

# MAINE STATE LEGISLATURE

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# PRIVATE ACTS

OF THE

# STATE OF MAINE,

PASSED BY THE

# LEGISLATURE,

AT ITS SESSION, JANUARY, 1822.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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PORTLAND :

ABRAHAM W. THAYER, PRINTER TO THE STATE,

1822.

## CHAPTER XCVI.

AN ACT to regulate the taking of Alewives, at Nequasset Falls, in the town of Woolwich.

Town of Woolwich may dispose of the privilege ;

emoluments appropriated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That it shall and may be lawful for the inhabitants of said town of Woolwich, at their annual meeting, in the month of March or April, to sell or otherwise dispose of the privilege of taking the fish called Alewives, at Nequasset falls, so called, within said town of Woolwich ; and the emoluments arising from such sale or disposal, shall be appropriated by said town to such uses and purposes as the inhabitants thereof, shall, from time to time, in legal town meeting determine.

Days on which fish may be taken.

SECT. 2. *Be it further enacted,* That the days for taking said fish at said falls, shall be Monday, Tuesday, Wednesday and Thursday, in each week, and at no other time.

Penalty for taking fish contrary to this act.

SECT. 3. *Be it further enacted,* That if any person whomsoever, except the purchaser or purchasers, or such other person as shall be duly authorized by said town of Woolwich, at their annual meeting, in the month of March or April, shall take any of said fish at Nequasset falls, or within a half a mile above or below said falls, or in the pond or stream leading thereto, he or they shall forfeit and pay for every fish so unlawfully taken, a fine not exceeding ten cents, nor less than three cents.

Persons authorized to take fish to supply those applying, at a fixed price, under penalty.

SECT. 4. *Be further enacted,* That if the purchasers or managers of said privilege, or either of them, lawfully taking said fish as aforesaid, shall, when in his or their power, neglect or refuse to supply any person who may apply for the same, at the rate of twenty-five cents for one hundred of said fish, the purchaser or manager so refusing, shall forfeit and pay for each offence, the sum of five dollars : and if any person or persons authorized to catch said fish, shall ask, demand or receive more than at the rate aforesaid, for said fish, whilst the same are fresh or green, he or they so offending, shall forfeit and pay for each offence, the sum of five dollars.

Penalty for demanding a greater price.

SECT. 5. *Be it further enacted*, That the inhabitants of said town of Woolwich, shall at their annual meeting, in the month of March or April, choose by ballot a committee, consisting of three persons, freeholders of the town, who shall be sworn to the faithful discharge of the duties enjoined upon them by this act, whose duty it shall be to see that the sluices or passage-ways hereafter described, are sufficiently opened for said fish to pass and repass, and kept sufficiently open by the owners and proprietors of the mills at Neguasset, during the periods hereinafter mentioned, to wit : 1st, a gate or sluice way, one foot wide, and two and a half feet high, on the slope of the dam, at a point found by beginning on the east side of the grist mill flooms on said falls, thence running four feet easterly by said dam : 2d, a gate or sluice way four feet wide, and as high on the slope of the dam, as will give two and one half feet perpendicular height, the west side of which gate or sluice way, shall be eight feet eastward of the former, or thereabouts : 3d, a gate or sluice way, to be made four feet wide, and two and a half feet high, as aforesaid ; the west side of which gate or sluice way, shall be fourteen feet eastward of the second, as the dam runs ; all which gates and sluice ways, shall be opened by said owners or proprietors, on the tenth day of May annually, and kept open till the fish have done passing up, and shall be opened by said owners or proprietors, on the twentieth day of August annually, and kept open till the twentieth day of September annually, to let the young fish go down ; and the gates shall be bottomed on the ground or solid rock.

SECT. 6. *Be it further enacted*, That the committee named in the last section, shall have full power, and it shall be their duty, to remove all logs, boards, slabs or other lumber, from the passage way of said Alewives, from the waters at, above or below the said falls of Neguasset, if such lumber shall, in the judgment of said committee, tend in any way to obstruct the free passage of said fish, up or down the said falls at Neguasset ; and all such removals shall be at the expense of the said town of Woolwich.

