

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

GENERAL INDEX.

[The GENERAL INDEX is divided alphabetically by first letter of the entries. The following information is taken from the first page (p. [1077]) of the GENERAL INDEX.]

EXPLANATIONS.

REFERENCES TO THE CONSTITUTION OF THE UNITED STATES ARE IN SMALL CAPITALS. References to the Constitution of Maine are in italics. In case of cross references from one title to another. the latter title is indicated by small capitals. Cross references from one catch word to another in the same title are indicated by italics. Where the contents of an entire chapter are referred to, the title is printed in bold face capitals; and any kindred references not belonging to such chapter are enclosed in parentheses.

GUARDIANS, APPOINTMENT, POWERS AND DUTIES OF, CHAP. 67-Continued.

GUARDIANS AD LITEM.

Guardians ad litem, power of any court to appoint. not impaired, § 28, 565.

power of court to appoint next friend, not impaired, § 28, 565.

(may be appointed by court, before which petition for partition is pending, § 7, 750.)

(to appear for insane parties in suits, § 38, 699.)

(for minors, who are parties to real actions, § 17, 818.)

Special guardians may be appointed for married women in certain cases, pending proceedings in the probate court, § 29, 565, 566.

Adoption of Children. See Children, Adoption of.

GUESTS,

innholders answerable to, only for reasonable care of property of, in case of fire, § 6, 302.

- not liable to, for losses, save of apparel and other necessaries, unless on special delivery for safe keeping, § 7, 302.
- if loss is caused by negligence of, or by disobedience of known reasonable rules, § 8, 302. GUIDE POSTS,

and boards, when, how and where to be erected, §§ 96, 97, 259.

penalty for neglect, §§ 96, 97, 259.

malicious injury and defacing of, how punished, § 16, 920.

GUNPOWDER,

regulations respecting the keeping and transportation of, § 20, 296.

buildings for manufacture of, when deemed nuisances, § 8, 233, 234.

HABEAS CORPUS,

WRIT OF, NOT TO BE SUSPENDED, EXCEPT IN CASE OF REBELLION OB INVASION, U. S. C., ART. I, § 9, ¶ 2, PAGE 11.

similar provision, C. M., Art. I, § 10, page 35.

HABEAS CORPUS, CHAP. 99, 799-805.

Bail commissioners may issue writ of, and admit to bail, §§ 35, 36, 804, 805.

(Habeas corpus, jurisdiction of superior courts in proceedings in, §§ 63, 67, 639.)

writ of, who are entitled to, as a matter of right, § 1, 800.

minors enlisted into army or navy, without consent of parents, may have, § 2, 800.

parent and guardian may apply for, in behalf of minors, § 3, 800.

may be granted by supreme or superior court or any justice thereof, on application, § 4, 800. persons not entitled to, of right, enumerated, § 5, 800.

application for, to whom to be made, and how returnable, § 6, 800, 801.

issued by a justice of the court, how made returnable, § 7, 801.

application to be in writing, signed and sworn to; what it shall state, § 8, 801.

applicant to produce copy of process, by which the person is restrained, § 8, 801.

writ not to be granted, if good cause for confinement appears by precept, § 8, 801.

on mesne process, when court may fix reasonable bail, § 9, 801.

to issue, if prison keeper or officer refuses a copy of precept, § 10, 801.

form of writ, in certain specified cases, § 11, 801.

service of writ, fee of officer and time of return, § 12, 801, 802.

officer making return, to bring the body of the person restrained, § 13, 802.

proceedings in case of sickness or infirmity of imprisoned party, § 13. 802.

on return of writ, examination to be made by court into causes of restraint, § 14, 802.

notice to be given to persons interested, before discharge on, § 15, 802.

if imprisoned on criminal charge, not to be discharged on, until after notice to State's attorney, § 15. 802.

issued, to bring prisoners before courts for trial, or to testify, § 37, 805.

(in case of wrongful detention at insane hospital, on application of visiting committee, § 35, 992.)

