

MAINE STATE LEGISLATURE

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PRIVATE ACTS

OF THE

STATE OF MAINE,

PASSED BY THE LEGISLATURE,

AT THEIR SESSIONS,

HELD IN

JUNE, 1820, AND JANUARY, 1821.

Published agreeably to a Resolve of June 28, 1820.

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1821.

CHAPTER XLIX.

AN ADDITIONAL ACT respecting the Episcopal Church in the Town of Portland.

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled,* That it shall and may be lawful for the Wardens and Vestry of the Episcopal Church in the town of Portland, with the consent of the minister of said church for the time being, to apply all or any part of the monies which have arisen from the sale of a lot of land laid out and granted by the proprietors of the town of Falmouth, for the benefit of the minister of said church, to the building of a Vestry-room on the vacant ground belonging to the same: *Provided,* however, that the rents and income of such vestry-room shall always be applied to the support of the ministry in said society agreeably to the intent of the grantors of said lot of land.

Wardens authorised to build a Vestry-room.

SECT. 2. *Be it further enacted,* That whenever any tax on any pew or seat in said church shall remain unpaid for the space of eight months after the same shall have been legally made, the treasurer of said society, shall be, and hereby is authorised and empowered to sell all the interest which the delinquent proprietor of such pew or seat may have in the corporation in the same manner as is provided in an Act passed March 7, A. D. 1806, respecting said Society.

If taxes remain eight months unpaid the pews may be sold.

[*This Act passed February 28, 1821.*]

CHAPTER L.

AN ACT to regulate the Fishery in Damariscotta River, in the county of Lincoln.

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled,* That it shall and may be lawful for the towns of New-Castle and Nobleborough in the county of Lincoln, at their annual town meeting for the choice of town officers, to choose a committee of three persons in each town, whose duty it shall be as a joint committee, to open, and cause to be kept open, a sluice or passage way for Alewives and other fish to pass up Damariscotta river, on what is now called New River streams to the great pond at the head thereof, called Damariscotta Pond; and the said sluice ways shall be under such regulations, as the aforesaid joint committee shall judge most conducive to the benefit of the towns aforesaid.

Towns of New-Castle and Nobleborough may choose committees.

Joint committee to cause a sluice to be kept open in New River streams.

Emoluments from the privileges of taking fish to be divided between the towns,

SECT. 2. *Be it further enacted,* That the emoluments arising from the privilege of catching fish in the aforesaid New River streams, and said fish ways, shall be equally divided between the towns aforesaid, and be appropriated to the benefit of the said towns, as they may respectively judge most proper, and all expense arising from the regulations of said fish way, and keeping the same in repair, shall be sustained and paid in equal proportion by the towns aforesaid.

and the expense of keeping open the fish way.

Sluices to be kept open from the first day of May to fifth of July,

SECT. 3. *Be it further enacted,* That it shall be the duty of the joint committee aforesaid, to open said sluice or passage way by the first day of May annually, and keep the same open and clear from all obstructions, until the fifth day of July next following; and the said joint committee is hereby empowered to determine the number of and the particular, days, not exceeding three, in each week, for taking and catching fish in said streams and fish ways: *Provided,* Their determination does not infringe on any existing laws of the State; and the said joint committee is further authorised to sell and dispose of the privilege of catching fish in said streams and fish ways, as they may judge most beneficial to the interest of their respective towns; and the price of the fish caught in the said streams or fish ways, shall be established by the joint committee aforesaid annually: *Provided however,* That the price of said fish shall not be raised after the tenth day of May in each year.

and the joint committee to determine the days for taking fish,

and to dispose of the privilege of taking fish.

and fix the price of fish.

Fish not to be taken above the Toll bridge in nets, &c.

SECT. 4. *Be it further enacted,* That from and after the passing of this act, it shall not be lawful for any person to take Salmon, Shad or Alewives, in any part of Damariscotta river, above the toll Bridge across said river, with seines, drag nets, or other long nets, between the first day of May and the first day of July annually; and every person so offending, shall forfeit and pay for each offence the sum of fifty dollars.

from May first to July first.

Passage of fish not to be obstructed on fishing days,

SECT. 5. *Be it further enacted,* That from and after the passing of this act, it shall not be lawful for any person to obstruct the passage of fish up the said New River or any part thereof, or the main stream up to the lower dam, as now constructed by hauling timber into the said New River stream at the lower end of said fish ways, at the mouth thereof, or the main stream, or by rafting lumber, or by going up and down with gondolas, boats, or by any other obstruction on such days as may hereafter be designated by the said joint committee for taking fish; and every person so offending shall forfeit and pay for each offence not more than fifty dollars, nor less than five dollars.

by boats rafting lumber, &c.

penalty.

