

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1849.

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.

1849.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1849.

CHAP. 142.

Proviso.

wherein the records or books of such corporation may be desired, and such corporation, stockholder, member, owner, or other person or persons, shall withhold the records or books, or cause the same to be withheld, or shall neglect or refuse to exhibit the same, as aforesaid, after due notice and demand for the production of the same, such corporation, stockholder, member, owner, or person, so withholding, neglecting or refusing, or causing the same to be withheld, as aforesaid, shall be liable to the party injured thereby to pay all costs, charges, expenses and damages resulting therefrom: *provided, however*, no stockholder, owner, or member aforesaid, shall be subject to the provisions of this act, unless such stockholder, owner, or member, or other person, has in his custody and possession such records or books, provided said books are beyond his or their control: *provided further*, that this act shall not affect nor operate upon any cause now pending.

[*Approved Aug. 15, 1849.*]

Chapter 142.

An act to encourage and protect the planting of oysters.

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

Right of citizens
to plant oysters
in navigable
waters.

Manner of en-
closing.

SECT. 1. Every inhabitant of this state, having obtained the consent of the owners or occupants of the adjacent shores, may lay down or plant oysters, below lowwater-mark, in any of the navigable waters of this state; and may mark and stake out the ground upon which said oysters shall have been laid down or planted, and enclose it with stakes set at suitable distances and of such length as to be at least two feet above highwater-mark; every such inhabitant who shall so lay down or plant and enclose oysters, shall hold, possess and enjoy the same, and shall have the exclusive right and privilege of taking up and disposing of such oysters.

Liability of tres-
passers.

SECT. 2. If any person shall enter on any such enclosure, without the consent of the owner or owners of such oysters and injure the same or commit any trespass thereon, he shall be liable to the party injured for the damage, to be recovered in an action of trespass; and if any person shall, in the day time, gather any oysters upon any such enclosure without the

permission of the owner, he shall forfeit for each offense a sum not exceeding fifteen dollars to him who shall sue for the same, or be confined in the county jail not exceeding thirty days. And if any person shall commit such offense in the night time, he shall forfeit a sum not exceeding twenty-five dollars to him who shall sue therefor, or be confined in the county jail not exceeding three months. Nothing herein contained shall be so construed as to authorize any person to appropriate to his own use, or to mark, stake off or enclose any natural oyster bed or in any wise to impair the common rights of citizens to any natural oyster bed, or to obstruct the free navigation of the waters aforesaid.

CHAP. 143.

Not to enclose any natural oyster bed, or obstruct the free navigation of the waters aforesaid.

[Approved August 15, 1849.]

Chapter 143.

An act to amend an act establishing teachers' institutes.

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

An act approved June twenty-one, one thousand eight hundred and forty-seven, entitled an act to establish teachers' institutes, shall be amended in the third section thereof by striking out the words "the amount paid out upon said drafts to be deducted annually from the income of the permanent school fund," and inserting instead thereof the words "and may be paid out of any money not otherwise appropriated," so that said section as amended shall be as follows :

SECT. 3. To meet the expenditure aforesaid, the governor is hereby authorized to draw his warrant upon the treasury for a sum not exceeding twenty-six hundred dollars annually, said sum to remain in the treasury subject to the drafts provided for in the second section of this act and may be paid out of any money not otherwise appropriated.

Expenses, how paid.

[Approved August 15, 1849.]