MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE

REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED _____, 1883;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX AND REFERENCE INDEX.

PORTLAND:
PRINTED BY WILLIAM M. MARKS.

ERRORS

IN THE TEXT OF THE PUBLIC LAWS ENACTED BETWEEN 1871 AND 1881.

Alterations in the statutes are effected in various ways. By the repeal of a section, by the insertion of a new section, by the repeal or addition of a part of a section, by the passage of a new act inconsistent with an existing section or part of a section, thus indirectly repealing or annulling it,—or by a direct and specific amendment of a part or the whole of a section.

In the latter case, the new act sometimes simply specifies the amendment, by indicating the words to be struck out, added, inserted, or substituted, and the lines of the section thereby amended, and sometimes the new act merely declares the old section to be "amended so as to read as follows," and then proceeds to recite the section as amended. But occasionally the amendatory act first specifies the amendment and then goes on to recite the amended section in these words "so that said section as amended shall read as follows."

It might be supposed by persons unfamiliar with practical legislation, that in such cases at least, the statute book would give an accurate record of the legislative will, but such is far from the truth. For in addition to a very large number of verbal inaccuracies in reproducing the unamended portions of the original sections, no less than twenty-three cases of material departures from the text have been detected, and are printed below for legislative information.

Desirous to adopt some uniform rule in dealing with such perplexing variations, your commissioner decided to adopt into the text the final enactment, although he has been led to entertain grave doubts of the wisdom of his decision.

Indeed it will be observed that several of the "Errors in the Text of this Revision" noted on pages (III,) (IV) and (V,) owe their origin to the adoption of that principle, your commissioner becoming convinced on reflection that the sense required the rule in these instances to be reversed. It is almost needless to add that the existence of so many almost unaccountable mistakes in the legislation of the past twelve years is a powerful corroboration of the suggestion of your commissioner in favor of the employment of a legislative draughtsman. (See recommendation VI, pages 11 and 12 of the Commissioner's Report.)

- 1872, c. 54, § 1, amending R. S. of 1871, c. 143, § 20, and found in R. S. of 1882, page 1168, c. 143, § 21, line 6. The word "ordinary," at the beginning of the line, has been omitted, without apparent authority.
- 1872, c. 76, § 4, amending R. S. of 1871, c. 5, § 35, and found in R. S. of 1882, page 132, c. 5, § 38, lines 1 and 2. The words "as aforesaid for settlement," between the words "state" and "and," have been inserted, without authority.
- 1873, c. 100, § 1, amending R. S. of 1871, c. 11, § 33, (as amended by 1872, c. 3, § 1*) and found in R. S. of 1882, page 225, c. 11, § 57, last line. The word "fifty," between the words "within" and "feet," has been substituted for the word "thirty," without authority.
- 1873, c. 108, amending R. S. of 1871, c. 118, § 6, and found in R. S. of 1882, page 1043, c. 118, § 6, lines 10 and 11. The words "period of not less than ten years," at the end of the section, have been substituted for the words "term of years," without authority.
- 1873, c. 109, amending R. S. of 1871, c. 29, § 3, and found in R. S. of 1882, p. 386, c. 29, § 3, line 4. The words, "before a judge of a municipal or police court or trial justice," at the beginning of the line, have been inserted, without authority.
- 1873, c. 134, amending R. S. of 1871, c. 11, § 55, ¶ 5, and found in R. S. of 1882, p. 231, c. 11, § 88, ¶ 5, line 5. The word "teachers," between the words "the" and "registers," has been substituted for the word "school," without authority.
- 1874, c. 168, § 1, amending R. S. of 1871, c. 64, § 65, and found in R. S. of 1882, page 657, c. 64, § 67, lines 5, 6, and 7. The words "or of having fraudulently received any such money, goods, effects, or real estate," between the words "deceased" and "or," have been inserted, without authority.

^{*}The act of 1873 makes no reference to the act of 1872.

- 1874, c. 203, § 2, amending 1871, c. 179, § 2, (an act omitted in the revision of 1882, but not repealed). The word "disease," between the words "wounds" and "or" in line 5, has been omitted, without authority.
- 1875, c. 29, amending R. S. of 1871, c. 59, § 22, found in R. S. of 1882, p. 621, c. 59, § 22, line 3.

