

# 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"

CHAP. 33.**Chapter 33.**

AN ACT to amend the sixteenth chapter of the revised statutes.

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

SECT. 1. The said chapter shall be amended by striking out the fourth section thereof.

Sect. 6, chap. 16,  
R. S. amended.

SECT. 2. The sixth section shall be amended as follows: by striking out the word "thirty" in the second line, and inserting instead thereof, the words "thirty five." Also by striking out the word "seven," in the fourth line, and inserting instead thereof, the word "ten," so that the section will read as follows:

Conditional ex-  
empts.

SECT. 6. All persons liable by law to the performance of military duty, who are, or may be between the ages of thirty five and forty five years of age, and all persons who have done, or shall hereafter do duty for the term of ten years in any company of artillery, cavalry, light infantry, or riflemen; shall be exempted from all military duty, except that of being detached or called forth to execute the laws of the United States or of this state, to suppress insurrections, and repel invasions, and of keeping themselves constantly furnished with the arms and equipments required by the laws of the United States, and the duty of carrying, or sending them on the first Tuesday of May annually to the place of inspection or view of arms of the company within the bounds of which they may reside, and in which they may be enrolled, and the duty of attending the election of company officers.

Sect. 14, amend-  
ed.

SECT. 3. The fourteenth section shall be amended as follows: by striking out in the eleventh line, all between the words "of" and "between" and insert after the word "thirty" the word "five," so that the section will read as follows:

Independent  
companies not to  
be raised from  
standing compa-  
nies where num-  
ber is less than  
40 privates.

SECT. 14. No company of cavalry, artillery, light infantry, or riflemen shall be raised at large, when any of the standing companies shall thereby be reduced to a less number than forty effective privates, exclusive of conditional exempts and two musicians, and including corporals; and if any officer of cavalry, artillery, light infantry, or riflemen shall enlist any belonging to a standing company, or residing within the bounds thereof, for the purpose of forming or recruiting his company, when by means thereof such standing company would be reduced to a less number than forty effective privates borne on the roll, exclusive of those between the ages of thirty five and forty five years, such enlistment shall be void; and whenever any person shall enlist into any such company raised at large, the commanding officer of the company into which such person may enlist shall give notice thereof in writing to the

Such enlistment  
void.

Commanding of-  
ficer to give no-  
tice of enlist-  
ment, otherwise  
void.

commanding officer of the standing company in which such person is liable to do duty within five days from such enlistment, and state in such notice the date of enlistment, otherwise the same shall be void, although the standing company should not thereby be reduced to a less number than forty effective privates. If any company raised at large, shall be reduced to a less number than thirty privates, and remain so for six months, then such company shall be disbanded, and the men which belonged to such delinquent company, shall be enrolled in the standing company, within the bounds of which they respectively reside. All companies raised at large, and not annexed to any particular regiment, shall be subject to the orders of the commanding officer of the brigade in which they have been raised, and shall make their elections of officers in the same manner as other companies, but shall make their returns of elections to the commanding officer of the brigade. At all parades of regiments companies commanded by the two senior captains shall act as light infantry companies, except where companies of light infantry or riflemen have been, or may be hereafter, raised and annexed to the regiment.

When companies to be disbanded.

All companies raised at large to be subject to commanding officer of brigades, unless, &c.

Election of officers.

To make returns.

At all parades, companies of two senior captains to act as light infantry, except, &c.

SECT. 4. The seventeenth section shall be amended as follows: by striking out the word "seven" in the sixth line, and inserting instead thereof the word "ten," so that the section will read as follows:

Sect. 17, amended.

SECT. 17. Any person who shall lawfully enlist in any volunteer company, whether such person be exempted by law, or not, shall be holden to do duty therein, for the term of seven years, unless such person be sooner discharged by order of the commanding officer of the brigade. And whenever any person who has performed duty in any volunteer company for the term of ten years, shall present to the commanding officer of the regiment to which such company belongs, a certificate from the commanding officer of such company, stating that he is entitled to a discharge as specified in the sixth section of this act, it shall be the duty of such commanding officer of such regiment, to forthwith give him a discharge from such company.

Enlistment in volunteer company binding for seven years, unless discharged.

To be discharged after ten years duty in such company.

SECT. 5. The forty first section shall be amended as follows: by inserting after the word "review," in the fourth line, the following—"after all the duties of the day have been performed"—also amend in the sixth line by striking out all between the words "equipped" and "the" and inserting instead thereof, the following—"and in the uniform of the company to which they severally belong, and who has faithfully performed military duty during the day," so that the section will read as follows:

Sect. 41, amended.

