

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FIFTEENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1835.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

into a Religious Society by the name of the Third Parish in Bath with the powers and privileges usually incident to such corporations.

Corporate name.

SECT. 2. *Be it further enacted*, That when said Parish shall have provided a House of Worship as aforesaid the proprietors of said House shall be the sole members of said Parish—and any person becoming a proprietor as aforesaid shall thereby become a member of said Parish, and any such member shall cease to be such when he shall cease to be a proprietor as aforesaid.

Proprietors of said house to be members of the Parish.

SECT. 3. *Be it further enacted*, That all sums raised by said Parish for the support of the Ministry, repairs of said House or incidental expenses, shall be assessed on the pews in said House, and if the taxes so assessed shall not be paid within six months from the assessment thereof, the Treasurer of said Parish shall proceed to sell the pews on which such taxes shall be so unpaid in the same manner as is provided in the sixth section of an Act concerning Parishes passed March thirteenth in the year of our Lord one thousand eight hundred and twenty one.

Sums raised for support of ministry, &c. to be assessed on the pews.

Pews may be sold if taxes are not paid.

Volume 2, chap. 135, page 592.

SECT. 4. *Be it further enacted*, That any three of said Corporators may call the first meeting of said Parish by notice thereof posted up at the Post Office in Bath, seven days before the time appointed for said meeting.

Mode of calling first meeting.

CHAPTER 603.

AN ACT regulating the Storage, safe keeping and transportation of Gunpowder in the City of Bangor.

Approved March 23, 1835.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That no person, except on military duty in the public service of the United States, or of this State, shall keep have or possess, in any building, or in any place, or in any carriage, or on any wharf, or on board of any ship or other vessel, within two hundred

No persons to have more than a certain quantity of powder in cities of Bangor, unless, &c.

yards of any wharf, in the City of Bangor, or in said City, Gunpowder in any quantity exceeding one pound, in any way or manner, other than by this Act, and by the rules and regulations hereinafter mentioned, may be permitted and allowed. And all Gunpowder had, kept or possessed, contrary to the provisions of this Act, and of such rules and regulations, shall be forfeited, and liable to be seized and proceeded against in the manner hereinafter provided.

Gunpowder in certain cases forfeited.

No person to sell powder without license.

License to be in force one year.

Proviso.

Sum to be paid for license.

SECT. 2. *Be it further enacted*, That it shall not be lawful for any person or persons, to sell any Gunpowder, which may at the time be within the City of Bangor in any quantity, without having first obtained, from the Engineers of said City, a license, signed by the chief Engineer, or by the Secretary of the board of Engineers, on which shall be written or printed, a copy of the rules and regulations by them established, relative to the keeping, selling and transporting Gunpowder, within said City, and every license shall be in force for one year from the date thereof, unless annulled by the board of Engineers, and no longer; but such license may, prior to the expiration of that term, be renewed by the Chief Engineer or the said Secretary, from year to year by endorsement thereon; *Provided always*, that the board of Engineers may rescind any such license, if in their opinion the person or persons, have disobeyed the law, or infringed the rules and regulations established by said Board of Engineers. And every person who shall receive a license to sell Gunpowder as aforesaid, shall pay for the same the sum of Five Dollars, and for the renewal thereof One Dollar—which sums shall be paid to the Board of Engineers, for their use, for the purpose of defraying the expenses of carrying this Act into execution.

Board of Engineers may establish rules, &c. for selling and transportation of gunpowder.

SECT. 3. *Be it further enacted*, That the Board of Engineers of the City of Bangor, may establish rules and regulations, from time to time, relative to the times, and places at which, Gunpowder may be brought to, or carried from, said City, by land or water; the times when and the manner in which, the same may be transported through

said City ; to direct and regulate the kind of carriages and boats, in which the same may be so brought to, carried from, or through said City, and to direct the manner in which Gunpowder may be kept by licensed dealers and other persons ; and to direct and require all such precautions as may appear to them needful and salutary to guard against danger in the keeping and transportation of Gunpowder.

