

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SEVENTEENTH LEGISLATURE,

JANUARY SESSION, 1837.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 23, 1820.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1837.

Chapter 263.

AN ACT to prevent the destruction of Fish in Cathance River, in the County of Washington.

SECTION 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 Cathance River, in the County of Washington with any large net, seine, spears or scoopnets or in any wear, between sunrise on Friday of each week, and sunrise 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.

Penalty for taking Fish in Cathance River between sunrise of Friday of each week and sunrise of Tuesday of each week.

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 sunrise on Friday of each week till sunrise on Tuesday of each succeeding week, under a penalty of fifty dollars for each offence.

Penalty for not keeping open wears and other machines for taking Fish from Friday to Tuesday.

SECT. 3. *Be it further enacted,* That it shall be the duty of the town of Marion and all other towns and plantations 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 such town or plantation, neglecting to choose such a committee, shall forfeit a sum not less than fifty nor more than one hundred dollars.

Towns to choose Fish Committees at annual meeting—also shall be sworn.

SECT. 4. *Be it further enacted,* That there shall be a good and sufficient fishway for the passage of Salmon, Shad and Alewives, made over or around every dam in or across said river or its branches,

Penalty for neglecting to choose.

Fishways to be made through Dams.

—to be kept open between 15th day of May and 15th day of July.

Owners refusing to do it, Fish Committee may open Fishways at expense of owners of Dam.

where said fish or any of them have usually passed, by the owner or occupant of said dam. And said fishways 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 fishways after ten days notice in writing by any of said committee, the said committee are hereby authorized to build and keep open such fishways, and to recover of said owner or occupant the necessary expenses thereof with interests at the rate of one per cent. per month, by an action of the case.

All nets, seines, boats, &c. may be seized when used in violation of this law.

SECT. 5. *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.

Penalty for taking Fish nearer than four rods to any Dam.

SECT. 6. *Be it further enacted*, That no person shall take fish of either of the kinds aforesaid, within four rods of any dam or within three rods of the entrance of any fish way under penalty of a sum not less than two or more than twenty dollars.

Towns may prohibit any bnt inhabitants, &c. from taking fish.

SECT. 7. *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.

Penalty for violating such prohibition.

SECT. 8. *Be it further enacted*, That the penalties imposed by this Act may be recovered by action of debt, one half to the use of the poor of the town or plantation wherein the offence shall have been committed, and the other half to the use of the person who shall sue therefor.

Action of debt may be maintained for the penalty.

[*Approved by the Governor March 7, 1837.*]

Chapter 264.

AN ADDITIONAL ACT to establish a Court of Common Pleas.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That from and after the passing of this Act, there shall be two terms only of the Court of Common Pleas within and for the County of Oxford, to be holden at Paris on the second Tuesday of June, and the second Tuesday of November annually.

Two terms only of C. C. Pleas to be hereafter held in Oxford County.

SECT. 2. *Be it further enacted*, That all Acts and parts of Acts inconsistent with the provisions of this Act, be and hereby are repealed.

[*Approved by the Governor March 7, 1837.*]

Chapter 265.

AN ACT providing for the disposition and repayment of the public money, apportioned to the State of Maine, on deposit, by the Government of the United States.

WHEREAS under the combined operation of the existing Tariff laws, and the laws regulating the sale of the public lands, an unavoidable surplus of public money, not necessary nor susceptible of an economical expenditure, in the ordinary require-

Preamble respecting surplus revenue.