

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 .

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

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

1842.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1842.

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.

of votes one year, and if any two or more county commissioners shall have an equal number of votes, the governor with advice of council shall designate which shall hold the longer term, and all vacancies hereafter occasioned by expiration of term of office shall be filled on the second Monday of September next preceding such expiration with a person chosen for the term of three years, and in all cases the votes shall be received, sorted, counted and declared, in like manner as the votes for representatives, the names of the persons voted for, and the number each person had, shall be recorded by the clerk in the city, town or plantation books; and true copies of said records, attested in the same manner as the returns of votes for senators, shall be transmitted to the office of secretary of state, within thirty days from said second Monday of September.

Vacancies, when filled.

Clerks to record votes and transmit returns to the secretary of state.

SECT. 2. The governor and council, on or before the first Monday of December, in each year, shall open and compare the votes returned as specified in the first section of this act; and the persons having a majority of the votes for either of the offices aforesaid, after being notified of their election by the secretary of state, and being duly sworn, shall enter upon the duties of their respective offices, on the first Monday of January, in each year.

Governor and council to count votes.

Notice of election, &c.

SECT. 3. If, upon comparing the votes as aforesaid, no person shall have a majority of the votes, or the person chosen to either of said offices, shall die or resign, or move out of the county, before the time for which he was elected shall expire, then and in such case the governor with advice of council, shall appoint some suitable person to fill the vacancy, until another shall be chosen in his place, which election shall take place on the second Monday of September next after such vacancy shall have happened.

Vacancies, how filled.

SECT. 4. The county commissioners in each county in this State, shall at their first meeting on or after the first Monday of January of each year, designate the commissioner which shall act as chairman for the year. And all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Commissioners to designate chairman.

Acts, &c. inconsistent, repealed.

[Approved February 22, 1842.]

Chapter A.

AN ACT to increase the salaries of the judge and register of probate for the county of Aroostook.

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

The salary of the judge of probate for the county of Aroostook shall be one hundred dollars, and the salary of the register of pro-

Salaries.
Judge, \$100.