

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

ing 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 to be thirty days before the commencement of the session. Notices in either of these modes shall be as effectual as if ordered by the Legislature.

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SOVEREIGNTY OF THE STATE. LANDS CEDED TO THE UNITED STATES.
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Sovereignty. R. S., c. 2, § 1. SEC. 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 are granted over any places ceded by the state to the United States.

Processes executed in places ceded. R. S., c. 2, § 2. SEC. 2. Civil, criminal, and military processes lawfully issued by an officer of the state, may be executed in places ceded to the United States, over which a concurrent jurisdiction has been reserved for such purposes.

Governor may cede to United States. S., c. 9, § 3. SEC. 3. The governor, with consent of the council, may, reserving such jurisdiction, cede to the United States for purposes named in its constitution any territory not exceeding ten acres, and not including any public or private burying ground, dwelling-house or meeting-house, without consent of the owner, or any highway.

Compensation therefor. R. S., c. 2, § 4. SEC. 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 eighteen.

Coast survey. 1846, c. 181, § 1. SEC. 5. Persons employed under the government of the United States in the coast survey, may enter on any land in this state, and erect thereon such buildings and do such other acts, as the objects of the survey require.

Compensation for use of land. 1846, c. 181, § 2, 3. SEC. 6. If satisfactory compensation therefor is not made to the owner by the officers or agents of the United States under whose direction such lands are taken, he may make complaint to the county commissioners in due form, who after notice to the parties not less than fourteen days, of the time and place of hearing, shall view the premises, hear the parties, and assess the damages sustained by the taking of the land for said purposes, including the time it will be required to be used therefor, and order them to be paid at such time as they direct, and award costs to the prevailing party.

Report of it filed. SEC. 7. The commissioners shall file in the office of the clerk of the supreme judicial court a report of their doings, which shall be conclusive upon the parties, unless one of them, within thirty days after the term of the court next after it is so filed, Appeal allowed.

files in court his petition for a new trial, which, after due notice to the opposite party, may, for due cause, be granted, to be had in the supreme judicial court.

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1846, c. 181, § 4.

SEC. 8. If before the entry upon the lands, sufficient amends were tendered to the owner, and the damages finally assessed do not exceed the tender, judgment shall be rendered against the owner for costs. The costs recovered by the prevailing party shall be taxed as in case of appeal from the judgment of a justice of the peace.

Tender of amends.

Costs.
1846, c. 181,
§ 5, 6.

SEC. 9. If a person wilfully injures said buildings, works, or apparatus used therewith, he shall be liable to a penalty not exceeding fifty dollars, to be recovered by indictment to the use of a person prosecuting therefor; and shall also be liable in a civil action for the damages.

Injury to works.
Liability for damages.
1846, c. 181, § 7.

SEC. 10. The city of Augusta shall be the seat of government until otherwise provided by the legislature.

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

SECRETARY OF STATE.

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

Secretary's oath and duties.
R. S., c. 7, § 1.

SEC. 12. When a vacancy happens in the office of secretary in the recess of the legislature, by death, resignation, or otherwise, the governor, with advice of council, shall appoint a suitable person to act as secretary of state, until one is elected by the legislature; and the person thus appointed shall take the oath required to be taken by the elected secretary; and have the same compensation, to be paid quarter yearly while he performs the duties of the appointment.

Vacancy how filled.
R. S., c. 7, § 2.

SEC. 13. The secretary, elected or appointed, shall give bond to the state, to be deposited in the office of the treasurer, in such sum, as the governor and council direct, with good and sufficient sureties, with condition that he will faithfully appropriate according to law all moneys belonging to the state, which come to his hands, and render annually a true account thereof to the governor and council.

Bond and condition.
R. S., c. 7, § 3.

SEC. 14. He shall notify every person appointed to any office, upon which a duty is required to be paid, of his appointment, and on the receipt of the evidence of its payment shall cause the proper commission to be immediately made, under the direction of the governor, and delivered to such officer, or to any person appointed by him to receive it.

Notify officers appointed.
R. S., c. 7, § 4.

SEC. 15. He shall prepare and present to the governor and council under seal of state, in order that the same may receive the signature of the governor, a commission for every person, who is appointed or elected to any office, for which by the constitution or laws a commission is required; enter in a book kept for that purpose the time when and by whom any commission is taken from his office, and the time when any certificate of the qualification of any officer is filed in his office; and annually on

Prepare commissions.

