

# MAINE STATE LEGISLATURE

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**PUBLIC ACTS**

OF THE

**STATE OF MAINE,**

PASSED BY THE

**THIRD LEGISLATURE,**

AT ITS SESSION, HELD IN JANUARY, 1823.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 20, 1820.

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**PORTLAND:**

BY TODD AND SMITH.....PRINTERS TO THE STATE:

1823.

CHAPTER CCXLI.

AN ACT further regulating the Herring Fishery.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That the seventh section of an act, passed March the nineteenth, one thousand, eight hundred and twenty-one, entitled, "An Act to regulate the Herring Fishery," be, and the same is hereby repealed.

Part of former act repealed.

SECT. 2. *Be it further enacted,* That in addition to the penalties and forfeitures, mentioned in the act aforesaid, that all nets that may be set in any of the waters, contrary to the provisions of the act aforesaid, shall be forfeited to the use of any person who may seize the same ; and upon any seizure, such proceedings shall be had, as are directed by an act prescribing the mode of recovering forfeitures of personal property, liable thereto by law, passed March the fifth, one thousand eight hundred and twenty-one.

Forfeiture of nets.

[*This Act passed February 8, 1823.*]

CHAPTER CCXLII.

AN ACT prescribing the form of Recognizances taken by Justices of the Peace, in criminal cases.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That in cases of appeal from the judgment of any Justice of the Peace, in any criminal prosecution, the form of the recognizance, and of the condition thereof shall be in substance as follows. *Be it remembered:* That at a Court holden before me —, one of the Justices of the Peace, in and for the county of — on the — day of —, A. D. 182 —, personally appeared —, and acknowledged themselves to be indebted to the State of Maine, in the sums following, to wit, the said —, as principal in the sum of —, dollars, and the said —, his sureties, in the sum of

Form of recognizance in case of appeal from Justice.

—, to be levied on their goods, chattels, lands and tenements, and in want thereof upon their bodies, to the use of the State, if default be made in the condition following: — The condition of this recognizance is such, that whereas the said A. B. has been brought before me, one of the Justices of the Peace, within and for the county of —, by virtue of a warrant duly issued upon the complaint, on oath, of G. H. charging him the said A. B. with having committed [here insert very briefly the nature and substance of the charge,] and the said A. B. having pleaded not guilty to the said complaint; but having been by me found guilty of the same, and been sentenced to [here insert the sentence] and the said A. B. having claimed an appeal from said sentence, to the next Court of Common Pleas, to be held at —, in and for said county of —, on the — Tuesday of —: Now, therefore, if the said A. B. shall appear at the Court aforesaid, and prosecute his said appeal with effect; and abide the order of said Court, and not depart without license; then this recognizance shall be void, otherwise remain in full force and virtue. And when any Justice of the Peace, shall order any person brought before him, on a criminal charge of which he has not cognizance, to recognize for his personal appearance at the Supreme Judicial Court, or Court of Common Pleas, the recognizance taken, shall be in form before mentioned, and the condition shall be in substance as follows, to wit. The condition of the above recognizance is this, that whereas the said A. B. has been brought before me the subscriber, one of the Justices of the Peace in and for the county of —, by virtue of a warrant duly issued upon the complaint, on oath, of G. H. charging him the said A. B. with having committed the crime of [here insert the name of the crime, as for instance murder, perjury, forgery, larceny, &c.] and upon examination of the facts relating to said charge, it appearing to me that there is good cause to suspect the said A. B. to be guilty of said offence; and the said offence not being cognizable by me; and he thereupon having been required

Form of recognizance when defendant is bound over.

to recognize with sufficient surety or sureties for his personal appearance at the next — Court —, to be held within and for said county of — on the — Tuesday of —, and for his keeping the peace and being of good behavior until the sitting of said Court: Now therefore, if the said A. B. shall personally appear at the Court aforesaid, and answer to such matters and things, as may be objected against him, and more especially to the charge contained in said complaint, and shall abide the order and judgment of said Court, and not depart without license; and shall in the mean time keep the peace and be of good behavior; then this recognizance shall be void, otherwise remain in full force and virtue.

[*This Act passed February 11, 1823.*]

**STATE OF MAINE.**

SECRETARY OF STATE'S OFFICE, }  
 PORTLAND, APRIL 24, 1823. }

**I HEREBY CERTIFY,** That the Acts contained in this pamphlet, have been compared with the originals deposited in this office, and appear to be correctly printed.

**AMOS NICHOLS,**  
*Secretary of State.*