

# MAINE STATE LEGISLATURE

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THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

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PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....  
1841.

- CHAP. 1.** district of Columbia and the several territories, so called; and the words "United States" shall be construed to include district and territories.
- Town.** XVII. The word "town" shall be construed to include all cities and organized plantations, unless such construction would be repugnant to the provision of any act specially relating to them.
- Will.** XVIII. The word "will" shall be construed to include codicil, as well as will.
- Written and in writing.** XIX. The words "written" and "in writing" may be construed to include printing, lithographing and any other mode of representing words and letters; provided however, that in all cases, where the written signature of any person is by law required, it shall be the proper hand writing of such person, or, if he cannot write his name, his mark.
- Acts of agents.** XX. When a statute requires an act to be done, which may by law be done as well by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.
- Duly sworn, and sworn according to law. 13 Pick. 305.** XXI. Whenever the expression "duly sworn" or "sworn according to law" is used or applied to any officer, who is required to take and subscribe the oath prescribed in the constitution, it shall be construed to mean, that such officer had taken and subscribed the same, as well as made oath faithfully and impartially to perform the duties of the office, to which he had been elected or appointed; and when applied to any person, other than such officer, it shall be construed to mean that such person had taken an oath, faithfully and impartially to perform the duties assigned him in the case specified.
- Persons disinterested or indifferent.** XXII. When a person is required to be disinterested or indifferent in acting upon any question, in which other parties are interested, any relationship in either of said parties, either by consanguinity or affinity, within the sixth degree, inclusive, according to the rules of the civil law, or within the degree of second cousin, inclusive, shall be construed to disqualify such person from acting on such question, unless by the express consent of the parties interested therein.
- Revised statutes take effect April 2, 1841.** SECT. 4. All the chapters of these revised statutes shall take effect from and after the first day of April, in the year one thousand eight hundred and forty one, except where other provision is expressly made.
- Titles and abstracts not to be construed as essential parts of the revised statutes.** SECT. 5. The titles of the several chapters, and the abstracts of the several sections, are not to be construed as essential parts of the revised code.

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## CHAPTER 2.

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

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| <p>SECT. 1. Sovereignty of the state.</p> <p>2. Where jurisdiction concurrent with the United States.</p> <p>3. Future cessions to the U. States.</p> | <p>4. Compensation for land, so taken.</p> <p>5. Effect of such cession.</p> <p>6. Seat of government.</p> |
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SECTION 1. The jurisdiction and sovereignty of the state extend to all places within the boundaries thereof, subject only to such rights of concurrent jurisdiction as have been, or may be, granted over any places, ceded by the state to the United States.

CHAP. 2.  
Sovereignty of  
the state.

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

Where jurisdiction  
concurrent  
with the United  
States.  
8 Mass. 72.  
17 Pick. 298.

OF FUTURE CESSIONS TO THE UNITED STATES, AND OF THE SEAT  
OF GOVERNMENT.

SECT. 3. Whenever the United States shall require the cession of the jurisdiction of any lands for the erection of forts, magazines, arsenals, dock yards, and other needful buildings, as provided in the constitution of the United States, the governor, with advice and consent of the council, is authorized to make such cession by proper deeds of conveyance, reserving therein and thereby to the state, its jurisdiction, so far, as to have a right to execute, within the limits of the tract ceded, all civil and criminal processes lawfully issued under the authority of the state; but the tract shall not exceed ten acres, nor include any public or private burying ground, dwelling house, or meeting house, without consent of the owner, nor any highway.

Future cessions  
to the United  
States.  
1836, 251, § 1.

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

Compensation  
for land so tak-  
en.

SECT. 5. All lands so ceded shall continue to be subject to such concurrent jurisdiction, as is mentioned in the first section of this chapter.

Effect of such  
cession.

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

Seat of govern-  
ment.  
1827, 366.

## CHAPTER 3.

### OF PUBLIC LANDS.

- SECT. 1. Present land agent continued.  
2. Future appointments.  
3. Agent's salary and bond.  
4. His duty.  
5. Restrictions as to his private business.  
6. To account for avails of sales and settlements with trespassers.

- SECT. 7. Securities to be made payable to the state.  
8. Preservation of timber and grass. Prosecution of trespassers.  
9. Licenses to cut timber and grass.  
10. Agent to attend to his duties personally, unless assistants are necessary.