

# MAINE STATE LEGISLATURE

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# PRIVATE ACTS

OF THE

# STATE OF MAINE,

PASSED BY THE

THIRD LEGISLATURE,

AT THE SESSION, HELD IN JANUARY, 1823.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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PORTLAND:

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

1823.

vested in a building for the same purpose, which together shall amount to at least fifteen hundred dollars, and have also commenced instruction in said institution, within that time, the powers granted by this Act shall be null and void.

[*This Act passed January 31, 1823.*]

## CHAPTER CLXXXVI.

AN ACT to regulate the Salmon, Shad and Alewive fishery in St. Croix and its branches.

Times within which fish may be taken.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That from and after the passing of this act, no person shall be allowed to take any Salmon, Shad or Alewives, in the waters of the river St. Croix, with any large net or seine, excepting between sunrise on Monday and sunrise on Thursday of each week; nor with spears, scoop nets, or in wears, except between sunrise on Monday and sunrise on Friday of each week, under the penalty of twenty dollars for every barrel or less quantity of Salmon, and fifteen dollars for every barrel or less quantity of Shad, and five dollars for every barrel or less quantity of Alewives, so taken, against the foregoing provisions.

Wears, &c. to be kept open at certain times.

SECT. 2. *Be it further enacted,* That all wears or other obstructions placed in said waters, for the purpose of taking said fish, shall be kept open from sunrise on Friday, till sunrise on Monday, of each week, under a penalty of fifty dollars for each offence; and any net or seine that shall be placed in said waters, contrary to the provisions of this Act, shall be forfeited to the use of any person or persons who may seize the same.

Penalty for placing box, &c. in river.

SECT. 3. *Be it further enacted,* That no box or trap-wear shall be built or placed in said river, nor shall any wear of any kind be built in said river, higher than a half tide wear, under the penalty of one hundred dollars.

SECT. 4. *Be it further enacted,* That it shall be the duty of each town and plantation of this State,

adjoining said river, at their annual meeting for the choice of town or plantation officers, to choose three suitable persons for a fish committee, who shall be duly sworn, and whose duty it shall be to cause the provisions of this law to be carried into effect; and if any town or plantation shall neglect to choose said committee, such town or plantation, shall forfeit a sum, not less than twenty dollars, nor more than fifty, at the discretion of the Court before whom a conviction shall be had.

Fish committee  
how chosen by  
towns and plan-  
tations.

Penalty for neg-  
lect.

SECT. 5. *Be it further enacted,* That there shall be a good and sufficient fish way made and kept open, round, through, or over, every mill dam, and all its branches, where said fish were ever known to pass, by the owners or occupants of the mills on said river, which shall be four feet wide, and twelve inches deep, and be kept open at all times between the fifteenth day of May, and the twenty-fifth day of June, in each year: And if any owner or occupant of such mill or dam, as aforesaid, shall neglect or refuse to make and keep open such fish way, as herein directed, he shall forfeit two hundred dollars, for each neglect or refusal.

Fish ways to be  
kept open round  
or through mill  
dams.

SECT. 6. *Be it further enacted,* That hereafter no eel wears shall be erected on any part of said river or lakes, or its branches, either by the citizens of this State or Indians, so as to stop or impede the passage of the young fish or fry in returning down said river; and if the fish committee shall neglect their duty in causing the provisions of this section and of every part of this act to be carried into effect, they shall forfeit and pay a sum not less than five nor more than twenty dollars, at the discretion of the Court before whom conviction may be had.

Eel wears not  
to be erected.

SECT. 7. *Be it further enacted,* That it shall be lawful, for the Agent or Agents for the State's Land, to cut down so much of any eel wears as to give a passage to the young fish or fry in returning down said river or its branches, wherever they may find said wears so erected on any of the State's Land, as to stop or impede their passage down said river, or its branches.

State's Agents  
to cut down eel  
wears in certain  
cases.

SECT. 8. *Be it further enacted*, That the penalties imposed in this act may be sued for and recovered, by action of debt, in any Court proper to try the same, by any one of the fish committee or land agents aforesaid; and the amount received shall be appropriated, one half to the prosecutors, and the other to the poor of the town or plantation where the offence may be committed; and when any nets may be seized as liable to forfeiture, the same proceedings shall be had as directed in an Act prescribing the mode of recovering forfeitures of personal property, liable thereto by law: *Provided, however*, That this act shall not go into operation until the Government of the British Colony of New Brunswick shall have adopted similar regulations, respecting the taking and preservation of said fish in the waters aforesaid, on their part.

Mode of recover-  
ing penalties.

This act not to  
be in force, until  
British govern-  
ment make sim-  
ilar provisions  
on their part.

[*This Act passed January 31, 1823.*]

## CHAPTER CLXXXVII.

AN ACT to annex part of Jarvis' Gore to Eddington.

*BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That so much of Jarvis' Gore, in the county of Penobscot, as is contained within the following limits, to wit: beginning at the southeasterly line of Eddington, in said county, on the westerly line of lot letter L, and running south on a line between Joshua Stockwell's lot letter M, and lot numbered ninety-one, and so on between the other lots in succession, to the south line of said Gore; thence running west to the west point of said Gore; thence northeast on the line of Brewer and Eddington, to the first bounds, with the inhabitants thereon, be, and they are hereby set off from said Gore, and annexed to the town of Eddington aforesaid; and shall there exercise and enjoy all the rights and privileges, and be subject to the same duties and requisitions, as other inhabitants of said Eddington; *Provided however*, That the said inhab-