Insane person, arrested or imprisoned in civil suit, may be released on, § 38, 805.

arrested again, on same demand, while insane, forever exempt from arrest therefor, § 38, 805. *Officer*, refusing to give copy of process detaining prisoner, how punished, § 25, 803.

neglecting to serve writ of habeas corpus, how punished, § 26, 803, 804.

who may execute writ of attachment against sheriff refusing to obey writ of, § 27, 804.

refusing to execute writ of, court or any justice thereof may issue a precept to another, or to any person named, to bring person for whose benefit the writ was issued, § 23, 804. Party, how kept, before rendition of judgment, § 24, 803.

Party restrained may deny facts stated in return, and allege others material, § 16, 802. shall be discharged, if no legal cause for restraint is shown, § 16, 802.

if offence is bailable, shall be admitted to bail, § 17, 802.

GENERAL INDEX.

HABEAS CORPUS, CHAP., 99-Continued.

Party restrained, if sufficient bail is not tendered, he shall be remanded, § 17, 802.

justice of the peace may bail, pursuant to the order of court, § 17, 802.

Person, discharged on, not to be again restrained for the same cause; exceptions, § 29, 804. unlawfully carried out of the state or imprisoned in a secret place, third person may appear for him in an action therefor in his name, § 32, 804.

confined in jail for a bailable offence, may be bailed by commissioners, § 35, 804, 805. commissioner may issue a writ of, for such purposes, § 35, 805.

Prisoners, conveyance of, to prison, to be made without delay; not needlessly to be transferred

from one officer to another, nor removed from one county to another, § 30, 804. penalty for aggrieved party, if transferred from the custody of one officer to another, to evade process of habeas corpus, § 30, 804.

penalties, not to bar actions for damages for false imprisonment of, § 31, 804.

Return must state whether the party is in custody, and for what cause, § 22, i, ii, 803. if custody is transferred, must state to whom, when, and why, § 22, iii, 803. how authenticated. § 23. 803.

Supreme court may allow bail for any offence bailable, except for persons committed by governor, senate or house, for causes mentioned in the constitution, § 33, 804.

Writ, form of, if the restraint is by a person not an officer, § 18, 802, 803.

by whom to be issued, and where served, § 19, 803.

person restraining, if unknown, may be described in, by an assumed name, § 20, 803. if served with the writ, to be deemed the person thereby intended, § 20, 803. restrained, to be so designated as to make known who is intended by, § 21, 803.

HABITATIONS AND OTHER BUILDINGS, OFFENCES AGAINST, CHAP. 119, 884-886.

Arson of a dwelling-house, defined, and penalty provided, § 1, 885.

when house is owned by person setting the fire, § 2, 885.

Breaking and entering dwellings, how punishable, when not burglary, § 8, 886.

Burglary, defined and punished, § 7, 885.

Burning public and private buildings, in the day or night time, how punished, § 3, 885. vessels, bridges, produce, fences, trees and other property, how punished, §§ 4, 5, 885. Dwelling-houses, what buildings to be deemed, § 9, 886.

Wife committing offences, liable, although property belongs to her husband, § 6, 885.

HACKMAN,

punishment of, for injury to baggage, § 21, 920, 921.

HACKNEY COACHES,

town may enact by-laws concerning; such regulations to be published, § 59, ix, 87. HAIR,

used in masonry, standard weight of bushel of, § 57, 357.

HALF BLOOD,

kindred of, inherit equally with those of the whole blood in the same degree, § 2, 611. HALLS,

protection of life in, in case of fire. See Buildings used for Public Purposes. HANCOCK COUNTY,

boundaries of, 1011, 1012.

HARBORING,

or concealing principal felon, how punished, § 7, 930.

HARBOR ISLAND,

constables of Bristol may serve precepts on, in certain cases, § 52, 665.

HARBORS,

and lighters, §§ 18-22, 343. See LIGHTERS AND HARBORS.

pilots. See PILOTS.

port wardens. See PORT WARDENS.

wrecks and shipwrecked goods. See WRECKS AND SHIPWRECKED GOODS.

