

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-THIRD LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A. D. 1843.

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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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1843.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1843.

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ditional to an act to repeal the charters of the Globe, Citizens', and Frankfort banks," until all said actions are fully and finally terminated as aforesaid.

CHAP. 103.

[Approved March 21, 1843.]

**Chapter 103.**

AN ACT to authorize the removing of obstructions in Pleasant river.

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

SECT. 1. That Ichabod Bucknam, J. W. A. Brewster, John Bucknam, William Bucknam, A. W. Bucknam, A. S. Chandler, Gowen Wilson, John Woodward, George W. Ruggles, Truman Wilson, Elisha Nash, J. A. Ruggles, Joseph Crandon, William Wass, jr., William Wass, Albert Keene and Samuel Bucknam, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Pleasant River Company, for the purpose of making such improvements in said Pleasant river, from the lower mills on said river to the lake at the head thereof, and tributary waters, as will facilitate and render more easy and convenient the drifting or driving of logs, masts, spars, timber, wood and all other lumber, to the different places where such logs, masts, spars, timber, wood and other lumber may be wanted, by removing obstructions, building dams, wing dams, piers, booms, gate ways, and sluices, where any of them may be required for the purposes aforesaid ; by which name they may contract, sue and be sued, defend suits at law, have and use a common seal, and change the same at pleasure, make by laws not repugnant to the laws of this state, and for the convenient management of their corporate affairs ; take and hold any estate, real, personal or mixed, to an amount not exceeding three thousand dollars, and sell and convey, or otherwise dispose of the same, and have and enjoy all the rights, powers and privileges necessary to carry into effect the object of the corporation, and in all cases of voting by said corporation, each person owning stock therein shall be entitled to as many votes, as he may own shares in said stock ; and in all cases a majority of votes shall govern.

Corporators.

Corporate name.  
Object of incorporation.

Powers.

Each member to have as many votes as he has shares.

SECT. 2. As a compensation for their expenditures, said corporation shall have power to impose and collect a toll upon all logs, masts, spars, timber, wood or other lumber, floated or driven down said river by or over their improvements, which toll shall be in

Toll granted.

How computed.

**CHAP. 103.**

**Proviso.** proportion to the number of feet board measure, which may be contained in the article so driven; *provided* that said toll shall in no case exceed the rate of three cents, on each and every thousand feet so driven, for each and every hundred dollars expended on the section or sections of said river, in which said logs or other articles

**Further proviso.** may pass; *provided also*, that in no case shall the toll exceed one dollar per thousand feet board measure.

**Lien for payment of toll.** **SECT. 3.** Said corporation shall have a lien upon the logs or other articles driven, for the payment of the toll which may be due thereon, and said corporation may by any person whom it may appoint as its agent therefor, take and sell at public auction any, and so much of the same as may be necessary to raise the sum due for said toll, and the expenses of taking, keeping and sale thereof; but no such sale shall be made, until said corporation by its agent shall have demanded said toll of the person or persons interested therein, or some of them, if known to said agent, and after a refusal or neglect on their part to pay the same for the space of ten days; nor after said refusal or neglect, or if the owner or owners interested therein be not so known, until notice shall have been posted up by said agent in two or more public places in the town of Columbia, one of which shall be at the village at the Great Falls, so called, stating the marks as near as may be, of the property on which the toll is due, the amount due, and the time and place of sale, ten days at least before said sale; or said corporation may sue for and recover said toll of the owner or owners thereof, or any of them, in an action of assumpsit, or on account annexed for tolls, before any tribunal of competent jurisdiction.

**Agent to sell, if toll is not paid.**

**Notice to be first given if owner or owners are known.**

**If owners are unknown, notice to be posted.**

**Corporation may recover in action of assumpsit.**

**Privileges granted.** **SECT. 4.** Said corporation shall have the right to pass and re-pass, with teams or otherwise, to and from the various places where the improvements contemplated by this act are to be or may have been effected, and to take and use all necessary unconverted materials for effecting said improvements; and whenever any individual or individuals shall suffer loss or damage, by such passing, taking or using, the said corporation shall be liable to make good the same; and whenever there shall arise any dispute or disagreement between the parties aforesaid, as to the amount of said damages, the question shall be referred to three disinterested persons, one of whom shall be chosen by each of the parties aforesaid, and the third by the two thus chosen, if the parties cannot agree upon the third man between themselves; or the question or questions may be referred to the county commissioners, for the county of Washington, and in either case the decision of the referees shall be final.

