the time fixed by
5 the vote of the town.

May distrain
before time of
payment when
danger of loss.

R. S., c. 14,
§ 144.

SECT. 161. Before any such officer serves any such war-
2 rant, he shall deliver to the delinquent, or leave at his last
3 and usual place of abode, a summons from said collector
4 and treasurer stating the amount of tax due, and that the
5 same must be paid within ten days from the time of leaving
6 such summons with twenty cents for the use of the officer
7 leaving the summons.

Ten days notice
before distrains.

R. S., c. 14,
§ 145.

SECT. 162. If such sums be not so paid, the officer shall
2 serve such warrant in the same manner as collectors of
3 taxes are authorized to do, and shall receive the same fees
4 as are allowed for levying executions in personal actions.

Powers and fees
same as
collectors.

R. S., c. 14,
§ 146.

ARTICLE VI. *Special provisions.*

SECT. 163. The affidavit of any disinterested person as
2 to posting notifications required for the sale of any land to
3 be sold by the sheriff or his deputy constable or collector,
4 in the execution of his office may be used in evidence in
5 any trial to prove the fact of notice; *provided* such affidavit
6 made on one of the original advertisements or on a copy of
7 the same is filed in the registry of the county or district,
8 where the land lies within six months.

Affidavit of
of person posting
notices of sales
of land evidence.

R. S., c. 14,
§ 147.

SECT. 164. 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 sixty-ninth section, he
4 may maintain an action against such town plantation or
5 parish and recover the full value of the estate so levied on

Person whose
estate is taken
on account of
default of others
have action to
recover for
value.

CHAP. 6.

R. S., c. 14,
§ 148.

Value not
determined by
sale.

R. S., c. 14,
§ 149.

Warrants
returnable in
three months,
and may be
renewed.

R. S., c. 14,
§ 150.

Sheriff have
same power.

R. S., c. 14,
§ 151.

6 with interest at the rate of twenty per cent. from the time
7 it was taken with costs.

SECT. 165. Such value may be proved by any other legal
2 evidence, as well as by the result of any sale under such
3 levy.

SECT. 166. All warrants lawfully issued by a state treas-
2 urer or county treasurer shall be made returnable in three
3 months, and may be renewed for the collection of such sum
4 as appears due upon them when returned including expenses
5 incurred in attempting to collect the same.

SECT. 167. The power and duty of the sheriff shall be
2 the same in executing such alias or pluries warrant, as the
3 original warrant.

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

Non-residents,
taxes on their
lands after nine
months certified
by collector to
treasurer.

1844, c. 123, § 1.

Treasurer to
record and
advertise in state
paper.

1844, c. 123, § 2.

When name of
place changed,
former name
also stated.

R. S., c. 14,
§ 78.

Advertised
three weeks
within three
months.

SECT. 168. When no person appears to discharge the
2 taxes duly assessed on any real estate in any town or plant-
3 ation owned by non-residents within nine months from the
4 date of the assessment, the collector shall make a true copy
5 of so much of the assessment as relates to the taxes due
6 thereon, and certify the same to the treasurer of the town
7 or plantation. All lands taxed to owners unknown shall be
8 deemed to be non-resident lands.

SECT. 169. The treasurer shall record the same in a book
2 kept for that purpose, and advertise in the state paper the
3 names of the owners, if known by him, with the sum of the
4 taxes on their lands respectively; and if the owners be not
5 known by him, he shall publish the taxes on the several
6 rights numbers of lots or divisions with such short descrip-
7 tion, as he can conveniently give containing the substance
8 at least of the description in the inventory upon which the
9 tax was assessed.

SECT. 170. Where the name of the place, in which such
2 lands lie, has been altered by law, or the place itself has
3 been annexed to another town within three years next pre-
4 ceding such advertisement, he shall express not only the
5 present name but that by which it was last known.

SECT. 171. The treasurer shall cause the advertisements
2 aforesaid to be published three weeks successively within
3 three months from the time the collector certifies to him
4 the delinquencies aforesaid, and shall also lodge with the
5 clerk of the town or plantation, where said lands lie, a

6 copy of said advertisement; who shall record the same in
7 the records kept by him.

CHAP. 6.

1844, c. 123, § 3.

SECT. 172. Any person may discharge said taxes after
2 sixty days from the first publication of the treasurer's first
3 notice, and within two years from the date of the assess-
4 ment by paying to the treasurer the taxes with interest at
5 the rate of twenty per cent. per annum from the date of the
6 first advertisement together with costs of advertising, which
7 costs shall be ascertained by adding fifty per cent. to the
8 sums paid the printer and by dividing the aggregate by the
9 number of lots advertised, and such proportional costs only
10 shall be allowed.

Taxes may be paid within two years by any person.

1844, c. 123, § 4.

SECT. 173. When any taxes on non-resident lands remain
2 unpaid or the amount paid by any person in discharge
3 thereof agreeably to the provisions of the preceding sec-
4 tion are not repaid or deposited with the treasurer for the
5 term of two years from the date of the assessment, the
6 treasurer shall publish notice of the same in the state paper
7 therein stating the amount of taxes unpaid and the amount
8 or amounts paid into the treasury in discharge of any of
9 said taxes and the date of the assessment thereof; and that
10 the land will be forfeited to the town or plantation, and to
11 the person or persons so discharging said taxes as afore-
12 said, unless payment of said taxes and the amount so paid
13 in discharge thereof with interest and costs, as provided in
14 the one hundred and sixty-second section, be made within
15 three years from the date of the assessment.

If not so paid, treasurer to advertise again and land forfeited if taxes not paid in one year more.

1844, c. 123, § 5.

SECT. 174. Any person may discharge said taxes after
2 notice given as mentioned in the one hundred and sixty-
3 third section and before the expiration of three years therein
4 named by paying the taxes with interest at the rate of
5 twenty per cent. per annum from the date of the first ad-
6 vertisement, together with the costs of the first and second
7 advertisements, the amount to be paid to be ascertained by
8 adding fifty per cent. to the sums paid to the printer, and
9 by dividing the aggregate by the number of lots advertised.

Any person may pay taxes within that time.

1844, c. 123, § 6
1850, c. 172.

SECT. 175. If any taxes on real estate as aforesaid are
2 not paid to the treasurer of the town or to the person, who
3 discharged them as aforesaid, within three years next follow-
4 ing the date of the assessment, such real estate shall be
5 wholly forfeited, and the title thereof shall vest in the town
6 or plantation or the person, who paid said tax as aforesaid,
7 free and quit from all claim by any former owner, and the
8 same shall be held and owned by the town or plantation or

If not paid within three years, title to vest in town or person paying.

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1844, c. 123, § 7.

Person paying,
entitled to a
certificate.

9 such person by a title, which is hereby declared to be per-
10 feet and indefeasible, provided all the requirements of this
11 act have been complied with.

1844, c. 123, § 8.

Owner may
redeem within
the years.

SECT. 176. When any person, not the owner of the land,
2 shall discharge the taxes costs and charges, as provided in
3 the one hundred and seventy-second section, he shall be en-
4 titled to a certificate from the town or plantation treasurer,
5 where said tax was assessed, which certificate shall conform
6 substantially to the notice required by the one hundred and
7 sixty-ninth section in relation to the name of the owner,
8 amount of tax, description of land, and cost paid; and the
9 treasurer shall make a record of said certificate.

1844, c. 123, § 9.

Lien on timber
on land of non-
residents for
taxes.

SECT. 177. When any taxes assessed upon non-resident
2 real estate are discharged, as provided in the one hundred
3 and seventy-second and one hundred and seventy-fourth
4 sections, the owner thereof may at any time within three
5 years from the date of the assessment of said taxes redeem
6 the same by paying into the town treasury for the benefit
7 of the person, who discharged said taxes, the full amount
8 paid therefor together with interest on the whole at the
9 rate of twenty per cent. per annum. The treasurer and
10 his sureties shall be subject to the same duties and liabili-
11 ties relative to the payment of the money so deposited with
12 said treasurer to the person, who is entitled to the same, as
13 treasurers are subject to by this chapter as to the payment
14 of money deposited with them for the redemption of real
15 estate of resident proprietors.

1844, c. 123, § 10.

SECT. 178. For all taxes legally assessed on any real
2 estate owned by non-residents a lien is hereby created upon
3 all timber and grass growing or standing thereon. All logs
4 and hay cut thereon are liable to be taken and sold by the
5 collector of taxes sufficient to pay all taxes due on such real
6 estate with all legal costs and charges. The collector is
7 entitled to the same fees, and the same proceedings shall be
8 had, as is provided in sections ninety, ninety-five, and ninety-
9 six of this chapter.

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

Lien for taxes.

SECT. 179. For all taxes legally assessed on real estate
2 belonging to resident proprietors and on equitable interests
3 assessed under section four of this chapter a lien is hereby
4 created, which shall continue in full force until the payment

CHAP. 6.

How enforced
by a sale of
property.Notice and
record of it.

5 thereof. If any such tax remains unpaid for the term of nine
6 months from the date of the assessment, the collector may
7 give notice of the same, and of his intention to sell so much
8 of such real estate or interest as may be necessary for the
9 payment of said tax and all charges by posting notices
10 thereof in the same manner and at the same places, that
11 warrants for town meetings are required to be posted, in
12 the town or plantation where such lands lie six weeks before
13 the day of sale, designating the name of the owner, if known,
14 the right, lot and range, the number of acres as near as may
15 be, the amount of tax due and unpaid, and such other short
16 description as may be necessary to render the same certain
17 and plain; and shall likewise lodge with the town or plant-
18 ation clerk a copy of such notice, with his certificate on the
19 same, that he has given notice of the intended sale as
20 required by law. Such copy and certificate thereon shall be
21 recorded by said clerk, and the record so made shall be
22 open to the inspection of all persons interested. It shall
23 be the duty of the clerk to furnish to any person desiring
24 the same, an attested copy of such record, on receiving pay-
25 ment or tender of payment of a reasonable sum therefor.

1844, c. 123, § 10.
1847, c. 22, § 3.

SECT. 180. After the land is so advertised, and at least
2 ten days before the day of sale, the collector shall notify
3 the owner or occupant thereof of the time and place of
4 sale by delivering to him in person, or leaving at his last
5 and usual place of abode a written notice signed by him, in
6 which shall be stated the time and place of sale and the
7 amount of the taxes due. If such tax is paid before the
8 time of sale, the amount to be paid for the advertisements
9 and notice aforesaid shall not exceed one dollar.

Owner or
occupant to have
written notice of
time and place
of sale.1844, c. 123, § 19.
1849, c. 131,
§ 1, 2.

SECT. 181. When no person appears to discharge the
2 taxes duly assessed on any real estate of resident owners
3 with costs of advertising the same on or before the time of
4 sale, the collector shall proceed to sell at public auction to
5 the highest bidder so much of the real estate or interest
6 aforesaid, as may be necessary to pay the tax then due with
7 three dollars for advertising and selling the same and
8 twenty-five cents more for each copy required to be lodged
9 with the town or plantation clerk. If more than one
10 right lot or parcel of land is so advertised and sold, the
11 said sum of three dollars shall be divided equally among
12 the several lots or parcels advertised and sold at any one
13 time; and the collector shall be entitled to receive in
14 addition fifty cents on each parcel of real estate so adver-

Collector to sell
at auction, if
taxes are not
paid.Expenses and
fees.

CHAP. 6.

1844, c. 123, § 11.

Collector to
deposit with
treasurer a deed
and certificate.

15 tised and sold, when more than one parcel is advertised
16 and sold.

SECT. 182. When any real estate shall be sold for taxes,
2 as provided in the preceding section, the collector of taxes
3 shall within four days after the day of sale lodge with the
4 treasurer of the town or plantation, in which the real estate
5 lies, a certificate under oath designating the quantity of
6 land sold, the name of the owner or owners of each parcel,
7 and the name of the purchaser or purchasers; what part
8 of the amount on each was tax, and what was cost and
9 charges; and shall also lodge with the treasurer aforesaid
10 within the time aforesaid a deed of each parcel sold running
11 to the purchasers. And the collector shall be allowed and
12 paid by the treasurer, to be re-paid by the person redeem-
13 ing or by the purchaser, on delivery of the deed the sum
14 of fifty cents for each deed.

1844, c. 123, § 12.

Owner may
redeem within
two years.

SECT. 183. Any person, to whom the right by law belongs,
2 may, at any time within the space of two years from the
3 date of the collector's certificate required in the preceding
4 section to be lodged with the town or plantation treasurer,
5 redeem any real estate or interest of resident proprietors
6 sold for taxes on paying into the town or plantation treas-
7 urer for the purchaser the full amount certified to be due, as
8 in the foregoing section, both taxes and costs including
9 that allowed for the deed or deeds, together with interest
10 on the whole at the rate of twenty per cent. per annum
11 from the date of said certificate, which sums shall be re-
12 ceived and held by said treasurer as the property of the
13 purchaser aforesaid; and the said treasurer shall be held
14 to pay the same to the said purchaser his heirs or assigns
15 on demand; and if not paid when demanded, the purchaser
16 shall have the right to sue for and recover the same in any
17 court of competent jurisdiction with costs and interest at
18 the rate of twenty per cent. from and after demand is made
19 as aforesaid. The sureties of the treasurer shall be liable
20 to pay the same on the failure of said treasurer so to pay.
21 And in default of payment by either the treasurer or his
22 sureties the town or plantation shall pay the same with
23 cost and interest as aforesaid.

1844, c. 123, § 13.

Deed to be
delivered to
purchaser if not
redeemed.

SECT. 184. In case no person having legal authority so to
2 do redeems the same within the time aforesaid by paying
3 the full amount required by this chapter, said treasurer
4 shall deliver to the purchaser the deed or deeds so lodged
5 with him by the collector; and if the treasurer willfully

6 refuses to deliver any such deed to such purchaser, on
 7 demand after the expiration of the said term of two years
 8 and forfeiture of the land as aforesaid, he shall forfeit and
 9 pay to the said purchaser the full and just value of the
 10 property so to be conveyed to be recovered in an action
 11 of debt in any court of competent jurisdiction with cost
 12 and interest as in other cases; the sureties of said treas-
 13 urer shall make good the payment here required in default
 14 of payment by the principal; and on the failure of payment
 15 by both the treasurer and his sureties, then the town or 1844, c. 123, § 14.
 16 plantation where the said real estate lies shall be liable.

SECT. 185. No officer, to whom a warrant for collection
 2 of taxes is committed, shall sell any real estate for non- No sale after
 3 payment of taxes after the expiration of two years from two years.
 4 the date of such warrant. 1844, c. 123, § 15.

SECT. 186. In any trial at law or in equity involving the
 2 validity of any sale of real estate for non-payment of taxes Validity of title,
 3 it shall be sufficient for the party claiming under it to pro- how established.
 4 duce in evidence the collector's deed duly executed and
 5 recorded, the assessments signed by the assessors, and
 6 their warrants to the collector, and to prove that such col-
 7 lector complied with the requisitions of law as to adver- 1844, c. 123, § 16.
 8 tising and selling such real estate.

SECT. 187. The copy of the notice of sale and the cer- Record of notice
 2 tificates thereon deposited with the town or plantation to be conclusive
 3 clerk, as required in the one hundred and fifty-fourth section evidence of it.
 4 of this chapter, or if the same be lost or destroyed an
 5 attested transcript of the town or plantation clerk's record
 6 thereof, shall be conclusive evidence that such notice was
 7 given as is required by this chapter in the trial of all issues,
 8 in which the collector who made the sale is not personally 1844, c. 123, § 17.
 9 interested.

SECT. 188. It shall be the duty of the collector making
 2 any sale of real estate for non-payment of taxes, within Collector to
 3 thirty days after such sale, to make a return with a particu- make return of
 4 lar statement of his doings in making such sale to the clerk sales to town
 5 of the town or plantation in which such real estate is sit- clerk, who is to
 6 uated; and said clerk shall record said return in the town record it.
 7 or plantation records; and said return, or if the same is
 8 lost or destroyed an attested copy of the record thereof,
 9 shall be evidence of the facts therein set forth in all cases, 1844, c. 123, § 18.
 10 where such collector is not personally interested.

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Treasurer's
receipt of
payment
evidence of
redemption.
R. S., c. 14, § 90.

SECT. 189. The treasurer's receipt or certificate of pay-
2 ment of a sufficient sum to redeem any lands taxed as afore-
3 said shall be legal evidence of such payment and redemption.