HARBOR MASTERS,

selectmen may appoint and remove, § 64, 88.

HARD LABOR,

punishment in state prison shall be by confinement to, § 2, 963.

HARTFORD AMERICAN ASYLUM FOR THE DEAF,

how deaf children may be sent to, §§ 126-128, 206, 207.

HAWKERS AND PEDLARS, CHAP. 44, 396, 397.

not to travel without license, under penalty and forfeiture of goods; exception, § 1, 396. county commissioners may license, for one year; fee; disabled soldiers exempt, § 2, 396.

1230

HAWKERS AND PEDLARS, CHAP. 44-Continued.

licensee, if a non-resident or agent of a non-resident, to pay extra fees, § 2, 396.

blank licenses to be furnished to clerk of courts, to be by him accounted for, quarterly, § 3, 397. money received therefor to be paid by clerk to treasurer of state, quarterly; clerk's fees, § 4, 397. shall exhibit license, upon request, § 5, 397.

penalty, and seizure and forfeiture of goods on refusal, § 5, 397.

carriages and goods to be sold, as on execution, if not redeemed within twenty days, § 5, 397. penalties, how recovered and appropriated, and proceedings at the trial, § 6, 397.

name of pedlar and "Licensed by C. C.," how to be painted on carriage, § 7, 397.

HAY.

regulations for pressing, sale and shipping of; penalties, § 55. 356.

cities may purchase scales for weighing, § 5, 394.

in barn, and horses and neat cattle, left in possession of debtor on security, not subject to a second attachment, to the prejudice of the first, § 25, 676.

damages for trespass in taking, § 11, 790.

penalty for wilfully burning, § 5, 885.

penalty for trespassing on land with intent to take, or for carrying away, §§ 11, 15, 919, 920. grain, potatoes, orchard products and wool, exempt from taxation, § 6, vi, 127.

HEALTH,

Board of, §§ 34-36, 223, 224. See CONTAGIOUS DISEASES.

Committee, or officer, §§ 14-16, 221.

duty of towns to choose; their powers and duties, §§ 14-16, 221.

towns omitting to choose, municipal officers to be, § 15, 221,

Town ordinances relating to, § 59, iii, 86.

HEALTH, SAFETY AND POLICY, PUBLIC, OFFENCES AGAINST, CHAP. 128. 921-925.

Butter and cheese, sale of adulterated, how regulated, §§ 3-6, 922, 923.

Fireworks, penalty for selling, giving away or firing without license, § 11, 923.

Food or liquors, penalty for adulterating, or for selling adulterated, § 1, 921, 922.

Lotteries, whether for churches or not, declared to be nuisances, § 13, 923, 924.

penalty for being concerned in any way with, § 13, 924.

how recovered, and to whose use, § 13, 924.

attorney general to apply to supreme court for injunction to restrain, § 14, 924.

payments for tickets or shares in, may be recovered back, § 15, 924.

Oleomargarine, sale of, how regulated, §§ 3-6, 922, 923.

Prize candy, penalty for offering to sell; seller is liable to summary arrest, § 16, 924, 925. Sugar, molasses and vinegar, penalty for adulterating, or for selling adulterated, §§ 7, 9, 923. Toy pistols, sale of, prohibited; penalty and liability, § 12, 923.

Veal, killing of calves under four weeks old for, and selling, prohibited, § 1, 922.

warrant granted to search for such, § 2, 922,

HEDGES.

or weirs, restrictions on use of, in fisheries, § 23, 374; § 68, 382; § 70, 383; § 66, 382. HEIRS.

when undivided estate may be taxed to, § 24, 131, 132.

claimants under, have same rights as, in probate courts, § 29, 533.

may make application to revoke trust of public administrator, § 26, 541.

distribution of personal estate among, §§ 27-31, 552, 553.

when, may be required to give bond on distribution of estates, § 30, 553.

may appeal from decision of commissioners on insolvent estate, § 12, 557.

