

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1861.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1861.

CHAP. 82. SECT. 5. All acts and parts of acts inconsistent herewith, are repealed.

[Approved March 15, 1861.]

Chapter 82.

An act to promote and protect the navigation of the Penobscot river for rafts of manufactured lumber.

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

Taking and carrying away any boards, joist, &c.

SECT. 1. Whoever shall without the consent of the owner, take or carry away from the Penobscot river between Oldtown falls and Bangor, any boards, joist, clapboards, shingles, pickets, laths or other manufactured lumber with intent to convert the same to his own use, is guilty of a misdemeanor, and shall be punished by fine not exceeding ten dollars or by imprisonment in the county jail not exceeding three months, provided that nothing herein shall be so construed as to apply to the taking or carrying away any drift wood or waste lumber.

—guilty of misdemeanor.

Penalty.

Authorized to build dam, &c.

SECT. 2. Any person or persons are hereby authorized to build and maintain a dam or dams in or across said river in Orono and Bangor, for the purpose of improving the navigation thereof for rafts of manufactured lumber, but no such dam shall be erected to the injury of any mill or mill privilege without the consent of the owner thereof, *provided* that only mill owners or mill operators, or persons engaged in the rafting and running of such lumber shall be authorized to build or maintain such dam.

Proviso.

If parties cannot agree upon compensation for land, &c.

SECT. 3. If the parties concerned cannot agree upon the compensation to be made to the owner of the land on which such dam may be built or which may be flowed thereby, then the county commissioners of Penobscot county, at the expense of the builders, shall on application of either party determine the amount to be paid therefor in the same manner and under the same conditions and limitations as are by law provided in cases of damage by the laying out of public highways.

—county commissioners may determine upon application.

Wilfully tearing down dam, &c.

SECT. 4. Any person who shall wilfully or intentionally tear down, destroy or injure any such dam built under the provisions of this act or shall cause the same to be done, shall forfeit and pay a sum equal to twice the amount of injury adjudged to be done to be recovered on complaint or indictment, according to the aggravation of the offence, in any court competent to try the same and to be appropriated, one half to repairing the injury so done, and the other half to the use of the county.

Penalty.

—how recovered.

—how appropriated.

[Approved March 15, 1861.]