

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1853.

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

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1853.

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## CHAP. 162.

Liability of  
mill owners,  
lessees, &c.

SECT. 2. Each and every of the said owners, lessees and agents, are severally liable for said fine, whether the act of throwing in such waste stuff be committed by themselves or those in their employ or under their control, or those actually engaged in the manufacture of said descriptions of lumber; and the said parties subject to said fines may have recourse under this act to recover such fines and costs from the parties actually throwing in such waste stuff or lumber, in the way and in the same manner as said fine is collected of them.

Act, limita-  
tion of.

SECT. 3. This act shall cease to be in force from and after the first day of April, in the year of our Lord one thousand eight hundred and sixty.

SECT. 4. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 29, 1853.]

### Chapter 162.

An act to incorporate the Upper Stillwater Sluice Company.

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

Corporators.

SECT. 1. Samuel Hunt, Charles D. Jameson, and Thomas S. Harlow, their associates, successors and assigns, are hereby constituted a body corporate by the name of Upper Stillwater Sluice Company; said corporation shall have a common seal, may sue and be sued, and shall have and enjoy all the privileges and immunities, and be subject to all the liabilities, incident to similar corporations.

Corporate  
name.

Duties,  
powers and  
liabilities.

Sluice,  
authorized to  
construct.

SECT. 2. Said corporation is hereby authorized and empowered to construct and maintain a sluice for the purpose of running logs and other unmanufactured lumber by or through the Upper Stillwater dam on the Stillwater branch of the Penobscot river in Oldtown, in the county of Penobscot; and the location, width, not exceeding six feet, and depth of said sluice, having due regard to the rights and interests of the mill owners on said dam, shall be determined and established by the county commissioners for said county, after a view and notice to parties interested by publication in some newspaper published in said county three times successively, the last publication to be at least fourteen days before said views; and said corporation shall have authority to make all the cuts, elevations and other

Location,  
right of mill  
owners,  
&c., how  
determined.

Notice, how  
given, &c.

works necessary for the construction and maintenance of said sluice, and said commissioners shall have power, from time to time, upon petition of any persons interested, to authorize such alterations in said sluice as the public convenience may require.

SECT. 3. It shall be the duty of said corporation to maintain said sluice in suitable repair, and convenient for the passage of logs and other lumber at any and all times in the proper season of running logs on said branch or stream, and when the same can be driven from the Penobscot boom.

SECT. 4. Said corporation is empowered to demand and collect to their own use a toll not exceeding five mills on each stick or piece of lumber that shall pass through said sluice, and may recover the same in an action of debt or assumpsit against the several owners of such lumber; and shall also have a lien upon said lumber to be enforced in the same manner as the lien for boomage may be by the Penobscot Boom Corporation; and any lumber of a particular mark of designation, or any part thereof belonging to the same owner or owners at the time of its passage through said sluice, shall be liable for all tolls due upon all lumber of the same mark passing through said sluice during the same season, and said toll shall be continued until a sum shall be realized sufficient to reimburse the costs of building and repairing said sluice with interest. And when a sufficient sum shall have been received to pay said costs of construction and repairs the toll shall be reduced to such a sum as shall be required to pay the necessary expense of keeping said sluice in repair, the amount to be determined by said county commissioners.

SECT. 5. No bills for the construction, repair or maintenance of said sluice and the necessary expenses incident thereto, shall be allowed, except such as shall be audited and approved by said county commissioners, and all such bills shall be presented on or before the first day of January of each year, by the clerk of said company, who shall also at the same time make a return under oath to said commissioners of the quantity of logs or other lumber annually passing through said sluice, which shall be conclusive upon said corporation for the amount of toll received.

SECT. 6. The contract for the construction of said sluice shall be put up at auction and struck off to the lowest bidder, who shall be required to give forthwith, reasonable security for the immediate and faithful performance of the contract; and said corporation shall give at least seven days notice prior to the letting thereof, by posting up notice of the same at the post

## CHAP. 162.

Construction of works, &amp;c. Alterations, &amp;c.

Repairs, &amp;c.

Toll.

Lien to secure payment of toll.

Toll, continuance of.

Bills for construction, when allowed, &amp;c.

—when to be presented.

Return of clerk to be made to the commissioners.

Contracts, how made, &amp;c.

Notice to be given.

**CHAP. 163.** office in Orono, and such other places as they may deem proper.

Construction of sluice, time of limited.

Grantees changed.

First meeting, when called.

Capital stock. Shares.

SECT. 7. In case the incorporators named in the first section of this act do not organize and construct said sluice within four months from the day this act takes effect, inevitable accident excepted, and the state of the water, then Gideon Mayo, Ebenezer Webster, junior, and their associates, successors and assigns, shall be the grantees of this act of incorporation, with all the powers and immunities and subject to all the liabilities and provisions therein prescribed; the first meeting of said Mayo, Webster and others to be called whenever said commissioners shall decide that said Hunt and others have failed to comply with the conditions mentioned in this section; said determination by said commissioners to be binding only if made within two years from the approval of this act.

SECT. 8. Said corporation shall have such capital stock divided into such shares as by their vote or by-laws they may determine.

[Approved March 29, 1853.]

### Chapter 163.

An act to amend an act to incorporate the city of Gardiner.

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

Act of incorporation, amendment of.

Recorder, appointment of.

—powers and duties of.

Discretionary powers, &c.

SECT. 1. The eleventh section of the act to incorporate the city of Gardiner, shall be amended by striking out from said section thereof the words "under twenty dollars," and inserting instead thereof the words "such as are by law within the jurisdiction of justices of the peace." The same act shall be further amended by inserting at the end of section twelve the words, "the justice of said court may at his own expense appoint a recorder for said court to hold his office during the pleasure of said justice, who shall be a justice of the peace for said county and a citizen of said city, who in case of the sickness or absence of said justice shall have all the powers and exercise all the duties of said judge, except the trial of issues in civil cases. And in all cases within the jurisdiction of said judge, it shall be lawful for him at his discretion, to commit to the jail of said county, or to the house of correction of said city, on such terms as may be agreed upon by said city and the county commissioners of said county.

[Approved March 29, 1853.]