 The words "by complaint," between the words "recovered" and "half," have been omitted, without authority.
- 1876, c. 71, amending R. S. of 1871, c. 55, § 1, and found in R. S. of 1882, p. 604, c. 55, § 1, lines 6 and 7. The words "as a council of the sovereigns of industry," between the words "husbandry," and "or," have been inserted, without authority.
- 1876, c. 99, amending R. S. of 1871, c. 91, § 38, and found in R. S. of 1882, p. 920, c. 91, § 45, line 2. The words "guests and," between the words "their" and "boarders," have been omitted, without authority.
- 1877, c. 153, amending R. S. of 1871, c. 86, § 8, and found in R. S. of 1882, p. 871, c. 86, § 8, line 1. The words "except counties, towns, school districts, and parishes," between the words "corporations" and "and," have been omitted, without authority.
- 1877, c. 199, reviving R. S. of 1871, c. 18, § 39, and found in R. S. of 1882, p. 297, c. 18, § 54, line 2. This act ignores 1875, c. 25, § 6, without repealing it, and thus omits the word "grading," between the words "out" and "or."

This same act (1877, c. 199) also, without authority, adds to said section, the words "provided, however, that this act shall not apply to any case where the judgment has been reversed on account of informality in the proceedings."

- 1878, c. 62, § 1, amending R. S. of 1871, c. 4, § 7, and found in R. S. of 1882, p. 103, c. 4, § 7, line 1. The words "cities not included," between the words "towns" and "having," have been inserted, without authority.
- 1878, c. 73, § 1, amending 1876, c. 107, § 1, and found in R. S. of 1882, p. 111, c. 4, § 47, line 3.

 The word "four," between the words "than" and "secular," has been substituted for the word "five," without authority.
- 1870, c. 112, § 1, amending 1878, c. 66, § 1, and found in R. S. of 1882, p. 443, c. 40, § 19, line

 1. The word "mackerel," between the words "of" and "herring," has been omitted, without authority.
 - Likewise, in line 15, the words "mackerel or," between the words "meshing" and "porgies."
- 1879, c. 127, amending 1878, c. 50, § 12, and found in R. S. of 1882, p. 393, c. 30, § 19.

 Line 10, containing the words

 "or plover, between the first day of May and the first day of August,"
 has been inserted, without authority.
- 1879, c. 141, § 1, amending 1874, c. 241, § 8, and found (in substance) in R. S. of 1882, p. 267, c. 15, § 9, lines 5, 6, 7 and 8. The words "providing, that the limits thereof shall not be extended nearer any dwelling-house than twenty-five rods therefrom, against the written protest of the owner, made to the municipal officers of the town at the time of hearing on said petition," have been added to the section, without authority.
- 1880, c. 229, § 2, amending 1873, c. 124, § 4, and found (in substance) in R. S. of 1882, p. 217, c. 11, § 31, lines 7, 8, 9, 10, 11 and 12. The words "But any town having one or more graded schools, with a prescribed course of study, including the branches latin, greek and french established at the time of the passage of this act, shall be allowed to avail itself of this act without causing any change in the prescribed course or courses of study," between the words "schools," and "such," have been inserted, without authority.
- 1880, c. 234, § 1, amending 1879, c. 112, § 1, and found in R. S. of 1882, p. 443, c. 40, § 19, lines 6 and 7. The words "or upon the owner or owners of said vessel, seine or seines," between the words "seines" and "of," have been inserted, without authority.

Also in line 14, the words "with costs of prosecution" between the words "penalty" and "is."

1881, c. 28, amending R. S. of 1871, c. 6, § 14, ¶ 1, found in R. S. of 1882, p. 146, c. 6, § 14, ¶ 1, line 7. The words "for such purposes," between the words "vessel" and "occupy" have been inserted, without authority.