SECT. 7. *Be it further enacted,* That if any person, chosen on said committee, on due notice thereof, shall refuse to accept thereof, and to qualify himself therefor, within seven days after such notice, every such person so refusing, shall forfeit and pay a fine of five dollars, for the use of said town; and the Treasurer of the town, is hereby authorized and directed, to prosecute, or sue for the same; and in case of the refusal of any person so chosen, the Selectmen for the time being, shall have power, and they are hereby directed to proceed to appoint some other person or persons, in the room of those who shall refuse; and any person so appointed, who shall refuse as aforesaid, shall be liable to the same penalty; and if the Selectmen shall neglect to proceed as aforesaid, they shall each of them forfeit and pay the sum of ten dollars; and no person shall be obliged to serve on said committee, more than one year in three.

Persons refusing to accept, liable to a penalty.

Treasurer to prosecute.

Selectmen authorized to appoint in case of refusal;

penalty if they neglect.

Persons to serve only one year in three.

Penalty for not keeping open passage ways.

Penalties how recovered and to whose use.

Nothing in this act to deprive the inhabitants of Woolwich from prosecuting or being witnesses.

Parents, &c. liable for minors.

SECT. 8. *Be it further enacted,* That if the owners or proprietors of the mill dam at Neguasset, shall neglect or refuse to open, and keep open, such sluices or passage ways, for the passing of the fish up and down said stream, they shall each of them forfeit and pay for each day they shall so neglect, a fine not exceeding ten nor less than five dollars.

SECT. 9. *Be it further enacted,* That all fines incurred by any breach of this act, shall be recovered by presentment of the Grand Jury, or by action of debt, in any Court proper to try the same, in the name of either of said committee, one moiety of which shall accrue to the use of the town, and the other moiety to the use of the informer or plaintiff, who may sue for the same, except the fine already appropriated.

SECT. 10. *Be it further enacted,* That nothing in this act shall be so construed as to deprive the inhabitants of the town of Woolwich, from prosecuting, or suing for any of the breaches aforesaid; and no person shall be debarred from being admitted as a witness on any presentment of the Grand Jury by reason of his being entitled to any part of said fines.

SECT. 11. *Be it further enacted,* That in case any minor or minors shall offend against any part of this

act, and thereby incur any of the penalties aforesaid, the parents, masters or guardians of such minor or minors, shall be answerable therefor on complaint, or in an action to be brought against such parents, masters or guardians, as for his or their personal offence.

SECT. 12. *Be it further enacted*, That no purchaser or manager, or any person employed by them, shall be deemed a trespasser in going on the lands and premises of any person in order to take said fish, on their paying a reasonable compensation therefor, if required. Persons authorized to take fish, not deemed trespassers.

SECT. 13. *Be it further enacted*, That an Act entitled "an Act to preserve and regulate the taking of fish called Alewives, at Neguasset falls, so called, within the town of Woolwich," passed March first, Anno Domini one thousand eight hundred; also, an Act in amendment of said act, passed February twelfth, one thousand eight hundred and three, and all other acts which have passed at any time previous to the passage of this act, for the regulation of fish at Neguasset falls, and its appendages, and in the pond or stream leading thereto, be, and the same are hereby repealed: *Provided*, That all the acts aforesaid shall be and remain in full force, so far as respects the trial and punishment of all offences therein mentioned, which have been committed before the passing of this act. Former Acts repealed. Proviso.

[This Act passed January 19, 1822.]

## CHAPTER XCVII.

AN ACT to annex that part of Lot numbered twenty-nine, which lies in the northwest corner of Starks to the town of Industry.

**BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That so much of the lot of land numbered twenty-nine, as lies in the northwest corner of Starks, with the inhabitants thereon, be, and they hereby are set off from the town of Starks, in the county of Somerset, and annexed to the Part of Starks, annexed to Industry.