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. May appoint a clerk. Duties of clerk.
6. Proceedings when no choice is made.
7. Eastern district in Lincoln county.
8. Western district in Oxford county.
9. Northern district in Aroostook county.
10. Clerk of the courts to be register in case of vacancy.
11. When he may appoint a substitute.
12. Substitute to be sworn. Clerk responsible.
13. How vacancies may be filled.
14. Same subject.
15. Removal for misconduct or incapacity.
16. Certificates and records to be completed by the clerk or newly elected register.
17. Quality of paper for records. Index to be made for each volume.
18. 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.
19. Recording attachments.
20. Office to be kept in shire town.

Registers in
office continued.
R. S., c. 11, § 1.

SECT. 1. All registers of deeds now in office shall continue
2 therein during the residue of their terms.

Chosen every
five years after
September.

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

R. S., c. 11, § 2.
1851, c. 215, § 3.

Meetings, when
and how held.

SECT. 3. The meetings for 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
4 as votes for representatives, and fair copies of the lists of
5 votes shall be attested by the municipal officers and clerks
6 of towns and sealed up in open town meeting ; and the
7 town clerks respectively shall cause the same to be delivered
8 into the office of the clerk of the county commissioners on
9 or before the first day of the meeting of said commissioners

Lists of votes to
be returned to
county
commissioners,
their
proceedings.

CHAP. 7.

10 next after the said month of September to be by them
 11 opened and compared with the like returns from the several
 12 towns in such county or registry district, and they shall
 13 have the like power to correct any error alleged, as is con-
 14 ferred upon the governor and council by the fourth section
 15 of chapter twenty-eight; and the person elected according
 16 to the provisions of section thirty-two of chapter four shall
 17 be declared register of deeds for said county or registry
 18 district, and shall hold his office for the term of five years
 19 from the first day of January thereafter, and until another
 20 is chosen and qualified.

R. S., c. 11, § 2.
 1856, c. 253.

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

Oath and bond.
 R. S., c. 11, § 4.

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

May appoint a
 clerk, his duties.

1852, c. 248.

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

No choice,
 meetings called
 again.

R. S., c. 11, § 6.

SECT. 7. The town of St. George, Thomaston, Cushing,
 2 Friendship, Warren, Union, Washington and Matineus plan-
 3 tation, and Muscle Ridge island, in the county of Lincoln,
 4 shall compose a district for the registry of deeds and be
 5 called the eastern district of Lincoln county, and the regis-
 6 ter shall keep his office at Thomaston.

Eastern district
 in county of
 Lincoln.

R. S., c. 11, § 8.
 1845, c. 100, § 1.

SECT. 8. The towns of Hiram, Porter, Brownfield, Den-
 2 mark, Fryeburg, Sweden, Lovell, Stoneham and Stowe, in
 3 the county of Oxford, shall compose a district for the reg-
 4 istry of deeds and be called the western district of the
 5 county of Oxford; and the register shall keep his office at
 6 Fryeburg.

Western district
 in county of
 Oxford.

R. S., c. 11, § 9.

SECT. 9. All that part of the county of Aroostook lying
 2 north of a line commencing in the north-east corner of
 3 township E in the first range west from the east line of

Northern district
 in county of
 Aroostook.

CHAP. 7.

4 the state; thence west on the south line of said township
 5 and the south line of township I in the second range to
 6 township numbered fourteen in the third range; thence
 7 south to the north-east corner of township numbered thir-
 8 teen in the third range; thence west on the dividing line
 9 of townships thirteen and fourteen to the seventh range
 10 line; thence due west to the west line of the state, shall
 11 compose the northern registry district of the county of
 12 Aroostook, and the register shall keep his office in Mada-
 13 waska plantation, in said district.

1845, c. 174, § 1.

Vacancy
 supplied by
 clerk of courts.

SECT. 10. In case of vacancy in the office of register and
 2 of his deputy in any county or registry district the clerk
 3 of the judicial courts of the county, in which such vacancy
 4 exists, being first duly sworn shall perform all the duties
 5 and services required of a register of deeds during such
 6 vacancy; shall complete all unfinished business; and be
 7 entitled to the same compensation and subject to the like
 8 liabilities, as a register of deeds; and his certificate shall
 9 have the same effect as if made by the register.

R. S., c. 11, § 10.
1845, c. 144.

Clerk may
 appoint an
 assistant.

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

R. S., c. 11, § 11.

Responsible for
 his doings. He
 is to be sworn.
 R. S., c. 11, § 12.

SECT. 12. The person so appointed shall be duly sworn
 2 and said clerk shall be responsible in all cases for his doings.

New choice of
 register as
 before.

SECT. 13. For the purpose of supplying such vacancy by
 2 a new election of a register the chairman of the county
 3 commissioners shall issue his warrant to the municipal
 4 officers of the towns in said county, or registry district
 5 wherein the vacancy exists, directing them to convene the
 6 qualified voters thereof to proceed to the choice of some
 7 suitable person to fill the vacancy.

R. S., c. 11, § 13.

Chairman of
 county commis-
 sioners, duty.

SECT. 14. The chairman of the commissioners shall make
 2 his warrants returnable at a day certain, and notify the
 3 other county commissioners to attend at the return day,
 4 and they shall then examine the returns made as directed
 5 and the person elected in manner aforesaid, after being duly
 6 sworn and having given bond as aforesaid, shall be the
 7 register until the time when the register elected at the next
 8 election of registers throughout the state shall enter upon
 9 the discharge of his duties.

R. S., c. 11, § 14.

Register may be
 removed for

SECT. 15. When on presentment of the grand jury or
 2 information of the attorney general to the supreme judicial

CHAP. 7.

misconduct or
incapacity.

3 court, any register of deeds, by default, confession, demurrer,
4 or verdict, after due notice is found guilty of misconduct in
5 his office, or incapable of discharging its duties, the court
6 shall enter judgment for his removal from office, and issue
7 a writ to the sheriff to take possession of all the books
8 and papers belonging to the office, and deliver them to the
9 clerk of said court, that he may perform the duties of regis-
10 ter of deeds in the manner prescribed in the tenth and R. S., c. 11, § 15.
11 eleventh sections of this chapter.

SECT. 16. Such clerk or his substitute or such newly
2 elected register shall complete, compare, and certify any
3 unfinished record or certificate required by law to be done;
4 and shall make all requisite certificates upon deeds and
5 other papers recorded, which his predecessor should have
6 done, if such records and certificates had been completed
7 by him, which shall be as effectual in law as if done by his
8 predecessor; for doing this, the minutes made by his pre-
9 decessor upon such deeds or other papers, and the entries
10 made by him in the books required to be kept for such pur-
11 poses, shall be sufficient authority. If payment for such
12 services has been made to his predecessor, he shall be paid
13 for the same out of the county treasury; and the former
14 register and his sureties shall be liable to refund such pay-
15 ments to the county treasury to be recovered by suit upon
16 his official bond.

Records to be
completed by a
successor in
office.

1845, c. 133,
c. 144.

SECT. 17. The records in each registry office shall be
2 made on paper of a firm texture well sized and finished the
3 principal ingredient of which is linen. The registers shall
4 make an alphabet to each volume of records without charge
5 to the county.

Indexes, paper
of records.

R. S., c. 11, § 16.
1853, c. 40.

SECT. 18. Every register shall, at the time of receiving
2 any deed or instrument to be recorded, make a minute
3 thereon of the day, and the time of day, when it was re-
4 ceived and filed; and every such deed or instrument shall
5 be considered as recorded at the time such minute is made:
6 and he shall suffer no deed or instrument for the conveyance
7 of real estate to be altered, amended, or withdrawn, until
8 it is fully recorded and examined.

Deeds consid-
ered to be
recorded, when
minute made of
time of
reception.

R. S., c. 11, § 17.

SECT. 19. Every register shall receive all copies of special
2 attachment made and attested by any officer of real prop-
3 erty situate in the county or district, of which he is regis-
4 ter; minute on them the time when they are received; keep

Attachments,
record of them.

CHAP. 8.

R. S., c. 11, § 18.

Office kept in
shire town.

R. S., c. 11, § 19.

5 them on file for the inspection of parties interested, and
6 enter them in a book kept for that purpose.

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

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.

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 sheriff's 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.

Treasurer's
continued in
office.

R. S., c. 12, § 1.

Chosen
annually.

R. S., c. 12, § 2.

Meetings for
choice, when
and how held.

R. S., c. 12, § 3.

Oath, bond,
tenure of office.

SECT. 1. Each county treasurer now in office shall con-
2 tinue to hold it till his successor shall be appointed, or
3 chosen, and qualified according to law.

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

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

SECT. 4. The person so elected and accepting shall be
2 duly sworn before the county commissioners of his county,

CHAP. 8.

3 or two justices of the peace, and give bond for the faithful
4 discharge of his duties in such sum, as the commissioners
5 may order, and with such sureties as they shall approve in
6 writing thereon, to the county, and he shall hold his office
7 for one year from the first day of January thereafter, and
8 until another is chosen and 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
3 may appoint a suitable person of the county to that office,
4 who having accepted the trust given bond and been duly
5 sworn, as prescribed in the preceding section, shall be
6 treasurer for the remainder of the year and until another
7 is chosen and qualified as provided in this chapter.

Vacancy
supplied by
county
commissioners.

R. S., c. 12, § 5.

SECT. 6. No person holding the office of attorney general,
2 or attorney for the state within the county, or any justice
3 of the supreme judicial court, clerk of said court, or sheriff
4 of the county, shall hold the office of county treasurer.

Persons not
eligible.

R. S., c. 12, § 6.

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

Treasurer to
account to
county
commissioners.His compensa-
tion.

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 for
3 the treasurer of state.

Enforce
payment of
county taxes.
R. S., c. 12, § 8.

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

Transmit to
treasurer of
state account of
bills of costs.R. S., c. 12, § 9.
1843, c. 29.

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

Receive bills of
costs of clerk
and pay to
treasurer of
state.

R. S., c. 12, § 10.

SECT. 11. He may charge a commission of five per cent.
2 on all fines, forfeitures, and costs, received and paid by him,

Commission for
it.

CHAP. 8.

R. S., c. 12, § 11.

Penalty for
neglect of duty.

R. S., c. 12, § 12.

Held to pay the
balance to
treasurer of
state.

R. S., c. 12, § 13.

Annual accounts
rendered to
governor and
council.

R. S., c. 12, § 14.

Exhibit amounts
due to state and
to others.

R. S., c. 12, § 15.

Exhibit to
contain his
commissions.

R. S., c. 12, § 16.

Statement of
financial
concerns of
county to be
published
annually.

R. S., c. 12, § 17.

Duties for
admission of
attorneys to be
paid to library
association.

R. S., c. 12, § 18.

3 and shall give credit for all fines, forfeitures, and costs, ac-
4 cruing to the state and by him received and pay the balance
5 due to the state, if any, to the treasurer of the state.

SECT. 12. For the neglect of any duty required in the
2 three preceding sections he shall forfeit and pay a sum not
3 exceeding one hundred dollars to the use of the state to be
4 recovered in an action of debt; and on requirement of the
5 treasurer of state the attorney general shall prosecute such
6 action to final judgment and execution.

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

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 war-
5 rants on the treasury, or for fines, forfeitures, and costs,
6 shewing by whom paid, and charging the state for all pay-
7 ments made before that time; and the balance due, if any,
8 he shall credit to the state in a new account.

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

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

SECT. 17. He shall publish, annually in the month of
2 January, in some newspaper in the county, if any, to be
3 designated by the county commissioners, otherwise in the
4 state paper, a full and fair statement of the financial con-
5 cerns of the county, of which he is treasurer, with the items
6 of receipts and expenditures.

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

CHAP. 8.

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

Record of fines
and bills of costs.

R. S., c. 12, § 19.

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

Penalty for
neglect of duty.

R. S., c. 12, § 20.

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

Annual
schedule of
securities taken
on discharge of
prisoners, to be
rendered.

R. S., c. 12, § 21.

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

Copy of sheriff's
account to be
transmitted to
treasurer of
state.

His account to
be transmitted
to same, with
county estimate.

SECT. 23. He shall prepare and deliver his account as
 2 treasurer, annually, to the close of every year to the clerk
 3 of the county commissioners to be by him enclosed with
 4 the estimates for county taxes made by said commissioners
 5 and transmitted to 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 re-
 3 quired, exhibit an account thereof to the county commis-
 4 sioners for adjustment.

Exhibit an
account of
money or effects
of county to
county
commissioners.

R. S., c. 12, § 24.

SECT. 25. He may charge to the state the several sums
 2 he shall pay from the treasury to the jailer of the same
 3 county for keeping and supporting poor convicts in prison,
 4 which had been allowed to him by the county commissioners,
 5 and may also charge two and a half per cent. for his services
 6 in this particular duty, and the same shall be included in his
 7 account to be rendered to the treasurer of state as aforesaid.

Expenses of
keeping poor
convicts in
prison.

R. S., c. 12, § 25.

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

Account for
money received
of United States
for use of jails.

R. S., c. 12, § 26.

Chapter 9.

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.
 12. Amount to be at agent's risk, if he sell or lease on credit.
 13. Surveys of lands 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 lands.
 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.

Agents
continued.

SECT. 1. Those persons, who have been appointed as
 2 agents for the Penobscot and Passamaquoddy tribes of
 3 Indians, shall continue to perform the duties assigned to
 4 them according to the tenure of their respective appoint-
 5 ments.

R. S., c. 15, § 2.

Vacancies filled
by governor.

SECT. 2. When either of those agents dies, or resigns, or
 2 is removed, the governor with the advice of the council
 3 may appoint another agent in his place, but there shall never
 4 be more than three for each tribe.

R. S., c. 15, § 2.

Agent to pay to
Penobscots.

SECT. 3. The agent or agents appointed for the Penob-
 2 scot tribe of Indians shall provide, furnish, pay and deliver
 3 to said tribe for and on account of the state all such arti-

CHAP. 9.

4 cles, goods, provisions, and moneys, as from time to time
5 become due by virtue of any treaty or law of the state.

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 dis-
4 charge of their respective duties; and have the care and
5 management of the property belonging to the respective
6 tribes for their use and benefit.

Agent sworn,
give bond, have
care of their
property.

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
3 made with any of the Indians belonging to either of said
4 tribes, unless examined and allowed by the agent or agents
5 of the tribe to which the Indian or Indians contracted with
6 belong, shall be utterly void.

Contracts for
timber and grass
made with
Indians void.

R. S., c. 15, § 5.

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

Leases and
contracts to be
made for one
year.

R. S., c. 15, § 6.

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

Agents sue in
their own
names.

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
3 and expenditures of every kind; and shall annually and
4 oftener if required, lay the same before the governor and
5 council for inspection and adjustment, who are hereby
6 authorized to settle and adjust the same, and draw warrants
7 on the treasury for such sums as may from time to time be
8 found necessary in carrying into effect all treaties with said
9 tribes.

Keep record of
proceedings,
accounts of
receipts and
expenditures.

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
3 standing or growing on the township reserved for the ben-
4 efit of the Passamaquoddy tribe; and if any agent for such
5 tribe gives to any such citizen or subject a permit for such
6 unlawful purpose, he shall forfeit and pay a sum not exceed-
7 ing five hundred nor less than one hundred dollars to be

No sale or
permit to a
foreigner,
penalty for it.

CHAP. 9.

R. S., c. 15, § 10.

Islands of Penobscots may be leased, timber on two townships sold, with assent of governor.

R. S., c. 15, § 10.
1854, c. 101.

Amount received for them paid into treasury.

R. S., c. 15, § 11.

Not to be made on credit.

R. S., c. 15, § 12.

Islands in Penobscot surveyed and numbered.

R. S., c. 15, § 13.

What shall be designated on plans.

Lots assigned for cultivation, and a tract for public farm.

R. S., c. 15, § 14.

To include land improved.

8 recovered by action of debt, one-half to the use of the state
9 and the other half to the use of any person prosecuting
10 therefor.

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

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

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

SECT. 13. The land agent shall cause the islands in Pe-
2 nobscot river from Old Town falls to Mattawamkeag point
3 to be accurately surveyed and numbered, if the same has
4 not been already done, and their present value estimated,
5 and duplicate plans thereof made and returned to the land
6 office, and to the Indian agent.

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

SECT. 15. In all cases the lots shall be so located to any
2 Indian as to include the land cultivated and improved by
3 him, if any, and if that will not be sufficient for him, then

4 other land on some other island may be assigned him, so as
5 to make lots of nearly equal value.

CHAP. 9.

R. S., c. 15, § 15.

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

Agent give
certificate of lot;
form of it.

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

R. S., c. 15, § 16.

} Agent of the Penobscot
} tribe of Indians.”

