

MAINE STATE LEGISLATURE

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PRIVATE ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

EIGHTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1828.

Published agreeably to the Resolve of the 28th June, 1828.

PORTLAND.

PRINTED BY THOMAS TODD, PRINTER TO THE STATE.
1828.

SECT. 2. *Be it further enacted,* That for the purpose of indemnifying the said John Wood for keeping said works in repair, and constantly opening the slip when required, he shall receive a toll of four cents per thousand feet, for all logs and timber passing through the same, the quantity to be estimated according to the survey thereof. *And the powers and privileges granted by this Act, shall be subject to be restricted, enlarged, or annulled, at the pleasure of the Legislature.*

[*Approved by the Governor, January 31, 1828.*]

Toll established.

Powers restricted.

CHAPTER DIII.

AN ACT to regulate the taking of Fish in Narraguagus River.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the inhabitants of towns and plantations adjoining Narraguagus river, or through which said river runs, be, and they are hereby, respectively empowered, at their annual town or plantation meetings, in the month of March or April, in each year, to choose a committee of not more than five nor less than three persons in each town or plantation, who shall be sworn to the faithful discharge of their duty; and it shall be their duty to cause the necessary fish ways, in their respective towns and plantations, to be kept open and free for the passage of salmon, shad and alewives up said river, from sunset on Friday till sunrise on Monday, from the tenth day of May to the tenth day of August, in each year; and they shall have power to remove all obstructions which they may find in said river, and to pass over the lands of any person, through or by which said river runs, in the discharge of their duties without being considered trespassers. And any person hindering or molesting said committee, or either of them, in discharge of their or his duty in said

Committee to be chosen annually, in certain towns and plantations;

their duty, &c.

Penalties for hindering the committee, &c.

office, or who shall obstruct any passage way in said river, during the term aforesaid, he or they so offending, shall forfeit and pay a sum not exceeding twenty dollars nor less than five dollars. And if any town or plantation aforesaid shall neglect to choose said Committee, such town or plantation shall forfeit a sum, not less than twenty nor more than fifty dollars, to the use of any individual who may prosecute for the same.

SECT. 2. *Be it further enacted,* That there shall be a good and sufficient fish way made and completed around, through, or over every mill dam across said river and the branches thereof, where said fish were ever known to pass, by the owners or occupants of the mills on said river, which shall be four feet wide and twelve inches deep, and kept open at all times specified in the first section of this Act; and if any owner or occupant of such mill or dam, aforesaid, shall neglect or refuse to make and keep open such fish way as herein directed, he shall forfeit and pay the sum of two hundred dollars for each neglect or refusal.

Dimensions of the fish-ways, &c.

Penalty for neglecting to keep open fishways.

SECT. 3. *Be it further enacted,* That from and after the passing of this Act, if any person or persons shall take said fish in any of the waters of said river, with any large net or seine, or with spears, scoop nets, or in wears, except between sunrise on Monday and sunset on Wednesday, during the term aforesaid, he or they shall forfeit and pay a sum not less than five nor more than twenty dollars for every barrel or less quantity of said fish, so taken, against the provisions of this Act.

Penalty for taking fish, except between certain days

SECT. 4. *Be it further enacted,* That it shall be lawful for said towns and plantations respectively, in legal town meeting, to sell and dispose of the privilege of taking said fish for any term not exceeding one year, at any one time, to any

Towns, &c. may dispose of the privilege of taking fish.

Penalty.

person or persons, under such restrictions and regulations as said towns and plantations shall respectively direct, and the profits arising from such sale shall be appropriated to such purposes as the inhabitants of said towns and plantations shall respectively order. And if any person or persons other than those to whom the towns and plantations shall have sold said privilege, shall take any of said fish, he or they shall forfeit and pay a sum not more than twenty nor less than five dollars.

Penalties incurred by this Act, how recovered, &c.

SECT. 5. *Be it further enacted*, That all the penalties which may be incurred by any breach of this Act, shall be recovered by action on the case before any Justice of the Peace for the county of Washington, where the penalty does not exceed twenty dollars, and if the penalty exceed said sum, then in any court proper to try the same, by any one of said Committee, or by any inhabitant of the town or plantation, wherein the said offence shall have been committed, the one half to the use of said town or plantation, and the other half to the use of the person, who shall prosecute for the same; and no person, by reason of his being one of said committee or an inhabitant of said town or plantation, shall be disqualified from being a witness in any suit or prosecution for any breach of this Act: *Provided*, That all prosecutions for breaches of this Act, shall be commenced within sixty days from the time said offence is alleged to have been committed, and not afterwards.

Proviso.

Former acts repealed.

SECT. 6. *Be it further enacted*, That all Acts or parts of Acts inconsistent with the provisions of this Act be, and the same hereby are, repealed.

[*Approved by the Governor, January 31, 1828.*]