

# MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

THIRTEENTH LEGISLATURE,

AT ITS SESSION COMMENCING JANUARY 2, 1833.

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PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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AUGUSTA:

I. BERRY & CO. PRINTERS TO THE STATE.

1833.

Corporation, by giving such notice of the time and place thereof, as they may think suitable.

### CHAPTER 320.

AN ACT to prevent the destruction of Fish in East Machias waters.

Approved February 13, 1833.

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, seine, spears, or scoop-nets, or in any wear, between sun-rise on Friday of each week and sun-rise on Tuesday of each succeeding week, under a penalty of Twenty Dollars for every barrel or less quantity of Salmon; of fifteen Dollars for every barrel or less quantity of Shad; of five dollars for every barrel or less quantity of Alewives, so taken.

The taking of Salmon, Shad, and Alewives restricted.

Penalty for violation of the requirements of this Section.

SECT. 2. *Be it further enacted,* That the owner or owners of all wears and other machines, placed in said waters for the purpose of taking said fish, shall cause the same to be kept open from sun-rise on Friday of each week till sun-rise on Tuesday of each succeeding week, under a penalty of Fifty Dollars, for each offence.

Machines for taking fish to be kept open on certain days.

Penalty for violation of the requirements of this section.

SECT. 3. *Be it further enacted,* That no person shall build or place in said waters any box or trap wear, nor build or place therein a wear of any kind, higher than a half-tide wear, under a penalty of One Hundred Dollars.

SECT. 4. *Be it further enacted,* That it shall be the duty of each town and plantation, through which said river passes, at their annual meeting in March or April, to choose three or five suitable persons for a Fish Committee, who shall be sworn faithfully and impartially to discharge the duties, required of them by this Act. And any such town or plantation, neglecting to choose such a Committee, shall forfeit a sum not less than Fifty nor more than One Hundred Dollars.

Each town &c. shall choose a fish Committee.

Forfeiture for neglect.

SECT. 5. *Be it further enacted,* That there shall be a good and sufficient fish-way for the passage of salmon, shad and alewives made over or around every dam in or across said river or any of its branches where said fish have usually passed, by the owner or occupant of said dam. And said fish-ways shall be kept open at all times between the fifteenth day of May and the fifteenth day of July in each year, and at such other times as said Committee shall deem necessary for any of said fish to pass up or down said river. And any owner or occupant of such dam, who shall neglect or refuse to make or keep open such fish-ways as are above required shall forfeit and pay for every such offence the sum of Two Hundred Dollars. And if such owner or occupant shall neglect or refuse to make and keep open such fish-ways after ten days notice in writing by any of said Committee, the said Committee are hereby authorized to build and keep open such fish-ways, and to recover of said owner or occupant the necessary expenses thereof with interest at the rate of one per cent. per month, by an action of the case. *Provided* that no person shall be required to make such passage way for salmon in any dam in which there is none at this time, before the fifteenth day of May which will be in the year one thousand eight hundred and thirty four.

Fish-ways shall be made over or around every dam &c.

They shall be kept open between May and July of each year.

Forfeiture for neglect.

Committee authorized to build fish-ways in certain cases.

Proviso.

SECT. 6. *Be it further enacted,* That no person shall erect any eel wear in any part of said river or its branches, or in any of the lakes, from or through which said river or any of its branches may flow, so as to stop or impede the passage of the young fish in returning down said river, under a penalty of Ten Dollars.

Penalty for erecting eel wears so as to impede the passage of the young fish.

SECT. 7. *Be it further enacted,* That all nets, seines, craft, boats, barrels and salt, used in taking or securing fish in violation of this Act, and all fish so taken, shall be forfeited, and may be seized by said Committee or any one of them, when so used, and shall be proceeded against, as directed in the Act, prescribing the mode of recovering forfeitures of personal property, liable thereto by law.

Nets, seines &c. used in violation of this Act forfeited.

May be seized by said Committee &c.