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

Lots not to be
sold or leased by
Indians.

R. S., c. 15, § 17.

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

Agent to have
land cleared and
buildings
erected on
public farm.

R. S., c. 15, § 18.

SECT. 19. He shall employ a superintendent to manage
2 the farm and take care of the infirm and the orphans, and
3 his services shall be annually paid by the state agreeably
4 to the Indian treaty with the Commonwealth of Massachu-
5 setts made in the year eighteen hundred and eighteen; and
6 cause as much land to be plowed for any Indian for cultiva-
7 tion and furnish such farming utensils and seed, as he may
8 judge necessary, under the direction of the governor and
9 council.

Employ agent to
manage public
farm.

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
3 persons to take leases of them, with the approval of the
4 governor and council; and all the rents shall be paid into
5 the treasury to be expended for the benefit of the tribe
6 under the direction of the governor and council.

Agents may
lease privileges
for mills, booms
and fisheries.

R. S., c. 15, § 20.

CHAP. 9.

House and garden lots set off on point of Oldtown island.

R. S., c. 15, § 21.

No sale of them, except to an Indian.

R. S., c. 15, § 22.

Governor not to draw warrants for interest on four townships purchased.

R. S., c. 15, § 23.

Agent of Passamaquoddy tribe may sell timber on township numbered two.

Surveyor to be sworn.

R. S., c. 15, § 24.
1843, c. 18.

\$1,000 annually to be paid to that tribe.
1854, c. 101, § 1.

How and when to be paid.

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

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

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

SECT. 24. The agents of the Passamaquoddy tribe of
2 Indians are authorized to sell to the best advantage at
3 public or private sale to a citizen of the state the timber
4 and grass from township numbered two on the St. Croix
5 river usually called the Indian township to the amount of
6 one thousand dollars annually; expressly retaining in the
7 written contract of sale a lien on the timber and grass cut,
8 until the amount due for stumpage on the same is paid.
9 Every surveyor appointed by such agents to scale or survey
10 the lumber so sold before entering on the duties of his
11 appointment shall be sworn to the faithful performance of
12 his trust, and file a certificate of his oath with the agents.

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

SECT. 26. The agent for said tribe shall pay out said
2 money in person as follows: four hundred dollars in the
3 month of May, annually; and three hundred dollars in the

4 month of November, annually; in an equal proportion to
5 each member of said tribe.

CHAP. 9.

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
3 not exceeding fifty dollars in any one month, in such por-
4 tions to each of such distressed persons, as his circum-
5 stances may seem to demand.

Same.

§ 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
4 agent including commissions on disbursements.

Agent's salary,
\$300.

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
3 act to be paid to the Indians, and for the salary of the
4 agent, and also for the bounties on agricultural products,
5 which may become due under the provisions of sections
6 thirty-one and thirty-two of this chapter.

Warrants to be
drawn by
governor.

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
3 of the peace, he shall be fined not less than five dollars, nor
4 more than twenty dollars, one-half to the state, and the
5 other to the complainant.

Penalty for
selling liquors
to Indians.

R. S., c. 15, § 30.

SECT. 31. Bounties shall be paid to every Indian of the
2 Penobscot or Passamaquoddy tribe for produce raised by
3 him, either on his own land or on land belonging to the
4 tribe, as follows:

Bounties on
produce raised
by them.

R. S., c. 15, § 31.

I. For every bushel of wheat twenty cents.

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

III. For every bushel of potatoes, turnips, parsnips, beets
9 or carrots, five cents.

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

Proof to be made
to agent.

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 gov-
3 ernor and council in the month of January, annually, for
4 examination and allowance.

Agent to settle
account in
January,
annually.

R. S., c. 15, § 33.

Chapter 10.

MILITIA.

- Sect.* 1. Persons exempted from military duties.
2. Assessors of towns to enroll all other male white citizens between ages of eighteen and forty-five, annually, on May first.
3. This ununiformed militia subject to no active duty.
4. May be called out by governor by order directed to municipal officers of towns. Proceedings in such cases.
5. Penalties for neglect by civil officer.
6. Active militia consists of volunteers first to be called into active service.
7. Not to exceed ten thousand men.
8. Articles to be furnished by state.
9. Adjutant general to furnish blanks and copy of laws.
10. All officers responsible for safe keeping and return of articles furnished.
11. Armories to be provided for deposit of equipments. Proceedings.
12. Penalty for injury of arms, equipments, or military property.
13. Brigade inspectors to examine armories and report to governor.
14. Officer not discharged till appears articles exist uninjured.
15. Governor may grant petitions for raising volunteer companies.
16. Officers of companies may be elected, when forty-eight men are enlisted.
17. Quartermaster general's compensation.
18. Independent companies to be numbered and record made. Their organization.
19. Officers and soldiers to do duty five years.
20. Enlistments into another company forbidden.
21. Returns to adjutant general annually on January first.
22. Penalty for non-appearance of soldier.
23. Quartermaster general to take possession of articles furnished, when company is disbanded.
24. Governor to organize militia. Proceedings.
25. Brigadier general on application of a majority of independent companies may discharge an officer and reduce him to the ranks.
26. Captains may enlist four musicians.
27. Colonel may enlist a band not exceeding twenty-four.
28. Musicians paid, when regiment encamped.
29. Rosters to be kept by aids and adjutants; orders recorded and distributed.
30. Adjutant general to record abstract of returns made by brigade inspectors.
31. Penalty for neglect of captains to make returns.
32. Adjutant general to transmit abstract of returns to governor and president.
33. Equipments exempt from attachment.
34. Officers and soldiers exempted from arrest.
35. Governor to erect gun houses, repair them, and gun carriages.
36. Officers; how elected, appointed, and commissioned.
37. Sergeants and corporals appointed by captains.
38. Officers not required by laws of United States, how appointed.
39. Officers of companies; their number, rank and appointment.
40. Major general to cause vacancies to be filled. Elections, how made.
41. Rank and commission of officers.
42. Loss of commission supplied.
43. Rank determined by lot, when not otherwise.
44. Officers to be sworn. Form of oath.
45. Clerk of company, how appointed and sworn. Form of oath.
46. Clerk's duties.
47. Clerk, pro tempore; appointment, duties.
48. Captain may designate a soldier to do duties of clerk in certain cases.
49. Captain in such cases to keep records.
50. When superior absent, or a vacancy, next in rank commands.
51. Company without officers, how to be provided.
52. Company without commissioned officers for three months subject to discipline of an officer appointed by colonel.
53. Penalty for neglect of soldier to warn, when ordered.

- Sect. 54.* Compensations of adjutant and quartermaster generals.
55. Officers to perform all duties attached to their offices.
 56. Remain in office five and not more than seven years ; exceptions.
 57. Not to resign, while under arrest, nor between May first and November first.
 58. Resignations not approved, till books and property delivered.
 59. Penalty for neglect to deliver.
 60. Officers' duties to continue till certificate of discharge received.
 61. Arrested on conviction of crime.
 62. Persons not eligible to office ; if elected not commissioned, if in commission may be removed.
 63. Days on which no military duty is to be required under penalty.
 64. No parade, or march within fifty rods of a court under penalty.
 65. Companies parade according to rank of captains ; exceptions.
 66. Senior officer present commands.
 67. Officers to be assigned to a company destitute.
 68. Officer commanding may fix limits of parade ground, arrest transgressors.
 69. Major general may order camps of instruction.
 70. Governor may order them beyond limits of division.
 71. Exercise of troops, when encamped.
 72. Encampment on notice of thirty days ; service two days.
 73. Booths and sheds may be removed on complaint.
 74. Soldiers may be arrested and fined for misconduct.
 75. System of discipline and exercise of United States to be observed.
 76. Parade of each company for inspection second Monday of May.
 77. Military duty not required by law not to be exacted ; exceptions.
 78. Governor may prescribe uniform.
 79. Escort duties.
 80. Boards of officers may be called.
 81. Company trainings, how warned.
 82. Notice of them four days ; for election ten days.
 83. Soldier receiving orders to warn company.
 84. Excuses must be made within twenty days. Officers inform clerks of excuses accepted.
 85. Company may prescribe penalties by by-laws for non-appearance and defects of equipment.
 86. Governor may prescribe rules for active service.
 87. Compensation of certain officers.
 88. Governor may order militia out to support the laws.
 - 89, 90. Same ; penalties prescribed.
 91. Troops to assemble and obey orders.
 92. Towns to furnish provisions and quarters.
 93. Compensation when so called out.
 94. Courts martial to consist of three members ; proceedings.
 95. The president appoints a martial ; his duties.
 96. Governor appoints president and members ; when called by him.
 97. He may make summary inquiry by an officer, who is to report.
 98. Division advocates appointed by governor for five years.
 99. Copy of order convening court, and copy of charges furnished accused.
 100. Governor may order courts martial.
 101. Witnesses required to attend.
 102. Officers found guilty may be removed and fined.
 103. Record of proceedings to be kept by division advocate.
 104. Copy of record made evidence in courts.
 105. Division advocate to enforce payment of fines.
 106. Actions for recovery of fines ; proceedings in them.
 107. Courts martial, compensation for members and witnesses ; fees of advocate.
 108. Presidents of them to prepare reports and deposit them with adjutant general.
 109. Officers tried to be arrested and have copy of charges.
 110. Refusing to appear, or to answer, trial may proceed.
 111. Offenses, for which officers may be tried.
 112. Limitation of one year for time of making charges.
 113. Arrests on parade made only by written order.

CHAP. 10.

- Sect. 114.* Proceedings on drafts; person drafted, must appear, procure substitute, or pay fifty dollars.
115. Appropriation of fines.
116. Officers to be detailed, privates drafted by lot.
117. When company without officers, drafts how made.
118. Soldiers ordered to march take provisions for three days.
119. Municipal officers of towns to make further provision.
120. Penalty for neglect of towns to do so.
121. Officers accountable for camp equipage.
122. Horses of cavalry to be appraised before marching.
123. Senior officers neglecting junior to make a draft.
124. Provision to be made by state, when killed or wounded.

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. 125.* Rules, and penalties for violation thereof.
- Art. 1.* 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.
- 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 officers 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.

- Art. 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. Offenses 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.

Exemptions, enrollments, ununiformed and uniformed or active militia, organization, duties of.

SECT. 1. There shall be exempted from military duty
 2 under the laws of this state, in addition to the persons
 3 exempted by the laws of the United States, the judges of
 4 the supreme judicial court, judges of any court of record,
 5 judges of the probate, municipal and police courts, the
 6 clerks of all courts of record, registers of deeds, and reg-
 7 isters of probate; all ministers of the gospel regularly
 8 ordained according to the usages of their denomination, so
 9 long as they sustain that relation in their denomination;
 10 the superintendent and other officers and assistants em-
 11 ployed in the Insane Hospital at Augusta, and at the State
 12 Reform School at Cape Elizabeth; also the officers and
 13 guards employed in the State Prison at Thomaston:—all
 14 officers who have held military or naval commissions, and
 15 who have been regularly discharged, or have in accordance
 16 with military or naval usage without fault on their part
 17 been discharged, or ceased to act as such: all quakers and
 18 shakers, so long as they continue members of such denomi-
 19 nations; all members of engine companies, while they con-
 20 tinue to do duty in such companies; all mariners, unless
 21 they have been discharged and have done no service on
 22 board any vessel for more than three months at the time
 23 they shall be warned; all persons unable from bodily
 24 infirmity to do military duty; all idiots, lunatics, common

Persons
exempted from
military duties.

Act of April 9,
1856.

CHAP. 10. 25 drunkards, vagabonds, paupers, and persons convicted of
26 infamous crimes. When any person enrolled shall exhibit
27 to the enrolling officers proof that he is exempted by any
28 part of this section, they shall strike his name from the
29 roll.

Assessors of
towns to enroll
all other male
white citizens
between ages of
18 and 45,
annually, on
May 1.

SECT. 2. All other white male citizens of the United
2. States residing within this state between the ages of eigh-
3 teen and forty-five years shall be enrolled by the assessors
4 of the cities, towns, and plantations in which they reside.
5 They shall make such enrollment annually on the first day
6 of May of all such persons then residing within their limits,
7 and make a list of their names and seasonably deliver the
8 same to the clerk of their city, town, or plantation, to be by
9 him preserved on file in his office. He shall annually, in
10 the month of May or June, transmit a certified copy of such
11 list to the office of the adjutant general. Persons so
12 enrolled shall constitute the ununiformed militia of the
13 state.

This ununi-
formed militia
subject to no
active duty.

SECT. 3. The ununiformed militia thus constituted shall
2 be subjected to no active duty whatever, except in case of
3 insurrection, war, invasion, or to prevent invasion; in such
4 case the governor and commander-in-chief is authorized and
5 required to order out from time to time by draft or other-
6 wise so many of the militia, as the necessity of the case
7 may demand. The militia, when called into active service,
8 shall be governed and trained according to the laws of the
9 United States and of this state.

May be called
out by governor
by order directed
to municipal
officers of towns.

Proceedings in
such cases.

SECT. 4. If necessary the order of the commander-in-
2 chief calling out the ununiformed militia may be made and
3 directed to the municipal officers of any town within the
4 state. And it shall be the duty of such officer to appoint
5 a time and place of parade for the ununiformed militia in
6 such city, town, or plantation, and to order them to appear
7 at such time and place, either by leaving a written notice
8 or orally, and then and there to proceed to draft so many
9 thereof or to accept so many volunteers as may be required
10 by the order of the commander-in-chief, and such municipal
11 officers shall notify the commander-in-chief forthwith, that
12 they have performed the duty aforesaid by returning to him
13 an alphabetical list of the names of the persons so drafted
14 or volunteered; and such ununiformed militia shall there-
15 upon be formed into companies, and shall proceed to elect
16 officers thereof in the same manner as is provided for the
17 election of officers of companies in the 16th and 36th sec-

18 tions of this act; and whenever any person thus detached
 19 or drafted, or any such volunteer, shall neglect or refuse to
 20 appear at the time and place designated by the municipal
 21 officers aforesaid, and shall not, within twenty-four hours
 22 after he shall be notified, pay to the municipal officers the
 23 sum of fifty dollars, or procure an able-bodied white male
 24 person in his stead, such person, on being ordered to march
 25 to the place of rendezvous, shall be considered a soldier
 26 belonging to the detachment, and shall be dealt with accord-
 27 ingly.

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
 5 recovered in any court of competent jurisdiction for the use
 6 and benefit of the state.

Penalty for
neglect by civil
officer.

Volunteer militia.

SECT. 6. The uniformed or active militia of this state
 2 shall consist of volunteers, or companies raised at large;
 3 and shall in all cases be first ordered into service to sup-
 4 press riots, to repel invasions, or to aid civil officers in the
 5 execution of the laws of the state.

Active militia
consists of
volunteers, first
to be called into
active service.

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 the governor
 4 and council may determine.

Not to exceed
ten thousand
men.

Articles furnished.

SECT. 8. Each company of ununiformed volunteer militia
 2 raised at large shall, whenever the state may have on hand
 3 for distribution arms and equipments suitable to its corps
 4 of service, be furnished therewith. Each company so
 5 raised and the officers of divisions, brigades, and regiments,
 6 shall be provided with the requisite books of tactics, and
 7 with such tents and other articles of camp equipage as the
 8 commander-in-chief may direct. All companies shall also
 9 be furnished with suitable musical instruments, whenever
 10 the state may have them on hand for distribution. Each
 11 regiment and battalion shall be furnished by the state with
 12 the state and regimental colors, and their staffs, belts, sock-
 13 ets, and suitable coverings for the same; and the command-

Articles to be
furnished them
by state.

CHAP. 10.

Adjutant
general to
furnish blanks
and copy of
laws.

All officers
responsible for
safe keeping and
return of articles
furnished.

Armories to be
provided for
deposit of
equipments.

Proceedings.

Penalty for
injury of arms,
equipments or
military
property.

14 ing officer of such regiment or battalion shall be responsible
15 for the safe keeping of the same.

SECT. 9. It shall be the duty of the adjutant general to
2 furnish all company and other officers all such blanks, blank
3 books, rolls, and notifications, as may be required to be used
4 by the provisions of this chapter. It shall also be his duty
5 to arrange so much of the militia laws as shall at any time
6 be in force, and cause the same to be printed in proper form
7 from time to time, and to distribute one copy thereof to
8 each commissioned officer and to the clerk of every city and
9 town in this state.

