

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-THIRD LEGISLATURE

OF THE

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

A. D. 1843.

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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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1843.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1843.

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**ERRATA:**

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

# STATE OF MAINE.

SECRETARY'S OFFICE,  
Augusta, June 10, 1843. }

I HEREBY CERTIFY, That the acts and resolves contained in this pamphlet, have been compared with the originals deposited in this office, and that they appear to be correctly printed, with the exceptions mentioned in the *errata* hereunto annexed.

PHILIP C. JOHNSON, *Secretary of State.*

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## ERRATA.

### PUBLIC LAWS.

- Page 45, chap. 6, first line, for "hereafter," read "hereinafter"  
47, " 9, second line of sect. 3, for "rail" read "rail road"  
59, " 21, ninth line from top, after "shall" insert "also"  
70, " 31, third line from bottom of sect. 3, after "shall" insert "not"  
73, " 33, fourth line from bottom of sect. 3, before "companies" insert "the"  
74, " 33, sect. 4, sixteenth line, for "military duty" read "duty"

### PRIVATE AND SPECIAL LAWS.

- Page 87, chap. 81, third line of sect. 4, for "low" read "log"  
93, " 83, third line, for "Dolbier" read "Dolliver"  
96, " 88, second line from the top, after "as" insert "the"  
96, " 89, first line, for "James" read "Thomas"  
125, " 113, third line from the bottom of sect. 2, for "advise" read "advice"

### RESOLVES.

- Page 169, chap. 146, sixth line of preamble, for "said" read "such"

suitable size, free from rust, taint or damage, shall be branded *number two*; those that remain after the above selections, of suitable size, free from rust, taint or damage, shall be branded *number three*; those of this number that are of the description called Block island mackerel, shall also be branded with the word *south*; all mackerel of less than ten inches in length, being free from rust, taint or damage, shall be branded *number three small*.

Additional brands in certain cases.

SECT. 2. That all acts and parts of acts, inconsistent with the provisions of this act, be, and the same hereby are, repealed.

[Approved March 11, 1843.]

### Chapter 9.

AN ACT providing for the taxing of rail roads and rail road property in this state.

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

SECT. 1. All the real estate and personal property of any rail road company, heretofore incorporated, or which may be hereafter incorporated in this state, shall be held and deemed real estate for the purpose of taxation, and shall be taxed in the several cities, towns and plantations where such rail road and rail road property may be situated.

All rail road property taxed in the town where situated.

SECT. 2. Each and every such rail road corporation shall keep one agent in this state, whose duty it shall be, on or before the first day of May, in the year of our Lord one thousand eight hundred and forty-three, to furnish the assessors of each city, town and plantation through which any such rail road may pass, with a certificate attested by his oath, stating the length of such rail road in such city, town or plantation. Also the expense of making such rail road, together with the costs of depots and lands taken for, and damages awarded in consequence of such rail road through such city, town or plantation. Also the then relative value that the whole of such rail road and rail road property bears to the cost thereof. And it shall further be the duty of each such agent annually, on or before the first day of May, to furnish the assessors aforesaid with a like attested certificate stating the then relative value of such rail road and rail road property to the cost thereof.

To keep one agent in this state.

His duties.

SECT. 3. The assessors of each city, town and plantation, through which any such rail may pass, shall assess all taxes, highway taxes excepted, thereon, as on other real estate, and a lien shall be had on all such rail road property, or any part thereof, for

Duties of assessors.

**CHAP. 10.**

all taxes assessed thereon, and in the same manner as on other real estate.

Assessors to return the value of such property to the secretary of state.

**SECT. 4.** The assessors of each city, town and plantation, as soon as they shall receive a statement of the value of such rail road and rail road property from the agent thereof, shall forthwith make out a true and attested copy thereof, and shall forward the same to the secretary of state, who shall on the reception thereof lay the same before the next legislature.

Duty of secretary.

**SECT. 5.** All acts and parts of acts inconsistent with this act are hereby repealed.

[*Approved March 17, 1843.*]

**Chapter 10.**

AN ACT to prevent obstructions in East Machias river.

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

Penalty for causing obstructions in said river.

**SECT. 1.** If any person or persons shall cast or throw into the East Machias river, any slabs, lath edgings, or any other refuse timber of any nature whatsoever, or other materials whereby the navigation of said river may be impeded or injuriously affected, or which shall tend to obstruct the floating or driving of logs, masts, spars, or other lumber down said river, either above or below the tide waters of the same, he or they shall forfeit for each offence a sum not exceeding twenty dollars, nor less than five dollars, to any person who may sue for the same, and shall also be liable to pay all damages which any individual may suffer by reason of such obstructions, in an action of the case, in any court competent to try the same.

How recoverable.

Liability of mill owners.

**SECT. 2.** If the offence or offences forbidden in the foregoing section, shall be committed by any person or persons, who may be in the employ of any mill owner, or mill owners, the said mill owner or mill owners shall be liable to the same penalties to be recovered in the same manner as is hereinbefore provided.

Penalties, how recoverable.

[*Approved March 20, 1843.*]