

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]

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

ERRATA.

- Page 2, eleventh line from the bottom, for "Nathan" read *Nahum*.
3, third line from the bottom, after the word "matters" insert *and things*.
6, at the end of chap. 6, for "January 27," read *January 29*.
15, at the end of chap. 17, for "February 18," read *February 19*.
22, chap. 23, sec. 3, sixth line, for "vehicle" read *vehicle*.
29, third line from the top, for "votes" read *voters*.
29, seventh line from the top, omit the word "by" before "law."
29, sec. 8, tenth line, for "estate" read *estates*.
31, chap. 50, sec. 1, fifth line, omit the word "other" before "refuse."
33, chap. 33, sec. 1, eleventh line, for "mast" read *masts*.
33, second line from the bottom, for "chair-" read *chain*.
47, fourth line from the bottom, for "Northam" read *Northane*.
48, third line from the top, for "Videto" read *Viddeto*.
51, twelfth line from the bottom, between "that" and "all" insert the word *in*.
52, in the enacting clause of chap. 53, for "entaced" read *enacted*.
67, fifteenth line from the bottom, for "thousand" read *thousands*.
68, twenty-third line from the top, for "annully" read *annually*.
111, ninth line from the top, for "such" read *said*.
113, chap. 1, fifth line, omit the word "the" before "advice."
115, fifth line from the bottom, for "certificate" read *certificates*.
122, in the title of chap. 21, for "Jordon," read *Jordan*.
188, eighth line from the bottom, before the word "person" insert *other*.
206, in the title of chap. 77, for "relating" read *relative*.
207, chap. 79, second and third lines, between the words "of" and "State" insert the word *the*.
224, chap. 93, twelfth line, for "relation" read *reference*.

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.

running thence southerly in the west line of land possessed by Caleb Gilman, and continuing thence the same course to the north line of land possessed by William Allen; thence westerly in said Allen's north line to the Bog Stream; thence southerly in the thread of said stream to the North Pond; and thence south to the north line of the County of Kennebec;—Also the territory called East Pond Plantation;—Also so much of the town of Dearborn in the County of Kennebec as lies west of a line formed by the west line of Stephen Willey's farm, and the extension of said line northerly in the same course to the south line of Somerset County, and southerly in the same course to the north line of Belgrade,—be, and the same is hereby incorporated into a town by the name of Smithfield, with all the privileges and immunities and subject to all the liabilities incident to similar corporate bodies.

Corporate name.

SEC. 2. *Be it further enacted,* That the collection of all taxes now legally assessed upon the property and inhabitants embraced within the limits aforesaid may be enforced by the same officers and in the same manner as if this act had not been passed.

Taxes now due, collected in the same manner as before the passage of this Act.

SEC. 3. *Be it further enacted,* That the inhabitants of Dearborn and East Pond plantation, herein incorporated, shall be holden and liable for their just proportion of all corporate debts contracted by said Dearborn, said proportion to be calculated according to the valuation of said town of Dearborn, for the year of our Lord, one thousand eight hundred and thirty-nine, or by said East Pond plantation respectively; and it shall be the duty of the Assessors of the said town of Smithfield, when any debt remains unpaid, to assess and apportion the same upon the polls and estates of such inhabitants of said Dearborn or East Pond plantation respectively, as are incorporated into the said town of

Inhabitants of Dearborn and E. Pond plantation holden for proportion of corporate debts heretofore contracted.

Duty of Assessors.

Smithfield. And such tax when assessed, shall be collected by the proper officers of said Smithfield, in the same manner as any other tax may be collected, and the same shall be paid into the Treasury of said town, for the specific purpose of paying the debts aforesaid, and said Treasurer is hereby authorized and directed to pay over the same, or so much thereof, as may be necessary in the discharge of such debts and liabilities.

Duty of Treasurer.

SEC. 4. *Be it further enacted,* That the inhabitants and territory set off from the town of Mercer as aforesaid shall be, and are liable for their just proportion of all corporate debts now due, or owing from said town of Mercer and the same may be assessed and collected by the proper officers of the said town of Mercer in the same manner as if this act had not been passed; said inhabitants being entitled also to their just proportion of all moneys, credits or other properties due to, or owned in common by said town of Mercer, in its corporate capacity.

Inhabitants of Mercer holden for a proportion of corporate debts, &c.

SEC. 5. *Be it further enacted,* That the boundaries of the counties of Kennebec and Somerset be, and they hereby are, so far altered as to include said town of Smithfield within the county of Somerset.

To be included in the County of Somerset.

SEC. 6. *Be it further enacted,* That all persons residing in that part of the territory aforesaid, now embraced within the County of Kennebec, who hold commissions under the authority of the Executive of this State be, and they hereby are, authorized and empowered to exercise all the powers, and perform all the duties in said County of Somerset, which, by said commissions, they are authorized and empowered to do, and perform, in said County of Kennebec.

Provision for persons holding commissions.

SEC. 7. *Be it further enacted,* That the inhabitants of said town of Smithfield shall be considered as belonging to the several representative, sen-

Inhabitants to belong to the same representative

atorial and congressional districts in which they are now classed. And the selectmen of said town of Smithfield shall prepare separate lists of votes, and receive the votes of the inhabitants of said several districts in separate ballot boxes, and shall sort, count, and make separate returns of the same, as is now provided by law for classed towns, until a new classification shall be made.

and senatorial districts as heretofore, until a new classification.

SEC. 8. *Be it further enacted,* That until a new State valuation be taken, said town of Smithfield shall pay all State and County taxes that may be legally assessed on said East Pond plantation—and also pay to said towns of Mercer and Dearborn their just and equal parts of such State and County taxes assessed on said towns as aforesaid, in the same proportion as the parts set off from said towns respectively bear to the whole, based on the last valuation of the polls and estate of said towns.

State and County taxes, how paid.

SEC. 9. *Be it further enacted,*, That this act shall take effect and be in force from and after its approval by the Governor.

[Approved February 29, 1840.]

Chapter 28.

AN ACT in addition to "an Act in relation to a State Library."

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the Governor be, and he hereby is, authorized to transmit to the Governors of the several States, one copy of the thirteenth volume of Maine Reports, in addition to the several books named in the act to which this is additional.

13th volume of Maine Reports to be distributed to States.

[Approved March 3, 1840.]