

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

4628

PASSED BY THE

TWENTY-SECOND LEGISLATURE

OF THE

**S T A T E O F M A I N E ,**

**A . D . 1 8 4 2 .**

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and  
March 16, 1842.

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*AUGUSTA:*

Wm. R. SMITH & Co., PRINTERS TO THE STATE.

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1 8 4 2 .

PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1842.

**Chapter 1.**

AN ACT for taking depositions in certain cases.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Any justice of the district court, or a commissioner appointed by such justice, on application therefor, or any judge of probate, may take depositions to be used in any case mentioned in the first section of chapter, one hundred and thirty three, of the revised statutes, when the deponent is about to go, before the session of the court, more than sixty miles from the place of trial of the action, in which the deposition is to be used, and not return in season to attend the same ; and like notice shall be given to the adverse party, and the same fees paid for notices and for taking such depositions, as in case of depositions taken before a justice of the peace.

Depositions under ch. 133 of the R. S. how taken in certain cases.

Notice.

Fees.

[Approved February 12, 1842.]

**Chapter 2.**

AN ACT to secure the rights of owners of logs, spars and other lumber in Kenduskeag stream.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT. 1. It shall be the duty of all owners of logs, spars and other lumber lying or being in the Kenduskeag stream, to keep open a passage way through their said logs, spars and other lumber, at least twenty feet wide ; and if any such owner or owners shall refuse or neglect to open and keep open such passage way, after forty eight hours notice given to said owner or his agent by any

Owners of lumber to keep open passage way.

## CHAP. 2.

Forfeiture. other person or persons desiring to pass down said stream with logs, spars or other lumber, said owner or owners so refusing or neglecting, shall forfeit and pay to the person or persons injured, double the amount of damages occasioned by such refusal or neglect, to be recovered by an action of debt in any court proper to try the same; or the person or persons so desiring to pass down said stream, after forty eight hours notice as aforesaid, may, in case of such neglect or refusal, remove the obstructions in said stream occasioned by the owner or owners so neglecting or refusing, and open a sufficient passage way for his logs, spars or other lumber down said stream.

Proceedings in case of neglect.

Lien for damages.

SECT. 2. Any person or persons entitled to recover the damages mentioned in the preceding section, shall have a lien for said damages on all the logs, spars and other lumber obstructing the free passage of said stream.

Notice to owners unknown.

SECT. 3. Whenever the logs, spars or other lumber obstructing the stream as mentioned in the first section, shall belong to owners unknown to the person or persons whose passage is so obstructed, forty eight hours notice in any newspaper published in Bangor shall be deemed sufficient notice to such owner or owners unknown.

Forfeiture, when not recoverable.

SECT. 4. The forfeiture mentioned in the first section, shall not be recoverable at seasons of low water in said stream, when the timber in said stream is aground, and cannot be moved without extraordinary expense and labor.

[Approved February 22, 1842.]

## Chapter 3.

AN ACT for the election of certain county officers.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Provisions for the choice of certain county officers.

SECT. 1. There shall be chosen in each county in this State, on the second Monday of September next by the written votes of such persons as are by the constitution qualified to vote for representatives, in the several cities, towns, and plantations, one person for clerk of the courts, and one person for county attorney, who shall continue in office for the term of three years each, and three persons for county commissioners, who shall continue in office to wit: the county commissioner having the highest number of votes three years, the county commissioner having the next highest number of votes two years, and the commissioner having the smallest number

Clerk of courts.  
County attorney.

County commissioners.

Tenure of office.