

# MAINE STATE LEGISLATURE

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# PRIVATE ACTS

OF THE

## STATE OF MAINE,

PASSED BY THE

### EIGHTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1828.

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Published agreeably to the Resolve of the 28th June, 1828.

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PORTLAND.

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1828.

## CHAPTER DXIX.

AN ACT to set off Joseph Leighton from Westbrook to Falmouth.

*BE it enacted by the Senate and House of Representatives, in Legislature assembled, That Joseph Leighton, with that part of his estate in the town of Westbrook, in the county of Cumberland, adjoining the town of Falmouth in said county, be, and is hereby set off from said town of Westbrook, and annexed to said town of Falmouth: Provided, That the said Leighton shall be held to pay all taxes assessed against him in said Westbrook prior to the passing of this Act.*

[Approved by the Governor, February 11, 1828.]

## CHAPTER DXX.

AN ACT to incorporate the Penobscot Mill Dam Company.

*SECT. 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That William Lowder, John Blake, William Forbes, Joseph Burr, Joseph Treat, George Leonard, with their associates and successors be, and hereby are incorporated into a body politic, by the name of the Penobscot Mill Dam Company, with power to sue and be sued; to have a common seal and to change the same; to make any by-laws for the management of their affairs, not repugnant to the laws of this State.*

*SECT. 2. Be it further enacted, That said corporation shall have power to erect and keep a dam or dams across the Penobscot River, from Bangor to Brewer or Eddington, with such canals, locks, sluices, wharves, piers and side booms, at such place or places, as they may deem most safe and convenient, between the foot of Rose's or Treat's falls in Bangor, and McMahon's falls in Eddington, for the purpose of flow-*

May erect Mills,  
Factories &c.

May hold estate.

Proviso.

Further proviso.

Manner in which  
damages shall be  
ascertained, in  
case of disagree-  
ment between the  
person injured  
and the Corpora-  
tion.

Penalty for injur-  
ing the dams,  
canals, &c.;

ing the water a sufficient height for the safe and convenient passage of rafts and boats from the foot of Eayer's falls in Orono to Bangor. And said corporation may erect mills and factories, and use the water flowed by said dam or dams ; and may hold and possess real and personal estate, not exceeding the value of two hundred thousand dollars, and the same or any part thereof may sell and convey in fee simple or any less estate : *Provided*, That by the erection and maintenance of any dam or other works by said corporation, the navigation and free passage of vessels, boats, rafts, lumber and fish in and upon said Penobscot river shall not be impaired, lessened or impeded more than the same shall be improved and benefited by the acts of said corporation. *And Provided also*, That said corporation shall first obtain by purchase a good and legal title to the land on which said dam or dams are to be erected.

SECT. 3. *Be it further enacted*, That in case it shall be necessary to carry said dams, canals, locks, sluices, wharves, piers or booms on to, over, or through, the lands of any person or persons, or if the lands of any person shall be injured by being overflowed in consequence of the building of any dam, canal, lock, pier, or wharf aforesaid, the damages sustained by such person or persons, whose land may be thus taken or overflowed, if not agreed upon by such person or persons and said corporation, shall be estimated and settled, in the manner prescribed by law, in the Act defining the general powers and duties of turnpike corporations.

SECT. 4. *Be it further enacted*, That if any person or persons shall wilfully or maliciously take up, remove, break down, or otherwise injure any part of said dams, canals, sluices, wharves, piers or locks, mills, factories or any appendages to the same, such person or persons, for every such offence, shall forfeit and pay to said corpo-

ration treble damages, to be sued for and recovered in any court competent to try the same. And such offender or offenders shall further be liable to indictment for such trespass or trespasses, and on conviction thereof shall be sentenced to pay a fine to the use of the State not exceeding one hundred dollars, nor less than fifty dollars.

how recovered.

Further liable,

SECT. 5. *Be it further enacted*, That this Act in all legal proceedings, shall be deemed a public act. And if said corporation shall not within five years from the passage of this Act build, erect and complete one of said Dams, with such locks, sluices and fish ways through the same as shall, by the Court of Sessions for the County of Penobscot, be adjudged sufficient, then this Act shall be void. And said corporation shall keep said locks and sufficient sluices open for the passage of rafts and lumber down said river free of toll. And for the passage of vessels and boats up and down said river free of toll till such time as the Legislature may establish toll.

This to be deemed a Public Act.

Act to be void, unless one of the dams be erected within a certain time.

Locks &c. to be kept open free of toll &c.

SECT. 6. *Be it further enacted*, That any three or more of the persons named in this Act may call the first meeting of those incorporated, by causing notice to be given of the time, place and purposes thereof, in any newspaper printed within the county of Penobscot, ten days previous to said meeting, and at said meeting may proceed to organize said corporation; designate and choose its officers; determine their qualifications, and define their powers and duties; may fix on the mode of calling future meetings, and the manner of voting at such meetings; may agree upon the number of shares into which the capital stock shall be divided, the evidence of ownership thereof, and the manner of transferring the same; may make assessments and do all other things that may be necessary for the management of the concerns of said corporation.

First meeting how called &c.

Officers to be chosen &c.

Number of shares to be agreed upon &c.

[Approved by the Governor, February 12, 1828.]