

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1863.

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

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1863.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1863.

CHAP. 227. chargeable on said territory in consequence of having derived a residence in said town of Frankfort, shall have their settlement in and be supported by said town of Monroe.

Inhabitants set
off not liable
for debts of
Monroe.

SECT. 4. Said territory and inhabitants hereby set off from Frankfort and annexed to Monroe, shall never be liable to be assessed for any portion of the present debt of the town of Monroe.

Approved February 21, 1863.

Chapter 227.

An act to incorporate the Franklin Land, Mill and Water Company.

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

Corporators.

Corporate
name.

Rights,
powers, &c.

By-laws.

May hold real
and personal
estates, &c.

Powers and
privileges.

Capital stock
\$50,000.
Shares.

SECT. 1. Levi Bartlett, Ebenezer T. Farrington, John L. Lawrence, and their associates, successors and assigns, are hereby constituted a body politic and corporate by the name of the Franklin Land, Mill and Water Company, for the purpose of erecting and maintaining mills for the manufacture of lumber of every description, and to engage in such other branches of business as may be necessarily connected therewith, as well as for other manufacturing purposes at Franklin, and upon their own lands and water privileges on townships numbers nine and ten, middle division, Hancock county, and also for the purpose of making such improvements on Alder brook stream, Donnell's pond, Shillabah pond, Fox pond, and the several streams connecting said ponds, together with all their tributary waters on their lands as will facilitate and render more convenient the floating or driving of logs, masts, spars and other timber to the different mill sites thereon by removing obstructions, building dams, wing dams, gates, piers, booms, and so forth, 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 for the convenient management of their corporate affairs, and for the purposes of this act are authorized to have, hold and possess any lands, tenements and estates, real, personal and mixed to any amount not exceeding fifty thousand dollars; and to 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 objects of the corporation.

SECT. 2. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into and held by shares of one hundred dollars each.

SECT. 3. As compensation for their expenditure in improving said streams and ponds, and for the privileges of said waters, if said company deem it expedient to grant permits to other parties to use said company's waters subject to said company's directions and restrictions for driving and passing logs and other lumber on their waters, said corporation shall have power to impose and collect a toll upon all logs, masts, spars and other timber which may be drifted, floated or driven by or over their waters, which toll shall not exceed ten cents per thousand feet, board measure, which said logs, masts, spars or other timber may contain.

May grant permits for use of waters.

Toll.

SECT. 4. For the purpose of ascertaining the amount of lumber driven and the amount due for toll, said corporation shall have the right to exact on demand through their agent, from each and every scaler of lumber, under oath, the true amount of lumber, board measure, scaled by him or them.

Amount of lumber and toll, how ascertained.

SECT. 5. Said corporation shall have a lien upon the logs, masts, spars or other timber for the payment of said tolls, which may so become due thereon, and said corporation may by any person whom it shall 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, the expenses of said taking and sale and the keeping 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 thirty days, nor after said refusal or neglect, nor if said owner or owners interested be not so known until notice shall have been posted up by said agent in three public places in the town of Franklin, stating the marks or giving a description as near as may be of the property on which toll is due, and the time and place of sale; or said corporation may sue for and recover said toll of the owner or owners interested therein or any of them, in an action of assumpsit, on an account annexed for tolls before any tribunal competent to try the same.

Corporation to have lien on logs, masts, &c.

—may sell at auction.

—not to sell until toll is demanded.

—notice, how given.

—how recovered.

SECT. 6. All logs or other timber which are not marked, or which cannot be identified as the property of any particular individual or individuals, commonly called prize logs, floating upon said waters, shall become the property of said corporation; and if any person or persons shall wilfully or feloniously take and convert to his or their own use any such logs, he or they shall be liable to all the penalties provided against stealing logs.

Prize logs.

SECT. 7. If any person shall wilfully or maliciously injure any mill, wharf, dam or pier, boom or other improvement made by said corporation, so as to render it less fitted for the purposes of its construction, or so as to cause expense to said company, or shall aid in, or procure, or advise the same to be done, such person or

Persons wilfully injuring any mill, &c.

CHAP. 228.

Damages, how recovered.

First meeting, how called.

persons shall forfeit and pay 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.

SECT. 8. The first meeting of this corporation may be called by any one of the persons herein named, giving to each of the others written notice thereof in hand or leaving it at his last and usual place of abode, or addressing the same to him through the post office ten days at least, before the day of meeting, stating the time and place and objects of said meeting.

Approved February 21, 1863.

Chapter 228.

An act to reduce the capital stock of the Northern Bank, Hallowell.

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

Capital stock reduced \$25,000.

Cashier to file certificate.

Shares not to be reduced and remaining stock to be permanent capital. Proviso.

Dividend, when made.

Bank commissioners to examine, &c.

SECT. 1. The president, directors and company of the Northern Bank are authorized to reduce the capital stock of said bank twenty-five thousand dollars on or before the first day of October next, and it shall be the duty of the cashier within ten days after the vote of said corporation for such reduction, to file a certificate thereof under oath, with the secretary of state.

SECT. 2. The shares of said bank shall not be reduced in number, but in amount in proportion to the reduction of said capital stock; and the capital stock remaining after the reduction shall continue to be the permanent capital thereof; *provided however*, that said corporation shall be held to pay into the treasury of the state the tax now required by law to be paid upon the existing capital of said bank until the said reduction shall take effect; and the president and directors of said bank shall appropriate, to the payment of the stock to be reduced, such paper past due and doubtful as may remain, if any, after deducting the loss now existing in the capital stock of said bank from the amount of said reduction.

SECT. 3. No dividend of the capital stock of said bank shall be made until the condition and situation of the funds and property of said bank shall have been examined by the bank commissioners at the expense of the bank; and if said commissioners after such examination, shall be satisfied that the funds and property of said bank are amply sufficient to pay all the bills, deposits and other demands and liabilities existing against the same, they shall report the same in writing, to be filed in the office of the secretary of state.