

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FOURTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1824.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28TH JUNE, 1820.



PORTLAND:

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1824.

be called upon, or used as a witness in any prosecution for offences against this act or the act to which this is additional; shall be and hereby is exempted from any penalty or penalties to which he would or might otherwise be subjected.

[*This Act passed February 14, 1824.*]

CHAPTER CCLX.

AN ACT additional to "An Act regulating towns, town meetings, and the choice of town officers."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled, That* whenever the Clerk of any town or plantation may be absent from any town or plantation meeting duly called, either of the Selectmen of such town, or the Assessors of such plantation, and in the absence of the Selectmen or Assessors as aforesaid, either of the Constables of such town or plantation, may do all the duties of a town or plantation Clerk, in opening said meeting, and in receiving, sorting and counting the votes for a moderator, and until a town or plantation Clerk *pro tempore* shall be chosen.

Provision for opening town and plantation meetings when selectmen, &c are absent.

SECT. 2. *Be it further enacted, That* when the Clerk of any town or plantation may be absent from any town or plantation meeting as aforesaid, the moderator chosen in conformity with the provisions of the first section of this act, shall require the inhabitants of such town or plantation to give in their votes, by ballot, for a Clerk *pro tempore*; and the moderator, after the choice of a Clerk thus made, shall be, and hereby is, authorized to administer the oath to such Clerk *pro tempore*: *Provided*, no Justice of the Peace be present; and such Clerk *pro tempore* shall record the whole proceedings of such meeting, and shall be liable for any misfeasance or breach of duty or trust in the same manner as the regular town or plantation Clerk is by law required to do or suffer.

Presiding officer may administer oath to clerk *pro tempore*.

Powers of such clerk.

SECT. 3. *Be it further enacted,* That the Selectmen of the several towns in this State, who may be chosen after the passing of this act, shall be sworn to the faithful discharge of the duties of their respective offices previous to entering thereupon.

[This Act passed February 14, 1824.]

Selectmen to be sworn.

CHAPTER CCLXI.

AN ACT additional to an act for the support and regulation of Mills.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That if any owner or occupant of a Mill, being notified as directed in the second section of the act to which this is in addition, shall not appear, or appearing, shall not shew sufficient cause, the Court in which the complaint therein mentioned may be pending, may appoint three or more disinterested freeholders of the same county, to make true and faithful appraisement, under oath, of the yearly damages, if any, done to the complainant by flowing his said lands, and how far the same may be necessary, and to ascertain and make report what portion of the year such lands ought not to be so flowed. And the report of such commissioners, so made, shall, under the direction of the Court, be given in evidence to the Jury, who shall at the request of either party be empannelled to try such cause, at the bar of said Court, subject however, to be impeached by evidence from either party. And if neither party request a trial of such cause by a Jury, at the bar of said Court, for the purpose of impeaching such report, then said report, being accepted by said Court, judgment shall be rendered thereon according to the same. And the verdict of such Jury, or the report of said commissioners, in case neither party shall request a trial by Jury as aforesaid, shall be a sufficient bar to any action, to be brought for such damages; and shall in no manner authorize

Courts may appoint Commissioners instead of Jury to make appraisement of damages done by flowing lands;

the report to be given in evidence to the Jury in the case, &c.