

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

dollars, and to give and grant, or bargain and sell the same; and with all the powers and privileges, usually granted to other societies instituted for charitable and benevolent purposes.

First meeting
how called.

SECT. 2. *Be it further enacted,* That the first meeting of said corporation shall be held at such time and place, and be notified in such manner, as a majority of the persons herein named may direct.

Powers restricted.

SECT. 3. *Be it further enacted,* That the powers granted by this act may be enlarged, restricted or annulled, at the pleasure of the Legislature.

[*Approved by the Governor, February 20, 1828.*]

CHAPTER DXLVI.

AN ACT to prevent the destruction of fish in the Cobscook river, in the town of Whiting.

Committee to be
chosen;

to be sworn;

their duties, &c.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That, from and after the passing of this Act, it shall be the duty of the town of Whiting, at their annual meeting, in the month of March or April, to choose a committee of three persons, inhabitants of said town, who shall be sworn to the faithful discharge of their duty; and it shall be their duty to cause the necessary fish ways to be kept open in the waters of the Cobscook or Orange river, and its branches, in said town, for salmon, shad and alewives to ascend and descend the same; and to prosecute all breaches of the provisions of this Act which shall come to their knowledge.

Fishways to be
made round or
thro' every dam;
to be kept open
a certain period.

SECT. 2. *Be it further enacted,* That there shall be a good and sufficient fish way made round or through every dam in and across said river or 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 kept open from the fifteenth day of May to the first day of July, in each year; and also, at any other season of the year, when said committee think proper, a sufficient length of time to let the young fish pass down said river--And if any owner or occupant of such dam as aforesaid, shall neglect to make and keep such fish way as herein directed, he or they shall forfeit and pay the sum of one hundred dollars.

Penalty for neglect.

SECT. 3. *Be it further enacted,* That if any person or persons shall take any of said fish in the waters of said river with any large net, seine, scoop net, spears or wears, except between sunrise on Tuesday and sunrise on Friday of each week, he or they shall forfeit and pay the sum of twenty dollars for each barrel or less quantity of salmon, fifteen dollars for every barrel or less quantity of shad, and five dollars for every barrel or less quantity of alewives so taken; *Provided,* That no person shall, prior to the tenth day of May, one thousand eight hundred and twenty nine, be allowed to take any of said fish in said river or its branches—and every person who shall be guilty of taking any of said fish as last aforesaid, shall forfeit and pay a sum not exceeding twenty nor less than five dollars for each offence.

Penalty for taking fish, except on certain days.

No fish to be taken until May 1829, under penalty.

SECT. 4. *Be it further enacted,* That it shall be lawful for said town of Whiting, in legal town meeting, to sell and dispose of the privilege of taking said fish for the year one thousand eight hundred and twenty nine, and thereafter, for any term not exceeding one year, at any one time, to any person or persons under such regulations as the said town shall direct; and the profits arising from such sale shall be appropriated to such purposes as the inhabitants of said town shall order; and if any person or persons, other than those to whom the town 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.

Privilege for taking fish may be disposed of;

sales appropriated

Persons, other than those to whom the privilege may be sold, liable for taking.

SECT. 5. *Be it further enacted,* That the penalties which may be incurred by any breach of this Act, shall be recovered by an action of trespass on the case, before any Justice of the Peace within the county of Washington, where the penalty does not exceed twenty dollars, and if the penalty exceed that sum, then in any court competent to try the same, by any inhabitant of said town, one moiety thereof to the use of the prosecutor, and the other moiety to the use of said town. And no person by reason of his being one of said committee or an inhabitant of said town, shall be disqualified from being a witness in any suit or prosecution, for any breach of this Act: *Provided,* That such prosecution shall be commenced within ninety days from the time said offence was committed, and not afterwards.

Penalty, how recovered.

Members of committee and inhabitants of the town may be witnesses.

Proviso.

[*Approved by the Governor, February 20, 1828.*]

CHAPTER DXLVII.

AN ACT to establish the lines of the town of Liberty.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That from and after the passing of this Act, the boundary lines of the town of Liberty, in the county of Waldo, shall be established as follows, viz:—

southwestwardly and northwestwardly by the northeastwardly line of the town of Washington, and the southeastwardly line of the town of Palermo, continued till they meet; northeastwardly by the town of Montville; and southeastwardly by the line between proprietors lots numbered three and four of the first great division of the twenty associates land, so called; thence to the first mentioned bounds, instead of any other lines or boundaries heretofore established as the boundary lines of said town.

Boundaries established.

[*Approved by the Governor, February 21, 1828.*]