

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.

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Augusta:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

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1846.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1846.

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**CHAP. 379.**

line of communication.

May use the gravel, stone and earth upon the land so taken.  
Damage for real estate, how determined.

Damage for flowage, determined as provided in chap. 126 of the R. S.

Claims for damages to be made within two years.

May hold and control any machinery, cars, boats, lands, or other estate.

May regulate the kind and number of vehicles, to be used on their works.

Power to establish and regulate toll, for the transportation of persons or merchandise over said works.

much land along the bank and shores of said rivers, or in the beds thereof or in other places where said line of canal or rail road communication may be established, as may be necessary for the location, construction and repair of the said improvements, and to take and use the gravel, stone and earth upon the land so taken; the damage for the real estate so taken, when not agreed upon by the parties, shall be ascertained and determined by the county commissions of the county in which said real estate may be situated, under the same limitations and restrictions as are by law provided in case of damage by laying out highways; and the damage for flowage created by any dam erected for the above specified purposes, shall be ascertained and determined in the same manner as is provided in the one hundred and twenty-sixth chapter of the revised statutes for flowage created by mill dams; *provided*, that no claims for damages shall be sustained unless made and prosecuted within two years from the time of the alleged injury.

**SECT. 3.** The said company may procure, purchase and hold in fee simple, improve and use for all purposes of business to be transacted in or about said canals, rail roads or other works, any machinery, cars, boats or other vehicles, lands or other estate, and the same may manage, sell or otherwise dispose of, as they may see fit. The said company may also regulate and determine the kind and number of boats, carriages or vehicles, which may be used on their canals, roads or other works; *provided*, that the regulations made shall not be repugnant to the laws of the state.

**SECT. 4.** The said company shall have power from time to time to establish, alter, demand, collect and receive reasonable rates of toll, for the right or permission of persons, goods, wares, merchandise or any articles to pass or be transported on said canals, roads, locks, sluices or any parts or branches thereof, on all articles transported on said canals, roads or other works, for the payment of all tolls and expenses of transportation.

[Approved August 6, 1846.]

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## Chapter 379.

An Act to prevent the destruction of Fish in the Eastern Penobscot River, in the town of Orland.

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

Persons not allowed to take alewives, within said limits, be-

**SECTION 1.** From and after the passage of this act, no person shall be allowed to take any alewives in the eastern Penobscot

CHAP. 379.

river, within the town of Orland, in the county of Hancock, with any large net, seine, spears, scoop nets or in any weir, between sunset on Friday of each week, and sunrise on Monday of each week, under a penalty of twenty cents for each and every alewife so taken.

tween sunset on Friday and sunrise on Monday of each week. Penalty.

SECT. 2. No person shall be allowed to take any alewives in said river within said town, at any time, in any of the locks on said river, or within twenty feet from the mouth of the gate of any lock on said river, or at the upper dam on said river, under a penalty of fifty cents for each and every alewife so taken.

Penalty for taking any alewives at any time, in any lock, &c. within said limits.

SECT. 3. No person shall be allowed to build or place in or across said river, any box or trap weir, or nets, so as to prevent said fish from passing up or down said river, under a penalty of fifty dollars.

No box or trap, weir or nets to be placed across said river, so as to prevent said fish from passing. Penalty.

SECT. 4. All nets, seines, craft, boats, barrels and salt, used in taking or securing fish in violation of the provisions of this act, and all fish so taken, shall be forfeited; and when so used may be seized by the fish committee, hereinafter provided for, and proceeded against as in cases of forfeiture of personal property.

Boats and articles used in taking and securing fish, and all fish so taken, shall be forfeited.

SECT. 5. The Eastern River and Sluice Company shall be required from the first day of May to the twentieth day of June, in each year, to keep open at their own expense, the two large gates and the small gates at the upper end of said lock, so as to afford sufficient water for the fish to pass in, at all times when the tide waters are in said lock at the lower falls; the small gates at the locks at the upper falls, and the small gates at the lock at the upper dam, from sunset on Saturday of each week, until sunrise on Friday of each week, except when boats, rafts, spars, timber or other lumber, may be passing through said gates; and to cause some suitable person to attend the gates at the locks, in order to lock in the fish, and enable those which have passed through the locks, to go up into the Great Pond, so called, to deposit their spawns; and in case of a neglect or refusal to keep open and attend said gates as aforesaid, said company shall forfeit and pay the sum of ten dollars for each and every day they shall so neglect or refuse to keep open and attend said gates.

Eastern river and Sluice company required to keep open the gates at their locks at certain times.

—to cause some suitable person to attend said gates.

Penalty for neglect.

SECT. 6. All half-tide weirs on said river, now built, or which shall hereafter be built, shall be constructed with a suitable gate, which gate, the owners or occupants of said weir shall keep open, from sunset on Saturday of each week, until sunrise on Monday of each week, under a penalty of twenty dollars, to be forfeited by said owners or occupants, for each and every day they shall refuse or neglect so to keep open said gate.

Gate to be made in all half tide weirs.

—to be kept open from sunset on Saturday to sunrise on Monday of each week.

Penalty for neglect.

**CHAP. 380.**Fish committee,  
how chosen.

Compensation.

Penalty for neg-  
lect or refusal to  
choose such com-  
mittee.

How recovered.

Their duty.

Penalty for will-  
ful neglect.Inconsistent acts  
repealed.Cha. 61, R. S. not  
construed so as  
to effect the oper-  
ations of this act

SECT. 7. It shall be the duty of said town of Orland at their annual meeting in March or April, to choose a fish committee, to consist of one or more persons, who shall be sworn to the faithful discharge of the duties required of them by this act; and each of said committee shall be entitled to receive one dollar per day for his services to be paid by said town; and if said town shall neglect or refuse to choose said committee, they shall forfeit and pay the sum of fifty dollars for every such neglect or refusal, to be recovered by any person who shall sue therefor in an action of debt for his own use and benefit, in any court competent to try the same.

SECT. 8. It shall be the duty of said fish committee to see that the requirements of this act are complied with and to prosecute in their own names, for the use and benefit of said town, all persons who shall be guilty of violating the same, in an action of debt in any court of competent jurisdiction; and said fish committee shall for any willful neglect of duty, forfeit and pay the sum of fifty dollars, to be recovered by any person who shall sue therefor, in an action of debt, for his own use and benefit.

SECT. 9. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed; and the provisions of chapter sixty-one of the revised statutes shall not be so construed, as to effect in any way the operation of this act.

[Approved August 6, 1846.]

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### Chapter 380.

An Act to apportion and assess a state tax of one hundred thousand, four hundred fifty-one dollars and eighteen cents, for the year one thousand eight hundred and forty-seven.

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

SECTION 1. Each city, town, plantation or other place, hereinafter named, within this state, shall be assessed and pay the several sums with which they respectively stand charged, as follows:

#### COUNTY OF YORK.

Acton,	Two hundred sixty-two dollars and forty-two cents,	262 42
Alfred,	Two hundred seventy-seven dollars and eighty three cents,	277 83
Berwick,	Two hundred fifty-five dollars and twenty-six cents,	255 26
Biddeford,	Five hundred fifty-nine dollars and ten cents,	559 10
Buxton,	Four hundred thirty-seven dollars and two cents,	437 02

State tax,  
\$100,451 18.