Record qualifications.

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R. S., c. 7, § 5,
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Cause laws to be published and distributed, and Maine Reports.

R. S., c. 7, § 6:
1855, c. 131.

Distribute blanks for elections.

Penalty for neglect by secretary or sheriff.

Prepare blanks for reports of railroads—arrange information.

1853, c. 41, § 18.

Librarian, duties.

R. S., c. 4, § 1,
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Suits for breaches of regulations.

R. S., c. 4, § 2.

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

R. S., c. 4, § 4,
6. 1846, c. 130.
1847, c. 8.
1850, c. 173,
6. 1852, c.
273, § 5.

the first day of January, certify to the treasurer of state the amount paid to the several county treasurers for duties on commissions by him delivered the year preceding. He shall cause all bills passed by both branches of the legislature to be engrossed, under his special direction, for the use of the legislature.

SEC. 16. As soon as may be after its approval he shall cause each public act to be published, with the date of its approval, in the state paper; and procure the usual number of each volume of Maine Reports and distribute them and the laws, when published, to such corporations, officers, and other persons, as the legislature direct.

SEC. 17. He shall cause all blanks for election returns, required by law, to be seasonably distributed to the several towns, by delivering them to their representatives, or other persons or officers authorized to receive them, or by enclosing and sealing them in packets directed to such towns, and delivering the same to the sheriffs of the counties to which they belong; and such sheriffs shall forthwith deliver them to the selectmen, assessors, or clerks of such towns, and take their receipt therefor. If any secretary, or sheriff neglects this duty, he shall forfeit one hundred dollars for each offence.

SEC. 18. The secretary shall prepare the necessary printed blank forms for reports of railroad corporations, and transmit a suitable number thereof to each in the month of November annually. He shall arrange the information contained in the reports in a tabular form, and prepare it in a single document for the use of the legislature during its session.

LIBRARY.

SEC. 19. The secretary of state shall be the librarian; keep the library in rooms provided for it in the south wing of the capitol; and may appoint an assistant during the session of the legislature, whose compensation is not to exceed that of an engrossing clerk. Moneys appropriated for its use are to be expended by him under the direction of the governor.

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

SEC. 21. Books may be taken from the library by the governor, members of the council, of the senate and house of representatives, judges of the supreme judicial court, secretary of state, treasurer of state, adjutant general, attorney general, land agent, reporter of decisions, and by the chaplain, secretary, and assistant secretary of the senate, chaplain, clerk, and assistant clerk of the house, during the session of the legislature. The number of volumes so taken by each shall not exceed three at one time. A register shall be kept of all the books so taken with the date of the taking and return. No book shall be retained more than three weeks. All shall be returned during the week preceding the sitting of the legislature. Any volume damaged or lost, or the set of which it is a part, shall be replaced

by the person chargeable therewith, or such compensation made therefor as the secretary directs.

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SEC. 22. The following books shall not be taken from the library room, except for the use of either house, or of the committees of the legislature, during its session: all books presented by the United States, or any of the states; all works, books, and documents relating to the laws or legislative proceedings of the United States, or of other states or countries; all digests, reports of decisions, and works relating to the science of the law, and Vattemare's exchanges.

Books not to be taken out. 1849, c. 97.

SEC. 23. The secretary shall cause such books of Vattemare's exchanges, as in his judgment should not be taken from the library, to be labeled with the following words, "Not allowed to be taken from the library," and the books so labeled shall not be removed from it. He may, upon the written application of any citizen for good reasons therein set forth, and when he thinks it would be safe so to do, deliver to him, during the recess of the legislature, books of that description not so labeled, taking his receipt therefor, and fixing the time for their return.

Books to be taken by any citizen.

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

Receipts for, and affidavit of librarian.

County attorneys to prosecute.

SEC. 25. He shall annually, in the month of January, make a report to the legislature, therein stating all the receipts and expenditures on account of the library for the preceding year, with a list of all books, maps, and charts added to it within that time by exchange, donation, or purchase, specifying each, and of all missing or lost, with such suggestions relating to the library as may lead to its improvement.

Librarian's annual report. 1849, c. 97. 1854, c. 109.

