

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

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

AUGUSTA:
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.
1869.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1869.

CHAP. 74.

Corporation to use diligence in passing logs through sluice at certain times.

Toll, lien upon lumber for payment of.

May hold real and personal estate.

Co. commissioners authorized when requested to locate sluice, &c.

Notice of intention to locate.

Commissioners may change any order, &c., before made in relation to said sluice.

First meeting.

not exceeding six feet in width, and of such depth as said county commissioners may determine, having due regard to the rights of mill owners on such dam. And said corporation shall use due diligence in passing logs through said sluice when the same shall have floated down to said dam, and when not in use by said corporation, the same shall be kept closed.

SECT. 2. Said corporation may demand and receive a toll of two cents per thousand feet board measure, Bangor survey, on all logs and lumber passing through the same, and shall have a lien on all such logs and lumber for payment of the tolls. The toll shall be payable at such time and place as the directors may determine, and if not so paid, said corporation may take and sell at public auction, after ten days' public notice, so many of the logs as is necessary to pay said tolls.

SECT. 3. Said corporation may take and hold real and personal estate to the amount of not exceeding five thousand dollars, with full power to manage and dispose of the same, and the rents and profits, as well as the tolls, as the interests of the corporation may require.

SECT. 4. The county commissioners of Penobscot county, when requested by said corporation, are hereby authorized and required, at the expense of said corporation, to locate said sluice and sluiceway, to prescribe the depth thereof, and to decide such other matters concerning the construction thereof as may be properly submitted to them. They shall give five days' public notice of their intention to locate the same. Either the said corporation or owners of mills, on said Upper Stillwater dam, may at any time after said sluice has been constructed, apply to the county commissioners who may if they see fit change any order or determination before made in relation to said sluice.

SECT. 5. Ebenezer Webster or Charles Buffum may call the first meeting of the corporation by publishing a notice of the time, place and purpose of the same, in the Bangor Daily Whig and Courier, seven days before the meeting.

SECT. 6. This act shall take effect when approved.

Approved February 15, 1869.

Chapter 74.

An act to repeal an act to incorporate the town of Bowerbank.

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

Repealed.

SECT. 1. The act entitled "an act to incorporate the town of Bowerbank," approved March fourth, eighteen hundred thirty-

nine, is hereby repealed; *provided, however*, that the corporate existence, powers, duties and liabilities of said town shall survive for the purpose of prosecuting and defending all pending suits and causes of suits to which said town is or may be a party, and all needful processes growing out of the same, and for the further purpose of providing for the payment of all or any judgments which may be recovered against such town. *And provided further*, that the provisions of "an act entitled an act to provide for the equalization of the municipal war debts, and a limited assumption and reimbursement thereof by the state," approved March seventh, eighteen hundred and sixty-eight, is exempted from the provisions of this act.

SECT. 2. This act shall take effect when approved.

Approved February 15, 1869.

CHAP. 75.

Proviso.

Corporate powers continued for certain purposes.

Proviso.

Chapter 75.

An act authorizing John C. Merrill to maintain a dam and sluice across the Upper Kezar river in the town of Fryeburg, and establishing the rates of toll for slipping timber through the same.

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

SECT. 1. John C. Merrill, his associates, successors, heirs and assigns, are hereby authorized and empowered to repair and maintain his dam across the Upper Kezar river, in the town of Fryeburg, in the county of Oxford, to repair the old sluice through said dam, or build and maintain a new one for the purpose of facilitating the slipping of lumber through said dam and slip and driving down said stream.

The maintenance of dam and sluice authorized.

Purpose.

SECT. 2. There shall be allowed the said John C. Merrill, his associates, successors, heirs and assigns, for the passage of each and every thousand feet, board measure, of lumber, according to the wood scale, through his dam and sluice, a toll of five cents, to be paid by the owner of said lumber upon the passage of said lumber through said dam and sluice, and the said owner of said dam shall have a lien on all the lumber slipped through said dam and sluice to secure the payment of the toll as aforesaid, which may be enforced by attachment and which shall take precedence of all other claims except liens reserved by section nineteen of chapter ninety-one of the revised statutes.

Toll.

Lien.

SECT. 3. It shall be the duty of any person or persons who may pass said dam and sluice with logs or lumber to employ a

Duty of persons passing said