

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FOURTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

---

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY LORING, SHORT & HARMON  
AND  
WILLIAM M. MARKS, PRINTER.  
1884.

FARMINGTON STATE TEACHERS COLLEGE  
LIBRARY

**ERRATA:**

**The following two leaves are  
inserted because one or more pages  
in this chapter have errors  
noticed and corrected here.**

# ERRORS.

## ERROR IN THE TEXT OF THE REVISED STATUTES.

Page 63, § 3, line one.—Erase the last word “may.”

## ERROR IN THE TEXT OF THE REPEALING ACT.

Page 999.—Transfer “Chapter 48, Section 6, of an act to facilitate the prompt administration of justice by establishing a superior court in Kennebec County,” from the year 1879 to 1878.

## ERROR IN THE COMMISSIONER'S NOTES.

Pages 177, 178.—Erase the last two lines of page 177, and the first three lines of page 178.

## ERRORS IN THE MARGINAL REFERENCES.

- Page 59, § 6, ¶ xx.—Erase “*R. S.*, c. 1, ¶ xx”, and supply, at the bottom of the page, “*R. S.*, c. 1, § 4”
- “ 66, § 24.—Erase “*Resolve of 1837*, c. 52.”
- “ 69, § 44.—Supply “*Resolve of 1840*, c. 107.”
- “ 72, § 68.—Erase “*See c. 6*, §§ 40-67.”
- “ “ § 70.—Erase “*R. S.*, c. 2, § 66.”
- “ 79, § 12, (note b).—“*See c. 18*, § 73” should read “*See c. 18*, § 75.”  
“*See c. 30*, § 15” should read “*See c. 30*, § 16.”
- “ “ § 14.—Supply “*See c. 18*, § 75.”
- “ 83, § 40.—“*R. S.*, c. 3, § 34” should read “*R. S.*, c. 3, § 33.”
- “ 84, § 46.—“*See c. 18*, § 67” should read “*See c. 18*, § 59.”
- “ 86, § 59, ¶ i, (note b).—“*See c. 17*, §§ 25-29” should read “*See c. 17*, §§ 27, 28.”
- “ “ “ ¶ vi, (note e).—“*See c. 18*, § 15” should read “*See c. 18*, § 17.”
- “ 92, note.—“*c. 18*, §§ 39, 103” should read “*c. 18*, §§ 39, 97.”
- “ 97, § 16.—Erase “*R. S.*, c. 4, § 16.”
- “ 108, § 86.—“*Art. ii*, § 2” should read “*Art. ii*, § 1, ¶ 2.”
- “ 117, § 28.—Erase the first reference to “1878, c. 31, § 1.” Also erase “*R. S.*, c. 5, § 26.”
- “ 176, § 27.—“*Resolve of 1883*, c. 20” should read “*Resolve of 1883*, c. 86.”
- “ 183, § 5.—“*See § 93*, ¶ 6” should read “*See § 93*, ¶ v.”
- “ 202, § 102.—“1883, c. 229” should read “*See c. 115*, § 1.”
- “ 209, § 1.—Supply “1880, c. 215.”
- “ 210, § 7.—Supply “1880, c. 215.”
- “ 249, § 44.—“1875, c. 25, § 6” should read “1875, c. 25, § 6.”
- “ 270, § 16.—Supply “1880, c. 215.”
- “ 330, § 26.—“*See c. 40*, § 77” should read “*See c. 40*, § 74.”
- “ “ § 28.—“*See c. 40*, § 38” should read “*See c. 40*, §§ 33, 40.”
- “ 374, § 23.—“*See § 17*” should read “1880, c. 234, § 1.”
- “ 384, § 74.—Add “1883, c. 138, § 3.”  
“1883, c. 144, § 4.”
- “ 506, § 1.—Supply “*See 1880*, c. 215.”
- “ 642, § 80, bottom of the page.—Supply “1878, c. 48, § 6.”
- “ 709, § 105.—“*See c. 134*, § 13” should read “*See c. 134*, § 19.”
- “ 773, § 42.—Supply “1883, c. 198, § 2.”
- “ 804, § 35.—“*See c. 134*, § 26” should read “*c. 134*, § 26.”
- “ 861, § 1.—“*R. S.*, c. 2, § 20,” } should read “1883, c. 221.”  
“*R. S.*, c. 115, § 1.” }
- “ 862, § 4.—“*See c. 63*, §§ 32 to 39” should read “*See c. 63*, § 35.”