SECT. 10. Division brigade and regimental officers and
2 commissioned officers of every company receiving arms,
3 equipments, or other military property in virtue of this act,
4 shall from the time of their qualification be held jointly and
5 severally responsible for the safe keeping and return thereof
6 to the state.

Armories.

SECT. 11. Suitable armories shall be provided in advance
2 by companies making requisition for arms and equipments,
3 or by the town within the limits of which said companies
4 shall have been chiefly raised, or shall have voted to estab-
5 lish said armories; and all arms, equipments, and camp
6 equipage, furnished to said companies shall be regularly
7 deposited in said armories subject to withdrawal for the
8 military uses and purposes only of said companies in body
9 and under the proper officer or officers. The several cities
10 and towns within this state are hereby authorized to raise
11 money to be expended in providing armories or places of
12 deposit for military property issued to any company. The
13 evidence that the armories named in this section have been
14 duly provided for shall be the certificate to the acting
15 quartermaster general, of the mayor, or two or more alder-
16 men, selectmen, or assessors, as the case may be, of the
17 locality in which such armories are established.

SECT. 12. Any person, who shall willfully mar or injure
2 any of the arms, equipments or other military property
3 issued to any company of volunteer militia, or the armory,
4 or any portion thereof, or of its fixtures, provided for the
5 deposit of arms, equipments, or other military property,
6 shall be subject to a fine of not more than fifty dollars, said
7 fine to be recovered in any court of competent jurisdiction

8 in the name of the clerk or commanding officer of the com-
 9 pany legally in charge or possession, and to be paid into
 10 the treasury of the company for appropriation to its mili-
 11 tary purposes by a vote of the commissioned officers.

SECT. 13. It shall be the duty of the brigade inspector of
 2 each brigade, or in case of a vacancy in that office then it
 3 shall be the duty of the division inspector of each division
 4 as often as shall be required by the commander-in-chief, to
 5 examine any armory within the limits of each brigade or
 6 division provided for the use of any company in which any
 7 military property of the state may be deposited, who shall
 8 report to the commander-in-chief the condition thereof and
 9 of the property therein deposited; and for his services he
 10 shall be allowed a reasonable compensation to be paid by
 11 the acting quartermaster general after his account for said
 12 service shall have been audited and allowed by the gov-
 13 ernor and council.

Brigade
inspector to
examine
armories, and
report to
governor when
required.

SECT. 14. No resignation of any officer of a company of
 2 volunteers shall be accepted, nor shall such officer be by
 3 any form of discharge relieved from his responsibility for
 4 arms, equipments, or other articles of military property fur-
 5 nished to said company, until it shall be made to appear by
 6 certificate of not less than two of the officers thereof, that
 7 the said arms, equipments, and other articles of military
 8 property, are at the time of date of such certificate undi-
 9 minished in quantity, and unimpaired in value, reasonable
 10 use and wear and losses by fire excepted.

No officer
discharged till
made to appear.

Articles exist
uninjured.

SECT. 15. The commander-in-chief with the advice of the
 2 council may grant petitions for raising companies at large,
 3 not to exceed the total number stated in this chapter for
 4 all the divisions inclusive of companies now raised and
 5 organized.

Governor may
grant petitions
for raising
volunteer
companies.

SECT. 16. Whenever forty-eight men are enlisted accord-
 2 ing to the provisions of this chapter, an election of officers
 3 may be ordered upon notification being given by one or
 4 more of the petitioners approved by the commanding offi-
 5 cer of the division or brigade, in which such company may
 6 be raised to the commander-in-chief; and in case there be
 7 no officer of the volunteer corps conveniently located to
 8 preside at such election, the major general, or other officer,
 9 whose duty it shall be to cause an election to take place,
 10 may authorize the members so enlisted to choose some suit-
 11 able person to preside at the election, and to make return

Officers of
companies may
be elected when
forty-eight men
are enlisted.

CHAP. 10.

Quartermaster
general's
compensation.

Independent
companies to be
numbered and
record made--
their
organization.

Officers and
soldiers to do
duty five years.

Enlistments into
another company
forbidden.

Captains to
make returns to
adjutant general
annually, on
July 1.

Penalty for non-
appearance of
soldier.

12 thereof to the major general, or other officer commanding
13 the division.

SECT. 17. For his services in issuing arms, equipments,
2 and other military property under the provisions of this
3 chapter, the acting quartermaster general shall be annually
4 allowed and paid, in quarterly payments, the sum of one
5 hundred dollars.

SECT. 18. The several volunteer companies of cavalry,
2 artillery, light infantry, and riflemen, in each division, shall
3 be numbered and a record made of such numbers in the
4 adjutant general's office; and when they exist in sufficient
5 numbers in any one division, they shall compose battalions
6 and regiments, and be put under the command of such reg-
7 imental, brigade, and division officers, as the commander-in-
8 chief may designate, and, when not attached to any battal-
9 ion or regiment, shall remain under the command of the
10 captain or commanding officer of the company subject to
11 the orders of the brigadier general of the brigade to which
12 the company is attached.

SECT. 19. Every non-commissioned officer and soldier of
2 any company raised at large shall be holden to do duty
3 therein for the term of five years from his enlistment, un-
4 less disability after enlistment should absolutely incapac-
5 itate him to perform such duty, or he should be regularly
6 discharged by the proper officer.

SECT. 20. Any commander of any volunteer company, who
2 shall knowingly enlist or permit to be enlisted into his
3 company, any non-commissioned officer, musician, or private,
4 belonging to any other company, or who shall retain the
5 name of any such non-commissioned officer, musician, or
6 private, upon the rolls of his company after being duly
7 notified of the fact of such previous enlistment, shall be
8 liable to court martial.

SECT. 21. The commanding officers of all volunteer com-
2 panies shall on or before the first day of July annually
3 make out and certify through the proper officers to the
4 adjutant general a list of all persons belonging to their
5 respective companies, describing the duties performed by
6 each individual in his company throughout the year.

SECT. 22. Every non-commissioned officer, musician, or
2 private, who shall unnecessarily neglect to appear on the
3 days and at the times and places appointed for such duty
4 agreeably to the provisions of this chapter, shall pay two

5 dollars for each and every such neglect to be collected in
 6 an action of debt, one-half of which shall go to the prose-
 7 cutor, and the other half to the clerk of the company for
 8 the use of said company.

SECT. 23. Whenever any volunteer company, which has
 2 received any arms and equipments from the acting quarter-
 3 master general, shall be disbanded, it shall be the duty of
 4 the acting quartermaster general forthwith to take posses-
 5 sion of said arms and equipments and other military prop-
 6 erty belonging to the state which shall have been issued to
 7 said company, and to cause the same to be deposited in one
 8 of the state arsenals, and in case of the neglect or refusal
 9 of the officers of said company on demand to re-deliver said
 10 property or any part thereof, it shall be the duty of the
 11 acting quartermaster general to cause an action of replevin
 12 in his name to be commenced against such officer or person
 13 having possession of the same for the recovery of said arms,
 14 equipments, or other military property.

Quartermaster
 general to take
 possession of
 articles
 furnished,
 when company
 disbanded.

SECT. 24. 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,
 4 conformably to the laws of the United States, and make
 5 such alterations therein as from time to time may be neces-
 6 sary. Each division brigade and regiment shall be num-
 7 bered at the formation thereof, and a record made of such
 8 numbering in the adjutant general's office. Every new
 9 division brigade and regiment shall be designated by the
 10 number next higher than that of the division established
 11 next before it, and the divisions brigades and regiments
 12 shall take rank according to their numbers, the first being
 13 highest in rank. The governor with advice of the council
 14 may organize independent battalions of infantry with a
 15 battalion staff, where the local situation of the troops is
 16 such that they cannot be conveniently connected with a
 17 regiment.

Governor to
 organize militia.

Proceedings.

SECT. 25. Each brigadier general within his own brigade
 2 upon application of a majority of the members of any com-
 3 pany of cavalry, artillery, light infantry, or riflemen, ex-
 4 pressed by their vote at any regular meeting, and such
 5 application being communicated by the commanding officer
 6 of such company, may discharge any non-commissioned
 7 officer or private from any of the aforesaid companies; and
 8 such non-commissioned officer or private shall forthwith be
 9 enrolled in the ununiformed militia within the bounds of

Brigadier
 general on
 application of a
 majority of the
 independent
 companies may
 discharge an
 officer and
 reduce him to
 the ranks.

CHAP. 10.

Captains may
enlist musicians
not exceeding
four.

10 which he resides; and every non-commissioned officer so
11 discharged shall be considered as reduced to the ranks.

SECT. 26. Every commanding officer of a company may
2 enlist as musicians for his company, not exceeding two
3 drummers and two fifiers, or one fifer and one bugler, for
4 and during the term of five years, unless sooner discharged
5 by removal to such distance from the said company as to
6 render it inconvenient for the said musician to perform the
7 duties required of him, or by reason of some other good and
8 legal excuse. Any musician so enlisted, who after having
9 been duly notified and warned shall refuse to perform his
10 duty as a musician at any legal meeting of said company,
11 shall forfeit and pay for every such offense the same sum
12 as would be forfeited by any non-commissioned officer or
13 private for non-appearance at any such meeting; and in
14 case of removal or discharge of any such musician, the said
15 commanding officer may from time to time enlist other
16 musicians to fill such vacancy.

Colonel may
enlist a band
not exceeding
twenty.

Proceedings.

SECT. 27. Each colonel of a regiment may raise by vol-
2 untary enlistment and organize within his regiment and for
3 the use thereof a band of musicians not to exceed twenty
4 in number, including one master and one deputy master,
5 and may grant to the master deputy master and members
6 warrants as such; and such band shall be under the direc-
7 tion of the commanding officer of the regiment; and when
8 the regiment shall be encamped, the commanding officer
9 thereof shall order on duty his regimental band for the
10 time that the troops are to remain in camp, and when on
11 duty all regimental bands and other music shall be under
12 the direction of the drum major subject to the order of the
13 senior officer in command.

Quartermaster
general to pay
them when
regiment is
encamped.

SECT. 28. When any regimental band or company of
2 music shall be ordered on duty as is prescribed in section
3 twenty-seven, there shall be paid to each musician the sum
4 of two dollars for each day's service performed by them
5 by the acting quartermaster general.

Rosters, rolls and returns.

Rosters to be
kept by aids and
adjutants, orders
recorded and
distributed.

SECT. 29. The aid-de-camp to each major general by
2 him appointed to be orderly officer, the aid-de-camp of each
3 brigade, and the adjutant of each regiment, battalion, or
4 corps, shall constantly keep a correct roster of the division,
5 brigade, regiment, battalion or corps to which they respect-
6 ively belong and an orderly book, and record therein all

7 orders and other official communications received or issued
8 by their respective commanding officers, and copy distribute
9 and transmit all such orders and other papers, as they may
10 be directed by said officers, and attend them while on
11 military duty.

SECT. 30. The adjutant general shall record an abstract
2 of the returns made to him in a book to be kept for the
3 purpose. The brigade inspectors shall make the annual
4 returns of their inspection of their respective brigades to
5 the adjutant general, and transmit abstracts thereof to the
6 major generals of their divisions, on or before the last day
7 of November annually.

Adjutant
general to record
abstracts of
returns made by
brigade
inspectors.

SECT. 31. If any captain or commanding officer shall
2 refuse or neglect to make the return of the state of his
3 company as required by this chapter, and continues to neg-
4 lect or refuse to make such return for fifteen days after
5 being notified by the adjutant general that such return has
6 not been received, he shall forfeit and pay a fine of ten
7 dollars, one-half thereof to the use of the state, and the
8 remainder to the adjutant, who shall be required to collect
9 said fine by an action of debt in any court proper to try
10 the same.

Penalty for
neglect to make
return by
captain.

SECT. 32. The adjutant general shall form and sign cor-
2 rect abstracts of all the returns as before herein required,
3 and transmit one of them to the commander-in-chief, and
4 one to the President of the United States, on or before
5 the first day of January annually.

Adjutant general
to transmit
abstract of
returns to
governor and to
president, on
January 1.

SECT. 33. The arms, amunitions, accoutrements and
2 uniform of every officer, non-commissioned officer, and pri-
3 vate, and the uniform and musical instruments of the
4 musicians of such companies, shall be exempted from attach-
5 ment, execution, or distress.

Equipments
exempt from
attachment.

SECT. 34. 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
4 during his going unto, remaining at, or returning from any
5 place, at which he may be ordered to meet for the election
6 of any officer or officers. And no officer shall be arrested
7 in any civil process while going to, serving upon, or return-
8 ing from, any court martial, court of inquiry, or board of
9 officers, upon which it may be the duty of such officer to
10 attend.

Officers and
soldiers
exempted from
arrest.

SECT. 35. The commander-in-chief is hereby authorized
2 to cause all necessary repairs to be made upon all the car-

Governor to
erect gun houses.

CHAP. 10.

repair them,
and carriages.

3 riages and apparatus of the artillery, and all the gun houses
4 belonging to the state; and also to cause gun houses to be
5 erected for the safe keeping of the public property as afore-
6 said, where such have not been erected; good and sufficient
7 deeds of land therefor being first given free of expense to
8 the state.

Officers, appointment, election, and qualification of.

Officers, how
elected,
appointed and
commissioned.

SECT. 36. The commissioned officers of the militia named
2 in the laws of the United States shall be chosen and
3 appointed in the manner following:

4 The major general shall be chosen by the senate and house
5 of representatives, each having a negative on the other. The
6 secretary of state, as soon as may be after any such elec-
7 tion, shall notify the person elected thereof; and if such
8 person shall not signify his acceptance of the office within
9 thirty days after such notice, he shall be considered as
10 declining.

11 The adjutant general and quartermaster general shall be
12 chosen as provided by the constitution with the rank of
13 brigadier general, and shall keep their offices at the seat of
14 government.

15 The division inspectors shall be appointed by the major
16 generals of their respective divisions with the rank of lieu-
17 tenant-colonel.

18 The aids-de-camp of the major generals shall be appointed
19 by their respective major generals with the rank of major.

20 The division quartermasters shall be appointed by the
21 major generals of their respective divisions with the rank
22 of major.

23 The brigadier generals shall be chosen by the written
24 votes of the field officers of their respective brigades.

25 The brigade majors shall be appointed by their respective
26 brigadier generals with the rank of major.

27 The aids-de-camp of the brigadier generals and quarter-
28 masters of brigades shall be appointed by the brigadier
29 generals of their respective brigades with the rank of cap-
30 tain.

31 The field officers of regiments and battalions shall be
32 chosen by the written votes of the captains and subalterns
33 of their respective regiments and battalions.

34 The captains and subalterns of companies shall be chosen
35 by the written votes of the members of their respective
36 companies.

37 The adjutants the quartermasters and the paymasters of
 38 regiments shall be appointed by the colonels of their
 39 respective regiments with the rank of lieutenant.

40 The chaplains the surgeons and the surgeons' mates of
 41 regiments shall be appointed by the colonels of their
 42 respective regiments.

43 The aforementioned officers shall be commissioned by the gov-
 44 ernor.

SECT. 37. Sergeants and corporals shall be appointed by,
 2 and receive their warrants from the captains of their com-
 3 panies.

Sergeants and
 corporals
 appointed by
 captains.

SECT. 38. In addition to the officers specified in the laws
 2 of the United States there shall be the following, who shall
 3 receive commissions from the governor, viz :

Officers not
 required by laws
 of United States,
 how appointed.

4 Aids-de-camp to the commander-in-chief, not to exceed
 5 four in number, with the rank of lieutenant colonel to be
 6 appointed by the governor.

7 One or more hospital surgeons to be appointed by the
 8 governor; and said surgeons, while in actual service, shall
 9 be at the head of the medical department within the dis-
 10 trict assigned them by the commander-in-chief with advice
 11 of the council.

12 A division advocate for each division to be appointed by
 13 the commander-in-chief.

14 An adjutant and quartermaster to each battalion of artil-
 15 lery and cavalry to be appointed by the commanding officers
 16 of their respective battalions with the rank of lieutenant.

17 And the following non-commissioned officers, viz :

18 To each regiment a quartermaster sergeant and a sergeant
 19 major, a drum and fife major, master, deputy master of
 20 musicians of the regimental bands, to be appointed by the
 21 colonels of their respective regiments, who shall grant them
 22 warrants accordingly.

23 A quartermaster sergeant to each separate battalion of
 24 artillery and cavalry to be appointed by the commanding
 25 officers of their respective battalions, who shall grant them
 26 warrants accordingly.