SECT. 4. *Be it further enacted*, That any person or persons, who shall keep, have or possess any Gunpowder within the City of Bangor, contrary to the provisions of this Act, and to the rules and regulations made as aforesaid, or who shall sell any Gunpowder therein, without having a license therefor, or contrary to said license, or the rules and regulations made as aforesaid, shall forfeit and pay a fine of not less than One Hundred Dollars and not exceeding Five Hundred Dollars for each and every offence; and if any Gunpowder, kept contrary to the provisions of this Act, shall explode in any building or on board any ship or other vessel, or in any place in said City, the occupant, tenant or owner of which, has not then a license to keep and sell Gunpowder therein, or which Gunpowder shall have been kept in any manner contrary to such license, or to the rules and regulations established as aforesaid, such occupant, tenant or owner, shall forfeit and pay a fine of not less than Five Hundred Dollars, and not exceeding one Thousand Dollars; one moiety of the sums which may be so forfeited, shall accrue to the use of the Poor of said City, and the other moiety to the use of any person or persons, who shall prosecute for the same, which forfeitures may be recovered by action of the case in any Court proper to try the same.

Penalty for keeping and selling gunpowder in violation of the provisions of this Act and of the above rules and regulations.

Penalty in case of the explosion of gunpowder.

Penalty how to be appropriated.

How recovered.

SECT. 5. *Be it further enacted*, That all Gunpowder, which shall be kept, had or possessed, within the City of Bangor, or brought into, or transported through the same, contrary to the provisions of this Act, and to the rules and regulations made as aforesaid, may be seized and taken into custody by any one or more of the Engineers of said city,

Gunpowder in certain cases may be seized by Engineers, and libelled.

Proceedings in such case.

Costs of prosecution by whom to be paid.

Proceedings in case the persons in whose custody may be seized are unknown to Engineers, &c.

Penalty for rescuing gunpowder seized as aforesaid and molesting, &c. Engineers in discharge of their duty.

and the same shall, within twenty days next after the seizure thereof, be libelled, by filing in the office of the Recorder of the Municipal Court of said city, a libel, stating the time, place and cause of such seizure, a copy of which libel, or the substance thereof, together with a summons or notice, which said Recorder is hereby authorized to issue, shall be served on the person or persons in whose custody or possession such Gunpowder shall have been seized, if such person be an inhabitant of this State, by delivering a copy thereof to such person or persons, or leaving such a copy at his, her or their usual place of abode, fourteen days at least, before the sitting of the Court at which the same is to be heard, that such person or persons may appear, and shew cause why the Gunpowder so seized and taken should not be adjudged forfeit. And if the Gunpowder so seized, shall be adjudged forfeit, the person or persons, in whose custody or possession the same was seized, or the occupant or the tenant of the place, wherein the same was so seized, shall pay all costs of prosecution, and execution shall be issued therefor, *Provided*, That it appear to the Court that such person or persons had notice of such prosecution, by service as aforesaid. And in case the person or persons in whose custody or possession such Gunpowder may be seized, shall be unknown to the Engineer or Engineers making such seizure; or in case the Gunpowder at the time of seizure, may not be in the custody or possession of any person; or if it shall appear by the return of the officer, that such person cannot be found, or has no place of abode in this State, then said Court shall and may proceed to adjudication thereon; and such libel or summons, and also such writ of execution for costs, shall and may be served and executed in any County in this State, and by any officer competent to execute civil process in like cases.

SECT. 6. *Be it further enacted*, That any person or persons who shall rescue any Gunpowder seized as aforesaid or shall aid or assist therein, or who shall counsel and advise, or procure the same to be done, or who shall molest,

hinder or obstruct any Engineer in such seizure, or in conveying Gunpowder so seized to a place of safety, shall forfeit and pay a fine for each offence of not less than one Hundred Dollars, and not exceeding Five Hundred Dollars, to be sued for and recovered by action of the case, by any person or persons who shall sue for the same; and it is hereby made the duty of all persons to aid and assist such Engineer or Engineers in executing the duties hereby required.

SECT. 7. *Be it further enacted,* That the said Engineers or any of them may enter the store or place of any person or persons, licensed to sell Gunpowder, to examine and ascertain if the laws, rules and regulations relating thereto, are strictly observed; and on an alarm of fire may cause the Powder therein deposited to be removed, or destroyed, as the case may require. And it shall be lawful for any one or more of the Engineers of said City, to enter any dwelling house or other place in said city to search for Gunpowder, first having obtained from the Judge of the Municipal Court in said city, a search warrant therefor, which warrant the said Judge is authorized to issue, upon the complaint of such Engineer or Engineers, supported by his or their oath.