TREASURER OF STATE.

SEC. 26. The treasurer of state shall keep his office at the seat of government, and give the bond required by the constitution, in the penal sum of not less than one hundred and fifty thousand dollars to the State of Maine, with good and sufficient sureties residing therein.

Treasurer's office. Bond. R. S. c. 8, § 1, 2.

SEC. 27. The condition of the bond shall be for the faithful discharge of all the duties of his office, the fidelity of all persons by him entrusted with any of the concerns thereof, and that during his continuance in office he will not engage in trade or commerce, or as a broker, agent, or factor, for any merchant or trader; and that he, or his executors, administrators, or sureties, or their executors or administrators, shall render a just and true account of all his agents' and servants' doings and transactions in the office, to the legislature, or such committee as they appoint, on the first Wednesday of January annually, previous to the

Condition of bond. R. S., c. 8, § 3, 4.

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choice of a new treasurer, and at any other time, when required by the legislature, or the governor and council; and that he will settle and adjust said account, and faithfully deliver over to his successor in office, or to such person as the legislature appoints, all moneys, books, property, and appurtenances of the said office, in his, or any of his agents' possession, and pay over all balances found due on such adjustment. Such bond, when approved as the constitution prescribes, shall be lodged in the secretary's office.

Treasurer not to receive benefit from, use, or loan, money of the state. 1856, c. 243, § 1, 2.

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

Attorney general to prosecute. 1856, c. 243, § 3.

SEC. 29. When the attorney general receives satisfactory information, that a treasurer of state has violated any of the provisions of the preceding section, he shall cause him to be indicted therefor.

\$20,000 only in a bank. 1856, c. 243, § 6.

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

Monthly exhibits. 1856, c. 243, § 8.

SEC. 31. At the expiration of each month, the treasurer shall prepare an exhibit showing the banks or places, in which moneys of the state have been kept or deposited during the past month, and the amount in each at the time of such exhibit, and file it in the office of the secretary of state, to be open to public inspection.

Time when and amount received of land agent. 1856, c. 243, § 9. Governor and council to examine into truth of complaints.

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

May declare office vacant. 1856, c. 243, § 4.

SEC. 33. Upon the written complaint of a person, that the treasurer is insane, insolvent, or has absconded, or concealed himself to avoid his creditors, is absent from the state and neglecting his duties to the hazard of the trust reposed in him, has violated any of the provisions of section twenty-eight, or has failed faithfully to perform the duties of his office, the governor and council shall forthwith examine into the truth of the charges, and if any of them is found to be true, they shall remove him and declare the office to be vacant.

Governor and council audit contingent fund. 1856, c. 243, § 7.

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

May require a new bond. 1856, c. 243, § 5.

SEC. 35. When it appears to them, that his bond is not sufficient for the full security of the state, they shall call upon him to procure a new bond; and if he neglects for ten days after a written demand, to file a new bond to their satisfaction, they shall remove him and declare the office vacant.

SEC. 36. In case of a vacancy in the office of treasurer, the

governor, with consent of council, shall appoint a commissioner to perform the duties of the office during the residue of the term for which he was chosen, unless another is sooner elected by the legislature; and the person so appointed shall, before entering on the duties of his office, take and subscribe the oaths, and give bond with the same conditions, to the acceptance of the governor and council, as are required of the treasurer.

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May appoint a commissioner to fill vacancy.
R. S., c. 8, § 6.

SEC. 37. When such commissioner is appointed, the secretary of state and the attorney general, or two impartial citizens to be appointed by warrant under the hand and seal of the governor, as soon as practicable, having given notice to the sureties, or any two of them, of the late treasurer, or of the treasurer to be superseded, shall take a true account and inventory of all moneys, notes, books of account and other property, belonging to the state, which were in the hands of such treasurer, or of any of his agents, and deliver it to such commissioner, he giving a receipt therefor, which shall be lodged in the secretary's office.

Inventory for commissioner.

Receipt therefor.
R. S., c. 7, § 10.

SEC. 38. The treasurer, on the first Wednesday of January annually, shall lay before the governor and council a statement of the amount of all warrants in favor of the state, and of any other sums of money, or balances due from the several sheriffs in the state, and certify the names of the sureties in their bonds.

Annual report of warrants and amounts due.
R. S., c. 8, § 7.