- 1881, c. 42, amending R. S. of 1871, c. 4, § 67, and found in R. S. of 1882, p. 117, c. 4, § 75, line 9. The word "more," between the words "imprisoned not" and "than one year" has been substituted for the word "less," without authority.
- 1881, c. 66, amending R. S. of 1871, c. 107, § 5, and found in R. S. of 1882, p. 985, c. 107, § 5, lines 6, 7, 8 and 9. The words "but the deposition of such adverse party may be taken by commission in like manner as is now provided for taking depositions of other witnesses by commission," have been added to the section, without authority.

†The error in 1881, c. 42, incorporated into R. S. of 1882, c. 4, § 75, although doubtless unintentional, has nevertheless greatly reduced the penalty for bribery, and that too, through a sort of fatality, by a statute apparently designed for the more effectual punishment of that crime.

ERRORS IN THE TEXT AND NOTES OF THIS REVISION.

- Page 2.—U. S. Constitution, Art. I, § 2, ¶ 3, line 1. The *italicized* words "and direct Taxes" should be in roman letters.
 - " 6.—U. S. Constitution, Art. I, § 9, ¶ 1. The last two lines of the paragraph should be italicized.
 - " 36.—Constitution of Maine, Art. II, § 4. The words "on or before the first day of December, in the year one thousand eight hundred and sixty-four, and" in the last three lines but four, and the words "thereafter forever" in the last line of the section but three, should be italicized.
 - " 37.—Constitution of Maine, Art. IV, Part 1, § 1. The words "Be it enacted by the Senate and House of Representatives in Legislature assembled" in the last two lines of the section, should be in small roman capitals.
 - " 60.-R. S., c. 1, § 4, ¶ VIII. Strike out all of the item after the words "forty-three," in line four.
 - "61.-R. S., c. 1, § 4, ¶ XXVI, last line. For "business," read "business,"
 - " 78,-R, S., c. 2, § 81, line 3. For "thereof" read "therefor."
 - * 79.—R. S., c. 2, § 90, line 4. For "obligees" read "obligors."
 - " 87.-R. S., c. 3, § 31, line 1. For "aud" read "and."
 - † 117.—R. S., c. 4, § 75, line 9. For the word "more" between the words "imprisoned not" and "than one year," read "less."
 - " 143.—R. S., c. 6, § 5, line 7. Between the words "except" and "railroads," insert "in," and for the word "insurance," at the end of the line, read "and." Line 8. Between the words "companies" and "and," insert a comma; and between the words "and" and "savings," insert "deposits in."
 - † 146.—R. S., c. 6, § 14, ¶ 1, line 7. From between the words "vessel" and "occupy," strike out "for such purposes."
 - .. 148. R. S., c. 6, § 21. Strike out the section, the same being fully embraced in § 14, 149. ¶ 2, on page 146.
- tt 152.—R. S., c. 6, § 34, line 2. Between the words "associations" and "are," insert "and other corporations."
- †† Also substitute for line 3
 - "the preceding section, or of section twenty-seven of chapter forty-six, if"
- th Also at the bottom of the page, add, "*|Note.—The act of 1879, c. 149, incorporated into c. 46, § 27, of this revision, requiring an abstract of this section, in the returns of all corporations, seems to imply the insertion of the bracketed words in line two of this section.]"
- * A typographical error of the R. S. of 1871, inadvertently copied.
- † A mistake in the text of the public act, noted in the preceding list of errors.
- || This is a very serious error. See note ‡ above.
- th A mistake in the public act, inadvertently copied.

