

# 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.

BRUNSWICK.

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>course</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>		

cove, in which such nets shall be set or placed for the purpose of taking herrings.

SEC. 5. *Be it further enacted*, That it shall not be lawful for any person to take herrings within any river, stream, harbour, creek or cove, within this State, between sun-set on Saturday night, and sun-rise on Monday morning in each week, for the purpose of pickling or smoking the same.

Herrings not to be taken between sun-set on Saturday night and sunrise Monday morning.

SEC. 6. *Be it further enacted*, That no person other than a citizen of this State shall set or place any net, seine, wear or other machine in any of the rivers, streams, creeks, harbours, inlets or coves in this State for the purpose of taking salmon, shad, herrings or alewives.

None but citizens of this State to set seine or place wear to catch salmon.

SEC. 7. *Be it further enacted*, That no person shall drive herrings in the night time, with lamps, torches, fires or other lights, for the purpose of taking them with dip nets or any other machine: *Provided*, This section shall go into operation in the waters eastward of Penobscot river after the expiration of two years from the passing of this Act, and not before.

Herrings not to be driven in night time, with lamps, torches, &c.

SEC. 8. *Be it further enacted*, That any person who shall violate any provision of this Act, shall forfeit and pay, for each and every such offence, a fine not exceeding fifty, nor less than five dollars, to be recovered in an action of debt in any Court proper to try the same, by and for the use of the person, who shall prosecute therefor.

Penalties, and how recovered.

[Approved March 19, 1821.]

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## CHAPTER CLXXIX.

An Act for the preservation of certain Fish.

SEC. 1 **BE** *it enacted by the Senate and House of Representatives, in Legislature assembled*, That it shall not be lawful for any person to take any of the fish, called pickerel or trout, in any of the ponds, rivers or streams within this State, with spears in the night time, or by shooting them at any time; and every person offending, contrary to the true intent of this Act, upon conviction thereof, before any Justice of the Peace, shall pay a fine of fifty cents for each and every pickerel or trout so taken, to and for the use of the person who shall sue for the same.

Penalty for killing pickerel in night by spearing, or shooting at any time.

Penalty for taking away or destroying oysters,

unless by permission of selectmen.

Penalty for taking other shell fish, excepting by permission, &c.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any person to take any oysters from their beds, destroy them or wilfully obstruct their growth therein, in any part of this State, except as is herein after excepted; and every person who shall so take, destroy or obstruct the same, shall forfeit and pay for every bushel of oysters, including the shells so taken and destroyed, the sum of two dollars: *Provided however*, And it shall, at all times, be lawful for the major part of the Selectmen, for the time being of any town wherein oyster beds shall be, to give permits in writing, to any person to take oysters from their beds, at such times, in such quantities, and for such uses, as they shall think reasonable, and express in their permit: *Provided further*, And it shall also be lawful for any inhabitant of any such town, without such permit, to take oysters from their beds therein for the use of his or her family, from the first day of September to the first day of June annually.

SEC. 3. *Be it further enacted*, That if any person shall take any other shell fish from their beds, destroy them or wilfully obstruct their growth therein, in any harbour, creek, salt water river, bay or inlet in this State, except as is hereinafter excepted, the person so offending shall forfeit and pay for every bushel of such other shell fish, including the shells so taken or destroyed, the sum of one dollar: *Provided nevertheless*, That the major part of the Selectmen for the time being, of each of the said towns, bordering on any harbour, creek, salt water river, bay or inlet, shall at all times have power to give permits, in writing, to any person to take such other shell fish from their beds in their said towns, at such times, in such quantities, and for such uses, as they shall deem reasonable, and express in their permit: *Provided also*, That every inhabitant of each of the said towns without such permit shall have a right to take such other shell fish from their beds therein for the use of his or her family: *And provided further*, That nothing in this Act shall extend to deprive any native Indians of the privilege of digging shell fish for their own consumption, or to prevent any fisherman from taking any quantity of shell fish which he may want for bait, so that it do not exceed seven bushels, including their shells, at any one time.

SEC. 4. *Be it further enacted*, That if any vessel, boat, or craft shall be found within the limits of any town, and not owned therein, with any oysters on board, taken in such town without such permit, or within the limits of any one of the towns and not owned therein, with other shell fish on board, taken in such town without such permit; it shall be lawful for any inhabitant or inhabitants of any town wherein such vessel, boat or craft shall so be found trespassing, to seize and detain the same, not exceeding forty eight hours, in order that the same, if need be, may be attached or arrested by due process of law, in that time to answer the said fines and forfeitures, with costs of suit: *Provided however*, That as soon as the owner or master of any such vessel, boat or craft, shall pay said fines and forfeitures, and before sued, to the Treasurer of the town, to the use thereof, wherein the same shall be incurred, such vessel, boat or craft shall be discharged with the effects therein.

Vessel, boat, &c. with oysters, &c. on board, without permit, in certain cases liable to seizure for said fines.

To be discharged on payment of such fines.

[Approved March 19, 1821.]

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## CHAPTER CLXXX.

An Act repealing certain Acts therein named.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in Legislature assembled*, That from and after the passing of this Act, the following Acts made and passed by the Legislature of the Province of Massachusetts Bay, and of the Commonwealth of Massachusetts, be, and the same are, as respects this State, hereby repealed. *Provided*, That where any of said Acts have been revised and re-enacted, or come within the purview of any Act or Acts passed during the present session of the Legislature, and such last mentioned Act or Acts, in whole or in part, are not to take effect and go into operation until a future day, in all such cases such of said Acts hereby repealed, shall continue in force until the revised or re-enacted Acts within the purview of which they come, shall go into operation, namely:

An Act for the better rule and government of the Indians in their several places and plantations. Passed in the year