SECT. 39. To each company of cavalry, artillery, light
 2 infantry, infantry, or riflemen, there shall be one captain,
 3 one first, one second, one third, and one fourth lieutenant,
 4 five sergeants, four corporals, two fifers and two drummers,
 5 and to each company of artillery there shall be three dri-
 6 vers, and to each company of cavalry one saddler, one
 7 farrier, and one or more trumpeters, who shall be respect-

Officers of
 companies,
 their number,
 rank and
 appointment.

CHAP. 10.

Major general to
cause vacancies
to be filled.
Elections, how
made.

8 ively chosen or appointed as provided in the thirty-sixth
9 section.

SECT. 40. Each major general is authorized and it shall
2 be his duty, from time to time, to give all such orders as
3 may be necessary for filling by election any vacancy of
4 brigadier general, field officer, captain or subaltern, existing
5 within his division. Previously to any such election, except
6 in the organization of companies of ununiformed militia
7 called into actual service under section four, the electors
8 shall have ten days notice thereof at least, and no election
9 for the choice of brigadier general or field officer shall be
10 valid until a majority of all the electors, qualified by law to
11 vote in such choice, counting all the existing vacancies in
12 the offices of such electors, shall be present at such election.
13 Every person, who shall have been elected to any office as
14 aforesaid and shall not within one hour after he shall be
15 declared so elected signify his acceptance to the presiding
16 officer thereof in person or in writing, shall be considered
17 as declining to serve, and a new election shall be had.

Rank and
commission of
officers.

SECT. 41. The commission of every officer shall designate
2 the division, brigade, regiment, or battalion, and the corps
3 in which he shall be commissioned and the day of his elec-
4 tion or appointment; and he shall take rank from that
5 day;—and whenever an officer is transferred from one corps
6 or station to another in the same grade, the day of the date
7 of his original appointment or election shall be expressed
8 in his new commission, and that day be considered the date
9 of his commission.

Loss of commis-
sion supplied.

SECT. 42. When an officer shall by any casualty lose his
2 commission, upon his making affidavit thereof before any
3 justice of the peace of the county wherein he resides and
4 on filing such affidavit in the office of the adjutant general,
5 he shall be entitled to receive a new commission of the
6 same tenor and date as the one so lost.

Rank
determined
by lot when
not otherwise.

SECT. 43. When two or more officers of the same grade
2 are on duty together, and their commissions bear an equal
3 date, and former pretensions of some commission do not
4 decide their rank, then their relative rank with each other
5 shall be determined by lot to be drawn by them before the
6 commanding officer present; and when on a court martial
7 before the president thereof.

Officers to be
sworn.

SECT. 44. Every officer duly commissioned shall before
2 he enters upon the discharge of the duties of his office, take

Form of oath.

3 and subscribe the oaths required by the constitution before

4 some justice of the peace, or before some superior field or
 5 general officer, or staff officer of the rank of field officer who
 6 has previously taken and subscribed them himself. And on
 7 the back of every military commission the following form
 8 of certificate of qualification shall be printed :

“STATE OF MAINE.

10 “This may certify that ———, commissioned as
 11 within, on this ——— day of ———, in the year 18—, person-
 12 ally appeared and took and subscribed the oaths required
 13 by the constitution of this state to qualify him to discharge
 14 the duties of his office.

Before me, ———, ———, ———.”

SECT. 45. To every company there shall be a clerk, who
 2 shall be one of the sergeants, and he shall be appointed by
 3 the captain or commanding officer thereof, and on the back
 4 of his warrant as sergeant the captain or commanding offi-
 5 cer shall in writing certify that he does thereby appoint him
 6 to be clerk of the company. And before such clerk enters
 7 upon the duties of his clerkship, he shall be sworn to the
 8 faithful discharge of his duty by taking the following oath
 9 before the captain or commanding officer of the company to
 10 which he belongs, who is hereby authorized to administer
 11 the same, viz :

Clerk of
company, how
appointed and
sworn.

Form of oath.

12 “I, A. B., do solemnly swear, that I will faithfully and
 13 impartially perform all the duties incumbent on me, as clerk
 14 of the company to which I belong, according to the best of
 15 my abilities and understanding. So help me God.”

16 And the captain or commanding officer of the company
 17 shall, at the time of administering said oath, certify on the
 18 back of the warrant of the sergeant appointed to be clerk,
 19 that he was duly qualified by taking the oath required by
 20 law.

SECT. 46. The clerk shall keep a fair and exact roll of
 2 the company together with the state of the arms and equip-
 3 ments belonging to each man, which roll he shall annually
 4 revise on the first Tuesday of May, and correct the same
 5 from time to time as the state of the company may require.
 6 He shall register all orders and proceedings of the com-
 7 pany in the orderly book; keep exact details of all drafts
 8 and detachments; distribute all company orders and notifi-
 9 cations which he may be required to do; examine the equip-
 10 ments of the men, when ordered; note all delinquencies;
 11 sue for and recover all fines and forfeitures which may be

Clerk's duties.

CHAP. 10.

12 required to be sued for in this chapter; and keep accounts
 13 in the orderly book of all fines and forfeitures, and all other
 14 moneys collected by him, with the persons' names of whom
 15 they were collected, and of the times when, and for what
 16 offense; which book shall not be alienated from the com-
 17 pany, and shall always be open to the inspection of any offi-
 18 cer or private of the company.

Clerk pro
 tempore,
 appointment
 and duties.

SECT. 47. In case of the sickness, absence, or other dis-
 2 ability of the clerk of any company, the commanding officer
 3 thereof may appoint a clerk pro tempore, who shall be duly
 4 sworn before he enters on the duties of the office; and shall
 5 for the time expressed in his appointment, or until specially
 6 discharged, have all the powers, and be subject to all the
 7 duties, and liable to all the penalties, of the clerk in whose
 8 place he is put.

Captain may
 designate a
 soldier to
 perform duties
 of clerk in
 certain cases.

SECT. 48. In case of such sickness, absence, or other dis-
 2 ability, or whenever the office of clerk in any company shall
 3 become vacant, and it shall satisfactorily appear to the com-
 4 manding officer that no person will accept the same, tempo-
 5 rarily or permanently as the case may be, he may issue his
 6 order in writing to any non-commissioned officer or private
 7 in said company requiring him to perform all the duties of
 8 the clerk of said company, except keeping the records, until
 9 the clerk shall be able to perform the same, or some other
 10 person be appointed, for a term not exceeding three months;
 11 and if any non-commissioned officer or private so appointed,
 12 and who shall not have been within one year previous re-
 13 quired to perform the same duties, shall refuse or neglect
 14 to perform all or any of the duties of said office during
 15 said term, except keeping the records, he shall forfeit and
 16 pay not less than ten, nor more than twenty dollars, to be
 17 recovered by indictment, or by action on the case, by any
 18 person whatever; one-half to the use of the state, and the
 19 other half to the use of the prosecutor.

Captain in such
 cases to keep
 records.

SECT. 49. In all such cases the records of the company
 2 shall be kept by the commanding officer, so long as such
 3 vacancy, absence, sickness or other disability shall continue;
 4 and the records so kept shall be competent evidence of
 5 such orders and temporary appointments, as well as of all
 6 matters of which such records would be evidence if kept
 7 by the clerk.

In case of
 vacancy or
 absence of

SECT. 50. When the office of major general, brigadier
 2 general, colonel, lieutenant colonel, major commandant, or
 3 of captain shall be vacant, or in case of the absence of any

CHAP. 10.

4 such officer, the officer next in grade and in commission in
 5 the division, brigade, regiment, battalion or company, on due
 6 notice thereof from the proper superior officer, shall exercise
 7 the command and perform the duties thereof, until the va-
 8 cancy shall be supplied.

superior, next
 in rank to
 command.

SECT. 51. When a company shall have neither commis-
 2 sioned nor non-commissioned officers, the commanding offi-
 3 cer of the regiment or battalion, to which such company
 4 belongs, shall appoint suitable persons within said company
 5 to be non-commissioned officers of the same, and grant them
 6 warrants accordingly; one of which non-commissioned offi-
 7 cers he shall appoint clerk, and endorse his warrant and
 8 administer the oath to him, as directed in the forty-eighth
 9 section; and the senior non-commissioned officer of a com-
 10 pany, while there are no commissioned officers in office,
 11 shall command the same; and all the powers of commanding
 12 officer shall be vested in him, until some commissioned offi-
 13 cer shall be appointed or chosen and qualified.

Company
 without officers,
 how to be
 provided.

SECT. 52. When any company shall have remained with-
 2 out any commissioned officers for the term of three months,
 3 the commanding officer of the regiment to which said com-
 4 pany belongs shall detail some suitable officer of the staff
 5 or of the line not above the rank of lieutenant to train and
 6 discipline said company, until some officer shall be elected
 7 or appointed by the commander-in-chief, as provided in the
 8 second section of the seventh article of the constitution and
 9 commissioned; and such officer so detailed shall have the
 10 same power and authority and be subject to the same lia-
 11 bilities, as if he were captain of such company; and he shall
 12 keep the records of the company, and prosecute for all fines
 13 and forfeitures, in such manner as he may be authorized and
 14 required to do by virtue of the eighteenth section of this
 15 chapter; one half of the amount recovered to be to the use
 16 of the regiment, and the other half to the use of the officer.
 17 The officer so prosecuting shall be a competent witness in
 18 the case.

Company
 without officers
 commissioned
 for three months.

Subjected to
 discipline of an
 officer appointed
 by colonel.

SECT. 53. When the officer so detailed to command such
 2 company, or where no officer shall have been detailed,
 3 whenever the commanding officer of the regiment to which
 4 such company belongs shall in writing order any non-com-
 5 missioned officer or private to notify the persons liable to
 6 do duty in such company to appear for any duty required
 7 by law, any non-commissioned officer or private, who shall
 8 neglect or refuse to notify such persons to meet at the time

Penalty for
 neglect of soldier
 to warn when
 ordered by such
 officer or by
 colonel.

CHAP. 10.

9 and place and for the purposes mentioned in such order as
 10 aforesaid, shall forfeit and pay not less than twenty, nor
 11 more than one hundred dollars, to be recovered by indictment,
 12 or by an action on the case, by any person whatever;
 13 one half to the use of the state, and the other half to the
 14 prosecutor.

Compensation
 of adjutant and
 quarter master
 general.

SECT. 54. The adjutant general and quartermaster general shall receive compensation for their services to be allowed by the legislature.

Officers to
 perform all other
 duties attached
 to their offices.

SECT. 55. 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.

Officers, how discharged.

Officers to
 remain in office
 for five and not
 more than seven
 years; excep-
 tions thereto.

SECT. 56. 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 occasioned thereby.

Officers not to
 resign while

SECT. 57. No officer shall be permitted to resign while under arrest; and no resignation of any officer shall be

CHAP. 10.

3 approved, if such resignation be offered between the first
 4 day of May and the first day of November, unless the reas-
 5 ons offered by the officer wishing to resign within those
 6 days be very urgent.

under arrest nor
 between May 1,
 and November 1.

SECT. 58. No general or field officer shall approve a res-
 2 ignation, until the orderly and other books and property of
 3 the state in possession of the resigning officer are taken
 4 care of for the use of the corps to which such officer belongs,
 5 in order that such books and property may be delivered to
 6 his successor.

Resignations
 not approved till
 books and
 property
 delivered.

SECT. 59. If any person having held an office in the
 2 militia shall after his discharge or removal from office neg-
 3 lect or refuse, after demand made upon him by his successor
 4 in office, to deliver over to his said successor any property
 5 in his possession belonging to the state, said person shall
 6 forfeit and pay a sum not less than twenty dollars, nor more
 7 than one hundred dollars, to the use of the state, to be
 8 recovered by indictment before the court.

Penalty for
 neglect to
 deliver.

SECT. 60. No officer shall be considered as exempted
 2 from the duties of his station, except when under arrest,
 3 until he shall have been discharged by one of the methods
 4 or causes pointed out in section fifty-seven, or shall have
 5 received a certificate of discharge from the commander-in-
 6 chief.

Officer's duties
 continued till
 certificate of
 discharge
 received.

SECT. 61. If any officer shall in due course of law be
 2 convicted of any infamous crime, he shall be forthwith put
 3 in arrest, and deprived of all military command, until he
 4 shall be removed by the governor and council.

Arrested on
 conviction of
 crime.

SECT. 62. No idiot, lunatic, common drunkard, vagabond,
 2 pauper, nor any person convicted of any infamous crime,
 3 nor any other than white able-bodied male citizens, shall
 4 be eligible to any office in the militia; and whenever it shall
 5 appear to the commander-in-chief, that any person thus
 6 ineligible has received a majority of votes cast at any elec-
 7 tion of officers, he shall not commission him; but with the
 8 advice and consent of the council shall declare said election
 9 null and void, and appoint some person to fill the vacancy.
 10 And when it shall appear to the commander-in-chief, that
 11 any person commissioned as an officer in the militia of this
 12 state, has become an idiot, lunatic, common drunkard, or
 13 vagabond, he shall with the advice of the council forthwith
 14 remove him from office, and a new election shall be ordered
 15 to fill such vacancy.

Persons not
 eligible to office.

If elected, not
 commissioned—
 such in commis-
 sion may be
 removed.

CHAP. 10.

Discipline, trainings, reviews, uniform.

Days on which
no military duty
is to be required.

Penalty.

SECT. 63. No officer non-commissioned officer or private
2 shall be held to perform any military duty on any day, ex-
3 cept on days which are or may be specially prescribed by
4 law, on which the selectmen of the town in which such
5 officer, non-commissioned officer, or private resides, shall
6 appoint a meeting for the election of a representative to
7 the legislature; nor shall there be any military parade on
8 the day pointed out by the constitution of this state for the
9 election of governor and senators; nor on any day which
10 may be appointed for the choice of electors of president
11 and vice-president of the United States or representatives
12 to congress; and it shall not be lawful for any officer to
13 parade his men on either of said days, unless in case of
14 invasion made, or threatened, or in obedience to the orders
15 of the commander-in-chief, except as provided for in this
16 chapter; and if any officer, contrary to the provisions
17 aforesaid, shall parade his men on either of said days of
18 election, he shall be liable to be tried by a court martial;
19 and shall moreover forfeit a sum not less than fifty, nor
20 more than three hundred dollars, to be sued for and recov-
21 ered in an action on the case before any court of compe-
22 tent jurisdiction; one moiety thereof to the use of the
23 person who may prosecute for the same, the other to the
24 use of the state.

No parade or
march within
fifty rods of a
court, under
penalty.

SECT. 64. If the commanding officer of any company,
2 battalion, regiment, or brigade of the militia of this state
3 shall parade march or exercise the same within the distance
4 of fifty rods from any court house of any county, whilst any
5 judicial court shall be in session therein, unless when called
6 out to suppress insurrection, repel invasion, or enforce the
7 laws, he shall, for every such offense, forfeit and pay a fine
8 not less than twenty, nor more than one hundred dollars, to
9 be recovered by indictment, to the use of the state.

Parades of
companies
according to
rank of captains,
exceptions.

SECT. 65. At all regimental and battalion parades the
2 several companies shall form in regiment or battalion, ac-
3 cording to the rank of the officers present actually command-
4 ing them; and the same rule shall apply in all cases, ex-
5 cepting those in which artillery, cavalry, light infantry, and
6 riflemen may by usage and necessity be detached from the
7 regiments and battalions.

CHAP. 10.

SECT. 66. When different corps shall parade join or do
2 duty together the senior officer present according to rank,
3 shall command without regard to corps.

Senior officer
present to
command.

SECT. 67. When a company destitute of commissioned
2 officers shall parade with other troops, the commanding
3 officer present shall assign some commissioned officer or
4 officers to such destitute company to command the same
5 while on parade.

Officer to be
assigned to
company
destitute.

SECT. 68. Every commanding officer when on duty is
2 hereby authorized to ascertain and fix necessary bounds and
3 limits to his parade (not including any road on which people
4 travel so as to prevent their passing) within which no spec-
5 tator shall have a right to enter without leave from such
6 commanding officer, and in case any person shall intrude
7 within the limits of the parade after being once forbidden
8 he may be confined under guard during the time of parade
9 or a shorter time, at the discretion of the commanding offi-
10 cer; and any person who shall resist any sentry who
11 attempts to put him out of such limits, or keep him out of the
12 same, may be arrested by order of such commanding officer
13 and carried before some court or magistrate to be examined
14 or tried for such assault or disturbance and breach of the
15 peace upon complaint thereof.

Officer com-
manding may
fix limits of
parade ground,
arrest
transgressors.