SEC. 39. He shall send such warrants, as he is ordered to issue, for assessing any tax, inclosed to the sheriff of each county to be transmitted by him to the assessors of the towns within such county.

Send warrants to sheriffs for taxes.
R. S., c. 8, § 8.

SEC. 40. He shall issue warrants or executions against delinquent towns, assessors, constables and collectors, to enforce the collection and payment of state taxes in cases prescribed in the sixth chapter.

Treasurer to issue warrants for collection of taxes.
R. S., c. 8, § 9.

SEC. 41. He shall annually, on the first Monday after the meeting of the legislature, lay before the two houses thereof a printed detailed account of the state of the treasury; distinguishing, in the receipts and expenditures, the sums due at the close of the preceding year, from those that became due during the current year, and what sums are due to and from the treasury, and the resources of the state for the ensuing year.

Report, annual state of treasury.
R. S., c. 8, § 10.

SEC. 42. He shall report the names of any officers, who have not settled their accounts, as by law required, or who have not paid over the money in their hands belonging to the state, and the amount due from each.

Names of delinquents.
R. S., c. 8, § 11.

SEC. 43. When the account of any county treasurer is made to him, he shall enter it in a book kept for that purpose, and the balance of each account when it is settled; and this book shall be open for the inspection of all persons interested.

Accounts of county treasurer.
R. S., c. 8, § 12.

TENURE OF OFFICES AND QUALIFICATIONS OF OFFICERS.

SEC. 44. All civil officers, appointed by the governor and council, whose tenure of office is not provided for by law or limited by the constitution, otherwise than during the pleasure of the governor and council, except ministers of the gospel ap-

Tenure of office.
R. S., c. 9, § 1.

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pointed to solemnize marriages, and persons appointed to qualify civil officers, shall hold and exercise their respective offices for the term of four years and no longer, unless reappointed; subject to removal at any time within said term by the governor and council.

Governor may appoint persons to qualify civil officers. R. S., c. 9, § 2. Officers to make oath before the governor and council.

SEC. 45. The governor, with advice of council, may appoint, in each county, persons before whom the oaths required by the constitution to qualify civil officers, may be taken and subscribed.

Officers to make oath before magistrate. R. S., c. 10, § 1.

SEC. 46. The justices of the supreme judicial court, attorney general, secretary, treasurer, adjutant general and quarter master general, shall take and subscribe the oath or affirmation required by the constitution before the governor and council, when in session, and in their recess before any two members of the council; and every other person elected or appointed to any civil office, shall take and subscribe the oath before any one member of the council, or before any magistrate commissioned by the governor for that purpose, excepting in cases where the constitution otherwise provides.

Officers may be required to give new bonds.

If new bond is not given office deemed vacant. 1853, c. 31.

SEC. 47. The governor and council may require any officer, who by law gives bond to the state, to give a new bond when they consider it necessary, at the request of a surety or otherwise; and when a new bond is given, the obligees in the former one are discharged from all liability thereon for acts and defaults after the acceptance of the new one; and if he does not give a new and satisfactory bond within the time specified by the governor and council, his office shall be deemed vacant, and filled as provided by law.

CHAPTER 3.

TOWNS, THEIR MEETINGS, POWERS AND DUTIES.

- SEC. 1. Towns are corporations.
2. Town meetings to be called by selectmen.
3. Call of first meeting after incorporation, and of one when no officers.
4. Selectmen refusing, call may be made by justice on request of 10 voters; same number may require an article to be inserted in warrant.
5. Form of warrant. Articles to be specified.
6. Warrant may be directed to constable or individual.
7. Mode of notice; return to state the manner.
8. Errors in return, and in town records, and tax lists how corrected.
9. Who are entitled to vote.
10. Annual meetings to be in March. Officers then chosen.
11. What officers are to be chosen by ballot.
12. Vacancies may be filled by municipal officers.
13. Clerk to preside for choice of moderator.
14. Clerk to be sworn, form of oath.
15. Officers chosen to be summoned to take their oaths.
16. Penalty for neglect to be sworn. Exceptions.
17. Town and parish officers how sworn, and certificate to be given. Mode of making record. Clerk may record his own election. Record to be evidence. Penalty for neglect. Fees for recording oath.
18. Vacancies may be filled at any town meeting.