

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



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

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# FORTIETH LEGISLATURE.

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HOUSE.

No. 62.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
SIXTY-ONE.

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AN ACT to promote and protect the navigation of Penob-  
scot river for rafts of manufactured lumber.

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

SECTION 1. Whoever shall without the consent of  
2 the owner take or carry away from the Penobscot river  
3 between Oldtown falls and Bangor any board, joist,  
4 clapboards, shingles, pickets, laths, or other manufac-  
5 tured lumber, with intent to convert the same to his  
6 own use, is guilty of a misdemeanor, and shall be  
7 punished by fine not exceeding ten dollars, or by im-  
8 prisonment in the county jail not exceeding three

9 months, *provided* that nothing herein shall be so construed as to apply to the taking or carrying away any drift wood or waste lumber.

SECT. 2. Any person or persons are hereby authorized to build and maintain a dam or dams in or across said river, 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 such lumber shall be authorized to build or maintain such dam.

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.

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

5 to twice the amount of injury adjudged to be done, to  
6 be recovered on complaint or indictment, according to  
7 the aggravation of the offence, in any court competent  
8 to try the same, and to be appropriated one-half to  
9 repairing the injury so done, and the other half to the  
10 use of the county.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 7, 1861. }

Laid on the table by Mr. SMITH of Oldtown, and on motion of  
Mr. CASE of Kenduskeag, 350 copies ordered to be printed for the  
use of the Legislature.

CHARLES A. MILLER, *Clerk.*