

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

STATE OF MAINE.

1866.



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1866.

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# FORTY-FIFTH LEGISLATURE.

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HOUSE.

No. 42.

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## STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX.

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AN ACT additional to an act to incorporate the Penobscot Mill Dam Company.

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

SECTION 1. The Penobscot Mill Dam Company are  
2 authorized to hold real and personal estate of a value  
3 not exceeding five hundred thousand dollars, to im-  
4 pose and collect assessments not exceeding five hun-  
5 dred dollars on each of one thousand shares into which  
6 the capital stock is now divided, and to increase the  
7 number of shares, if they shall see fit, by issuing five  
8 new shares in lieu of one of the present shares.

SECT. 2. The said company, to carry out the objects  
2 set forth in their charter, may erect a dam at or near  
3 Treat's Falls in Penobscot river, not exceeding fifteen

4 feet in height above mean high tide, and if such erection shall damage by flowage the lands or mill property of any person, the damages sustained by such person, if not agreed upon between such person and said company, shall be estimated in the manner as is provided in chapter ninety-two of the revised statutes, except that in lieu of an estimation of the annual damages, there shall be an estimation of the sum which should be paid presently as a compensation in full for all damages and injuries resulting from the erection and permanent maintenance of the dam hereby authorized; and the remedy for the recovery of said damages shall be the same as prescribed in said chapter ninety-two, and the judgment for said damages shall be and constitute a first lien on all the property, real and personal, of the Penobscot Mill Dam Company; and the dam hereby authorized shall not be commenced until a bond, with sufficient sureties, is given for the payment of damages to any person who may apply for such security to any justice of the supreme judicial court, the amount and sufficiency of said bond to be determined by such justice; and for good cause subsequently appearing to any justice of said court, the amount of such bond may be increased, or additional sureties thereto may be required, and until the bond

29 as directed in this section is furnished, the building of  
30 the dam may be restrained by injunction. *Provided,*  
31 *however,* that said company shall not be liable to pay  
32 damages for the flowage of any mill property which  
33 they are now lawfully authorized to cause without  
34 paying damages under the act incorporating said com-  
35 pany, and the several acts additional thereto, which  
36 are hereby declared to be and remain in full force ;  
37 *and provided further,* that no dam shall be constructed  
38 by said corporation that shall obstruct, injure or im-  
39 pair any mill or factory privileges in the town of  
40 Orono.

SECT. 3. The said company shall at all times be  
2 required to maintain a good and sufficient sluiceway  
3 for the passage of rafts and timber, and also to main-  
4 tain a good and sufficient lock for the passage of boats  
5 and rafts, with sufficient attendance upon the same,  
6 free of tolls upon all rafts and timber, and only such  
7 tolls on vessels, boats and their cargoes, as is now  
8 provided by law ; and the said corporation by the erec-  
9 tion of their dam shall not impair, lessen or impede  
10 the navigation and free passage of vessels, boats, rafts,  
11 lumber and fish, over and through said dam, more  
12 than the same shall be improved and benefitted by the  
13 acts of said corporation.

SECT. 4. If the company shall neglect to maintain  
2 such sluice way or lock as is required in section three,  
3 any person suffering damage by reason of such neglect  
4 shall have the remedy of an action on the case against  
5 said company, in any court competent to try the same,  
6 and furthermore said company shall be liable to in-  
7 dictment, and to a fine not exceeding two thousand  
8 dollars for the use of the state; *provided, however,*  
9 that not more than one indictment shall be found for  
10 any such neglect in any one year.

SECT. 5. The grants of power given in this act  
2 shall cease and expire unless the dam herein authorized  
3 shall be built within three years from the approval of  
4 this act.

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STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
February 10, 1866. }

Read three times, and laid on the table, on motion of Mr.  
BROWN of Hampden, and ordered to be printed.

F. M. DREW, *Clerk.*