

# MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTYEIGHTH LEGISLATURE,

At its Session, held in January, 1836.

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Published agreeably to the Resolve of June 28, 1820.

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AUGUSTA:

SMITH AND ROBINSON,.....PRINTERS TO THE STATE.

1836.

## Chapter 180.

AN ACT to incorporate the South West Bend Mill Dam Company.

Approved March 30, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Allen H. Cobb, Alfred J. Stone, William H. Morse, Jonathan C. Merrill, Joshua Miller Junior, Joseph Merrill, John Dain Junior, Daniel Harmon, Ivory Warren, Simeon Bailey, William Gerrish, Orlando Merrill, Ezekiel Hoole, Enoch Littlefield, George Williams, Abner B. Thompson, Joseph Warren, and Ward Bonney, their associates, successors and assigns, be, and they hereby are created a Corporation by the name of the South West Bend Mill Dam Company, with power to construct and maintain, from and to their own land, situate on each side of the Androscoggin River, or by the permission in writing under the hand and seal of the owner of such land or his legal representative, a Dam across said River, at some point between Green's rips, and William Gerrish's Brook between the towns of Durham and Lisbon, and for this purpose, shall have power to hold and manage estate, real and personal, to an amount not exceeding at any one time two hundred thousand dollars; *Provided,* said Dam shall be so constructed, as not to impede the passage of logs, rafts and other lumber down said River.

Names of Corporation.

Corporate name.

Powers, &amp;c

Capital stock not to exceed \$200,000.

Proviso.

SECT. 2. *Be it further enacted,* That said Company may construct and maintain, such canal or canals around said dam upon their own land, or with the consent of the owners of said land, as may be deemed expedient, and erect and maintain and operate upon said dam or canals any mills or other works, (excepting side booms,) as they may think proper; *Provided,* said Canals shall be so constructed as to return the water to said River.

Powers, &amp;c.

SECT. 3. *Be it further enacted,* That should logs or other lumber, floating down said River, be floated, or driven by reason of the flowing of the water by said Dam, into Gerrish's or Williams' brook in Durham, or Dain's brook

in Lisbon, in a manner more injurious to the owners of said logs, than they would be were said Dam not constructed, said Company shall be holden to place across the mouth of any such brook, booms sufficient to prevent such additional injury. And if any person or persons shall sustain damage in their lands, in consequence of flowing the same for the purposes aforesaid, the amount of such damage shall be ascertained and determined in the same manner as is provided by law for damage by laying out highways.

Damage by flow-  
age, how deter-  
mined.

Time allowed to  
build said dam.

First meeting.

SECT. 4. *Be it further enacted*, That five years from the passing of this Act, be and hereby is allowed to said Company to construct said Dam. And any three of the above named Corporators may call the first meeting of said Company by posting up notice thereof, seven days prior thereto in the Towns of Durham and Brunswick.

**Chapter 181.**

AN ACT in addition to an Act for the preservation of Salmon, Shad and Alewives in the Penobscot River and Bay and their tributary waters.

Approved March 30, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That from and after the tenth day of May in each year all persons required by the provisions of an Act to which this is additional to open and construct good and sufficient passage ways for fish by, over, and through the several dams across the Penobscot River and its tributary streams and keep the same open and free for the passage of Salmon, Shad, and Alewives from the tenth day of May to the tenth day of July in each year, shall forfeit and pay for every day such person or persons shall neglect or refuse to open and maintain such good and sufficient passage ways (after being duly notified by any one or more of the County Fish Wardens, appointed agreeably to the provisions of the Act to which this is additional) the sum of not less than five nor more

Penalty for neg-  
lecting to keep  
open fishways.