

# 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 Resolbe of June 28, 1820.

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AUGUSTA:

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

1836.

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.

than thirty dollars—The same to be recovered by prosecution by either of the County Fish Wardens appointed as aforesaid in the name of the County—to be recovered in any Court competent to try the same, to the use of the County where the offence shall occur.

SECT. 2. *Be it further enacted*, That any Selectmen of any Town or the Assessors of any Plantation, who shall wilfully neglect or refuse to appoint any Fish Warden or Wardens in any of the Towns and Plantations required by the seventh section of an Act to which this is additional, such Selectmen or Assessors so neglecting or refusing shall forfeit and pay the sum of twenty dollars to be recovered in any Court of competent jurisdiction one moiety to the use of the person who shall prosecute for the same, and the other moiety to the use of the Town or Plantation, where the offence shall occur.

Penalty for Selectmen or Assessors neglecting to appoint fish Wardens.

SECT. 3. *Be it further enacted*, That the word machine used in several sections of the Act to which this is additional, shall not be so construed as to forfeit any weir which shall be found taking fish contrary to the provisions of said Act.

Explanation.

SECT. 4. *Be it further enacted*, That the locks and sluices through the dams at the upper falls on the Eastern River in the town of Orland shall be deemed and taken for a sufficient fishway,—*Provided*, the owner or occupants shall keep open the lower great gates, and the upper small gates at all times from the tenth day of May to the tenth day of July in each year excepting when boats or rafts are passing the same any thing in this Act to the contrary notwithstanding.

Lock, &c. at upper falls in Orland to be deemed a sufficient fishway.

Proviso.

SECT. 5. *Be it further enacted*, That the owner or owners of any dam or other obstruction that is or may be built in, or across the Penobscot River or its tributary streams, without a good and sufficient passage for fish to pass and repass within the time before named shall be liable to a fine of not less than twenty nor more than fifty dollars for each day he or they shall neglect to open such passage or fish way after being notified as aforesaid, to be recovered as described in the second section of this Act,—*Provided*,

Penalty for the owner of any dam on the Penobscot, &c. for neglecting to keep open fish way.

Certain streams  
exempted.

that the streams running into the Penobscot River north of the City of Bangor and the town of Brewer and South of the Mattawamkeag River—excepting the Piscataquis River and its branches and the Passadumkeag and its tributaries be and the same are hereby exempted from the provisions of this Act and the Act to which this is additional.

Ninth section of  
former act repeal-  
ed.

SECT. 6. *Be it further enacted*, That the ninth section of an Act to which this is additional constituting the lock and sluice through the dam belonging to the Eastern River Lock and Sluice Company at the Great Works Mills, so called, in Orland a good and sufficient fish way be and the same is hereby repealed.

## Chapter 182.

AN ACT to incorporate the Frankfort Commercial Hotel Association.

Approved March 31, 1836.

Names of Corpo-  
rators.

Corporate name.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Benjamin Shaw, Nehemiah Rich, William Andrews, Tisdale Dean, Nathaniel Atwood, Isaiah Rich Junior, Calvin Rider, their associates, successors, and assigns, be and they hereby are made a body corporate by the name of the Frankfort Commercial Hotel Association, for the purpose of holding a lot of land purchased by them of the said Nehemiah Rich in the respective proportions as set forth in the deed thereof, and of maintaining thereon a house of public entertainment, with all necessary stables and out buildings, to be situate in the Town of Frankfort in the County of Waldo.

May hold estate  
to the amount of  
\$20,000.

SECT. 2. *Be it further enacted*, That the said Association may purchase and hold estate real and personal to an amount not exceeding twenty thousand dollars, and shall have all the powers necessary for the convenient management of the business of said Association, subject nevertheless to