

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)

ACTS AND RESOLVES

PASSED BY THE

TWENTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1848.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,
and March 16, 1842.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1848.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1848.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

STATE OF MAINE.

SECRETARY'S OFFICE, AUGUSTA, December 1, 1848.

I hereby certify, that the acts and resolves contained in this pamphlet have been compared with the originals deposited in this office, and appear to be correctly printed, with the exceptions mentioned in the *errata* hereunto annexed.

EZRA B. FRENCH, *Secretary of State.*

E R R A T A .

PUBLIC LAWS.

- Chapter 64, sec. 2, twentieth line, for "person" read "persons".
67, in the title for "seventeenth" read "seventh".
81, sec. 2, sixth line, for "and" read "or".

PRIVATE AND SPECIAL LAWS.

- Chapter 124, sec. 9, fourth line, for "insure" read "enure".
131, sec. 9, thirteenth line, for "requested" read "required".
132, sec. 3, second line, for "five" read "four".

CHAP. 80.

Chapter 80.

An act to amend the one hundred and sixth chapter of the revised statutes.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

The one hundred and sixth chapter of the revised statutes is hereby amended by adding at the close thereof, a new section, as follows:—

When any person is confined in the state prison under sentence of death or imprisonment for life.

—effect on contracts to which such person shall be a party.

—title to estate.

—power and authority over any other person.

“SECT. 45. If any person, by due course of law, be under sentence of death, and be confined in the state prison awaiting the execution of such sentence; or if any person be under sentence of imprisonment for life in the state prison, either by commutation of a previous sentence, or otherwise, and be imprisoned in pursuance of such sentence, then all contracts, of whatever nature, to which such person shall be a party, shall be affected, changed or annulled, as effectually, and in the same manner, as they would be if such person were dead; and such person shall cease to have any title to, or interest in any estate, real or personal, and the same shall be treated, disposed of and descend, in all respects, as if the death of such person had taken place at the time of such imprisonment; and all power and authority of whatever nature, which such person might lawfully exercise over any other person, shall thenceforth cease, in the same manner, as if the person so imprisoned were dead.”

All acts and parts of acts inconsistent with this act are hereby repealed.

[Approved August 10, 1848.]

Chapter 81.

An act to secure the rights of fishermen.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Persons from without the state, not to take fish known as pogies, hardheads, or manhaden.

SECT. 1. From and after the first day of January, in the year of our Lord one thousand eight hundred and forty-nine, it shall not be lawful for any person or persons, not being a citizen or citizens of this state, or belonging to any vessel or fishing craft, not owned and fitted within this state, to cast their nets, seines or other machines for the purpose of taking fish known as pogies, hardheads or manhaden, for fish bait or other purposes, within the limits over which any city, town or plan-

tation claims and has legal jurisdiction, unless they shall first obtain from the mayor of the city, selectmen of the town or assessors of the plantation having said jurisdiction, permission in writing so to take said fish, and the said permit shall state the amount to be taken, or the time so to fish and the number of persons to be employed under the same, paying therefor such a sum for the use of the city, town or plantation, as shall be agreed upon between the parties.

—unless by permission of selectmen, &c.

SECT. 2. If any person, not a citizen of this state, shall take any of said fish, contrary to the provisions of the first section of this act, he shall forfeit not less than twenty nor more than one hundred dollars, for each offense; and if any vessel, boat or craft, not owned and fitted within this state shall be found within the limits of any city, town and plantation, having on board any fish taken contrary to the provisions of the first section of this act, any inhabitant of said city, town or plantation may seize and detain such vessel, boat or craft, twenty-four hours, in order that the same may be attached or arrested by due process of law and secure the fine and forfeiture before mentioned, with the cost, to which process such vessel, boat or craft is hereby declared liable, without further proof of the property in the parties liable to such fines. Said fine and cost may be recovered in any court having competent jurisdiction.

Forfeiture therefor

Vessels liable.

SECT. 3. No person who is not a citizen of this state, or employed as provided in the first section of this act shall take shell fish suitable for bait or other purposes within the limits over which any city, town or plantation in this state claims and has legal jurisdiction, unless he shall first obtain from the mayor of the city, selectmen of the town, or assessors of the plantation, permission in writing to take said shell fish, stating the quantity to be taken, paying therefor such a sum as shall be agreed upon by the parties, for the use of the city, town or plantation. And for any violation of the provisions of this section, the persons, vessels, boat or craft shall be subject to all the proceedings and penalties in the second section of this act.

Persons from without the state, not to take any shell fish.

—unless by permission of selectmen, &c.

Penalty.

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[Approved August 10, 1848.]