SECT. 69. Encampments or camps of instruction in bodies
2 of not less than one regiment may be ordered by the major
3 general of each division, to take place between the middle
4 of July and the middle of October, and at points convenient
5 to the troops ordered to be encamped; and in all cases of
6 ordering of such encampments or camps of instruction reas-
7 onable compensation for transportation of arms and equip-
8 age shall be paid by the acting quartermaster general, the
9 accounts having first been audited and allowed by the gov-
10 ernor and council.

Major general
may order
camps of
instruction.

SECT. 70. The commander-in-chief may designate any
2 body of troops beyond the limits of the division which
3 may have been ordered into encampment as provided for in
4 the preceding section, to attend such encampment and per-
5 form duty therein subject to the order of the commanding
6 officer of said encampment; and when the troops thus desig-
7 nated shall do duty as aforesaid, compensation for trans-
8 portation of arms and equipage shall be allowed as is before
9 provided for.

Governor may
order them
beyond limits
of division.

SECT. 71. Troops so encamped shall be carefully and
2 thoroughly exercised in the whole routine of camp and field

Exercise of
troops when
encamped.

CHAP. 10.

3 duty according to the tactics prescribed from time to time,
 4 as shall be ordered by the officers in chief command; and
 5 the troops shall also be inspected by the brigade major and
 6 inspector, whose duty it shall be to attend such encamp-
 7 ments, and shall be reviewed and manœuvred in company
 8 and battalion by the commanders of brigades if in regi-
 9 ments, and by the major general if in brigades, in presence
 10 of such general and other officers as may be present.

Encampment
 notified thirty
 days. Service
 two days.

SECT. 72. The notice for such encampment shall be issued
 2 at least thirty days before the time appointed for the same;
 3 and said troops, whenever thus ordered out, shall continue
 4 to perform duty for at least two days, unless sooner dis-
 5 charged by the senior officer in command.

Booths and
 sheds may be
 removed by
 municipal
 officers on
 complaint.

SECT. 73. The mayor and aldermen of any city, or the
 2 selectmen of any town upon complaint made to them under
 3 oath, that the complainant has reason to believe that any
 4 booth, shed, or other temporary erection, situated within
 5 one mile of any muster field, is used and occupied for the
 6 sale of spirituous or fermented liquors, or for the purpose
 7 of gaming for money, or other property, may if they con-
 8 sider the complaint well founded, order the owner or occu-
 9 pant thereof to vacate and close the same immediately; and
 10 if the owner or occupant shall refuse or neglect so to do,
 11 the said mayor and aldermen or selectmen may forthwith
 12 abate such booth shed or other temporary erection as a
 13 nuisance, and pull down or otherwise destroy the same in
 14 any manner they may choose, or through the agency of any
 15 force, civil or military, which they may see fit to employ.

Soldiers may be
 arrested for
 misconduct and
 fined.

SECT. 74. Any non-commissioned officer or private, who
 2 shall, while under arms or when on duty, behave himself
 3 with contempt to an officer, or shall conduct in a disorderly
 4 manner, or excite or join in any tumult or riot, or be guilty
 5 of any other unmilitary conduct, may be put under guard,
 6 and so kept for a longer or shorter time at the discretion
 7 of the commanding officer of the company, not beyond the
 9 time when the company to which he belongs is dismissed;
 10 and shall moreover forfeit a sum not less than five nor more
 11 than twenty dollars for each offense according to the degree
 12 and aggravation thereof.

System of
 discipline and
 exercise of the
 United States to
 be observed.

SECT. 75. The system of discipline and field exercise
 2 which is ordered to be observed by the regular army of the
 3 United States in the different corps of cavalry, artillery,
 4 light infantry, and riflemen, or such other system as may at
 5 any time hereafter be directed for the volunteers and

6 militia by the laws of the United States, shall be observed
7 by the companies raised at large in this state, and by the
8 ununiformed militia when called into actual service, in the
9 discipline and exercise of said corps respectively.

SECT. 76. Every commanding officer of a company raised
2 at large shall parade his company on the second Wednesday
3 in May, annually, at one o'clock in the afternoon, for the
4 purpose of inspecting examining and taking account of all
5 equipments of his men, in order that a thorough inspection
6 may be made of all volunteer companies in the state. Every
7 commanding officer of a company shall exercise and disci-
8 pline as well as inspect his company on said day. Every
9 commanding officer as aforesaid shall, in addition thereto,
10 parade his company for exercise and discipline on two other
11 days, at the hour aforesaid, by his own order.

Parade of each
company for
inspection
second Monday
of May.

SECT. 77. No private shall be compelled to perform any
2 other military duty in one year than is herein provided,
3 except in time of war or public danger, and for choice of
4 officers, nor after sunset. But on the approach of any pub-
5 lic danger, when, in the opinion of the commander-in-chief,
6 any of the exigencies are likely to happen upon which the
7 militia could, by the constitution of the United States, be
8 called into actual service, he shall have power to order such
9 other and further training and disciplining of the militia, or
10 any part thereof, as he may deem necessary.

No military
duty, not
required by law,
to be exacted,
except in times
of public danger.

SECT. 78. The commander-in-chief may prescribe a style
2 of uniform which shall be the state uniform, and shall be
3 worn by the volunteers when on duty at the annual or other
4 reviews, when so ordered by the brigadier or major general;
5 *provided, however*, that all volunteer companies which have
6 heretofore adopted a different uniform may for the present,
7 and until otherwise ordered by the commander-in-chief, be
8 permitted to appear in their present uniform.

Governor may
prescribe
uniform.

SECT. 79. Whenever the commander-in-chief shall direct
2 any corps to perform escort duties, the commanding officer
3 of such corps shall present his account for necessary music
4 to the quartermaster general, by whom the same shall be
5 audited and paid.

Escort duties.

SECT. 80. The commander-in-chief, whenever in his opin-
2 ion it shall be necessary, may call boards of officers for
3 settling military questions, or for other purposes relative
4 to good order and discipline.

Boards of officers
may be called.

CHAP. 10.

Notifications, excuses, by-laws and regulations.

Company
trainings, how
warned.

SECT. 81. When the commanding officer of a company
2 shall order out his company for inspection or training, or
3 for any battalion, regimental, brigade, or division inspection
4 or review, he shall issue orders to some one or more of the
5 non-commissioned officers or privates of his company requir-
6 ing him or them to notify the men belonging to his company
7 to appear at the time and place appointed; and it shall be
8 the duty of the non-commissioned officer or officers, private
9 or privates, so ordered as aforesaid, to give notice of the
10 time and place appointed for the parade of said company to
11 each and every man he or they shall have been ordered to
12 notify, either verbally, or by delivering to each man in per-
13 son, or by leaving at his usual place of abode, a written or
14 printed order; but no private shall be obliged thus to notify
15 more than once in the same year.

Notice four
days; for
elections ten
days.

SECT. 82. No notice shall be legal for any company
2 inspection or training, or for any battalion, regimental, brig-
3 ade, or division inspection or review, unless the same shall
4 be given four days at least previous to the time appointed
5 therefor; and ten days previous notice shall be given, if the
6 meeting be ordered for the election of officers. *Provided,*
7 *always,* that in case of invasion, insurrection, or other emer-
8 gency, any notice, however short, shall be legal and binding.
9 And whenever any company shall be paraded, the command-
10 ing officer thereof may verbally notify the men so paraded,
11 to appear on some future day, not exceeding thirty days
12 from the time of such notification for any military duty
13 required by law, and such notice shall be legal as it respects
14 the men present.

Soldier receiving
orders, to warn
company.

SECT. 83. When any non-commissioned officer or private
2 in any company shall receive orders from the commanding
3 officer of such company to notify and warn such company,
4 or any part thereof, to meet for the purpose of choosing any
5 officer or officers, it shall be the duty of such non-commis-
6 sioned officer or private to give every person he is so
7 ordered to warn, verbal notice, or to leave him a written or
8 printed notification, at his usual place of abode, specifying
9 the time, place and purpose of said meeting.

All excuses
must be made
within twenty
days. Officers
to inform clerks
of excuses
accepted.

SECT. 84. All excuses for non-appearance of non-commis-
2 sioned officers and privates must be made within twenty
3 days after any training, view of arms, or other military
4 duty, to the commanding officers of their respective compa-

5 nies; and on the delinquent's producing, or causing to be
 6 produced, satisfactory evidence of his inability to appear,
 7 his commanding officer may excuse him; but all command-
 8 ing officers of companies are hereby forbidden from receiv-
 9 ing any excuse for non-appearance, under any pretence
 10 whatever, after the expiration of the twenty days allowed.
 11 Any such non-commissioned officer or private,¹ who shall
 12 neglect to give, or cause to be given, to his commanding
 13 officer such satisfactory evidence of his inability, to appear,
 14 provided he is not prevented therefrom by severe sickness
 15 or other inevitable accident within the said twenty days,
 16 shall forfeit and pay the penalty by law provided for such
 17 non-appearance. And if a warrant be issued to an individ-
 18 ual who may have held a commission in this state, or any
 19 other of the United States, which may not be within the
 20 knowledge of the commanding officer of the company in
 21 which he is so warned, it shall be his duty to give notice
 22 thereof in manner above provided, or such commission shall
 23 not exempt him from such fine as would otherwise be im-
 24 posed upon him for non-appearance. All commanding offi-
 25 cers of companies shall inform, or cause their clerks to be
 26 informed, of all excuses for non-appearances which they may
 27 allow as good and sufficient.

SECT. 85. Every company of the uniformed militia may
 2 by their by-laws provide for the payment of such fines and
 3 penalties, not inconsistent with the provisions of this chap-
 4 ter or of the laws of the state, for non-appearance at any
 5 company trainings and drills, for deficiency in arms and
 6 equipments, for neglect of any duty required by law, for dis-
 7 obedience of orders, or disorderly behavior when on duty,
 8 as the good of the service shall require. If such by-laws
 9 are submitted to, and approved by the commander-in-chief,
 10 the fines and penalties thereby imposed may be sued for
 11 and recovered in an action of debt, or any other proper
 12 action, by the clerk of the company.

Company may
by by-laws
prescribe penal-
ties for
non-appearance
and defects of
equipment.

SECT. 86. When the militia shall be called into actual
 2 service, the commander-in-chief may prescribe such rules
 3 and regulations as the good of the same shall require, to be
 4 enforced by suitable fines and penalties to be prescribed by
 5 him, and enforced and collected in such manner as he may
 6 order.

Governor may
prescribe rules
for active
service.

CHAP. 10.

Compensation.

Compensation
of certain
officers.

SECT. 87. The following shall be the annual allowance to
2 be paid by the acting quartermaster general to the officers
3 named in this chapter for all services, they may render in
4 the official discharge of their duties respectively:
5 To the aid-de-camp acting as orderly officer to the major
6 general of each division twenty dollars;
7 To the brigade inspector of each brigade twenty-five
8 dollars;
9 To the aid-de-camp of each brigadier general twenty
10 dollars;
11 To the adjutant of each regiment twenty-five dollars;
12 To the adjutant of each battalion of cavalry or artillery
13 ten dollars;
14 To the clerk of each company ten dollars;
15 if said officers shall promptly and faithfully perform the
16 duties belonging to them respectively; *and provided, also,*
17 that the said service shall be duly certified by the proper
18 officers.

Riots, &c.

Governor may
order militia out
to support the
laws.

SECT. 88. Whenever there shall be in any place within
2 this state any tumult, riot, mob, or any body of men acting
3 together by force with intent to commit any felony, or to
4 offer violence to persons or property, or by force and vio-
5 lence to break and resist the laws of the state, and the fact
6 be made to appear to the commander-in-chief, he may issue
7 his order to any commanding officer of any division, brigade,
8 regiment, battalion, or corps, to order his command or any
9 part thereof, (describing the kind and number of troops,) to
10 appear at a time and place therein specified to aid civil
11 authority in suppressing such violence and supporting the
12 laws.

Same.

SECT. 89. Whenever any such tumult riot or mob shall
2 be threatened, and the fact be made to appear, then the
3 commander-in-chief may issue his order directed to any
4 commanding officer as aforesaid to order his command, or
5 any part thereof, (describing the kind and number of troops)
6 to appear at a time and place specified therein to aid the
7 civil authorities in preventing and suppressing such violence
8 and in supporting the laws.

Same, and
penalties
prescribed.

SECT. 90. The officer to whom the order of the com-
2 mander-in-chief shall be directed shall forthwith order the

3 troops therein mentioned to parade at the time and place
 4 appointed, and if he shall neglect or refuse to obey an order
 5 issued in pursuance thereof, he shall be cashiered, and be
 6 further punished by fine or imprisonment not exceeding six
 7 months, as a court martial may sentence. And any non-
 8 commissioned officer or soldier, who shall neglect or refuse
 9 to appear at the place of parade to obey an order issued in
 10 such case, or any person who shall advise or endeavor to
 11 persuade any officer or soldier to refuse or neglect to appear
 12 at such place or to obey such order, shall be punished by a
 13 fine of fifty dollars to be recovered by indictment to the
 14 use of the state, or by an action in the case by any person
 15 one-half of the sum recovered in such case, to accrue to
 16 the use of the state, and the other half to the use of the
 17 prosecutor.

SECT. 91. Such troops shall appear at the time and place
 2 appointed armed and equipped and with ammunition, as for
 3 inspection of arms, and shall obey and execute such orders
 4 as they may then and there receive according to law.

Troops to
assemble and
obey orders.

SECT. 92. The city or town, in which such riot tumult or
 2 mob shall occur or be threatened, shall cause suitable pro-
 3 visions quarters and ammunition to be furnished to such
 4 troops as may be called out pursuant to the foregoing sec-
 5 tion, and the expenditures therefor shall be reimbursed by
 6 the state.

Towns to
furnish
provisions and
quarters.

SECT. 93. There shall be paid out of the moneys of the
 2 state to each person, who shall perform the duties required
 3 of him by the ninety-first section of this act, the following
 4 sums to wit: to each commissioned officer, three dollars
 5 per day, and to each non-commissioned officer, musician, and
 6 private, one dollar and fifty cents per day for each day's
 7 service so performed by him, from the time he may be
 8 ordered out until he shall be legally discharged from duty
 9 by the proper officer.

Compensation
when so called
out.

Courts Martial.

SECT. 94. All courts martial shall consist of three mem-
 2 bers to be detailed in the manner hereinafter directed.
 3 One of the members of each court shall be designated in
 4 the order, under which they shall act, as the president there-
 5 of, and in case of his absence at the trial of any cause within
 6 their jurisdiction, the senior officer of such court, who shall
 7 be present, shall officiate as president pro tempore.
 8 Any two members of said court shall constitute a quorum

Courts martial
to consist of
three members.

Proceedings.

CHAP. 10.

9 for the trial of all causes coming before them in the manner
10 hereinafter provided.

11 Any one member of said court may, and it shall be his
12 duty to adjourn the proceedings thereof from time to time,
13 as to him may appear just in the absence of the other
14 members.

President
appoints mar-
shal, duties.

SECT. 95. When any such court shall be in session, the
2 president thereof shall appoint a marshal, whose duty it
3 shall be to preserve order therein, and with the concurrence
4 of either of the associate members he may also appoint a
5 warrant officer to attend upon the same.

Governor may
appoint
president and
members when
called by him.

SECT. 96. When the commander-in-chief shall deem it
2 necessary to assemble any court martial for the trial of any
3 officer, it shall be lawful for him to appoint the president
4 and members thereof from any division or divisions of the
5 militia, which the circumstances of the case and the ends of
6 justice may in his opinion require.

He may make
summary
inquiry by an
officer, who is
to report.

SECT. 97. Summary inquiry may be made into the truth
2 and circumstances of any matter contained in any complaint
3 or allegation against the conduct of any officer or corps of
4 the militia by an officer specially appointed for that pur-
5 pose by the commander-in-chief; and it shall be the duty of
6 any officer appointed to make such inquiry to report the
7 result of his inquiry and investigation, as soon as may be
8 after he shall have completed the same, to the adjutant gen-
9 eral's office; the officer making and reporting such summary
10 inquiry shall file his account for such services in the adju-
11 tant general's office to be presented to the legislature for
12 allowance.

Division advo-
cates appointed
by governor for
five years, their
duties.

SECT. 98. There shall be appointed and commissioned by
2 the governor a division advocate for the militia of suitable
3 learning in the law for each division with the rank of
4 major to continue in office for the term of five years, whose
5 duty shall be as follows:

6 To reduce to proper form the charges and specifications of
7 charges contained in every written complaint of any person
8 aggrieved, or of any commissioned officer, which may be
9 lodged with him against any military officer within his
10 division, upon any alleged offense by such officer committed
11 and cognizable by the court martial within his division, and
12 transmit the same to the adjutant general within fifteen
13 days for the consideration of the commander-in-chief.

