

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

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Published by the Secretary of State, agreeably to Resolves of June 23, 1820,  
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1861.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1861.

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## CHAP. 49.

## Chapter 49.

An act to amend an act entitled "an act additional to an act to regulate the fisheries on the Kennebec river," approved April fourth, eighteen hundred and fifty-nine.

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

Weirs, &c., for taking fish, regulated.

SECT. 1. No weir or other structure for the taking of fish on the Kennebec river or its tributaries shall extend into more than ten feet of water at low water, unless a depth of ten feet falls within a distance of one hundred feet from low water mark at ordinary tides, in which case they may extend to a distance of one hundred feet from said low water mark; *provided only* that the restriction contained in this section shall not apply or extend to the fisheries below "Fiddlers' Reach" on said river. But in no case shall such wier or other structure occupy more than one-eighth part of the width of the river whereon they are built.

Gateway, how situated, &c.

SECT. 2. The gateway for the passage of fish shall be situated in the "pocket" of the weir so called, and opposite to the entrance thereto, and shall be four feet wide and extend six feet from the bottom of such structure.

Violation of act.

SECT. 3. Any person who shall build a wier or structure for the above named purpose in violation of the provisions of this act, shall forfeit one hundred dollars for every such offence, to be recovered by indictment to the use of the county wherein the offence is committed.

Penalty.—how recovered and appropriated.

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and all restrictions named in an act entitled "an act to regulate the fisheries on the Kennebec river," approved April fourth, eighteen hundred and fifty-nine, are hereby removed and shall have no effect below Fiddlers' Reach on said river.

Inconsistent acts repealed. Certain restrictions removed.

SECT. 5. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 16, 1861.]

## Chapter 50.

An act to prevent fraud at elections and to promote the purity of the ballot.

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

No names shall be entered on the list of voters in cities

SECT. 1. In all cities and towns in this state having one thousand or more registered voters, it shall be the duty of the aldermen and selectmen of such cities and towns to receive applications of

persons claiming a right to vote, on the three secular days next preceding the day of election, and no application shall be received after the hour of five of the clock afternoon on the secular day next preceding said day of election, and no name shall be added to the list of voters on the day of election by certificate or otherwise.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 3. This act shall take effect when approved.

[Approved March 16, 1861.]

CHAP. 51.

and towns, having one thousand or more registered voters, except on the three secular days preceding the election, &c.

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**Chapter 51.**

An act additional to chapter eighty-eight of the revised statutes relating to partition of real estate.

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

SECT. 1. Whenever it shall appear from the pleadings that one or more respondents claim to be seized of the whole of a specific parcel of the premises of which partition is prayed, such respondent or respondents shall be entitled, if he or they so elect, to a separate and independent trial at the discretion of the presiding justice, and the jury shall pass upon such claim without any other being submitted to them at the same time for their determination.

Right of separate trial in certain cases.

—jury to pass upon separate claim.

SECT. 2. This act shall take effect on its approval by the governor.

[Approved March 16, 1861.]

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**Chapter 52.**

An act establishing an additional term of the supreme judicial court in the county of Lincoln.

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

SECT. 1. Hereafter there shall be a term of the supreme judicial court held at Wiscasset, within the county of Lincoln, on the second Tuesday of January annually for the transaction of civil and criminal business.

S. J. C., additional term of, at Wiscasset, Lincoln co., second Tuesday of January.

SECT. 2. This act shall be in force when approved by the governor.

[Approved March 16, 1861.]