

# MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FOURTEENTH LEGISLATURE,

At its Session, held in January, 1834.

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1834.

## CHAPTER 462.

AN ACT to regulate the taking of Fish in Royals River in the town of North Yarmouth.

Approved February 25, 1834.

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 lawful for the inhabitants of the town of North Yarmouth at their annual meeting in the month of March or April annually to choose by ballot a Fish Committee of not more than seven nor less than three persons inhabitants of said town, who shall be sworn to the faithful discharge of their duty; and it shall be the duty of said committee, to cause all the locks, sluices or fish ways, which may be built around, through, or over any dams or other obstructions on Royal's River or the branches thereof in said town as hereinafter provided, to be kept open and free for the passage of Salmon, Shad and Alewives up and down said streams during such parts of the year as said town shall by vote order and direct; and said committee shall have power to remove all obstructions to the free and convenient passage of said fish up and down said river during the times prescribed by the town as aforesaid; and in the discharge of the duties required in and by this Act, may pass over and upon the lands of any person through or by which said river or its branches run within said town, without being considered trespassers; and any person hindering or molesting said committee or either of them in the discharge of his duty in said office, or who shall in any way obstruct said locks, sluices or passage ways, or cause any obstructions in said river or branches, during the time, they are to be kept open as aforesaid he or they so offending shall forfeit and pay a sum not more than twenty nor less than five Dollars for each offence.

Town of North Yarmouth authorized to appoint a Fish Committee annually.

Their powers and duties.

May pass over any lands in the discharge of their duties.

Penalty for hindering, &c. said committee and causing obstructions in said river.

SECT. 2. *Be it further enacted,* That if any person chosen as one of said committee, on due notice shall refuse to accept thereof and to qualify himself therefor within seven days, he shall forfeit and pay a fine of Five Dollars; and in

Penalty for refusing to serve on said committee.

case of such refusal the Selectmen of said town for the time being shall have power and hereby are directed to appoint some other person or persons in the room of him or them who shall refuse as aforesaid ; and the person so appointed shall be liable to the same penalty in case of refusal to accept. *Provided however,* That no person shall be obliged to serve on said committee more than one year in three.

Proviso.

Town of North Yarmouth empowered to construct sluices and fish way, and to designate what days they shall be kept open, and when fish may be taken.

SECT. 3. *Be it further enacted,* That said town of North Yarmouth shall have power at its own expense, and under the superintendance of said committee to make and maintain and keep in repair a good and sufficient lock, sluice or fish way, around, through or over any and every dam now existing across said river or its branches within the limits of said town, and said town shall have power at their annual meetings in March or April to direct by vote, around, through or over what and how many of the dams across said stream or branches within said town such passages for fish, shall be built, and during what part or parts of the year, the same shall be kept open and free for the passage of said fish ; and to designate on what days and times, and in what manner it shall and may be lawful to take said fish in said stream or branches within said town ; *Provided* that no such sluice or fish way shall be so made as to draw water more than eighteen inches below the top of such dam at the lowest part thereof.

Proviso.

Penalty in case owner of dam refuses to have sluices or fish ways made over his dam and for obstructing operations of committee, &c.

SECT. 4. *Be it further enacted,* That if the owner or owners or any occupant of any mill or dam on said river or any branch thereof in said town shall refuse to let the aforesaid committee erect and keep upon said locks, sluices or fish ways around, over or through the several dams aforesaid, or in any way obstruct their operations in removing lumber, logs, timber or other obstructions, or shall draw away the water, so that it shall not run through said sluice ways, and so as to prevent the fish from ascending or descending said river or branches, and shall not immediately remove such obstructions or hindrance, they shall each of them forfeit and pay for each time they shall so

offend a sum not more than Ten Dollars nor less than Five Dollars. *Provided*, That if any dam across said river shall be injured by reason of opening said fish ways in it, or if any owner or occupant of any mill or dam when actually employing the same, shall be required by said committee to shut down his gate in order to raise sufficient water, to enable the fish to pass through said fish ways, then the owner or owners or occupant thereof, shall receive a reasonable compensation therefor to be agreed upon between such owner or occupant and the fish committee, or in case of disagreement to be assessed by a committee to be appointed in the manner specified in the eight section of this Act. Proviso.

SECT. 5. *Be it further enacted*, That said town of North Yarmouth may at the annual meetings aforesaid sell the privilege of taking fish within said town, for such term of time as they shall think proper, to any person or persons, under such regulations and restrictions as they may direct; or may otherwise dispose of said privilege, if they shall see fit; and the profits arising from the sale or disposition of said privileges shall be appropriated to such purposes as said town shall order; and said town shall designate the place or places where said fish shall be taken; and no fish shall be taken at any other place or places within said town. And if any person or persons, other than those to whom said town shall have sold said privilege, or authorized to take said fish, or persons employed by them, shall take any of said fish within said town by nets, seines, weirs or in any other manner, above Parker's Point on said river, he or they shall forfeit and pay a sum not more than Twenty nor less than Five Dollars for each offence, and the fish so taken, and all nets and seines used in taking the same shall be forfeited. Town of North Yarmouth may sell the privilege of taking fish and designate the places where they may be taken.

SECT. 6. *Be it further enacted*, That no person shall take any of said fish in any part of said river above Parker's Point or in any of the branches thereof, until the first day of July in the year of our Lord one thousand eight hundred and thirty seven, without permission from the Penalty for persons not authorized, taking fish.

No fish to be taken in said river unless authorized by the town until July 1st, 1837.

## TAKING OF FISH IN ROYALS RIVER.

town of North Yarmouth, and if any person not so authorized shall take any of said fish before that time, or if any person after that time without authority from said town shall take any of said fish within the limits of said town, or if any person having authority from said town, to take said fish within its limits, or any purchaser or manager aforesaid shall take them at any time or place not authorized by said town, or in nets, seines, traps or boxes which shall not be first authorized by said town, he or they shall forfeit and pay a sum not more than Fifteen nor less than Three Dollars for each and every offence.

Penalty for so doing.

Parents, guardians, &c. answerable for offences of minors.

SECT. 7. *Be it further enacted*, That if 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, as if it was his or their personal offence.

Purchasers, managers, &c. may go into the premises of any person on paying compensation.

SECT. 8. *Be it further enacted*, That no purchaser or manager aforesaid 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; and if said parties shall not agree, any Justice of the Peace and Quorum for said county is authorized to appoint three disinterested and discreet freeholders a majority of whom may decide upon the sum proper to be paid; and their decision shall be conclusive and binding upon the parties.

Proceedings in case of disagreement.

Penalties, how recovered and appropriated.

SECT. 9. *Be it further enacted*, That all penalties incurred by any breach of this Act, shall be recovered by action of debt in any Court competent to try the same, in the name of any member of said committee of the town of North Yarmouth, whose duty it shall be to sue for all penalties incurred as aforesaid; one third part thereof to the use of the plaintiff who sues for the same, and the other two thirds to the use of said town of North Yarmouth to be paid into the treasury thereof.