- Page 189.—R. S., c. 6, § 200. This section should be transposed to page 185, and inserted immediately after § 188.
 - " 297.—R. S., c. 18, § 54, last line but two. For "act" read "section."
 - †Also at the bottom of the page, add an asterisk, referring to the word "grading" in line two of § 54, and this "*[Note. 1875, c. 25, § 6, which provides for "grading", has never been repealed, unless inferentially by 1877, c. 199, which undertakes to revive R. S. of 1871, c. 18, § 39, without repeal of 1875, c. 25, § 6.]"
 - " 325.—R. S., c. 22, § 41, line 1. For "determine read "determine."
 - " 340.—R. S., c. 24, § 28, line 1. The word "incorporated" should be in roman, and the bracketed word "[organized]" omitted.
 - Line 9. The word "unincorporated" should be in roman, and the bracketed word "[unorganized]" omitted.
 - " R. S., c. 24, § 29, line 2. The word "unincorporated" should be in roman, and the bracketed word "[unorganized]" omitted.
 - " 343.—R. S., c. 24, § 39. Transpose the section to page 342, and insert it immediately after § 36.
 - " 354.—R. S., c. 26, § 32, line S. For "knowlege" read "knowledge."
 - " 359.—R. S., c. 27, note at the bottom of the page, last line. Between the words "qf" and "this", insert "chapter 26 of."
 - " 363.—R. S., c. 27, § 27, line 2. For "nineteen" read "twenty-one."
 - " 372.—R. S., c. 27. Transpose the head-line between §§ 57 and 58 to page 370, and insert it between §§ 50 and 51.
 - t 393.—R. S., c. 30, § 19, line 5. For "ruffled," between the words "any" and "grouse," read "ruffed."
 - t Line 14. For "ruffled, between the words "or" and "grouse," read "ruffed."
 - " 397.—R. S., c. 31, § 8, last word. For "act" read "chapter."
 - "440.—R. S., c. 40, § 7, line 2. Between the words "herring" and "packed", insert "or other small fish."
 - "441.—R. S., c. 40, § 9. Strike out the first nine lines. Italicize the remaining five lines, and transfer them to page 440, at the end of § 6.
 - " R. S., c. 40, § 10. Strike out the entire section, the same being embraced in § 7, on pages 440, 441.
 - "443.—R. S., c. 40, § 18. Strike out the entire section, which is embraced in § 8, page 441.
 - † R. S., c. 40, § 19, line 1. Between the words "of" and "herring", insert "mackerel."
 - Line 15. Between the words "meshing" and "porgies", insert "mackerel or."
 - ‡ 446.—R. S., c. 40, § 30, last line but one of the page. For "place" read "plan."
 - "448.—R. S., c. 40, § 36. Add to the section "Each person so appointed shall hold office three years, unless sooner removed, and his pay shall be fixed by the governor and council, who shall audit his accounts and cause the same to be paid from the state treasury; provided that the whole amount paid to all wardens shall not exceed fifteen hundred dollars annually."
 - "456.—R. S., c. 40. Note at the end of the chapter. Insert at the beginning, "Androscoggin River, certain tributaries of, 1874, c. 550."
 - "457.—R. S., c. 40. Insert in the note, "Narraguagus River, 1828, c. 503, revived by 1876, c. 254," "North-West and Harlow Ponds, in Parkman and Sangerville, 1876, c. 209."
 - Also among the limited special acts at the end of the same note, insert "1888, Perkins Brook in North Berwick, Wells and Sanford, 1878, c. 35."
 - *A typographical error of the R. S of 1871, inadvertently copied.
 - † A mistake in the text of the public act, noted in the preceding list of errors.
 - t A typographical error of the public act, inadvertently copied.