Copy of order
conveying court
and copy of

SECT. 99. When a court martial is ordered by the com-
2 mander-in-chief for the trial of any officer on charges and

CHAP. 10.

3 specifications of charges preferred against him the division
 4 advocate shall prosecute the same; and in all cases the
 5 division advocate shall be furnished by the adjutant general
 6 forty days at least before the time of trial with a copy of
 7 the general order convening the court, and of the charges
 8 and specifications preferred and cause the respondent to be
 9 served with a copy thereof twenty days at least before the
 10 trial.

charges to be
furnished.

SECT. 100. The courts martial hereby authorized shall be
 2 convened from time to time according to the appointment
 3 and order of the commander-in-chief for the trial of such
 4 officers, as are by the provisions of this chapter made ame-
 5 nable to the jurisdiction of said courts.

Governor may
order courts
martial.

SECT. 101. 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
 4 the state, or by any justice of the peace if for the respond-
 5 ent, shall be held to obey such subpoena under the same
 6 penalties and liabilities for neglect as are provided in other
 7 public prosecutions: all oaths required of persons testifying
 8 in said courts may be administered by any member thereof;
 9 depositions may be taken and used as in cases pending in
 10 courts of common law.

Witnesses
required to
attend.

SECT. 102. 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
 4 law, or the principles of duty and usage attached to his
 5 office, the court shall sentence him to be reprimanded in
 6 orders, and to pay a fine of not less than ten nor exceeding
 7 fifty dollars together with part or all of the costs of court
 8 or to either according to the nature of the offense; or to be
 9 removed from office with or without the payment of such
 10 fine and costs at the discretion of court; and in addition
 11 thereto, if the court think proper, to be disqualified for and
 12 incapable of holding any military office under this state for
 13 life or for a term of years. And the judgment or sentence
 14 of the court shall, as soon as may be, be certified by the
 15 president under seal of the court to the commander-in-chief
 16 to be promulgated and carried into effect.

Officers found
guilty subject to
removal and
fines.

SECT. 103. The division advocate shall keep a summary
 2 record of the proceedings of each court, from day to day,
 3 under the direction of the court.

Record of
proceedings to
be kept by
division
advocates.

SECT. 104. A copy of the record of any court martial
 2 certified by the president of any such court together with a

Copy of record
is evidence in
courts.

CHAP. 10.

3 duly authenticated copy of the order convening said court
 4 shall be sufficient and conclusive evidence to sustain in any
 5 court any action commenced for the recovery of any fine or
 6 costs or part of costs, agreeably to the provisions of the
 7 two following sections.

Division
 advocate to
 enforce payment
 of fines.

SECT. 105. In the order of the commander-in-chief pro-
 2 mulgating the sentence of any court martial, as herein
 3 directed, if such sentence shall include the payment by any
 4 officer of any fine and costs, or either, the division advocate
 5 of such division shall be directed, and it shall be his duty,
 6 to enforce the payment of such fine and costs by an action
 7 of debt to be commenced in his own name within thirty
 8 days next succeeding such order, unless the same shall be
 9 sooner paid to him by such officer.

Actions for
 recovery of
 fines, proceed-
 ings in them,

SECT. 106. The court before whom such action shall be
 2 commenced shall render judgment therein, and issue execu-
 3 tion accordingly against the property and body of the
 4 defendant, in accordance with the provisions of law, for the
 5 amount of such fine and costs including the costs of such
 6 action, upon proof that the same has been awarded by the
 7 sentence of a court martial in the manner herein provided;
 8 and no action for such fine and costs, or either, shall abate
 9 in consequence of the death, resignation, removal, or expira-
 10 tion of the term of office of the division advocate who may
 11 have commenced the same; but such action may be prose-
 12 cuted afterwards to final judgment by his successor, and the
 13 court before which the same may be pending may order
 14 such continuances and amendments and notices to the suc-
 15 cessors as may be necessary, and render such judgment as
 16 the rights of the parties may require. The fine and costs
 17 which shall be included in such sentence shall be paid over
 18 by the division advocate, when collected, to the treasurer of
 19 the state for the use of the state.

Courts martial,
 compensation
 for members
 and witnesses;
 and fees of
 advocate.

SECT. 107. The compensation of the officers and witnesses
 2 shall be as follows:

3 To each member of the court and to the division advocate
 4 for each day spent in holding a session of said court two
 5 dollars, and for every mile's travel four cents;

6 In addition to his pay for travel and attendance at the
 7 session of the court the division advocate in each case may
 8 charge in the pay roll as follows and no more:

9 For drawing charges and specifications and filing the same
 10 three dollars;

11 For preparing the case for trial three dollars; subpoenas

12 ten cents each; copies of the case for service on the re-
 13 spondent one dollar; recording the case two dollars;
 14 To the marshal two dollars a day;
 15 To the warrant officer attending upon the court one dollar
 16 a day.

17 All witnesses duly summoned and attending any court as
 18 aforesaid shall be allowed one dollar a day for attendance,
 19 and four cents a mile for travel to and from court; but no
 20 witness' fees shall be taxed against the state until he has
 21 certified his travel and attendance, and unless summoned by
 22 the direction of the division advocate.

23 A pay roll shall be made up, including all said fees and
 24 reasonable expenses for room and stationery, at the close
 25 of each session of said courts and certified by the president
 26 and division advocate, and filed in the office of the adjutant
 27 general; and the same shall be paid out of the treasury of
 28 the state to the several persons entitled thereto.

SECT. 108. It shall be the duty of the president of every
 2 court held as aforesaid to prepare compendious reports of
 3 all questions of law arising and adjudged in trials had
 4 before him and of the decisions made thereon, stating in sub-
 5 stance so much of the evidence as may be necessary for a
 6 correct understanding thereof, and deposit the same in the
 7 office of the adjutant general.

Presidents to
prepare reports
and deposit
with adjutant
general.

SECT. 109. Every officer to be tried by a court martial
 2 shall be put in arrest, so as to be suspended from the
 3 exercise of his office, and shall have a copy of the charges
 4 exhibited against him and notice of the time and place of
 5 trial twenty days at least before his trial is commenced, but
 6 the time of such trial shall in all cases be within sixty days
 7 from the time of such arrest.

Officers tried to
be arrested and
have copy of
charges.

SECT. 110. If any officer, for the trial of whom a court
 2 martial is appointed, shall neglect to appear and make
 3 defense, or if appearing shall afterwards withdraw in con-
 4 tempt of court, or being arraigned before a court martial
 5 shall from obstinacy or deliberate design stand mute or
 6 answer foreign to the purpose, the court may proceed to
 7 trial and judgment as if he had regularly pleaded not guilty.

Refusing to
appear or to
answer, trial
to proceed.

SECT. 111. Every commissioned officer shall be liable to
 2 be tried by a court martial for the following offenses:

Offenses, for
which officers
may be tried,
enumerated.

3 For any unmilitary conduct neglect of duty or disobedience
 4 of orders or behaving in an unofficerlike manner when on
 5 duty;
 6 For neglect of any of the duties required by this chapter;

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- 7 For disobedience of orders or any act contrary to the pro-
- 8 visions of this chapter;
- 9 For willfully oppressing or injuring any under his com-
- 10 mand;
- 11 For setting on foot or joining in any combination to resist
- 12 or evade the lawful orders of any commissioned officer;
- 13 For presuming to exercise any command while under ar-
- 14 rest, in which case if convicted he shall be removed from
- 15 office;
- 16 For neglect or refusal as commanding officer to call out
- 17 his company at the times required in this chapter or by
- 18 any other law or at any other time when lawfully required
- 19 thereto by his superior officer;
- 20 For excusing any under his command for unnecessary ab-
- 21 sence or deficiency;
- 22 For neglect or refusal to make a draft or detachment when
- 23 legally ordered under the authority of the commander-in-
- 24 chief;
- 25 For parading his men on either of the days of election
- 26 mentioned in section sixty-six contrary to the provisions
- 27 thereof;
- 28 For neglecting or refusing after receiving his commission
- 29 forthwith to take and subscribe the oaths required by the
- 30 constitution to qualify him to discharge the duties of his
- 31 office.

Limitation of
one year, for
time of making
charges.

SECT. 112. No officer shall be tried by a court martial for
2 any offense, which shall have been committed more than one
3 year previous to the time when a complaint shall have been
4 made in writing therefor, unless he shall have repeated such
5 offense in two or more successive years; or by reason of
6 having absented himself, or some other manifest impedi-
7 ment, he shall not have been amenable to justice within that
8 period.

Arrests on
parade to be
made only by
written order.

SECT. 113. No arrest on the field for offenses committed
2 on parade shall be legal, unless made by the commanding
3 officer present in writing; and unless such commanding
4 officer shall within fifteen days exhibit to the competent
5 authority his complaint in writing setting forth the cause of
6 arrest.

Proceedings on drafts for actual service.

Proceedings on
drafts, person
drafted must

SECT. 114. When in case of actual or threatened inva-
2 sion, insurrection, or other public danger or emergency, the

CHAP. 10.

3 militia shall be ordered out or any part thereof shall be
 4 ordered to be detached or drafted by the commander-in-
 5 chief, any person who shall be ordered out, detached, or
 6 drafted in pursuance of and obedience to such orders, and
 7 shall not within twenty-four hours after he shall be notified
 8 thereof pay a fine of fifty dollars to the commanding officer
 9 of the company to which he belongs or procure an able-
 10 bodied man in his stead, such person on being ordered to
 11 march to the place of rendezvous shall be considered as a
 12 soldier belonging to the detachment and be dealt with
 13 accordingly.

appear, procure
 substitute or
 pay fifty dollars.

SECT. 115. All fines paid as aforesaid shall be appro-
 2 priated to the hire of men to complete the detachment.

Appropriation of
 fines.

SECT. 116. The officers of any detachment ordered to be
 2 made as aforesaid shall be regularly detailed from the ros-
 3 ters; and the non-commissioned officers and privates by
 4 lot from the company rolls.

Officers to be
 detailed;
 privates by lot.

SECT. 117. When any company shall not be organized,
 2 the officer commanding the brigade or regiment shall either
 3 by himself or some officer under him proceed to make and
 4 complete the detachment from such unorganized company.

Company
 without officers,
 drafts how
 made.

SECT. 118. When the militia or any part thereof after
 2 having been ordered out or detached as aforesaid shall be
 3 ordered to march for the service of the state, each non-com-
 4 missioned officer and private so ordered to march shall pro-
 5 vide and take with him three days' provisions if so ordered.

Soldiers ordered
 to march, take
 provisions for
 three days.

SECT. 119. The selectmen of every town and aldermen
 2 of every city and the assessors of every plantation, to
 3 which the men detached as aforesaid and ordered to march
 4 for the service of the state belong, shall provide and cause
 5 carriages to attend them with further supplies of provisions
 6 and also the necessary camp equipage and camp utensils,
 7 until notice shall be given them by the commanding officer
 8 of the detachment to desist; and the selectmen, aldermen,
 9 and assessors shall present their account for supplies to the
 10 legislature for allowance.

Municipal
 officers of
 towns to provide
 further.

SECT. 120. When the selectmen of any town, aldermen
 2 of any city, or assessors of any plantation, from which a
 3 detachment or part thereof as aforesaid shall march, being
 4 notified by the commanding officer of such detachment or
 5 part thereof belonging to such town, city, or plantation,
 6 shall neglect or refuse to furnish the necessary supplies,
 7 camp equipage, and camp utensils, the town, city, or planta-
 8 tion to which the selectmen, aldermen, or assessors neglect-

Penalty for
 neglect of towns
 to do so.

CHAP. 10.

ing 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.

Officer to be accountable for camp equipage.

SECT. 121. 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.

Horses of cavalry to be appraised before marching.

SECT. 122. 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.

Senior officer neglecting, junior to make draft.

SECT. 123. 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.

Provision to be made, when killed or wounded, by the state.

SECT. 124. If any non-commissioned officer or private shall be killed or die of wounds received when on 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.

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.*

Rules, and penalties for violation thereof.

1834, c. 131, § 53.
R. S., c. 16,
§ 125.

SECT. 125. 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:

Attendance on divine worship.

Behavior.

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 offi-

CHAP. 10.

10 cers, be brought before a general court martial there to be
 11 publicly reprimanded by the president; if non-commissioned
 12 officers or soldiers every person so offending shall for the
 13 first offense forfeit twenty cents to be deducted out of his
 14 next pay; for the second offense he shall not only forfeit a
 15 like sum but be confined twenty-four hours; and for every
 16 like offense shall suffer and pay in like manner; which
 17 money so forfeited shall be applied to the use of the sick
 18 soldiers of the troop or company to which the offender
 19 belongs.

II. Any non-commissioned officer or soldier who shall use
 21 any profane oath or execration shall incur the penalties
 22 expressed in the foregoing article, and if a commissioned
 23 officer be thus guilty of profane cursing or swearing he shall
 24 forfeit and pay for each and every such offense sixty-seven
 25 cents.

Profanity.

III. Any officer or soldier who shall presume to use
 27 traitorous or disrespectful words against the authority of
 28 the United States in congress assembled, or the legislature
 29 of this state, if a commissioned officer he shall be cashiered;
 30 if a non-commissioned officer or soldier he shall suffer such
 31 punishment as shall be inflicted upon him by the sentence
 32 of a court martial.

Mutiny.

IV. Any officer or soldier, who shall behave himself with
 34 contempt or disrespect towards the commander-in-chief or
 35 any general or commanding officer of the troops or militia
 36 of this state, or shall speak any words tending to his hurt
 37 or dishonor, shall be punished according to the nature of
 38 his offense by the judgment of a court martial.

Disrespect to
superiors.

V. Any officer or soldier, who shall begin, excite, or join
 40 in any mutiny or sedition in the troop, company, or regi-
 41 ment to which he belongs or in any other troop or company
 42 in the service of the state, or in any party, post, detach-
 43 ment, or guard, on any pretense whatsoever, shall suffer such
 44 punishment as by a court martial shall be inflicted.

Exciting mutiny.

VI. Any officer, non-commissioned officer, or soldier, who
 46 being present at any mutiny or sedition doth not use his
 47 utmost endeavors to suppress the same, or coming to the
 48 knowledge of any intended mutiny doth not without delay
 49 give information thereof to his commanding officer, shall be
 50 punished by sentence of a court martial according to the
 51 nature of his offense.

Not endeavoring
to suppress
mutiny.

VII. Any officer or soldier who shall strike his superior
 53 officer or draw or lift up any weapon or offer any violence

Assaulting
superior officer.

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or disobedience
of orders.

54 against him being in the execution of his office on any pre-
55 tense whatsoever, or shall disobey any lawful commands of
56 his superior officer, shall suffer such punishment as shall
57 according to the nature of his offense be inflicted upon him
58 by a sentence of a court martial.

Desertion.

VIII. Any non-commissioned officer or soldier, who shall
60 desert or without leave from his commanding officer absent
61 himself from the troop or company to which he belongs or
62 from any detachment of the same, shall upon conviction
63 thereof suffer death or such other punishment as shall be
64 inflicted by the sentence of a general court martial.

Aiding
deserters.

IX. Any officer or soldier, who shall be convicted of hav-
66 ing advised or persuaded any other officer or soldier to
67 desert, shall suffer such punishment as shall be inflicted by
68 the sentence of a court martial.

Challenges
forbidden.

X. No officer or soldier shall use any reproachful or pro-
70 voking speeches or gestures to another; nor shall any offi-
71 cer or soldier presume to send a challenge to any person to
72 fight a duel, upon pain, if a commissioned officer, of being
73 cashiered; if a non-commissioned officer or soldier, of suf-
74 fering punishment at the discretion of a court martial.

Knowingly
suffering one to
fight.

XI. If any commissioned or non-commissioned officer
76 commanding a guard shall knowingly and willingly suffer
77 any person whatsoever to go forth to fight a duel, he shall
78 be punished as a challenger; and likewise all seconds pro-
79 moters and carriers of challenges in order to duels shall
80 be deemed as principals and punished accordingly.

Officers' duty
to quell affrays.

XII. All officers, of what condition soever, shall have
82 power to part and quell all quarrels, frays, and disorders,
83 though the persons concerned should belong to another reg-
84 iment, troop, or company; and either to order officers into
85 arrest, or non-commissioned officers or soldiers to prison,
86 until their proper superior officer shall be acquainted there-
87 with; and whosoever shall refuse to obey such officer, though
88 of inferior rank, or shall draw his sword upon him, shall be
89 punished at the discretion of a general court martial.