## ERRORS IN CITATIONS OF CASES.

- Page 10, § 8, ¶ iii, (note c).—"14 *Pet.*, 504" should read "14 *Pet.*, 540."  
 " 16, § 1, (note b).—"10 *Me.*, 483" should read "10 *Me.*, 283."  
 " 78, § 5, (note a).—"13 *Me.*, 472, 489" should read "13 *Me.*, 472."  
 " " § 7, (note b).—"12 *Me.*, 589" should read "12 *Me.*, 489."  
 " 147, § 97.—"58 *Me.*, 528" should read "58 *Me.*, 532."  
 " 166, § 1.—"64 *Me.*, 549" should read "64 *Me.*, 599."  
 " 200, § 93, ¶ iv.—Erase "20 *Me.*, 545."  
 " 211, § 19.—"3 *Me.*, 347" should read "3 *Me.*, 249."  
 " 241, § 5, (note b).—"68 *Me.*, 28" should read "63 *Me.*, 28."  
 " 257, § 80, (note a), Construction of ways.—"26 *Me.*, 340" should read "26 *Me.*, 240."  
 " 397, § 1, (note a).—Erase "66 *Me.*, 526."  
 " 521, § 2, (note a).—Erase "60 *Me.*, 377."  
 " " § 9.—Erase "60 *Me.*, 533."  
 " 563, § 10.—"31 *Me.*, 286" should read "31 *Me.*, 254."  
 " 597, § 23.—"4 *Me.*, 19" should read "4 *Me.*, 8."  
 " 705, § 78.—"43 *Me.*, 438" should read "48 *Me.*, 438."  
 " 728, § 12.—Erase "68 *Me.*, 30."  
 " 750, § 5.—Erase "20 *Me.*, 325."  
 " 765, § 1, (note a).—Erase "73 *Me.*, 228."  
 " 814, § 19, (note c).—Erase "71 *Me.*, 543."  
 " 817, § 8, (note b).—"27 *Me.*, 363" should read "27 *Me.*, 362."  
 " 885, § 1.—Erase "62 *Me.*, 285."  
 " 886, § 8.—"36 *Me.*, 225" should read "36 *Me.*, 227."  
 " 933, § 4.—"34 *Me.*, 478" should read "39 *Me.*, 478."

## OMISSION IN REFERENCE INDEX TABLE, PART I.

Page 1060.—Supply "1878, c. 48, § 6," with a reference to "R. S., c. 77, § 80."

CHAP. 55. or maintenance of a public library therein; and when such plantation is incorporated into a town, such gifts and the proceeds thereof fully vest in such town.

gifts for public libraries.  
R.S., c. 55, § 10.

## PUBLIC CEMETERIES.

How proprietors of public cemeteries may be incorporated; exemption from attachment and taxation.  
R.S., c. 55, § 11.

SEC. 11. Any seven or more persons may be incorporated in the manner hereinbefore provided, for the purpose of owning, managing and protecting lands and their appurtenances appropriated for public cemeteries; and the property of such corporations and the shares of stock therein, are exempt from attachment and taxation.

## CHAPTER 56.

## PROPRIETORS OF LANDS, WHARVES, AND OTHER REAL ESTATE, IN COMMON.

- SEC. 1. Warrant for calling meetings; to whom directed.
2. Modes of giving notice.
  3. Officers, and manner of calling future meetings.
  4. Officers to be sworn.
  5. No business to be transacted, unless specified in the warrant. How votes are to be counted. May pass by-laws, subject to approval of county commissioners, and annex penalties.
  6. Prosecution and defence of actions.
  7. Raising and assessment of moneys. Publication of assessment.
  8. Payment may be enforced by sale.
  9. Right of redemption.
  10. Treasurer's power and duties.
  11. Management of property. Proxies.
  12. Proprietors' records, how preserved.
  13. Certain corporate powers continued after final division.
  14. How owners may raise money for highways.

Warrant for calling meetings, to whom directed.  
R.S., c. 56, § 1.  
12 Me., 313,  
400.  
18 Me., 215.  
26 Me., 549.

SEC. 1. When any five, or a majority of the proprietors of lands lying in common, desire a meeting of the proprietors, and make written application signed by them or their agents, to any justice of the peace residing in the county in which the lands lie, he may issue his warrant calling a meeting, at the time and place, and for the purposes distinctly stated in the application, directed to one of the proprietors, requiring him to give notice thereof.

Modes of giving notice.  
R.S., c. 56, § 2.

SEC. 2. If the lands lie in one or more incorporated towns, a notice in writing shall be posted in some public place in each, and published in the state paper, and in one of the newspapers printed in the county where any part of them lies, fourteen days before the meeting; but if not, in the state paper, and in one other newspaper, if any, in the county where any part of them lies, four weeks successively next before the meeting; or the meeting may be warned by posting written notifications, in some public place in each town where any proprietor resides, fourteen days before the time appointed therefor.

SEC. 3. At such meeting, such proprietors as assemble in person or by attorney may choose a moderator, clerk, treasurer, assessors, collector of taxes, committees, and other needful officers; and may by vote decide upon the manner of calling and notifying future meetings. (a)

SEC. 4. The clerk, treasurer, assessors, and collector, shall be sworn by the moderator or a justice of the peace, and the clerk shall record the votes passed at all meetings.

SEC. 5. No business shall be acted upon at any meeting, unless distinctly expressed in the warrant therefor; the proprietors' votes shall be counted according to the interest of each in the common lands, if known, and in that way the moderator shall make certain all doubtful votes; and they may pass by-laws as to the management, improvement, division, and disposal of their lands, or wharves, subject to the approval of the county commissioners of the county where the lands lie, and may annex penalties to the breach of them, not exceeding three dollars for one offence, to be disposed of as they direct.