- Page 476.-R. S., c. 46, § 2, line 2. Strike out "or [of] section twenty-two, chapter forty-eight."
 - " 492.-R. S., c. 47, § 12, line 5. For "in" read "and."
 - " 517.—R. S., c. 47. At the end of the last line of note to § 130. For "129" read "130."
 - " 540.—R. S., c. 49, § 47, last line. For "his" read "its."
 - " 547.—R. S., c. 49, § 78. Transpose the section to page 549, and insert it immediately after § 88.
 - "549.—R. S., c. 49, § 88, line 9. Between the words "company" and "shall," insert "not already admitted as aforesaid."
 - " 653.—R. S., c. 64, § 42. Add to the section, "in the district where such real estate is situated."
 - " 654.—R. S., c. 64, § 48, ¶ 4, line 5. For "ten" read "eleven of."
 - " 673.—R. S., c. 67, § 1, line 7, last word. For "an" read "any."
 - " 694.—R. S., c. 70, § 29, line 1. For "act" read "chapter."
 - " 728.-R. S., c. 73, § 10, line 3, first word. For "rendered" read "surrendered."
 - " 732.—R. S., c. 74, § 4, line 3. For "passed" read "pass."
 - " 736.-R. S., c. 75, § 8, line 4. For "by" read "be."
 - " 753.-R. S., e. 77, § 5, lines 1 and 2. For "prohibitions" read "prohibition."
 - " 755.—R. S., c. 77, § 10, line 1, last word. For "opened" read "open."
 - " 759.—R. S., c. 77, § 30, last word of the section. For "act" read "chapter."
 - " 791.—R. S., c. 80, § 29, last line, last word. For "treasurers" read "treasuries."
 - " 804.-R. S., c. 81. Head line between §§ 8 and 9. For "when" read "where."
 - "840.—R. S., c. 82, § 74, sixth line on the page. For "capital," between the words "other" and "the", read "one formerly capital and now punished by imprisonment at hard labor for life."
 - * 910.—R. S., c. 91, § 3, line 6, last word. For "mortgagor" read "mortgagee,"
 - "1019.-R. S., c. 115, § 1. Strike out line 7, erroneously repeated from § 35, page 70.
 - " 1035.—R. S., c. 116, § 21, line 16. For "proviso" read "process."
 - " 1043.—R. S., c. 118, § 6. Strike out line 9.
 - "1092.-R. S., c. 128, § 16, last line of page, first word. For "for" read "or."
 - *A typographical error of the R. S. of 1871, inadvertently copied.

ERRORS IN THE REFERENCE INDEX, PART I.

Page	1208		For	40	8		40	9,	
			read	40	8		40	6.* .	
			For	40	9		40	10,	
			read	40	9		40	7.*	
		Stri	$ke\ out$	40	18		40	18,	
"	1209		Insert	47	48		47	54.*	
"	1215	_	Insert	81	59	8	81	62	8.*

ERRORS IN THE REFERENCE INDEX, PART II.

Page 1225 — Under the year 1871, strike out "204" in last line of the left hand column.

" - Under the year 1872,

The first two lines of the right hand column should read

				4.7				
	Feb.	17		13	1	9	1	
		20		16†	1	46	28.	
"	1227 - Under the	year 187	3,					
	For	44	15	14	10 .	50	5,	
	read	"	15	14	10	50.		
	For	134			11	88,		
	read	134		j	11	88	5.	
	For	**	13		36 36	23 32,		
	read		13	_ { { } }	36 36 36	23 24 32.		
"	1228 — Under the ye	ear 1874,	,	•				
	For		216			{ 11 { 11	36 37,	
	read		216	1		11	36	
			"	2		11	37.	

" 1229 - Strike out the last note at the bottom of the page.

	1220 507 660	Otto DI	C RESULE	,00 110	the bo	DUCIN OF ON	o pago	
"	1230 — Under An Insert	the ye	ear 1876,	68	1	11 1 2 3 4 5	13,	1 2 3 4 5.
"	46	For	93		111	7,		•
"	"	read	93		111	6.		
"	1231 —	2	$\begin{cases} 117 \\ 118 \\ 119 \\ 138 \\ 82 \end{cases}$		1 2 1 4 74			
"	1232 — Under	the ye	ar 1877,					
		For	182		6	14,		
		read	182		6	14	10.	
		For	183		135	4	10,	
		read	183		135	4.		
		For	197		77	6		
		read	197		77	6	6.	
		For	19 8	1	47	132	6,	

47

132.

For 198 read 198

ERRORS IN THE REFERENCE INDEX, PART II.—Continued.

Page 1232 — Under the year 1877,

For	214		111	8,
read	214		111	7.
For	"	. 17	6	64,
read	"	17	{ 6 } 6	$\frac{5}{64}$.

- " 1233 For "1871" at the end of the note at the bottom of the page, read "1882,"
 - 1234 Under the year 1878,—Insert " 8 40 36

Transfer the figure "1" from the thirteenth column of the last line of the page, to the eighth column of the same line.

" 1235 — Under the year 1879, in the first line of the left hand column, For 27 80, read 27 55.

