

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

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

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1855.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1855.

caution to prevent the same from spreading and doing damage; and if they fail so to do, they shall be subject to all the liabilities and penalties of this act, in the same manner as if the privilege granted by this section had not been allowed.

CHAP. 133.

Liable for damage.

SECT. 7. The common law right to an action for damages done by fires, is not taken away or diminished by this act, but it may be pursued, notwithstanding the fines or penalties set forth in the first, second and third sections of this act; but any person availing himself of the provisions of the fourth section, shall be barred of his action at common law for the damage so sued for. And no action shall be brought at common law for kindling fires in the manner described in the sixth section; but if any such fire shall spread and do damage, the person who kindled the same, and any person present and concerned in driving such lumber, by whose act or neglect such fire is suffered to spread and do damage, shall be liable in an action on the case, for the amount of the damage thereby sustained.

Common law right of action for damages, by fire, not affected by this act.

Exceptions, liabilities, &c.

SECT. 8. This act shall take effect and be in force from and after its approval by the governor.

[Approved February 28, 1855.]

Chapter 133.

An act additional to chapter one hundred and twenty-six of the revised statutes.

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

SECT. 1. For the purpose of propelling mills or machinery, any person may cut a canal not exceeding one mile in length, through his own land, or erect any walls or embankments on the same, thereby diverting the water of any stream, that is not navigable from its natural channel, or changing its natural current, subject to the same terms, conditions, regulations and restrictions as are provided in chapter one hundred and twenty-six of the revised statutes, in cases of water mills and flowage; and all persons injured by any such diversions or erections, shall have the same remedies provided in said chapter.

Right to cut canals, &c.

Regulations, restrictions, &c.

SECT. 2. No such canal shall be made to the injury of any mill or canal, lawfully existing above or below on either side, or opposite on the same stream, nor to the injury of any mill site on which a mill or mill dam shall have been lawfully made and used, unless the right to maintain a mill on such site shall have been lost or defeated by abandonment or otherwise.

Canals not to be made to the injury of mills, &c.

CHAP. 134.

Quantity of water diverted from its natural channel, how restricted.

Improvements on streams, &c., forming the boundary of this state, regulation of.

SECT. 3. The quantity of water that may be diverted from its natural channel by such canal, as is provided for in section one of this act, shall be liable to be restricted and regulated by the verdict of a jury, or the report of commissioners, as provided in the act to which this is additional.

SECT. 4. All the provisions of chapter one hundred and twenty-six of the revised statutes, be and the same are hereby extended and made applicable to any water mill and a dam to raise water for working it, which have been or may hereafter be erected and maintained upon or across any stream or river forming the boundary line of this state and any other state or province, notwithstanding that a portion of the dam aforesaid, extending across said stream or river, is or may be in such other state or province, and the rights and remedies of all parties concerned shall be ascertained and determined under the provisions of said chapter, in the same manner as if the whole of said stream or river was in this state.

SECT. 5. This act shall take effect from and after its approval by the governor.

[Approved March 3, 1855.]

Chapter 134.

An act to prevent exorbitant taxation of blood animals.

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

Blood animals, taxation of, regulated.

SECT. 1. Any person who shall import into this state any blood animals, and keep the same for the improvement of stock in his vicinity, shall not be liable to any higher tax on said animals, than he would be on a good quality of stock kept for other purposes.

SECT. 2. This act shall take effect and be enforced from and after it is signed by the governor.

[Approved March 3, 1855.]