

# MAINE STATE LEGISLATURE

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**L A W S**

OF THE

**S T A T E O F M A I N E ;**

TO WHICH ARE PREFIXED

THE

**C O N S T I T U T I O N O F T H E U . S T A T E S**

AND OF SAID STATE,

IN TWO VOLUMES,

**W I T H A N A P P E N D I X .**

.....  
VOL. II.  
.....

Published according to a resolve of the State, passed  
March 8, 1821.

**B R U N S W I C K .**

Printed by J. Griffin, for the State.

.....  
1821.

**ERRATA:**

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

VOLUME THE SECOND.

<i>Page.</i>		<i>Page.</i>	
463	Line 7 of page, dele the word <i>whole</i>	663	S. 2 L. 6 of S. dele <i>of</i>
464	Sec. 8 L. 12 of Sec. for <i>towns</i> read <i>town</i>	666	5 2 after the word <i>Governor</i> insert, and <i>Council</i>
484	27 6 at the end of the line insert the word <i>that</i>	666	5 last for <i>his</i> read <i>the</i>
492	43 11 after the word <i>owing</i> insert to	667	L. 3 of the page, dele <i>who</i>
496	47 25 for <i>duty</i> read <i>body</i>	668	S. 10 L. 1 of S. for <i>where</i> read <i>when</i>
500	54 3 at the end of the line dele <i>the</i>	669	L. 3 of p. for <i>effect</i> read <i>affect</i>
506	7 6 after the word or dele to	670	S. 5 L. 7 of S. for <i>the</i> read <i>such</i>
515	L. 28 of p. for <i>highway</i> read <i>highways</i>	671	L. 2 of p. for <i>in</i> read <i>on</i>
517	S. 16 L. 11 of S. after the word <i>be</i> insert <i>the</i>	672	S. 9 L. 3 of S. for <i>make</i> read <i>mark</i>
518	18 9 for <i>of</i> read <i>or</i>	672	11 2 for <i>and</i> read <i>or</i>
520	23 11 before the word <i>proprietors</i> insert <i>the</i>	674	11 8 before the word <i>each</i> insert <i>for</i>
523	L. 6 of p. after the word <i>person</i> insert <i>of</i>	674	2 7 before the word <i>drying</i> insert <i>the</i>
523	last for <i>cannot</i> read <i>can</i>	676	L. 5 of p. for <i>not</i> read <i>none</i>
526	9 for <i>laws</i> read <i>law</i>	677	4 for <i>quality</i> read <i>quantity</i>
533	16 for <i>assessments</i> read <i>assessment</i>	681	Sec. 4 last line of Sec. after the word <i>owner</i> insert <i>or owners</i>
534	13 for <i>appears</i> read <i>appear</i>	682	Sec. 5 L. 2 of Sec. dele <i>away</i>
535	4 at the end of the line insert <i>of</i>	684	2 3 for <i>galo</i> read <i>golo</i>
535	3 from bottom of p. for <i>causes</i> read <i>cause</i>	686	4 2 for <i>on</i> read <i>or</i>
537	S. 12 L. 2 of S. for <i>in</i> read <i>of</i>	687	3 6 before the word <i>stamped</i> insert <i>not</i>
539	L. 11 of p. between the words <i>the</i> and <i>day</i> should be a '—'	688	L. 24 of p. before the word <i>arms</i> at the beginning of the line insert <i>the</i>
539	15 for <i>where</i> read <i>wherein</i>	694	L. 15 of p. after the word <i>shall</i> insert <i>also</i>
543	S. 18 L. 13 of S. dele <i>the</i> before the word <i>said</i>	694	16 after the word <i>of</i> insert <i>the</i>
545	21 7 for <i>and</i> read <i>or</i>	695	12 for <i>usage</i> read <i>usages</i>
546	1 6 for <i>this</i> read <i>thus</i>	716	8 for <i>fixed</i> read <i>affixed</i>
547	2 7 for <i>this</i> read <i>thus</i>	723	6 from bottom of p. dele <i>in</i>
547	2 11 for <i>in capacity</i> read <i>incapacity</i>	734	Sec. 51 L. 4 of Sec. before the word <i>auditing</i> insert <i>the</i>
