

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1852.

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Published by the Secretary of State, agreeably to resolves of June 28, 1820, February  
26, 1840, and March 16, 1842.  
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1852.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1852.

Chapter 238.

CHAP. 238.

An act to repeal an act entitled "an act to establish a municipal court in the town of Saco, in the county of York."

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

SECT. 1. An act entitled "an act to establish a municipal court, in the town of Saco, in the county of York," approved July twenty-sixth, eighteen hundred forty-nine, be and the same is hereby repealed.

Act repealed.

SECT. 2. All actions, suits, matters and things which may be pending in said municipal court, and all writs, executions, warrants, recognizances and processes, returnable to, and which would have had day therein, had not this act been passed, shall after this act shall take effect, be returnable to, and be fully acted upon, by any justice of the peace within and for said county of York. And said justice of the peace, shall have full power and authority to grant any execution, or other process, to carry into effect any judgment rendered by said municipal court, in the same manner, as said municipal court might have done had not this act been passed. This act to take effect from and after its approval by the governor.

Actions, &c., in municipal court made returnable before any justice of the peace.

Powers of justices in such case.

[Approved April 5, 1852.]

Chapter 239.

An act additional to an act to secure the rights of fishermen, approved August tenth, eighteen hundred forty-eight.

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

SECT. 1. From and after the first day of June, in the year of our Lord one thousand eight hundred and fifty-two, it shall not be lawful for any person or persons to cast, run or set, any seine, for the purpose of taking fish, known as menhaden fish, pogies or hard-heads, for fish bait or other purposes, in any waters of this state, over which any city, town or plantation 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

Menhaden, taken with seines, prohibited in certain cases.

CHAP. 240. use of the city, town or plantation, as shall be agreed upon between the parties.

Seine—what shall be considered.

SECT. 2. No net suitable for meshing said menhaden fish of one hundred and twenty-five meshes deep, shall be considered as a seine.

Penalty for violation of this act.

SECT. 3. If any person shall violate the provisions of the first section of this act, he shall forfeit and pay not less than fifty nor more than one hundred and fifty dollars for each offense, said fine and costs may be recovered in any court having competent jurisdiction.

Lien created upon all fishing apparatus for payment of penalty.

SECT. 4. All seines, boats and other apparatus employed in taking said fish contrary to the provisions of this act, are hereby declared to be liable for said fine and costs, and may be attached, arrested and sold, by due process of law, to secure the same without further proof of the property in the parties liable to such fines.

Penalty, half to towns, &c., and half to complainant.

SECT. 5. One half of all fines recovered under this act shall go to the use of the city, town or plantation, where the offense shall be committed, the other half to the complainant.

[Approved April 6, 1852.]

Chapter 240.

An act in addition to the one hundred and forty-seventh chapter of the revised statutes.

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

Actions for recovery of lands held in quiet possession for forty years not maintainable.

SECT. 1. No real or mixed action for the recovery of any lands in this state, shall be commenced or maintained against any person in possession of such lands where such person, or those under whom he claims, have been in actual possession for more than forty years, and claiming to hold the same in his or their own right, and which possession shall have been adverse, open, peaceable, notorious and exclusive.

Plff. not to recover cost.

SECT. 2. In any such action for the recovery of lands, as aforesaid, the plaintiff shall recover no costs, in case he succeeds in his action.

SECT. 3. This act shall take effect and be in force, in sixty days from and after its approval by the governor.

[Approved April 6, 1852.]