

and provisions as may be expressed in any deed or instrument of bequest or conveyance, made to them: *Provided*, Provided, the amount do not exceed the sum specified in a former act.

[This act passed *February 6, 1807.*]

CHAP. XXXIII.

An act, to prevent the destruction of the fish called Shad and Alewives, in their passage up' and down the river and other streams in the town of Orrington, in the county of Hancock, and for regulating the taking and disposing of said fish.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the said town of Orrington, at their annual meeting in March or April, be and are hereby authorized and empowered to choose a committee of five or more persons, to see that the laws respecting the passage-ways for said fish be observed; and each person so chosen, shall take an oath faithfully to discharge the duties required of him by law; and said committee shall oversee the taking of said fish, in said town, and shall distribute the fish taken by them or under their direction, as equally as circumstances will admit, to such of the inhabitants of said town, and others, as may apply for the same; and for the fish so supplied and delivered, the committee aforesaid shall demand and receive of the person or persons receiving said fish, payment therefor, at such rate or rates, as the inhabitants of said town, at their annual meeting in March or April, may direct; excepting of such poor persons as may be named in a list, to be annually made out by the Selectmen of said town, and who, in the opinion of the Selectmen, are unable to pay for the same; which list shall be given to the committee, and the persons borne on the same, shall be supplied with such quantities of said fish, gratis, as the committee may think expedient; and the committee aforesaid may have such allowance for their services, as the inhabitants of said town, at the time of appointing said committee shall determine; and shall annually, in the month of September next, following their appointment, exhibit to the Selectmen of said town, their accounts for settlement, and allowance, and pay the balance remaining in their hands, if any there be, to the treasurer of said town of Orrington, for the town's use.

Inhabitants authorized.

Committee to be sworn.

—Their duty.

Committee to be compensated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said committee, or the major part of them, be, and are hereby authorized and empowered to open any dam, or sluice of any mill or other water works erected, or that may be erected on said river, or across any of the streams in said town, at the expense of the owner or owners of such dam or sluice, *provided,* such owner or owners shall neglect to open the same, when thereto requested by said committee, or the major part of them, as aforesaid; and the said committee shall also have full powers to remove any other obstruction that may be made to the free passage of said fish, in the river and streams into the several ponds; and for their repassing from said ponds into the sea. And the said committee, or either of them, going, or passing on or across the land of any person for any of the aforementioned purposes, shall not be deemed or held to be trespassers; and any dam, or sluice, or passage-way that may be opened as aforesaid, shall continue open to such a depth and width, and for such length of time, as shall be necessary for the passing or repassing of the said fish as aforesaid; and if any person or persons shall obstruct the passage-way, allowed or ordered by said committee, or the major part of them, in any dam or sluice-way, or shall obstruct the passage of them in the river, or any of the streams of said town, such person or persons so offending, shall forfeit and pay a sum not exceeding *One Hundred Dollars,* nor less than *Twenty Dollars.*

Powers of the Committee.

Penalty in case of obstructions.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any person or persons, other than said committee, or such person or persons, as shall be by them employed, under lease or contract, as the case may be, shall take any of the said fish in the river, or any part of any of the streams in the said town, at any time, or by any ways or means whatsoever; each person, or persons, so offending, shall forfeit and pay a sum, not exceeding *Twenty-five Dollars,* nor less than *Ten Dollars* for every such offence.

Persons prohibited from taking fish.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the town of Orrington, at their meeting in March or April, annually, shall appoint particular places in said river, and in each stream in said town, where said fish may be taken; and the committee chosen as aforesaid, shall appoint four days in each week, from the first day of April annually, to the first day of July, when said fish shall be taken; and shall set up notifications in two public places in said town, of the time and places of taking said fish; and

Times appointed for taking fish.

said committee shall have power to let or farm out to the highest bidder any of said fishing places in said town, (excepting those owned and held as private property, in case there should be any such) to be under the direction of said committee, as aforesaid.

SECT. 5. *And be it further enacted, by the authority aforesaid,* That all penalties incurred by the breach of this act, may be sued for and recovered by the Treasurer of said town of Orrington, for the time being, in any court in the county of Hancock, proper to try the same; and all sums so recovered, shall be appropriated to the use of said town of Orrington. And in case any minor or minors shall offend against any part of this act, and thereby incur any of the penalties aforesaid, in all such cases the parent, master or guardian of such minor or minors, shall be answerable therefor; and in case of a prosecution of such minor or minors, for any such offence, the action shall be commenced against the parent, master, or guardian of such minor or minors, respectively; and judgment be rendered, against any parent, master, or guardian, in such case, in the same manner as for his or their personal offence; and no person, by reason of being an inhabitant of said town, or one of said committee, shall be thereby disqualified from being a witness in any prosecution for the breach of this act.

[This act passed February 6, 1807.]

CHAP. XXXIV.

An act in addition to an act, entitled "An act establishing the times and places of holding the Courts of Common Pleas and General Sessions of the Peace, in the County of York."

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this act, the term of the Court of Common Pleas, by the act to which this is in addition, established and appointed to be held at Biddeford, in said County, on the first Monday of January, annually, shall be held at Alfred, in said County, on the said first Monday of January, annually; any thing in the act to which this is in addition, to the contrary notwithstanding.

SECT. 2. *Be it further enacted,* That all actions, suits, appeals, plaints, bills, informations, recognizances, and things whatsoever,

Treasurer authorized to execute.

Place for holding Court Common Pleas.