

CHAP. CII.

An Act authorizing the town of Ellsworth to maintain a Free Bridge over Union River, in said town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the town of Ellsworth shall have full power and right to maintain the bridge now standing over Union River, in said town, on the great post road between the Penobscot and Schoodick rivers, and to re-erect and keep the same in repair forever; and if any person or persons shall wilfully, maliciously, and contrary to law take up, remove, or in any way injure any part of said bridge, or shall be aiding and assisting in any such trespass, he shall, for every such offence, forfeit and pay to the aforesaid town of Ellsworth, double such damages as the said town shall, to the Justice, or Court and Jury, before whom the trial shall be, make it appear that it has sustained by means of the same trespass: *Provided*, that the said bridge shall be at least thirty-six feet in width, and that no toll shall ever be demanded for passing the same.

[Approved by the Governor, February 12, 1818.]

CHAP. CIII.

An Act to prevent the destruction of certain useful Birds at unseasonable times of the year.

WHEREAS there are within the Commonwealth, many birds which are useful and profitable to the citizens, either as articles of food, or as instruments in the hands of Providence to destroy various noxious insects, grubs and caterpillars, which are prejudicial or destructive to vegetation, fruits and grain; and it is desirable to promote the increase and preservation of birds of the above description, and to prevent the wanton destruction of them at improper seasons:

Right to maintain a Bridge.

Penalty for trespasses.

Preamble.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That hereafter it shall not be lawful for any person to take, kill or destroy, any of the birds called partridges and quails, at any time from the first day of March, to the first day of September in every year; and no person shall take, kill or destroy, any of the birds called woodcocks, snipes, larks and robins, at any time from the first day of March to the fourth day of July in each year; and if any person shall take or kill, or shall sell, buy or have in his possession after being killed, or taken, any of the birds aforesaid, within the times limited as aforesaid respectively, he shall forfeit and pay for each and every partridge, quail, or woodcock, so taken, killed or in his possession, two dollars; and for each and every snipe, lark or robin, so killed, taken, or in his possession, one dollar: the forfeitures aforesaid to be recovered by any person who will sue for the same, within one year from the time of the offence committed, to his own use, in an action of debt, in any Court having jurisdiction of the amount demanded; or said forfeitures may be recovered by complaint to any Justice of the Peace in the name of the Commonwealth, to the use of the county where the prosecution may take place; and on failure to pay such forfeiture and costs on conviction, the offender may be committed to prison for a term not less than five, nor more than fifteen days.

To prevent the destruction of birds, &c.

Penalties.

SEC. 2. *Be it further enacted,* That if any person shall shoot at or kill any of the birds aforesaid, or any other birds, upon lands not owned or occupied by himself, without license from the owner or occupant of such lands, at any time from the first day of March to the fourth day of July in each year, such person shall forfeit and pay to the occupant or owner of such lands, where he may shoot at, or kill such birds, ten dollars, as a penalty in addition to all other actual damages, to be recovered by the party injured, by an action of trespass, in any court having jurisdiction of the amount demanded: *Provided however,* that nothing in this act shall be construed to prevent the killing of crows, black-birds, owls, blue jays, and hawks, at any season of the year: *And provided also,* that the inhabitants of any

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town in the Commonwealth may at their annual meeting in March or April in any year, by vote, suspend the operation of the prohibitions and restrictions contained in this act, in whole or in part, within such town, and for such term of time, not exceeding one year, as to them shall seem expedient.

[Approved by the Governor, February 12, 1818.]

CHAP. CIV.

An Act to establish the town of Perry, in the county of Washington.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Plantation numbered one, in the county of Washington, as contained within the following described boundaries, be, and the same is hereby incorporated and established as a town, by the name of Perry, viz. : easterly and southerly by the waters of Passamaquoddy Bay, northerly by Robbinston, late township numbered four, in the same division of townships, and westerly by the township numbered two, incorporated the present session, by the name of Dennysville. And the inhabitants of the said town of Perry are hereby vested with all the powers and privileges, and shall be also subject to the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Boundaries.

Powers and privileges.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Washington, upon application therefor, is hereby empowered to issue a warrant, directed to a freehold inhabitant of the said town of Perry, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such officers as towns are by law required and empowered to choose at their annual town meetings.

Meeting for choice of officers.

[Approved by the Governor, February 12, 1818.]