

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1835.

AUGUSTA:
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1835.

FIFTEENTH LEGISLATURE.

NO. 28.

SENATE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

AN ACT to incorporate the St. Croix River Company.

SECTION 1. *Be it enacted by the Senate*
2 and House of Representatives in Legislature
3 assembled, That Neal D. Shaw, Luther
4 Brackett, William Pike, Stephen Emerson,
5 Anson G. Chandler, Salmon Gates, John
6 Stickney, Joseph Whitney, and Isaac Pool,
7 their associates, successors and assigns, be, and
8 they hereby are constituted a body politic and
9 corporate, by the name of the St. Croix River

10 Company, for the purpose of making such im-
11 provements, upon the parts of the St. Croix
12 River, and the shores of the Lakes thereon,
13 between the Salmon Falls, inclusive, and the
14 head of the western branch thereof, by remov-
15 ing obstructions therein, and erecting thereon,
16 dams and gates, piers and booms, as will facili-
17 tate and render more convenient the drifting
18 and driving down said parts of said River and
19 Lakes, logs, ton timber, masts, spars, and other
20 lumber and timber, not in boats; and by that
21 name may contract, sue, be sued, and defend
22 suits at law, have a common seal, and change
23 the same at pleasure, make by-laws not repug-
24 nant to the laws of the State, for the convenient
25 management of their corporate concerns; take
26 and hold any estate, real, personal, or mixed,
27 to the amount of twelve thousand dollars, and
28 the same to sell, convey, and otherwise dispose
29 of, and have and enjoy all the rights and pow-
30 ers, necessary to carry into full effect the objects
31 of the Corporation.

SECT. 2. *Be it further enacted,* That said
2 Corporation shall have power to remove any
3 obstructions in, and to erect such dams and gates,
4 piers and booms upon the parts aforesaid, as

5 said Corporation shall determine necessary to
6 the attainment of the purposes of this incorpo-
7 ration; but no person or persons, upon whose
8 premises any such improvements may be made,
9 shall be debarred from using the same in any
10 way not inconsistent with the full attainment of
11 the purposes aforesaid; unless such person or
12 persons shall have demanded and received of
13 said Corporation a full equivalent for the value
14 of the premises so occupied.

SECT. 3. *Be it further enacted,* That if
2 any person or persons shall suffer damage by
3 the exercise of the power herein granted to said
4 Corporation; or if said Corporation shall take
5 or use any dam, or the materials of any dam
6 now existing, or which has existed on said
7 parts, and which was originally erected solely
8 for said purposes, which said Corporation is
9 hereby authorized to take and use, and the
10 amount, or value thereof, cannot be agreed upon
11 by the parties, the same shall be mutually sub-
12 mitted to three disinterested freeholders, whose
13 determination shall be binding and final in the
14 premises; and in case of their disagreement, the
15 same shall be submitted to the Court of County
16 Commissioners in the County of Washington,

17 whose decision in the premises shall be final,
 18 and said freeholders, and commissioners shall also
 19 determine the time and manner of the payment
 20 of the amount or value they may agree upon.

SECT. 4. *Be it further enacted,* That if
 2 any person shall wilfully or maliciously injure
 3 any such dam, gate, pier, boom or other im-
 4 provement, made by said Corporation, so as to
 5 render it less fitted for the purposes of its con-
 6 struction, or so as to cause expense to said
 7 Company, or shall aid in, or procure or advise
 8 the same to be done, such person or persons
 9 shall forfeit and pay said Corporation, treble
 10 damages, to be sued for, and recovered in an
 11 action of debt, in any Court competent to try
 12 the same, to the use of said Corporation.

SECT. 5. *Be it further enacted,* That a
 2 toll shall be, and hereby is granted for the bene-
 3 fit of said Corporation, according to the rates
 4 following, to wit: for each and every thousand
 5 feet, board measure, which the logs, masts, ton
 6 timber, spars or other timber, or lumber, would
 7 make, which may be drafted, floated or drove
 8 through the mouth or outlet of the Grand Lake
 9 Stream, within the first year said Corporation
 10 may take toll, four cents—for each and every

11 thousand feet as aforesaid, so drifted, floated, or
12 drove the second year, three cents—for every
13 thousand feet as aforesaid, so drifted or drove
14 after the second year—for each and every thous-
15 and feet as aforesaid, which may be drifted,
16 floated, or drove through the outlet of **Big Lake**,
17 the first year said Company may take toll, and
18 which have not passed through the outlet or
19 mouth of the **Grand Lake Stream**, two cents
20 and a half—and for each and every thousand
21 feet as aforesaid, so drifted, floated or drove as
22 is last aforesaid, after the said first year, one cent
23 and an half—for each and every thousand feet
24 as aforesaid, which may pass **Sprague's Falls**,
25 and have not passed the outlet of **Big Lake**, nor
26 of the **Grand Lake Stream**, one cent; but said
27 Corporation may at all times vary said tolls, for
28 said places, provided they shall keep them with-
29 in the limits above prescribed; and said Corpo-
30 ration shall have a lien upon the logs, masts,
31 spars, ton timber, other lumber and timber for
32 the payment of said tolls, which may so become
33 due thereon; and said Corporation may, by any
34 person it may designate as its agent therefor,
35 take and sell at public vendue, any and so much
36 of the same as may be necessary to raise the

