

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115

PASSED BY THE

FORTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1866.

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

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1866.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1866.

CHAP. 111.**Chapter 111.**

An act additional to an act to incorporate the Penobscot Mill Dam Company.

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

Capital.

Assessments.

Shares.

Dam and location of same.

Damage for flowage, how recoverable.

Bond and increase of same.

Proviso.

Sluiceway, locks, &c.

SECT. 1. The Penobscot Mill Dam Company are authorized to hold real and personal estate of a value not exceeding five hundred thousand dollars, to impose and collect assessments not exceeding five hundred dollars on each of one thousand shares into which the capital stock is now divided, and to increase the number of shares, if they shall see fit, by issuing five new shares in lieu of one of the present shares.

SECT. 2. The said company, to carry out the objects set forth in their charter, may erect a dam at or near Treat's Falls in Penobscot river, not exceeding fifteen feet in height above mean high tide, and if such erection shall damage, by flowage, the lands or mill property of any person, the damages sustained by such person, if not agreed upon between such person and said company, shall be estimated in the manner as is provided in chapter ninety-two of the revised statutes, except that in lieu of an estimation of the annual damages, there shall be an estimation of the sum which should be paid presently as a compensation in full for all damages and injuries resulting from the erection and permanent maintenance of the dam hereby authorized; and the remedy for the recovery of said damages shall be the same as prescribed in said chapter ninety-two, and the judgment for said damages shall be and constitute a first lien on all the property, real and personal, of the Penobscot Mill Dam Company; and the dam hereby authorized shall not be commenced until a bond, with sufficient sureties, is given for the payment of damages to any person who may apply for such security to any justice of the supreme judicial court, the amount and sufficiency of said bond to be determined by such justice; and for good cause, subsequently appearing to any justice of said court, the amount of such bond may be increased, or additional sureties thereto may be required, and until the bond as directed in this section is furnished, the building of the dam may be restrained by injunction; *provided however*, that said company shall not be liable to pay damages for the flowage of any mill property which they are now lawfully authorized to cause without paying damages under the act incorporating said company, and the several acts additional thereto, which are hereby declared to be and remain in full force; *and provided further*, that no dam shall be constructed by said corporation that shall obstruct, injure or impair any mill or factory privileges in the town of Orono.

SECT. 3. The said company shall at all times be required to maintain a good and sufficient sluiceway for the passage of rafts

and timber, and also to maintain a good and sufficient lock for the passage of boats and rafts, with sufficient attendance upon the same, free of tolls upon all rafts and timber, and only such tolls on vessels, boats and their cargoes, as is now provided by law; and the said corporation by the erection of their dam shall not impair, lessen or impede the navigation and free passage of vessels, boats, rafts, lumber and fish, over and through said dam, more than the same shall be improved and benefitted by the acts of said corporation.

CHAP. 112.

Tolls.

Navigation.

SECT. 4. If the company shall neglect to maintain such sluiceway or lock as is required in section three, any person suffering damage by reason of such neglect, shall have the remedy of an action on the case against said company, in any court competent to try the same, and furthermore said company shall be liable to indictment, and to a fine not exceeding two thousand dollars for the use of the state; *provided however*, that not more than one indictment shall be found for any such neglect in any one year.

Penalty for neglect, &c.

Proviso.

SECT. 5. The grants of power given in this act shall cease and expire, unless the dam herein authorized shall be built within three years from the approval of this act.

Time allowed for building dam.

Approved February 19, 1866.

Chapter 112.

An act to set off the homestead farm of David Spratt from the town of Etna and annex the same to the town of Carmel.

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

SECT. 1. The homestead farm of David Spratt in the town of Etna in the county of Penobscot, bounded north by land of Joseph Rundlett; west, by land of Ansel Hutchinson; south, by land of Nathaniel G. Marshall; and east, by the town line between said Etna and the town of Carmel, containing about seventy acres, be and the same is hereby set off from said Etna and annexed to the town of Carmel.

Boundaries.

Area.

SECT. 2. The said David Spratt and his estate set off as aforesaid, shall be holden to pay all arrears of taxes which have been legally assessed against him, together with his proportion of all corporate debts due and owing from said town of Etna at the time this act takes effect; said proportion to be ascertained by the last valuation of said town of Etna and to be collected by the same officers, and in the same manner, as if this act had not been passed; and the estate, so set off, shall not be liable to be taxed in the town

Taxes.

How ascertained and collected.

Exemption.