

MAINE STATE LEGISLATURE

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PRIVATE ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1826.

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PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28th OF JUNE, 1826.

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Portland.

PRINTED BY THOMAS TODD.....PRINTER TO THE STATE.

1826.

CHAPTER CCCCIII.

AN ACT to incorporate the town of Carthage.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That the Plantation called and known by the name of Number Four, in the county of Oxford, bounded south by Dixfield, easterly by Temple and Wilton, and north by Weld, with the inhabitants thereof, be, and they hereby are incorporated into a town by the name of Carthage. Boundaries.

SECT. 2. *Be it further enacted,* That any Justice of the Peace, within said county, is hereby empowered to issue his warrant, to some inhabitant of said town, hereby incorporated, directing him to notify the inhabitants thereof, to meet at such time and place, as he shall appoint, to choose such officers, as towns are empowered to choose, at their annual town meetings. First meeting, how called, &c.

SECT. 3. *Be it further enacted,* That until a new apportionment of Representatives, said town of Carthage shall, for the purpose of choosing a Representative in the Legislature, be classed with the towns of Mexico, Dixfield, Weld and Peru. Provision for the choice of representative.

[Approved by the Governor, Feb. 20, 1826.]

CHAPTER CCCCIV.

AN ACT relating to Fish in East Machias waters.

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 Machias East river, with any large net or seine, excepting between sunrise on Tuesday and sunrise on Friday, of each week, nor with spears or scoop nets, or in wears, except between sunrise on Tuesday and sunrise on Friday, of each week, under the penalty of twenty dollars, for Fish not to be taken, except on certain days. Penalty.

each 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.

SECT. 2. *Be it further enacted,* That all wears, or other machines, placed in said waters, for the purpose of taking said fish, shall be kept open from sunrise on Friday of each week, until sunrise on Tuesday of each succeeding week, under a penalty of fifty dollars for each offence, to be recovered of the owner thereof: And every net or seine that shall be set or placed in said waters contrary to the provisions of this Act, shall be forfeited to the use of any person who may seize the same.

Wears to be kept open, &c.

Forfeiture.

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.

Penalty for erecting wears, &c. over a certain height.

SECT. 4. *Be it further enacted,* That it shall be the duty of each town and plantation of this State, through which said river passes, 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, faithfully and impartially to discharge the duties required of them by this Act: 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 one hundred dollars.

Committee to be chosen.

Penalty.

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 dam in and across said river, and any of its branches, where said fish were ever known to pass, by the owners or occupants of any such dam; which fish way, shall be four feet wide, and twelve inches deep, and be kept open at all times, between the fifteenth day of May, and the first day of July,

Fish way to be made and kept open.

in each year, and also at any other season of the year, when the fish committee think proper, a sufficient length of time to let the young fish go down said river; and if any owner or occupant of such 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. Penalty;

SECT. 6. *Be it further enacted,* That hereafter no eel wear shall be erected in any part of said river or its branches, or in the lakes from, or through, which said river or any stream emptying into said river, may flow, so as to stop or impede the passage of the young fish in returning down said river. And if the fish committee shall neglect their duty, in causing the provisions of this Act, to be carried into effect, they shall forfeit and pay a sum not less than five, nor more than twenty dollars. Eel wears not to be erected so as to impede the passage of young fish. Penalty;

SECT. 7. *Be it further enacted,* That the penalties, imposed by 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 aforesaid, or any other person; and the amount so recovered, shall be appropriated, one half to the prosecutor, and the other half to the poor of the town or plantation where the offence may be committed. Penalties how recovered and appropriated.

SECT. 8. *Be it further enacted,* That all nets, craft, boats, barrels and salt, used in taking and securing fish in violation of this Act, and also all fish, so taken, shall be forfeited; and may be seized, while so used, by said committee or any one of them, and shall be proceeded against as directed in the Act prescribing the mode of recovering forfeitures of personal property liable thereto by law. Nets, &c. liable to forfeiture, how proceeded against

SECT. 9. *Be it further enacted,* That it shall not be lawful for any person to take fish of either kind described in this Act, within four rods of any dam, or within three rods of the mouth of any fish way: And all persons, guilty Fish not to be taken within certain distance of any dam, &c.

of so doing, shall pay a fine, not less than two, nor more than twenty dollars, for each barrel of fish so taken.

Penalty.

SECT. 10. *Be it further enacted,* That if any person shall resist the fish committee, or either of them, in execution of the provisions of this Act, such person shall forfeit a sum, not less than ten, nor more than fifty dollars, to be recovered by complaint in any Court of competent jurisdiction.

Penalty for resisting the Fish Committee.

SECT. 11. *Be it further enacted,* That the inhabitants of any town or plantation, through which said river passes, are hereby authorized and empowered, at any legal meeting of such town or plantation, by their vote, to prohibit all persons, other than inhabitants and residents of the same, from taking any of the aforesaid fish, within the limits of such town or plantation; and any person who shall take any of said fish, contrary to the vote of such town or plantation, shall forfeit and pay a sum, not less than two, nor more than ten dollars for each barrel or less quantity of fish, he shall so take; to be recovered as provided in the preceding section.

Towns and plantations may prohibit persons not inhabitants, from taking fish.

Penalty.

[*Approved by the Governor, Feb. 21, 1826.*]

CHAPTER CCCC.

AN ACT to incorporate the town of Plymouth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That all that part of the town of Etna, in the county of Penobscot, and of Plantation number five, in the second range, north of the Waldo Patent, in the county of Somerset, included within the following bounds, to wit: beginning at the northwest corner of lot number nineteen, in the third range, in the east half of the plantation above mentioned; thence running east, on the north line of the plantation, three

Boundaries.