" 1236 - Under the year 1880, 74 134 12 134 From 20 1878 134 13 134 20 23 134 82 74. Strike out 3 6 1238 -For55. 6 5 3 read16 **55**. " 6 50. For2 6 К 2 read16 50.

ERRORS IN THE REFERENCE INDEX TABLE, PART I.

In the Commissioner's report, in addition to those noted on page 59 of the report.

Page 49 — Insert 40 18 R* 1875 2 8.
Strike out 47 48 R

ADDITIONAL ERRORS IN REFERENCE INDEX TABLE, PART II.

OMISSIONS FROM THE GENERAL INDEX.

ATTORNEYS AT LAW,

form of attorney's oath, § 25, 780.

SUMMARY PROCEEDINGS FOR PAYMENT OF MONEY COLLECTED.

Attorney, failing to pay over money collected, may be summoned into court, on sworn written motion of claimant, § 27, 780.

not appearing and answering, facts to be taken as confessed, § 28, 780. answering, court may hear cause, and enter equitable decree, § 28, 780. exceptions allowed either party, unless deemed frivolous, § 29, 780, 781.

not performing decree, guilty of contempt, and name stricken from roll, § 30, 781.

REMOVAL OF UNWORTHY ATTORNEYS.

penalty, if any one falsely represents himself to be, § 39, 782.

BOARDERS,

lien of innholders and boarding house keepers, on goods and baggage of, how enforced, § 45, 920.

ERRORS IN THE GENERAL INDEX.

- Page 1252. AGRICULTURAL INSTITUTIONS, County and Local Societies, treasurer, strike out line 6 "exceptions, \$ 11, 613, 614."
 - " 1256. AMENDMENTS, to the Constitution of Maine. For "page 42," read "page 43."
 - " 1262. ASSESSMENTS, proceedings and costs. For "§§ 69, 70" read "§§ 69-72."
 - " 1263. ASSETS, of insurance companies, insolvent. For "\$ 67," read "\$\$ 67, 68."
 - " 1204. ASSIGNMENT, of wages. For "time" read "in town."
 - " 1270. ATTORNEYS AT LAW, Examining Committee, etc. Between "be" and "the," insert "appointed by."
 - " 1271. Removal of unworthy, who shall conduct prosecutions, etc. For "returns" read "witnesses."
 - " ATTORNEYS, COUNTY, if delinquent therein, etc. For "counsel" read "council."
 - " 1281. BATH MILITARY AND NAVAL ASYLUM. For "require" read "acquire."
 - " 1285. BOND, required from company, etc. For "\§ 60" read "\§ 50."
 - " 1287. BONDS, third line. For "\ 52, 73" read "\ 53, 74."
 - " 1288. BOUNTIES, third line. For "silks" read "silk."
 - " 1292. CASE, ACTION ON, second line. For "in," between "shall" and "erecting," substitute "of the expense of."
 - " 1295. CHATTELS, first line. Between "in" and "warehouse," insert "public."
 - "1297. CITIES. Strike out the last line
 "branch railroad tracks not to be built in, without consent of council, § 17,
 564."
 - " "CITIES AND TOWNS," to be struck out, and the words "and towns," prefixed to the next line.
 - " 1298. CLAIMS, against solvent estates, line 6. For "\\$ 15," read "\\$\\$ 15, 16."
 - " 1301. Before "COASTING TRADE," insert these lines,
 "COASTING, may be restricted by town officers, to designated streets, under
 penalty, §§ 42, 43, 89."
 - " 1302." COLLEGES, third line. For "inculate" rep "inculcate."
 - " 1807. CONSTITUTION OF THE UNITED STATES, last line. For "PAGES 14, 15" read "Page 35"
 - " 1316. CORPORATIONS, first line. For "§ 46" read "§ 4."
 - " 1334. CRIMES, copy of indictment, rights, etc. For "Rights" read "Right."
 - "1340. DEAD, second line should read,
 "bodies. See Medicine and Surgery, Chap. 13."
 From the beginning of the third line, strike out "bodies."

[Note by the Commissioner. The remainder of the Index, containing about two hundred pages, is in the hands of the printer and will be furnished to the legislature at an early day.]