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37 sum due for said toll, the expenses of said taking
38 and sale and the keeping thereof, but no such
39 sale shall be made until said Corporation shall
40 have made a demand therefor of the owners
41 thereof, or persons interested therein, or some of
42 them, if known to said Agent, and a refusal or
43 neglect to pay the same; nor after said refusal nor
44 if said owner or persons interested therein, be
45 not so known, until notice shall have been post-
46 ed by said agent, six days at least before the
47 day of sale, in some conspicuous and public
48 place, in the towns of Calais, Baring, and in the
49 Parish of St. Stephens, stating the marks, as
50 near as may be, of the property on which the
51 toll is due, the amount due, and the time and
52 place of sale; or said Corporation may sue for
53 and recover said toll of said owners or persons
54 interested therein, or any of them, in an action
55 of assumpsit, on an account annexed for tolls,
56 before any tribunal of competent jurisdiction.
57 But said Corporation shall not have any right
58 to demand or receive any of said tolls, till said
59 improvements are made at Sprague's Falls,
60 Grand Falls, the outlet of Big Lake, and on
61 the Grand Lake Stream, and if these be not
62 completed within two years from the first day

63 of May next, then this Act shall be void. *Pro-*
64 *vided, however,* That when said improvements
65 are made and completed at the outlet of Grand
66 Lake, the Corporation shall be entitled to de-
67 mand, receive and collect as aforesaid, one half
68 of the rates of toll aforesaid, until the other im-
69 provements contemplated by this Act, are made
70 and completed.

SECT. 6. *Be it further enacted,* That if
2 any person or persons shall, after the first day of
3 September next, in any way, put into, or drift,
4 float or drive upon said River, or any of the
5 Lakes within the limits first in the first section
6 hereof named, or cause it to be done, any log,
7 mast, spar, or other stick of timber or lumber,
8 over thirty feet long, which shall therein become
9 mixed with the logs, masts, spars, or other lum-
10 ber or timber of any other person, to his injury
11 or delay in driving them, the person by whom
12 it may be done, or who shall assist in doing it,
13 or causing it to be done, shall forfeit and pay one
14 dollar for each and every such log, mast, spar,
15 or other stick of timber or lumber, which may
16 be sued for, and recovered of him in an action of
17 debt, in the name of said Corporation, to its use
18 and benefit, to be applied, as said tolls shall be,

19 in making said improvements, keeping them in
 20 repair and tending upon and managing the same.
 21 *Provided, however,* That this forfeiture shall
 22 not be incurred by any person, who, in driving
 23 his own lumber, or that which he may have
 24 contracted to drive, shall therewith necessarily
 25 drift, float or drive any such log, mast, spar, or
 26 other stick of timber or lumber of any other per-
 27 son, which has become and continues so mix-
 28 ed with his, against his will and consent.

SECT. 7. *Be it further enacted,* That
 2 said corporation shall not, by any of its dams or
 3 other improvements, keep back or withhold the
 4 water from flowing down said River or Lakes
 5 so as to prevent any of the Mills thereon from
 6 being supplied with a sufficiency of water to the
 7 injury of the owners or occupants thereof.

SECT. 8. *Be it further enacted,* That the
 2 first meeting of this corporation may be called
 3 by any one of the persons herein named, giving
 4 to each of the others written notice thereof in
 5 hand or leaving it at his last and usual place of
 6 abode six days before the day of meeting, stating
 7 the time and place of said meeting.

SECT. 9. *Be it further enacted,* That said
 2 Corporation be and hereby are authorized to

3 take, within the limits first herein named, all
4 such prize logs as may be found therein by its
5 agents, to dispose of the same as it may deem
6 expedient, and shall appropriate the proceeds
7 thereof, after deducting the expenses of said ta-
8 king and sale and the keeping of said logs, to
9 the purposes for which this Corporation was
10 created.

SECT. 10. *Be it further enacted,* That the
2 Corporation shall never be allowed to divide
3 any of the proceeds of the tolls or monies arising
4 from the sale of prize logs as aforesaid, but shall
5 faithfully expend the same in accomplishing the
6 objects of this Corporation, and shall cease to
7 demand tolls whenever the Legislature shall de-
8 termine that the necessary improvements upon
9 said Lakes and Rivers are fully accomplished
10 and provision made for keeping the same in
11 repair.

STATE OF MAINE.

IN SENATE, February 20th, 1835.

ORDERED, That three hundred copies of the foregoing Bill be printed for the use of the Legislature.

[Extract from Journal.]

(Attest,)

WILLIAM TRAFTON, *Secretary.*