

MAINE STATE LEGISLATURE

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PRIVATE
AND
SPECIAL ACTS
OF THE
STATE OF MAINE,
PASSED BY THE
NINETEENTH LEGISLATURE,

JANUARY SESSION, 1839.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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1839.

SEC. 2. *Be it further enacted*, That no assessment shall at any time be made on the shares for the purpose of an increase of the Capital Stock after said corporation shall have commenced business—but all additions to said Capital Stock, if any shall be made—shall be made by adding more shares thereto. No assessments to be made to increase Capital Stock.

SEC. 3. *Be it further enacted*; That the three first named corporators are hereby authorized to call the first meeting of said company. First meeting.

SEC. 4. *Be it further enacted*, That the private property of each individual Stockholder shall be liable and holden for the debts of the corporation.

Chapter 557.

AN ACT to regulate the taking of fish in Alewive Brook, in the town of Cape Elizabeth.

Approved March 23, 1839.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That from and after the passing of this act, it shall be lawful for the inhabitants of the town of Cape Elizabeth at their annual meeting in the month of March or April, to choose a Fish Committee, of not more than three persons, inhabitants of said town, who shall be sworn to the faithful discharge of their duty; and said Committee shall have power to open a sufficient sluice or fish-way, around, through, or over any dam now existing across said Brook; and it shall be the duty of said Committee to remove all incumbrances from said Brook and cause it to be kept open and free for the passage of Alewives and other fish up and down the said Brook, from the sea to Great Pond, (so called,) in said town, from the fifth day of May to the fifth day of July in each year; and in discharge of the duties required by this act, the said Committee may pass over and upon the lands of any person, through or by which said Brook

To choose a Fish Committee.

Powers and duty of Fish Committee.

runs, for the purpose of superintending the passage of said fish to, or from, the sea to said Great Pond, without being considered trespassers, and all expenses incurred by said Committee in opening said sluice or fish ways and clearing said Brook of obstructions, shall be paid by said town. And any person hindering or disturbing said Committee in the discharge of their duty in said office, or who shall, in any way, obstruct said sluices, or who shall divert or draw away the water so that it shall not run through said sluiceways, thus preventing the fish from ascending or descending said Brook, or passage ways during the times they are to be kept open as aforesaid, he or they so offending shall forfeit and pay a sum not exceeding twenty dollars nor less than five dollars for each offence.

SEC. 2. *Be it further enacted,* That the inhabitants of said town shall be free to take Alewives or other fish, from said Brook upon every day in the week, except Friday, Saturday and Sunday of each week, but no fish shall be taken in any other part of said Brook, except where it passes through the beach and cove and empties into the sea, and also from that part of said Brook which passes through the road at the foot of Peables' Mills, so called; and if any person or persons shall take any fish from said Brook upon any other day, or at any other place than are provided for by this section, he or they shall forfeit and pay for each offence a sum not exceeding twenty dollars nor less than five dollars.

SEC. 3. *Be it further enacted,* That if any dam across said Brook shall be injured by reason of opening said fish ways in it, or if any owner or occupant of any mill or dam, when actually occupying the same, shall be required by said Committee to shut down his gate in order to gain sufficient water, to enable fish to pass through said fish ways, then the owner or occupant thereof, shall receive a reasonable compensation therefor, to be agreed upon between such owner or occupant and said Committee, or in case of disagreement, to be assessed by a disinterested Committee to be appointed by any justice of the peace

All expenses of Committee to be paid by the town.

Penalty for obstructing Fishways, &c.

Days on which inhabitants may take Fish.

Penalty.

Owners of dams entitled to compensation for injuries in constructing Fishways.

for the County of Cumberland, and their decision shall be conclusive and binding upon the parties.

SEC. 4. *Be it further enacted*, That all penalties incurred by any breach of this act, shall be recovered by action of debt in any court competent to try the same, in the name of any member of said Committee; one third part thereof to the use of the plaintiff who shall sue for the same, and the other two thirds to the use of said town of Cape Elizabeth.

Penalties—how recovered and applied.

Chapter 558.

AN ACT to incorporate the proprietors of the Great Works Bridge.

Approved March 23, 1839.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That Nathaniel Treat, Rufus Dwinel, Matthias P. Sawyer, Josiah S. Little, Elijah Webster and Charles Currier, with their associates and successors are constituted a body politic by the name of the Great Works Bridge Company, with power to erect a bridge over the Penobscot River, at any place between the piers at the head of the Great Works Falls so called and a place not more than forty rods below the foot of said Falls, from the town of Orono to the town of Bradley in the County of Penobscot. And said corporation shall have power to take and hold such personal and real estate as may be necessary to carry said object into effect, and shall have all powers usually granted or incident to similar corporations.

Corporators.

Corporate name.

May hold estate to any amount necessary.

SEC. 2. *Be it further enacted*, That said bridge shall be built of suitable materials and be kept in good repair and shall be at least twenty-four feet wide with suitable railings on each side for the safety of passengers; and said bridge shall be made of sufficient height and with sufficient spaces between the piers or posts thereof, to

Width and construction.