Duty of each committee to notify the clerk of the time of their meeting.

SECT. 6. *Be it further enacted,* That the committee of the town of New-Castle for the first year, and the committee of the town of Nobleborough for the second year (and so on in rotation forever) shall notify the town clerk of the other

town of the time and place at which the said joint committee shall meet, and said notice shall be served at least ten days prior to the time of said meeting, at which, and at every subsequent meeting the majority present shall have the authority of the joint committee; and if either of the towns shall neglect the duty required of them by this act, such towns shall forfeit all right to the privilege of said streams and fish-way for the current year.

SECT. 7. *Be it further enacted,* That if the purchaser or purchasers, manager or managers of said privilege, or any person employed by them, or by any of the joint committee, shall presume to take any of the said fish out of said streams or fish ways, or by any means obstruct said passage way at any other time than that allowed by said joint committee, or if any person whatsoever, shall presume to take or catch any fish out of said streams or fish ways, without the permission of the said committee, he or they so offending, shall for each offence forfeit and pay a sum not exceeding thirteen dollars nor less than two dollars.

Purchasers of the privilege not to take fish except on the days allowed,

nor any other person without liberty.

Penalty.

SECT. 8. *Be it further enacted,* That if any person or persons shall prevent, molest or retard the said committee from opening and keeping open a sluice way, as directed in this act, by dams, logs, or any other obstruction, or shall prevent the aforesaid joint committee, or either of them from doing any thing they may be required to do by this act, such person shall forfeit and pay for each offence, a sum not exceeding thirteen dollars nor less than one dollar.

Penalty for molesting the committee in keeping open the sluices.

SECT. 9. *Be it further enacted,* That the aforesaid joint committee shall dispose of such proportion of the fish caught in said streams as shall be designated by the selectmen of the said towns, annually, to the poor of said towns gratis; and this reservation and privilege of the said poor, shall be inviolably preserved to them, when the said committee annually lease the fishery for the season, and shall always be the condition of said lease.

Committee to dispose of part of the fish for the poor.

SECT. 10. *Be it further enacted,* That if any person shall make, build or erect any mill, dam, wear or other obstruction, or if any person or persons interested or concerned in any mill, dam, wear or other obstruction, that is already made, or shall hereafter be made, shall suffer and continue the same, in, across or upon the said New River streams, or the main stream up or through which the said fish called salmon, shad and alewives, or either of them, pass and go into Damariscotta pond to cast their spawn without making and providing a sufficient passage or sluice way for said fish to pass up and down in the season of going up to spawn, and of returning, shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, and the same dam or obstruction

No person to erect dams &c, to prevent the passage of the fish.

Penalty.

And the obstruction may be abated.

What shall be deemed a sufficient sluice,

to be kept open from August 20, to last of September.

Penalty.

Penalties may be recovered by action of debt, one half to the informer and the other to the towns.

Committee may go over lands and enter mills, &c.

tion shall be considered and adjudged to be a nuisance and abated as such.

SECT. 11. *Be it further enacted*, That no passage or sluice way shall be deemed sufficient within the meaning and intent of this act, unless the same shall be so constructed and made, as that any of the fish aforesaid, can, may, and do actually pass through or over the same with ease and convenience, and that said fish do find said way; and no sluice or passage way shall be deemed and taken to be sufficient, within the meaning and intent of this act, unless a passage or sluice way be provided for the safe and convenient passing down of said fish, both old and young, and be opened and kept open, from the twentieth day of August to the last day of September annually, over, through or by such obstruction, and if any person or persons, making, erecting, interested or concerned in such dam, mill or other obstruction, shall offend in this particular, he or they shall pay for each and every day he or they shall so offend, a sum not exceeding twenty dollars, nor less than ten dollars: *Provided*, the power of cutting a passage or sluice way for fish to ascend and descend into, and from said pond, is hereby limited to the eastern branch of the New River stream.

SECT. 12. *Be it further enacted*, That all the fines, forfeitures and penalties aforesaid, incurred by this act, may be recovered by any person or persons, who may sue for the same, by action of debt in any court of competent jurisdiction to try the same, one half for the use of the towns aforesaid, the other half to the use of the person or persons who may sue therefor.

SECT. 13. *Be it further enacted*, That the committee aforesaid or either of them, or any other person employed by, for, or under them shall have authority to go on, over or through any land, or through any mill, or wheresoever it shall be necessary for the purposes of this act, without being considered as trespassers; and no person by reason of his being one of the said committee shall be thereby disqualified from being a witness in any prosecution or suit for a breach of this act.

[*This Act passed February 28, 1821.*]

CHAPTER LI.

AN ACT establishing the town line between Bucksport and Orrington.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That the following