SECT. 8. *Be it further enacted,* That no person shall take fish of either of the kinds aforesaid, within four rods of

Forfeiture for taking fish within certain dis-

tances of Dams and Fish-ways.

any dam or within three rods of the entrance of any fish-way, under penalty of a sum not less than Two nor more than Twenty Dollars.

Forfeiture for resisting fish Committee in the performance of their duty.

SECT. 9. *Be it further enacted*, That, if any person shall resist such Fish Committee, or either of them, in the execution of the duties, prescribed by this Act, he shall forfeit a sum not less than Thirty nor more than Fifty Dollars.

Towns may by vote prohibit all persons not inhabitants from taking said fish within their limits.

SECT. 10. *Be it further enacted*, That the inhabitants of every town and plantation, through which said river passes, are empowered, at any legal meeting, by their vote to prohibit all persons, other than inhabitants and residents of the same, from taking any of the fish aforesaid, 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 a sum not less than Two Dollars nor more than Ten Dollars, for each barrel or less quantity of fish by him so taken.

Forfeiture for taking fish contrary to such vote.

SECT. 11. *Be it further enacted*, That the inhabitants of every town and plantation, through which said river passes, are hereby authorized to dispose of the privilege of taking fish within the limits of such town or plantation, at the annual meeting of said town or plantation, held in March or April, in such way as they shall at said meeting determine. *Provided*, that no such town or plantation shall permit the taking of fish at any other times, than are permitted in the first section of this Act.

Towns &c. may dispose of the privilege of taking fish within their limits.

Proviso.

SECT. 12. *Be it further enacted*, That if such Fish Committee, or either of them, shall neglect or refuse to perform any of the duties, required of them or of him by the provisions of this Act, they or either of them, neglecting or refusing as aforesaid, shall forfeit and pay a sum not less than Thirty nor more than One Hundred Dollars.

Forfeiture to which Fish Committee are liable for neglecting to perform the duties required by this Act.

SECT. 13. *Be it further enacted*, That, if any person, having taken any alewives from said waters, or purchased any so taken, shall permit them to become tainted and offensive to the inhabitants, he shall forfeit and pay the sum of Twenty Dollars, for every such offence.

Forfeiture to which any person is liable for permitting fish to become tainted &c.

SECT. 14. *Be it further enacted*, That the penalties, imposed by this Act, may be recovered by action of debt;

How the penalties imposed by

one half to the use of the poor of the town or plantation, wherein the offences shall have been committed, and the other half to the use of the person who shall sue therefor.

this Act are to be recovered &c.  
How to be applied &c.

SECT. 15. *Be it further enacted*, That "An Act relating to Fish in East Machias waters," passed on the twenty first day of February one thousand eight hundred and twenty six, and An Act entitled "An Act, additional to An Act relating to Fish in East Machias waters," passed the fifteenth day of February one thousand eight hundred and twenty eight, be and the same hereby are repealed.

Former Acts repealed.

## CHAPTER 321.

AN ACT to incorporate the Scowhegan Free Bridge.

Approved February 14, 1833.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Isaac Farrar, John Kimball, Edmund Pearson, Joseph Patten, Samuel Philbrick, Stephen Weston, John W. Weston, Andrew Morse, Joseph B. Webb, David H. Raymond, Ebenezer H. Neal, Eusebius Weston, and Samuel Farrar, with their associates and successors, be, and they hereby are, incorporated into a Company by the name of the Proprietors of the Scowhegan Free Bridge, with power to prosecute and defend suits at law; use a common seal; make by-laws for the management of their affairs, not repugnant to the laws of the State; choose all necessary officers; and have and exercise all the rights and powers usually granted to Bridge Corporations, except the power of demanding and receiving tolls.

Names of persons incorporated.

Name of Corporation.

Powers &c.

SECT. 2. *Be it further enacted*, That said Corporation are authorized to purchase the toll bridge, across the Kennebec River at Scowhegan Falls, with all the rights, privileges, and immunities thereof, by paying to the proprietors thereof the value of said property, to be mutually agreed

Corporation authorized to purchase the toll bridge at Scowhegan Falls.