553	L. 2 of p. at the end of the line insert <i>such</i>	742	L. 4 of p. after the word <i>orders</i> insert <i>to be</i>
556	S. 1 L. 18 of p. for <i>master</i> read <i>masters</i>	744	L. 3 from bottom of p. before the word <i>refuse</i> insert <i>shall</i>
557	L. 16 of p. for <i>in</i> read <i>of</i>	745	Sec. 1 L. 6 of Sec. before the word <i>good</i> insert <i>six</i>
560	S. 7 L. 4 of S. for <i>Court of Sessions</i> read <i>Courts of Sessions</i>	746	2 15 before the word <i>advice</i> dele <i>the</i>
566	1 7 for <i>every</i> read <i>any</i>	751	5 11 for <i>owners</i> read <i>owner</i>
570	9 5 after the word <i>them</i> insert <i>as</i>	751	5 15 for <i>taking</i> read <i>taken</i>
572	12 5 after the word <i>fine</i> insert <i>of</i>	751	5 25 for <i>owners</i> read <i>owner</i>
573	1 3 for <i>and</i> read <i>or</i>	753	8 23 for <i>spurs</i> read <i>spar</i>
576	L. 18 of p. for <i>pounds</i> read <i>ounces</i>	754	10 3 after the word <i>or</i> insert <i>any</i>
576	last line of the page dele <i>and</i>	758	L. 2 of p. for <i>sales</i> read <i>sale</i>
591	S. 5 L. 2 of S. before the word <i>action</i> insert <i>an</i>	759	24 for <i>minor</i> read <i>minors</i>
592	3 3 for <i>time</i> read <i>times</i>	761	19 for <i>another</i> read <i>any other</i>
601	L. 11 of p. at the end of the line insert <i>drawn</i>	761	last dele <i>other</i>
	After p. 604 read p. '605' instead of '506'	762	22 before the word <i>fish</i> insert <i>any</i>
604	S. 12 L. 2 of S. after the word <i>passing</i> insert <i>on</i>	766	6 after the word <i>notice</i> insert <i>is</i>
606	for Sec. 14 read Sec. 16	766	Sec. 5 L. 6 of Sec. for <i>damages</i> read <i>damage</i>
608	S. 22 L. 5 of S. for <i>monies</i> read <i>money</i>	769	4 14 dele <i>to the</i>
610	3 18 dele <i>any</i>	772	first word of the p. for <i>damage</i> read <i>damages</i>
614	4 4 for <i>funnel</i> read <i>fund</i>	774	Sec. 2 L. 7 of Sec. for <i>and</i> read <i>or</i>
617	L. 5 of the page dele <i>a</i>	774	2 14 for <i>any</i> read <i>every</i>
617	S. 1 L. 6 of S. for <i>purpose</i> read <i>purposes</i>	775	1 3 for <i>paasing</i> read <i>passing</i>
621	1 9 for <i>such</i> read <i>said</i>	777	L. 17 of p. for <i>these</i> read <i>their</i>
622	3 16 for <i>or</i> read <i>on</i>	780	14 for <i>ninth</i> read <i>twenty ninth</i>
624	2 12 after the word <i>returns</i> insert <i>as</i>	780	35 for <i>sixteenth</i> read <i>seventeenth</i>
626	3 6 before the word <i>Cashier</i> insert <i>the</i>	788	25 for <i>eight</i> read <i>eighth</i>
631	4 3 before the end of the S. for <i>course</i> read <i>coarse</i>	790	28 after the word <i>Act</i> insert <i>providing</i>
634	16 5 of S. for <i>inspected</i> read <i>uninspected</i>	791	13 after the word <i>for</i> dele <i>the</i>
635	17 last for <i>and</i> read <i>or</i>	791	14 after the word <i>idle</i> dele <i>and</i>
638	L. 9 of p. for <i>and</i> read <i>or</i>	793	5 for <i>galo</i> read <i>golo</i>
642	7 dele <i>who</i>	793	27 after the word <i>Act</i> dele <i>for</i>
643	S. 4 L. 6 of S. dele <i>are</i> after <i>and</i>	797	4 at the end of the line for <i>eight</i> read <i>eighth</i>
650	4 14 before the word <i>also</i> insert <i>as</i>	808	34 for <i>from</i> read <i>upon</i>
656	12 3 for <i>on</i> read <i>or</i>		
658	in the title, after the word <i>Act</i> insert <i>for</i>		