SEC. 6. The proprietors may prosecute and defend suits by their agent, and the certificate of the proprietors' clerk is evidence of such agency.

SEC. 7. At any legal meeting, they may raise money for bringing forward, completing the settlement of, managing, or improving said lands, or for their common good, and assess the same according to their interests in the lands; and the treasurer, collector or committee shall publish such assessment in the same manner as a meeting of the proprietors is notified.

SEC. 8. If any proprietor neglects to pay his assessment to the treasurer, collector, or committee, for six months, if he resides in the state, otherwise for twelve months, then the committee may, from time to time, sell at auction so much of his right in the common lands, as is sufficient to pay his tax and the reasonable charges of sale, after notice thereof, posted as aforesaid, and published in two of the newspapers before named five weeks successively next before the time of sale; and may give deeds thereof in fee to the purchaser.

SEC. 9. The proprietor of the right so sold may redeem it within a year, by paying to the committee the sum for which it was sold, with twelve dollars for each hundred produced by such sale, and in that proportion for a greater or less sum.

SEC. 10. The treasurer may sue for and collect all debts due to the proprietors, and shall render his account of all moneys received and paid; and he shall hold his office during their pleasure.

SEC. 11. A majority of proprietors present at any legal meeting, may order, manage, improve, divide, or dispose of their lands as they choose; and may vote in person, or by attorney appointed in writing.

SEC. 12. After a final division of their common property, they shall cause their records to be deposited in the office of the clerk of the town in which some part of such lands lies; and he may record votes and certify copies of such records, as the proprietors' clerk might have done;

## CHAP. 56.

Officers, and calling of future meetings.  
R.S., c. 56, § 3.

Officers to be sworn.  
R.S., c. 56, § 4.  
26 Me., 553.  
53 Me., 233.

No business to be transacted, unless specified in the warrant: how votes are to be counted.  
R.S., c. 56, § 5.

Prosecution and defence of actions.  
R.S., c. 56, § 6.  
37 Me., 44.

Raising and assessment of moneys: publication of assessment.  
R.S., c. 56, § 7.  
See § 2.

Payment may be enforced by sale.  
R.S., c. 56, § 8.  
4 Me., 248.  
5 Me., 348.  
7 Me., 408.

Right of redemption.  
R.S., c. 56, § 9.

Treasurer's powers and duties.  
R.S., c. 56, § 10.

Management of property.—proxies.  
R.S., c. 56, § 11.  
48 Me., 526.

Proprietors' records, how preserved.  
R.S., c. 56, § 12.  
53 Me., 233.

**CHAP. 56.** and the last clerk chosen shall continue in office until the records are so deposited.

Certain corporate powers continued for ten years after final division.  
R.S., c. 56, § 13.

**SEC. 13.** Such a final division shall not dissolve the corporation until ten years thereafter; but the last proprietors in common and their heirs shall continue in their corporate capacity, for the collection and payment of all debts due to or owing by the corporation; and may call and hold meetings, and vote assessments to pay their debts and all other charges necessary for closing their business.

Money may be raised for highways.  
R.S., c. 56, § 14.

**SEC. 14.** The owners of an unincorporated township or tract may call meetings to raise money, for making and repairing highways lawfully laid out, and to choose officers to assess and collect it.

---

## CHAPTER 57.

### MILLS AND THEIR REPAIRS.

- SEC. 1.**
1. Manner of calling a meeting of mill owners.
  2. Owners of half or more may repair or rebuild.
  3. How to be re-imbursed. Special contracts not affected.
  4. Proceedings if a part owner is a minor, and in certain other cases.
  5. Owners of grist mills to furnish scales for weighing grain.
  6. Tolls established.

Manner of calling a meeting of mill owners.  
R.S., c. 57, § 1.  
31 Me., 35.  
57 Me., 103.

**SEC. 1.** When an owner of a mill, or of the dam necessary for working it, thinks it necessary to rebuild or repair it in whole or in part, he may apply in writing to a justice of the peace in the county where it is situated, or if partly in two counties, to a justice in either, to call a meeting of the owners, stating the object, time, and place of the meeting, and such justice may issue his warrant for the purpose, directed to such owner, which shall be published in some newspaper printed in such county, if any, three weeks successively, the last publication to be not less than ten, nor more than thirty days before the meeting; or a true copy of the warrant may be delivered to each of said owners, or left at his last and usual place of abode; and either notice is binding on all the owners.

Owners of half or more may repair or rebuild.  
R.S., c. 57, § 2.  
11 Me., 172.  
53 Me., 553.

**SEC. 2.** At such meeting, whether all the owners attend or not, the owners in interest of at least one half of such mill or dam may rebuild or repair so far as to make them serviceable; and shall be re-imbursed out of said mill or its profits, what they advanced therefor beyond their proportions, with interest in the meantime.

How to be re-imbursed.  
R.S., c. 57, § 3.  
53 Me., 553.

**SEC. 3.** If they are not re-imbursed by the profits of the mill, or paid by the other owners, within six months after the work is completed, they may charge one per cent. a month on the amount advanced, from the end of six months until so re-imbursed; and if a delinquent owner dies, or alienates his interest in the premises, the advancing owners have a