## CHAP. 33.

Each officer and member of a company to receive fifty cents in lieu of rations, after the performance of duty at reviews.

SECT. 41. Upon the requisition of any commanding officer of a company, for that purpose, at five days notice, the treasurer of each city, town and plantation, shall pay at the place of inspection and review, after all the duties of the day have been performed, to each officer and member of such company, including musicians belonging to such city, town or plantation who shall then and there appear duly equipped, and in the uniform of the company to which they severally belong; and has faithfully performed military duty during the day, the sum of fifty cents in lieu of rations; *provided* such officer or member shall have appeared duly armed and equipped, and performed military duty at each of the trainings mentioned in the seventy fourth section; but if he shall have failed to appear at either of said trainings, as aforesaid, the sum of twenty five cents shall be deducted for each of said trainings at which he shall have so failed to appear; but nothing shall be paid to any person who shall not appear, and perform military duty at the review aforesaid.

Proviso.

Penalty if city, town or plantation neglect to pay.

Every city, town or plantation, which shall fail to pay such sums as aforesaid, shall forfeit to the use of the company a sum equal to one dollar for every such person, who shall do duty on such inspection and review; to be sued for and recovered by the clerk of said company before any court of competent jurisdiction. The treasurer of said city, town and plantation shall annually present his bill for so much as he has actually paid to the officers and soldiers aforesaid, to the legislature for allowance.

Treasurer to present bill to legislature.

Sect. 67, amended.

SECT. 6. The sixty seventh section, shall be amended as follows: by striking out the word "five," in the third line and inserting the word "seven," instead thereof: also by striking out the word "said" in the ninth line, so that the section will read as follows:

Officers not to hold their commissions more than seven years, unless, &c.

SECT. 67. All military officers who have been or may hereafter be commissioned, shall hold their respective offices for a term not longer than seven years from the date of their commissions, unless reappointed, or reelected; and the commander in chief shall discharge all such officers accordingly; *provided* that in case of vacancy of major general in any division, the commissions of the brigadier generals in such divisions, shall not terminate by the limitation aforesaid till the office of major general shall be filled. But no officer shall be discharged within the term of five years, otherwise than in pursuance of the sentence of a court martial, except by the commander in chief on the request of such officer in writing, or by actual removal of residence out of the bounds of his command, and to such distance that the major general shall think it inconvenient for him to discharge the duties of his office, or by twelve months

Proviso.

No officer to be discharged within five years, except, &c.



absence without leave of the commanding officer of his division, or by the corps to which he belongs, being disbanded by law ; and whenever any division, brigade, regiment or battalion, shall be divided, or the residence of any staff officer attached thereto, shall be without the bounds of the corps in which he was commissioned, such staff officers shall be entitled to an honorable discharge, and shall cease to do duty in such office, after such division is made, and the commanding officer may proceed to fill the vacancy occasioned thereby.

SECT. 7. The sixty fifth section of the revised statutes, providing for the annual allowance to certain officers of the militia is hereby repealed: *Provided, however,* that the adjutant of each regiment shall receive the sum of ten dollars annually, instead of twenty five dollars now allowed and paid to said adjutants, and that the brigade inspector, of each brigade, shall receive the sum of ten dollars per annum, instead of the sum of twenty five dollars now allowed ; and that all other militia officers shall receive the same sum allowed to the citizen soldier, adjutant generals accepted.

Sect. 65, repealed.

Adjutants to be allowed \$10.

Brigade inspectors \$10.

SECT. 8. All acts and parts of acts inconsistent with this act are hereby repealed.

[Approved March 24, 1843.]

### Chapter 34.

AN ACT for the preservation of highways and bridges.

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

SECT. 1. From and after the first day of March next, no town shall be liable for any damage that may happen to any team or carriage, or to the load therein, by means of the insufficiency or want of repairs of any highway, or bridge, whenever the weight of the load upon said carriage, exclusive of the carriage, shall at the time such damage may happen, exceed six tons. And upon the trial of any action for the recovery of such damage, it shall be incumbent on the plaintiff to prove the weight of said load.

No town liable for damage to carriages, if the weight of load exceed six tons.

Plaintiff to prove weight of load.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act be and the same are repealed. *Provided, however,* that this act shall not take effect until the first day of March next.

Inconsistent acts repealed. Proviso.

[Approved March 24, 1843.]