

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1853.

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

Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1853.

CHAP. 27.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 29, 1853.]

Chapter 27.

An act for the preservation of moose and deer.

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

Moose and deer, killing of, prohibited.

SECT. 1. No person shall hunt or kill on any land not his own in this state any moose between the fifteenth day of April and the first day of October next after in any year; nor any deer between the fifteenth day of January and the first day of September next after in any year, under a penalty of forty dollars for each moose so killed, and twenty dollars for every deer so killed. No person not a citizen of this state, or a resident inhabitant therein, shall at any time hunt or kill any moose or deer in this state, excepting on his own land, under a penalty of forty dollars for every moose, and of twenty dollars for every deer so killed. It shall be lawful for any person to shoot or otherwise kill any dog found hunting moose or deer, within the time in which hunting moose and deer is by this act prohibited, and also at any other time, if found so hunting moose or deer, unless with the persons allowed so to hunt by this act.

Penalty.

Wardens, appointment of.

SECT. 2. The governor shall with advice of council, appoint one county moose warden for each of the counties of Oxford, Franklin, Somerset, Penobscot, Piscataquis, Hancock, Washington, and Aroostook, who shall be duly commissioned, and shall hold his office for the term of four years unless sooner removed, each of whom may appoint, by any proper instrument in writing, one or more deputies under him, and he may require of his said deputies suitable bonds for the faithful performance of their duties, and the payment to him of his fees, and it shall be the duty of the said wardens and their deputies in their several counties, faithfully to enforce the provisions of this act. Each of the said deputies shall annually on or before the first day of December, render to his principal an account under oath of all the penalties of this act by him enforced, for the preceding year, and shall pay to his said principal one tenth part of the net proceeds of all such penalties. Each county moose warden shall annually on or before the twentieth day of December, render to the secretary of state an account on oath of all the

—term of office.

—bond.

Deputy warden's annual return.

Warden's annual return.

penalties enforced by himself and returned to him by his deputies, for the year ending on the first day of December. The penalty for neglecting so to do shall be for the warden fifty dollars, and the deputy warden twenty-five dollars; and it shall be the duty of the warden immediately to give notice to the county attorney of every such neglect of his deputy; and it shall be the duty of the secretary of state to notify such county attorney of every such neglect of the warden; and the county attorney shall prosecute for every such neglect of which he has notice, and the penalties so recovered shall be for the use of the county. In such prosecutions the certificate of the secretary of state shall be sufficient evidence of the fact of such neglect to make return to him.

—penalty for neglect.

SECT. 3. The selectmen of any town in this state may insert an article in the warrant for the annual town meeting of such town for the choice of a town moose warden, who in his town and anywhere within the distance of twelve miles from the exterior bounds of his said town shall have concurrent jurisdiction with the county moose warden and his deputies, and he shall have the same power and authority and the same rights as the county moose warden and his deputies; and he shall make a like return to the secretary of state, under a penalty of twenty-five dollars, to be proved and recovered and appropriated in the same way. Every said officer shall have the same authority to demand and require aid in the execution of his office as is by any act or law of this state given to sheriffs and their deputies, and constables, to demand and require aid in the execution of their office.

Town moose wardens, their election and jurisdiction.

SECT. 4. The county wardens and their deputies and town wardens may sue for and recover in any court proper to try the same, the penalties for so hunting and killing moose and deer, in an action on the case in their own names, or they may be recovered by complaint and indictment in the name of the state, in which such officers may be competent witnesses, and the sums so recovered shall be paid one half to the said warden or deputy warden, and the other to the county or town as the case may be. Any person may prosecute by complaint or indictment for any of the acts forbidden by this act, provided no warden or his deputy or town warden shall within fourteen days after the offense is committed commence a suit or prosecution for the same. The secretary of state shall in the month of January in each year communicate to the legislature all that has been done by the wardens, deputy wardens and town wardens in execution of this act, so far as is in his power from the returns received.

Penalties, for hunting and killing moose and deer, how recovered and applied.

Sec. of state to return to Legislature.

CHAP. 28.

Certain
Indians not
liable to
penalties of
this act.

SECT. 5. Nothing in this act is intended to prohibit any Indian of the Penobscot or of the Passamaquoddy tribes from hunting moose and deer on their own account and for their own use; and no such Indian shall be liable to any of the penalties of this act, unless he shall be hunting in company with or in the employment of persons forbidden so to hunt by this act.

Liability for
having in
possession the
hide or carcass
of moose.

SECT. 6. If any person shall have in his possession the carcass or hide of any moose between the fifteenth day of April and the first day of October succeeding in any year, or of any deer between the fifteenth day of January and the first day of September succeeding in any year, he shall be deemed to have hunted and killed the same contrary to the provisions of this act; and shall be liable to the aforesaid penalties, to be recovered in manner aforesaid by a county moose warden or his deputy, or a town moose warden; *provided, however*, that no such process shall be commenced for the recovery of such penalty against him, until he has had reasonable opportunity given him by such moose warden to produce to him reasonable proof to show that the said moose or deer was killed in some manner allowed by this act, and has neglected or refused to produce such proof; but he shall not be precluded from producing such proof upon trial.

Proviso.

Certain acts
repealed.

SECT. 7. Chapter forty-one of the revised statutes, chapter thirty-eight of the laws approved June fourteenth, eighteen hundred and forty-eight, and chapter two hundred and ninety-four of the laws approved April twenty-sixth, eighteen hundred and fifty-two, and all other acts and parts of acts inconsistent with this act are hereby repealed, saving all rights acquired and actions pending under the same.

SECT. 8. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 29, 1853.]

Chapter 28.

An act prescribing the time when notice shall be given upon petitions for special legislation.

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

Petitions for
special legisla-
tion, notice of,
how given.

SECT. 1. Petitions or propositions for any act of incorporation, or for the repeal, alterations, amendment or change of, or