or devisees, living in different states, probate judge may license sale of real estate, on application of, § 1, x, 594.

when real estate, including dower, is sold on petition of executors, administrators and guardians, proceeds, how divided among, § 2, 594.

apparent or presumptive, of wards, to be notified on petition for sale of ward's estate, § 25, 598. conveyance to persons for life, and to heirs in fee, how construed, § 6, 604. may redeem estate of ancestors set off on execution, § 49, 621, 622.

may appear or be summoned, in suits in equity, without bill of revivor, § 36, 699.

when parties to suits, adverse party shall not be admitted to testify; exceptions, § 98, 707, 708. assets to meet claims, not maturing within two years, to be retained on distribution, unless bond

is filed by, § 14, 747.

and devisees, when liable for demands not filed within two years after administration, § 15, 747. and devisees, remedy against, on claims not accruing within two years, § 16, 747.

may be cited in, on proceedings for partition, § 12, 750. See PARTITION OF REAL ESTATE.

1232

HEIRS—Continued. may institute proceedings for the redemption of mortgaged real estate, § 26, 762. may recover damages in actions of waste, § 1, 789. forfeitures by, for committing waste on lands of insolvent estates, § 16, 791. may have writ of entry on their title, without actual entry, § 4, 816, 817. when right of entry shall be deemed to have accrued, as affecting limitation, § 3, 824. may be required, in equity, to convey lands under ancestor's written contract, § 9, 840. See DESCENT, TITLE BY. HEMLOCK BARK, lien on, how enforced, § 29, 771. HERRING. pickled, how packed and branded, § 8, 371. smoked, dimensions and materials of boxes for packing, § 10, 371. not to be exported or exposed for sale, without branding, § 10, 371. canning of certain, forbidden between December fifteenth and April fifteenth, § 18, 373. penalty, how recovered, § 22, 373, 374. HIDES. to be weighed by inspectors, § 34, 353. HIGH SCHOOLS. See EDUCATION OF YOUTH, Free High Schools. HIGHWAYS, word may include county bridges, county roads or county ways, § 6, vi, 59. in indictments, the term includes town ways, causeways and bridges, § 87, 257. not to be dug up for laying drains, without consent of municipal officers. § 1. 229. location, alteration and discontinuance of, §§ 1-11, 240-242. towns may raise money for making and repairing, § 46, 84; § 59, 253. manner of payment, § 60, 253. surveyors of. See SURVEYORS OF HIGHWAYS. crossings of, by railroads, regulated, §§ 28, 29, 474; §§ 33-35, 475, 476. near compact part of town, trains or engine not to cross, faster than six miles an hour, § 75, 482. not to be unreasonably obstructed by trains, § 75, 482. engines or cars not to be run upon, too near a station of another railroad, § 77, 483. owners of unincorporated townships may assess money to repair and make, § 14, 508. located on land of ward, judge may authorize guardian to release damages, § 1, vii, 593. See WAYS. HISTORIES, towns may raise money to procure the publication of, § 47, 84. HOGSHEAD, of salt, to contain eight bushels, § 56, 356. HOLIDAYS, certain days considered legal, § 9, 334. HOMESTEAD, exemption of, from attachment, §§ 63-66, 684, 685. See ATTACHMENT. HOMICIDE. See Lives and Persons of Individuals, Offences against. HOOPS. regulations for sale and exportation of, §§ 19-24, 388-390. See STAVES AND HOOPS, SURVEY AND SALE OF. HORSE RAILROADS, state taxation of, § 47, 137. HORSES. less than six months old, exempt from taxation, § 6, v, 127. where taxable, § 14, iv, 130. infected with glanders or other contagious diseases, how to be dealt with, § 55, 226. ungelded, penalty for allowing, to go at large, § 3, 277. attachment of, valid, although left in defendant's possession, § 25. 676. two, not exceeding three hundred dollars in value, exempt from attachment, § 62, vii, 684. cruel treatment of. See CRUELTY TO ANIMALS. standing, saddled or harnessed, unlawful taking of, how punished, §§ 2, 3, 918. HORTICULTURE, See AGRICULTURAL INSTITUTIONS. HOSPITAL, INSANE. See INSANE HOSPITAL. HOSPITALS, may be established by towns; regulations of, §§ 26-31, 222, 223. HOTELS, fire-escapes to be provided for, by proprietors, if two stories or more in height, § 26, 297. keepers of. See INNHOLDERS AND VICTUALERS.

