

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES,

PASSED BY THE

TWENTIETH LEGISLATURE

OF THE

STATE OF MAINE,

JANUARY SESSION, 1840.

Published by the Secretary of State, agreeably to Resolves of June
28, 1820, and February 26, 1840.

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1840.

PUBLIC AND PRIVATE LAWS
OF THE
STATE OF MAINE.
1840.

[supplied from page 1 of volume]

Chapter 24.

AN ACT to limit the tenure of Military Office.

Commissions to run not exceeding seven years.

Commander-in-Chief to discharge officers who have held commissions seven years.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That all military officers, who have been or hereafter may be commissioned, shall hold their respective offices for a term not longer than seven years from the date of their commission, unless reappointed or reelected. *Provided,* that in case of vacancy of Major General in any Division, the commissions of the Brigadier Generals in such Division shall not terminate by the limitation aforesaid until the office of Major General shall be filled by the Legislature—and the Commander-in-Chief is hereby authorized to discharge officers who have held or may hereafter hold commissions seven years as aforesaid. And this Act shall take effect from and after its approval by the Governor.

[Approved February 24, 1840.]

Chapter 25.

AN ACT to incorporate the Eliot Academy.

Corporators.

Corporate name.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That William Fogg, Samuel Dixon, Joseph Fogg, Samuel Hanscom jun., Josiah P. Hanscom, Elisha Bacon, John P. Rogers, James Shapleigh jun., James W. Shapleigh, James S. Tobey, Alexander Shapleigh, Elias Remich, William Hammond, James K. Paul, Nathaniel Paul, Oliver Libbey, and Alpheus Hanscom and their associates and successors be, and hereby are, constituted a body politic and corporate forever, by the name of the proprietors of Eliot Academy; and by that

name, shall have power to prosecute and defend suits at law; to have and use a common seal; to take and hold for the objects of their association, any estate, real or personal to an amount not exceeding ten thousand dollars, and the same to use and dispose of at their pleasure, to make and execute any by-laws for the convenient arrangement of their affairs, not repugnant to the laws of the State; and generally to have and to enjoy all the powers and privileges incident to corporations for literary and scientific purposes.

May hold estate to amount of \$10,000.

SEC. 2. *Be it further enacted,* That it shall be lawful for said corporation to erect, maintain, and keep in repair, suitable buildings for the accommodation of one or more schools, and for the repository of such books, philosophical and other apparatus as the corporation may deem necessary and proper.

May erect buildings, &c.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall be divided into shares of five dollars each and at all meetings each stockholder shall have as many votes as he holds shares. *Provided however,* that no stockholder shall have a majority of votes.

Capital stock to be divided into shares of \$5 each.

SEC. 4. *Be it further enacted,* That the shares or stock in this corporation shall be deemed and taken to be personal property, and held, pledged or sold as such, and whenever the corporation shall be dissolved, the property thereof shall vest in the holders of the shares, at the time of such dissolution, according to their several and respective interests, subject to the legal and equitable claims of creditors of the corporation to be enforced according to law.

Stock to be deemed private property.

SEC. 5. *Be it further enacted,* That any three of the corporation before mentioned, may call the first meeting of said corporation by posting up a notice, specifying the time and purposes of the same on the principal outer door of the Congregational

Manner of calling first meeting.

FERRIES.—TOWN OF SMITHFIELD.

meeting-house in the town of Eliot, and on the Academy in said town, seven days prior to said meeting.

[Approved February 26, 1840.]

Chapter 26.

AN ACT additional to prevent obstructions to Ferries.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That in addition to the several obstructions mentioned in “an Act to prevent obstructions to Ferries,” passed February twenty-seventh, eighteen hundred and thirty-three, that if any person shall erect any weir for the taking of fish, or any other obstruction in said Ferry ways, as mentioned in said Act, the person or persons so offending shall be liable to pay, for each and every day such weir or other obstruction is continued, not less than ten dollars, to be recovered in the same manner, as the before recited Act prescribes.

The erection of
weirs prohibited.

Penalty.

[Approved February 26, 1840.]

Chapter 27.

AN ACT to incorporate the town of Smithfield.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That the territory herein after described, with the inhabitants having a legal settlement thereon, to wit; so much of the town of Mercer in the County of Somerset as lies east of a line commencing at the south west corner of Norridgewock, and

Boundaries, or
territory compos-
ing the town.