SECT. 8. *Be it further enacted,* That any person who shall suffer injury by the explosion of any Gunpowder, had, kept or transported within the City of Bangor, contrary to the provisions of this Act and the rules and regulations established as aforesaid, may have an action of the case in any Court proper to try the same, against the owner or owners of such Gunpowder, or against any person or persons, who may have had the possession of such Gunpowder, at the time of the explosion thereof, to recover reasonable damages for the injury thus sustained.

SECT. 9. *Be it further enacted,* That it shall be the duty of the Engineers of the City of Bangor, to cause all such rules and regulations as they may make and establish, by virtue of the authority given by this Act, to be published in two or more newspapers printed in the said City, and to

How recovered.

Engineers may enter the store of persons licensed to sell powder, &c.

May cause powder in certain cases to be removed or destroyed.

May enter dwelling houses to search for powder.

Persons injured by explosion of powder may recover damages therefor.

Engineers to cause their rules and regulations to be published.

cause such publication to be continued three weeks successively, for the information and government of all persons concerned.—*Provided however* that said rules and regulations shall not be applied to any person or persons excepting inhabitants of the City of Bangor, until personal notice shall have been given of the existence and nature of said rules and regulations.

Proviso.

Fines forfeitures and penalties,—how recovered.

In prosecutions this Act shall be deemed a public Act.

SECT. 10. *Be it further enacted*, That all fines, penalties and forfeitures, which may arise or accrue, under this Act, shall and may be prosecuted for and recovered, either in the manner hereinbefore specially provided, or by indictment, complaint or information in any Court proper to try the same. And this Act shall be deemed and taken to be a public Act, of which all Courts, Magistrates and Citizens are bound to take notice of as such; and in any libel, action, indictment, information or complaint, upon this Act, it shall not be necessary to set forth any more of the same, than so much thereof as relates thereto, and may be necessary, truly and substantially, to describe the offence alleged to have been committed.

Fines, forfeitures, &c.—how recovered.

Proviso.

SECT. 11. *Be it further enacted*, That all fines, penalties and forfeitures, which shall be recovered by force of this Act, and which are not otherwise appropriated, shall accrue and enure, one half to the poor of the City of Bangor, to be paid over to the Overseers of the Poor thereof, and one half to the Engineers of said City : *Provided however*, that whenever, on the trial of any prosecution under this Act, any one or more of said Engineers, shall be sworn and examined as a witness or witnesses therein, record thereof shall be made in Court, and in that case, the whole of such fine, penalty, and forfeiture shall accrue and enure to the poor of said City, and be paid over as aforesaid.

When this Act shall take effect. Repeal of former Acts.

Proviso.

SECT. 12. *Be it further enacted*, That this Act shall take effect and be in force from and after the passing thereof and that all Acts and parts of Acts, heretofore passed which are inconsistent with, or repugnant to, the provisions of this Act, be and the same are repealed, so far as relates to said City of Bangor : *Provided however*, that the same

shall continue in force, for the purpose of prosecuting all offences which may have been committed prior to the passing of this Act, in the same manner, to all intents and purposes, as if the same had not been repealed.

CHAPTER 604.

AN ADDITIONAL ACT to prevent the destruction of Fish in Denny's River and Pinmaquan.

Approved March 23, 1835.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That from and after the passing of this Act, it shall not be lawful for any person or persons to take kill or destroy any Salmon Shad or Alewives at or below the Salt-works Mill at the head of tide on Pinmaquan River, or at or near the dam at the Little Falls on said River, in the town of Pembroke—and if any person or persons shall take kill or destroy any Salmon Shad or Alewives contrary to the provisions of this Act he or they shall forfeit and pay one dollar for every Salmon, twenty five cents for every Shad, two cents for every Alewife so taken killed or destroyed, to be recovered by action of debt in any Court proper to try the same to the use of the person who shall prosecute and sue therefor.

Taking and destruction of Salmon, &c. in certain places prohibited.

Penalty for so doing.

CHAPTER 605.

AN ACT to incorporate the Trustees of the Smith Female Seminary.

Approved March 23, 1835.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Jacob McGaw, Samuel Veazie, S. S. Pomroy, James Crosby, Edward Kent, George W. Brown, George W. Pickering, James B. Fiske, Bradford Harlowe, John Fiske and Charles C. Taylor,

Names of persons incorporated.