moiety to him or them who shall inform and sue for the same.

Towns on opposite sides of a river, to provide a ferryman jointly or alternately.

SEC. 5. *Be it further enacted*, That if any such ferry so judged necessary, shall be over any river or water when one town joins thereto on one side, and another town on the other side; in such case the said towns shall either jointly or alternately, provide such person or persons to keep such ferry as the said Court shall order.

Penalty on towns for neglect of duty.

SEC. 6. *Be it further enacted*, That any town neglecting to provide suitable persons to keep ferries as aforesaid shall forfeit and pay forty dollars for each month's neglect, one moiety thereof to the use of the State, and the other moiety to him or them who shall inform and sue for the same; and all the forfeitures aforesaid which may be incurred, shall be recoverable in an action of debt, with costs of suit, before a Justice of the Peace or Circuit Court of Common Pleas of the county wherein the ferry may be, according to the amount of the forfeitures to be recovered.

[Approved February 24, 1821.]

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## CHAPTER CLXXVII.

An Act for regulating Pilotage in the several ports in this State.

Governor and Council on application of ship owners and masters to appoint pilots,

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That the Governor with advice of Council, be, and he hereby is empowered to appoint and commission one or more pilots for such port or ports in this State as may apply for the same, such application to be signed by a majority of the ship owners and ship masters then in the port recommending such suitable person or persons, and give to each of the said pilots branches or warrants for the due execution of the duties of their respective offices.

and grant them warrants.

Each pilot to be sworn.

SEC. 2. *Be it further enacted*, That every pilot appointed as aforesaid shall before he enter upon the business of his office, take the following oath or affirmation before some Justice of the Peace, viz.

Form of the oath.

You, A. B. do swear, (or affirm as the case may be) that you will from time to time, truly and faithfully perform the

duties of a pilot for the harbour or port of — according to your best skill and judgment, agreeable to the laws of this State. *So help you GOD.*

And each of said branch pilots shall before he enter upon the duties of his office, give bonds with sufficient sureties to the Treasurer of this State, in the sum of five thousand dollars, for the due performance of the trust reposed in him: And every branch pilot being commissioned and qualified as aforesaid, is hereby empowered and directed to take charge of any vessel or vessels drawing nine feet of water and upwards, bound into any of the ports aforesaid; and shall pilot such vessel or vessels into the port assigned to him, first shewing to the master thereof, his branch or warrant, and acquainting him or them of his fees.

And give bond to State treasurer in sum of 5,000 dollars.

Duty of branch pilots as to inward-bound vessels.

SEC. 3. *Be it further enacted,* That the Governor with the advice of Council, be, and he hereby is empowered to determine and fix the fees of pilotage of the several pilots, and to specify the same in their respective warrants; and also to transmit to each Collector of the customs, in the ports and harbours aforesaid, a schedule of the said fees, to be by such Collector hung up in his office for public inspection: *Provided nevertheless,* That any master of a vessel who may choose to hazard the pilotage of his own vessel into or out of any port, shall be at liberty so to do.

Governor and Council to establish their fees,

and send a schedule of them to each collector of customs.

Any man may pilot his own vessel.

SEC. 4. *Be it further enacted,* That if any vessel, while under the charge and direction of a branch or warrant pilot, shall be lost, cast away or run aground, through the unskillfulness or neglect of such pilot, then and in that case, such pilot shall be liable to pay the just value of the vessel and her cargo; or any proportionable damage which may be sustained thereby; to be sued for and recovered by the owner or owners, or insurer or insurers thereof, in any Court proper to try the same.

Pilot liable to pay for vessel, cast away, &c. by his neglect or unskillfulness,

to the owners or insurers.

SEC. 5. *Be it further enacted,* That all vessels drawing nine feet of water and upwards, bound to sea, out of any of the ports aforesaid, (except coasting and fishing vessels) shall be under the same restrictions, and liable to pay the same fees, that vessels are under and liable to, that are bound into any of the same ports; and all pilots of any outward bound vessels shall be liable to similar actions for

Outward bound vessels subject to same regulations as inward-bound (except coasting and fishing vessels.)

Pilots of such, liable to same penalties, &c. damage, and subject to the same penalties for their unskilfulness or neglect, that they would have been, if the same vessels had been bound into any of the ports aforesaid: and to the intent that a suitable check may be had upon the pilots aforesaid, and that they may be excited to a due vigilance in the discharge of the duties assigned them:

Governor and Council to decide on complaints against pilots.

SEC. 6. *Be it further enacted*, That the Governor and Council be, and they hereby are empowered to hear and determine all complaints exhibited against the said pilots for mal-conduct in the premises, and to suspend or remove them at their discretion, and to appoint others in their room, laying the reasons therefor before the Legislature at the next session after such suspension or removal.

[Approved February 24, 1821.]

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## CHAPTER CLXXVIII.

An Act to regulate the Herring Fishery.

Herrings not to be taken between March 1, and Sep. 1.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That no person shall take any fish called English herrings, within the waters of this State, between the first day of March and the first day of September in each year, for the purpose of pickling or smoking the same.

What nets may be used.

SEC. 2. *Be it further enacted*, That no net having meshes less than seven eighths of an inch square shall be used for taking herrings for the purpose of pickling or smoking the same.

Size of nets on board fishing vessels.

SEC. 3. *Be it further enacted*, That no more than sixty yards of nets in length and five yards in width for each fisherman employed on board of any fishing vessel, shall be carried or used, in any such vessel, for the purpose of taking herrings, and no one vessel shall carry or use more than three hundred yards in length, at any one time, for the purpose of taking herrings:

No nets to be set across streams, but lengthwise.

SEC. 4. *Be it further enacted*, That no person shall set or place any net crosswise of any river, stream, harbour, creek or cove, within this State; but all nets shall be set or placed lengthwise of the river, stream, harbour, creek or