**Corporation liable for damages. Disputes, how settled.**

**Right to remove dams.** **SECT. 5.** Said corporation shall have the right to take and use,

alter or remove, or otherwise dispose of any dam or dams, which may now exist on said Pleasant river, or its tributary waters, and which has been erected for the purpose of facilitating the driving of logs, and other articles, as their contemplated improvements may require, by paying the proper value thereof, to those persons at whose expense they were erected; and whenever there shall arise any dispute touching said value, it shall be referred as in the cases provided for in the fourth section of this act.

To pay damages.  
Dispute how settled.

SECT. 6. All logs, masts, spars, timber or other articles floated or drove down said river, which cannot by any mark upon them or otherwise, be distinguished as the property of any individual or individuals, (by some person appointed by the agent of the corporation, for the purpose of examining such logs or other articles,) shall be considered the property of the corporation, and shall be sold by their agent at public auction, after six days notice of the time and place of such sale having been posted up in the village at the lower falls, and at the Great falls (so called) both in said Columbia; and the proceeds of such sale shall be applied to the payment of the tolls of the season, after deducting the expenses of sale; so that each owner of logs, or other article of like description, shall have his proportional benefit thereof.

All lumber, without marks to belong to said corporation.

To be sold after notice.

Proceeds, how applied.

SECT. 7. If any person shall wilfully injure any dam, pier, boom, gate, sluice, or other improvement, made by said corporation, so as to render it less fitted for the purpose of its construction, or so as to cause expense to said corporation, or shall aid in or procure the same to be done, such person or persons shall forfeit and pay to said corporation treble damages, to be sued for, and recovered in an action of debt, in any court competent to try the same, to the use of said corporation.

Wilful damage and injury.

Penalty.

SECT. 8. The first meeting of this corporation may be called by any one of the persons, herein named, by giving to each of the others, or leaving at their usual place of abode, a written notice, to meet at such time and place as he may therein appoint, for the purpose of organizing said corporation, seven days at least before the time appointed for said meeting.

First meeting, how called.

SECT. 9. For the purpose of ascertaining the amount of lumber driven, and the amount due for tolls, said corporation shall have right to exact from each and every scaler of lumber, under oath, the true amount of lumber, board measure, scaled by him or them each season; and where logs or other articles are not scaled, an estimate of the quantity may be made by agreement, or a reference to three persons, as provided in the fourth section of this act.

Surveyors to give under oath, if required, amount of lumber surveyed by them.

If lumber is not scaled, amount to be settled by agreement or reference.

SECT. 10. In case of deficiency of corporate property or estate,

Private property holden.

**CHAP. 104.**

Names of stockholders and number of shares to be publicly registered.

No sale or transfer valid until recorded.

Right of members whose property shall be taken for corporate debts.

River divided into sections for certain purposes.

County commissioners to audit expenses.

Subject to the legislature.

the private property of each stockholder shall be liable for the debts and liabilities of the corporation, contracted during the time of holding such stock; and the names of all persons who may hold stock in said corporation, and the number of shares held by each shall be recorded in the office of town clerk of the town of Columbia, in a book or books to be kept for that purpose: and at all times to be free for the examination of all persons having occasion therefor, and no sale or transfer of any of said stock shall be valid, until the same shall be so recorded, and if at any time the private property of one or more individuals, shall be taken for the debts or liabilities of the corporation, the person or persons, whose property may be so taken, shall have good right of action against each and every holder of stock at the time, according to the proportion of stock so held, for his or their proportion of the sum so paid, including cost and interest at the rate of twelve per cent. per annum.

**SECT. 11.** For the purpose of ascertaining the cost of the improvements made under this act, and ascertaining the amount of tolls chargeable according to the second section hereof, the said river shall be divided into as many sections, as may be thought proper, which shall be done by a vote of said corporation, and the amount of expenditure on each section shall be kept separate, and the amount showing the whole expenses shall be audited by the county commissioners, for the county of Washington.

**SECT. 12.** The powers granted by this act may be altered or amended at any time, by the legislature.

[Approved March 22, 1843]

**Chapter 104.**

AN ACT to incorporate the Narraguagus River Company.

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

Corporators.

**SECT. 1.** William Burnam, Alexander Campbell and company, George H. Deveraux, Charles S. Hall, Jeremiah O. Nichols, John Thompson, Richard D. Coffin, William C. Foster, James Brewster, William Nichols and Albert Church and their associates, successors and assigns, are constituted a body politic and corporate, by the name of the Narraguagus River Company, for the purpose of making such improvements, on the Narraguagus river and its tributary waters, as will facilitate and render more convenient the drifting or

Name.

Purposes.