Not upbraid for
refusing a
challenge.

XIII. Any officer or soldier, who shall upbraid another for
91 refusing a challenge, shall be considered a challenger and
92 punished accordingly.

Officers to keep
order and
redress abuses.

XIV. Every officer commanding in quarters, garrison,
94 or on a march, shall keep good order and to the utmost of
95 his power redress all such abuses or disorders, as may be
96 committed by any officer or soldier under his command; and
97 if upon complaint made to him of officers or soldiers beat-

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98 ing or otherwise ill treating any person, or of committing
 99 any kind of riots to the disquieting the good citizens of
 100 this or either of the United States, he shall refuse or omit
 101 to see justice done on the offender or offenders, and repa-
 102 ration made to the party or parties injured, so far as the
 103 offender's pay shall enable him or them, he shall upon
 104 proof thereof be punished by a general court martial, as
 105 if he himself had committed the crimes or disorders com-
 106 plained of.

107 XV. If any officer shall think himself to be wronged by
 108 his colonel, or the commanding officer of his regiment, and
 109 shall upon due application made to him be refused to be
 110 redressed, he may complain to the general or commander-
 111 in-chief of the forces in service to obtain justice; who
 112 shall examine into the complaint and see that justice
 113 be done.

Officer may
complain to
commander in-
chief.

114 XVI. If any inferior officer or soldier shall think himself
 115 wronged by his captain or other officer commanding the
 116 troop or company to which he belongs, he may complain
 117 thereof to the commanding officer of the regiment, who
 118 shall summon a regimental court martial for the doing just-
 119 ice to the complainant; from which regimental court mar-
 120 tial either party, if he feel himself still aggrieved, may
 121 appeal to a general court martial. But if upon a second
 122 hearing the appeal shall appear to be vexatious and ground-
 123 less, the person so appealing shall be punished at the dis-
 124 cretion of the said general court martial.

Officer inferior,
may to colonel.
Proceedings.

125 XVII. Any non-commissioned officer or soldier who shall
 126 be convicted at a court martial of having sold or design-
 127 edly or through neglect wasted the ammunition deliv-
 128 ered out to him to be employed in the service of the
 129 state, shall if a non-commissioned officer be reduced to a
 130 private, and if a soldier shall suffer such punishment as shall
 131 be inflicted upon him by a court martial.

Waste of
ammunition.

132 XVIII. No officer or soldier shall be out of his quarters
 133 or camp without leave from his commanding officer upon
 134 penalty of being punished according to the nature of his
 135 offense by the sentence of a court martial.

Absence without
leave.

136 XIX. All non-commissioned officers and soldiers, who
 137 shall be found one mile from the camp without leave in
 138 writing from their commanding officer, shall suffer such
 139 punishment as shall be inflicted on them by the sentence
 140 of a court martial.

Absent from
camp one mile.

CHAP. 10.Retire to
quarters.

XX. Every non-commissioned officer and soldier shall
142 retire to his quarters or tent at the beating of the tattoo,
143 in default of which he shall be punished according to the
144 nature of his offense by the sentence of a court martial.

Repair to place
of parade.

XXI. No officer non-commissioned officer or soldier
146 shall fail to repair at the time fixed to the place of parade
147 or exercise or other rendezvous appointed by his com-
148 manding officer, if not prevented by sickness or some other
149 evident necessity; nor shall go from the said place of ren-
150 dezvous or from the guard without leave from his com-
151 manding officer, before he shall be regularly dismissed or
152 relieved; on the penalty of being punished according to
153 the nature of his offense by sentence of a court martial.

Intoxication.

XXII. Any commissioned officer, who shall be found
155 drunk on his guard party or other duty under arms, shall
156 be cashiered for it; and any non-commissioned officer or
157 soldier so offending shall suffer such punishment as shall
158 be inflicted by the sentence of a court martial.

Sleeping on post.

XXIII. Any sentinel, who shall be found sleeping upon
160 his post, or shall leave it before he shall be regularly
161 relieved, shall suffer such punishment as shall be inflicted
162 by the sentence of a general court martial.

Making false
alarms.

XXIV. Any person belonging to the forces employed in
164 the service of this state, who by discharging fire arms,
165 drawing of swords, beating of drums, or by any other
166 means whatsoever, shall occasion false alarms in camp,
167 garrison, or quarters, shall suffer such punishment as shall
168 be ordered by the sentence of a general court martial.

Leaving platoon.

XXV. Any officer or soldier, who shall without urgent
170 necessity or without the leave of his superior officer quit
171 his platoon or division, shall be punished according to the
172 nature of his offense by the sentence of a court martial.

Treatment of
persons bringing
supplies.

XXVI. No officer or soldier shall do violence or offer
174 any insult or abuse to any person, who shall bring pro-
175 visions or other necessities to the camp garrison or quar-
176 ters of the forces of this state on pain of suffering such
177 punishment as a court martial shall direct.

Abandonment of
post.

XXVII. Any officer or soldier, who shall abandon any
179 post committed to his charge, or shall speak words induc-
180 ing others to do the like in time of an engagement shall
181 suffer death or such other punishment as shall be inflicted
182 by the sentence of a general court martial.

Revealing
watchword.

XXVIII. Any person belonging to the forces in the
184 service of this state, who shall make known the watch

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185 word to any person not entitled to receive it according to
 186 the rules and discipline of war, or shall presume to give
 187 the parole or watch word different from what he received,
 188 shall suffer death or such other punishment as shall be
 189 ordered by the sentence of a general court martial.

XXIX. If any person belonging to the forces in the
 191 service of this state shall relieve the enemy with money
 192 victuals or ammunition, or shall knowingly harbor and pro-
 193 tect an enemy, he shall suffer such punishment as by the
 194 sentence of a court martial shall be inflicted.

Relieving the
 enemy.

XXX. If any person belonging to the main forces shall
 196 be convicted of holding correspondence with or giving
 197 intelligence to the enemy either directly or indirectly,
 198 he shall suffer such punishment as by the sentence of a
 199 court martial shall be inflicted.

Corresponding
 with the enemy.

XXXI. All public stores taken from the enemy by the
 201 forces in the service of this state shall be secured for the
 202 use of the state.

Stores taken
 from enemy.

XXXII. If any officer or soldier shall leave his post or
 204 colors to go in search of plunder, he shall upon conviction
 205 thereof before a general court martial suffer such punish-
 206 ment as by the sentence of the said court martial shall be
 207 inflicted.

Leaving post
 for plunder.

XXXIII. If any commander of any garrison fortress or
 209 post shall be compelled by the officers or soldiers under
 210 his command to give up to the enemy or abandon it the
 211 commissioned officers, non-commissioned officers, or sol-
 212 diers, who shall be convicted of having so offended, shall
 213 suffer death or such other punishment as shall be inflicted
 214 upon them by the sentence of a court martial.

Causing post to
 be abandoned.

XXXIV. All sutlers and retailers to the camp, and all
 216 persons serving with the troops of the state in the field,
 217 shall be subject to orders according to the rules and disci-
 218 pline of war.

Sutlers subject to
 military rules.

XXXV. If upon marches guards or in quarters differ-
 220 ent corps shall happen to join or do duty together, the
 221 eldest officer by commission then on duty or in quarters
 222 shall command the whole, and give out orders for what is
 223 needful for the service, regard being always had to the
 224 several ranks of those corps, and the posts they usually
 225 occupy.

Senior officer
 commands.

XXXVI. If any regiments troops or detachment of
 227 horse or foot shall happen to march with or be encamped
 228 or quartered with any bodies or detachments of other

Does so without
 respect to
 corps.

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229 troops, the eldest officer without respect to corps shall
 230 take upon him the command of the whole and give the
 231 necessary orders to the service.

General courts
 martial, how
 constituted.

XXXVII. A general court martial shall not consist of
 233 less than seven commissioned officers, and the president
 234 of such court martial shall not be the commander-in-chief
 235 nor commanding officer of the troops in service or garrison,
 236 where the offender shall be tried, nor under the degree of
 237 a field officer.

Rank of
 members.

XXXVIII. The members of courts martial shall when
 239 belonging to different corps take rank as herein before
 240 directed when on other duty.

Prosecuting
 officer to be
 appointed.

XXXIX. Some person shall be appointed by the com-
 242 manding officer, who shall order the court martial, to pros-
 243 ecute in the name of the State of Maine; and in trials of
 244 offenders such person shall administer to each member the
 245 following oath:

Oath of the
 members.

246 "You swear that you will well and truly try and deter-
 247 mine according to your evidence the matter now before
 248 you between the State of Maine and the prisoner to be
 249 tried; that you will duly administer justice according to
 250 the rules and articles for governing the troops of the said
 251 state without partiality, favor, or affection; and if any
 252 doubt shall arise which is not explained by the said articles
 253 according to your conscience, the best of your understand-
 254 ing, and the custom of war in like cases; that you will
 255 not divulge the sentence of the court until it shall be ap-
 256 proved of by the commanding officer; and that you will
 257 not upon any account at any time whatsoever disclose or
 258 discover the vote or opinion of any particular member of
 259 the court martial, unless required to give evidence as a
 260 witness by a court of justice in a due course of law. So
 261 help you God."

Oath of
 prosecutor.

262 Which oath being administered to the members of the
 263 court, the president shall administer the following oath to
 264 the person prosecuting as aforesaid:

265 "You A. B. do swear that you will not at any time dis-
 266 close or discover the vote or opinion of any particular
 267 member of the court martial, unless required to give evi-
 268 dence thereof as a witness by a court of justice in a due
 269 course of law. So help you God."

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XL. All members of a court martial are to behave with
271 calmness and decency; and in the giving their votes are to
272 begin with the youngest in commission.

Department of
members.

XLI. All persons who give evidence before a court mar-
274 tial shall be examined upon oath; which oath shall be
275 administered by the president of the court martial in the
276 following form:

Witnesses
examined under
oath.

277 "You swear the evidence you shall give in the cause now
278 in hearing shall be the truth, the whole truth, and nothing
279 but the truth. So help you God."

Form of oath.

XLII. No sentence of death shall be given against any
281 offender by any general court martial, unless two-thirds of
282 the members shall concur therein.

Two-thirds
required for
sentence of
death.

XLIII. All persons called to give evidence in any cause
284 before a court martial, who shall refuse to give evidence,
285 shall be punished for such refusal at the discretion of such
286 court martial.

Punishment for
refusing to
testify.

XLIV. No field officer shall be tried by any person under
288 the degree of a captain: nor shall any proceedings or
289 trials be carried on excepting between the hours of sunrise
290 and sunset.

Rank required
to try field
officer.

XLV. No sentence of a court martial shall be put in
292 execution until after report shall be made to the com-
293 manding officer, where the court martial shall be held;
294 and his orders issued for carrying such sentence into
295 execution.

Sentence
reported to
commander.

XLVI. The commissioned officers in any regiment may
297 by the appointment of their colonel or commanding officer
298 hold regimental courts martial for the inquiring into such
299 disputes or criminal matters as may come before them
300 and for inflicting punishment for small offenses; and shall
301 give judgment by the majority of voices; but no sentence
302 shall be executed till the commanding officer not being a
303 member of the court martial shall have confirmed the
304 same.

Regimental
courts martial.

XLVII. No regimental court martial shall consist of
306 less than five officers, excepting in cases where that number
307 cannot be conveniently assembled, when three may be suf-
308 ficient; who shall likewise determine upon the sentence
309 by a majority of voices.

How constituted.

XLVIII. Any officer commanding in a fort, castle, bar-
311 rack, or elsewhere, where the corps under his command
312 consists of detachments from different regiments or of any
313 independent company or companies, may assemble courts

Commanders of
forts and posts
may order them.

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314 martial for the trial of offenders in the same manner as
 315 if they were regimental; whose sentence shall not be
 316 executed until it shall be confirmed by the said command-
 317 ing officer.

Disturbance of
 them.

XLIX. No person shall use menacing words, signs,
 319 or gestures in the presence of a court martial then
 320 sitting or shall cause any disorder or riot so as to disturb
 321 their proceedings on the penalty of being punished at the
 322 discretion of the said court martial.

Crimes, those
 committing to
 be arrested.

L. To the end that offenders may be brought to justice
 324 whenever any officer or soldier shall commit a crime
 325 deserving punishment he shall by his commanding officer
 326 if an officer be put in arrest; if a non-commissioned officer
 327 or soldier be imprisoned until he shall be either tried by
 328 a court martial or shall be lawfully discharged by proper
 329 authority.

Not detained
 more than eight
 days before
 trial.

LI. No officer or soldier, who shall be put in arrest or
 331 imprisonment, shall continue in his confinement more than
 332 eight days or until such time as a court martial can be con-
 333 veniently assembled.

Duty to keep
 prisoners.

LII. No officer commanding a guard or provost mar-
 335 shal shall refuse to receive or keep any prisoner commit-
 336 ted to his charge by any officer belonging to the forces of
 337 this state; which officer shall at the time of commitment
 338 deliver an account in writing signed by himself of the
 339 crime with which the prisoner is charged.

Not to release
 them.

LIII. No officer commanding a guard or provost mar-
 341 shal shall presume to release any prisoner committed to
 342 his charge without proper authority for so doing nor shall
 343 he suffer any prisoner to escape on the penalty of being
 344 punished for it by the sentence of a court martial.

Report to colonel
 those
 imprisoned.

LIV. Every officer or provost marshal to whose charge
 346 prisoners shall be committed is hereby required within
 347 twenty-four hours after such commitment or as soon as he
 348 shall be released from his guard to give in writing to the
 349 colonel of the regiment to which the prisoner belongs,
 350 when the prisoner is confined upon the guard belonging
 351 to the said regiment and his offense only relates to the
 352 neglect of duty in his own corps or to the commander-in-
 353 chief, their names, their crimes, and the names of the offi-
 354 cers who committed them on the penalty of his being pun-
 355 ished for disobedience or neglect at the discretion of a
 356 court martial.

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LV. If any officer under arrest shall leave his confinement, before he shall be set at liberty by the officer who confined him or by a superior power, he shall be cashiered for such offense.

Officer under arrest, not leave place of confinement.

LVI. Any commissioned officer who shall be convicted before a general court martial of behaving in a scandalous infamous manner, such as is unbecoming the character of any officer and gentleman, shall be discharged from the service.

Officer dismissed from service for conduct disgraceful.

LVII. All officers, conductors, gunners, matrosses, drivers, or any other person receiving pay or hire in the service of the state artillery, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial in like manner with other officers and soldiers.

Those connected with the service governed by its rules.

LVIII. For differences arising amongst themselves or in matters relating to their own corps the courts martial may be composed of their own officers; but where a sufficient number cannot be assembled or in matters wherein their corps are interested, the officers of artillery shall sit in courts martial with the officers of other corps.

To be tried by those of their own corps.

LIX. No person shall be sentenced to suffer death except in the cases expressly mentioned in the foregoing articles.

Sentence of death only in cases named.

LX. The field officers of each regiment shall appoint some suitable person belonging to such regiment to receive such fines, as may arise within the same for any breach of any of the foregoing articles, and shall direct the same to be properly applied to the relief of such sick or necessitous soldiers as belong to such regiment; and such persons shall account with such officer for all fines received and the application thereof.

Fines for use of sick and needy.

LXI. All crimes not capital and all disorders and neglects, which officers and soldiers may be guilty of to the prejudice and good order of military discipline, though not mentioned in the foregoing articles, are to be taken cognizance of by a general or regimental court martial according to the nature and degree of the offense and be punished at their discretion.

Courts martial, cognizance of all other offenses.

LXII. When any officer or soldier shall be accused of a capital crime, or having used violence or committed any offense against the person or property of the people of this or either of the United States, such as is punisha-

Those accused of capital crimes surrendered to civil authorities.

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400 ble by the known laws of the land; the commanding officer
401 or officers of every regiment, troop, or party, to which the
402 person or persons so accused shall belong; are hereby
403 required upon application duly made by or in behalf of the
404 party or parties injured to use his utmost endeavors to
405 deliver over such accused person or persons to the civil
406 magistrate; and likewise to be aiding and assisting the
407 officers of justice in apprehending and securing the person
408 or persons so accused in order to bring them to trial.
409 And if any commanding officer or officers shall willfully
410 neglect or shall refuse upon the application aforesaid to
411 deliver over such accused person or persons to the civil
412 magistrate or to be aiding and assisting the officers of
413 justice in apprehending such person or persons, such officer
414 or officers so offending shall be cashiered.