HOUSE,

DRINKING. See INTOXICATING LIQUORS.

for illegal sale, keeping, or disposal of intoxicating liquors, deemed a nuisance, § 1, 232. sheriffs, special duty of, to enforce laws against, § 60, 314.

DWELLING. See DWELLING-HOUSES; also HABITATIONS AND OTHER BUILDINGS, OFFENCES AGAINST.

FOR GAMBLING, deemed a nuisance; penalty for keeping, §§ 1, 2, 232, 233. may be searched; proceedings, §§ 11, 12, 913.

sheriffs, special duty of, to enforce laws against, § 60, 314.

OF ILL-FAME, deemed a nuisance; penalty for keeping, §§ 1, 2, 232, 233. further provisions relating to, §§ 9-12, 904, 905.

sheriffs, special duty of, to enforce laws against, § 60, 314.

OF REPRESENTATIVES. See LEGISLATURE.

HOUSEHOLD FURNITURE,

certain amount of, exempt from taxation, § 6, iii, 127.

from attachment and execution, § 62, i, 683.

HOUSEHOLDER,

penalty for failure of, to give notice of contagious diseases, § 32, 223.

HOUSE LOTS,

certain provisions relating to fence viewers, not applicable to, § 14, 270.

HOUSES OF CORRECTION, CHAP. 141, 973-977.

Committal to, to be only by magistrates, § 25, 977.

(trial justices may commit drunkards to, § 44, 290.)

County houses of correction, counties to be provided with, by county commissioners, § 1, 973. jails to be used as, until houses of correction are provided, § 1, 973.

commissioners to appoint overseers of; their duties and compensation, § 2, 974.

may remove overseers, fill vacancies, and examine accounts of master, § 3, 974. *Kindred* of prisoner in, are liable to master for support of, § 14, 975.

(Paupers removed from town and returning, may be sent to, § 41, 289.)

(Persons liable to be sent to, may be bound out to service, § 27, 287.)

liable to be sent to, described, § 4, 974.

(convicted of keeping houses of ill-fame, may be sent to, § 9, 904.)

Prisoners in, provisions for extension of time of imprisonment of, if paupers, § 5, 974.

paupers, master to give notice to overseers of poor of town of pauper's settlement, § 6, 974. employment and restraints of, § 7, 974.

may be punished by abridgment of food, § 8, 975.

allowance to, for support of themselves and families, § 9, 975.

to be provided for, if sick and disabled, § 10, 975.

master to account for earnings of, and disbursements for, to county commissioners, § 11, 975: county commissioners may allow master further sum for support of, § 12, 975.

sums due master may be demanded of, or of town liable for support of, § 12, 975.

not paid by those responsible, suit for, may be brought; presumptive evidence, § 13, 975. may be required to labor under keeper; convict is entitled to net profits of same, § 24, 977. (Sentence may be made to, or to county jail, § 3, 947.)

Town houses of correction, towns may build and maintain, § 15, 975.

trial justices may send to, or to county houses of correction, § 15, 975, 976.

selectmen shall appoint overseers of, and may make rules for government of, \S 16, 976. master of workhouse appropriated for, to be the master of, \S 17, 976.

compensation of overseers and master of, to be established by towns, § 18, 976.

duty of overseers of, § 19, 976.

support of prisoners in, § 20, 976.

power of overseers to commit to, § 21, 976.

form of order for commitment to, § 22, 976.

duty of sheriff and other officers to commit persons to; their pay, § 22, 976.

See County Houses of Correction.

HUNDRED-WEIGHT,

four quarters constitute a, § 10, 394, 395.

HUNTING,

moose, with dogs, penalty for, § 9, 327.

HUSBAND,

injured by intoxication of any person, has action against seller, § 49, 311.

or wife, insurance by, on house and furniture owned partly by each, valid for whole furniture, § 11, 444, 445.

GENERAL INDEX.

HUSBAND-Continued.

divorce decreed for fault of, dower and alimony to be allowed wife, § 9, 521, 522. may hold property of wife, if divorced for adultery on her part; exception, § 10, 522. real estate conveyed by, to wife, cannot be conveyed by her without joinder of, § 1, 523, 524. without consideration, may be taken for his debts, § 1, 524. right of, in property of wife, § 2, 524. married woman may release to, the control of her property, § 2, 524. not liable for debts of wife, § 4, 524. not to be administrator or executor in right of his wife, § 22, 541. executor or administrator may pay debts due from wife to husband, and vice versa, § 61, 546. rights of surviving, in lands of wife, and how assigned, § 6, 549, 550. allowance to, from wife's personal estate, § 26, 552. not to be guardian in right of his wife, § 20, 564. may be appointed guardian of wife in certain cases, § 29, 565, 566. may be licensed to sell real estate of insane wife, § 1, iv, 593. and wife may convey her estate, in which he has an interest, by joint deed, § 14, 605. share of, in personal estate of deceased wife, § 9, 611. may be admitted a party to a suit brought by or against wife, previous to marriage, § 37, 699. or wife of either party to a civil action, may be a witness, § 93, 707. of deceased wife, whose estate is solvent, to have thirds assigned as dower, § 14, 813, 814. may waive provision in wife's will, § 14, 814. or wife, dying intestate without issue and estate solvent, survivor to have use of one half of real estate, to be recovered and assigned as dower, § 14, 813, 814. not punishable as accessory after the fact, to a felony committed by wife, § 7, 930. or wife, of accused, is a competent witness, § 19, 945. See MARRIED WOMEN, RIGHTS OF; also MARRIED WOMEN. HYDRANTS. when located according to town by-laws, are no defect in a way, § 59, vii, 87. HYPOTHECATION. See PLEDGE. ICE, and snow, by-laws to protect persons from the falling of, § 59, x, 87. sidewalks to be kept free from, § 17, 244. upon side or cross-walk, no town is liable for injury by, § 83, 257. bridges may be constructed; penalty for destroying, § 99, 259. passage across, when to be kept clear by ferrymen, § 7, 263. ponds for harvesting, may be made, § 35, 782. merchantable, malicious injuries to, how punished, § 5, 918. IDIOT. included in the term "insane person," except in chapter one hundred and forty-three, § 6, viii, 59. incapable of contracting marriage, § 2, 515. inmates of insane hospital, § 9, 988. See INSANE HOSPITAL. TDLERS. towns may provide workhouses for, § 1, 264. may be sent to workhouses, § 12, 265. may be committed to houses of correction, § 4, 974; § 15, 975. ILLEGAL, contracts of municipal officers, proceedings under, how restrained by supreme court, § 37, 82, 83. marriages, annulling of, §§ 18-20, 523. See DIVORCE AND ANNULLING OF MARRIAGES. ILLEGITIMATE CHILDREN. settlement of, as paupers, § 1, iii, 283. mother of, may bind them during minority, § 23, 518. power of, ceases on her subsequent marriage, § 23, 518. capacity of, to inherit, § 3, 611. See BASTARD CHILDREN, ETC. descent of estates from, § 4, 611. ILL-FAME, Houses of, deemed nuisances, § 1, 232. provisions relating to, §§ 9-12, 904, 905. person convicted of keeping, shall not keep boarders or lodgers without license, § 9, 904. particular duty of sheriffs and deputies, to enforce laws against, § 60, 314. ILLUMINATING SUBSTANCES. municipal officers may make regulations respecting, § 20, 296. IMAGERY, or pageantry for public show, prohibited in streets, between sunset and sunrise, § 12, 292.

1234