

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSION

**A. D. 1836.**

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*AUGUSTA:*  
SMITH & ROBINSON,.....PRINTERS.

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1836.

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SIXTEENTH LEGISLATURE.

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No. 55.

SENATE.

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STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT  
HUNDRED AND THIRTY SIX.

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AN ACT to incorporate the Vassalborough and  
Sidney Dam Company.

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SECT. 1. *Be it enacted by the Senate and  
2 House of Representatives in Legislature as-  
3 sembled, That Abiel Getchell, Samuel Ho-  
4 mans, Daniel Marshall, Charles Dolbier, Da-  
5 rius Alden, Thomas Carleton, Isaac Cowan and  
6 John Sawtell, Jr., their associates, successors  
7 and assigns, be, and they hereby are incorporat-  
8 ed into a body politic by the name of the Vas-  
9 salborough and Sidney Dam Company, with  
10 all the rights, privileges and immunities incident*

11 to corporations aggregate; and said Corporation  
12 may make and establish such by-laws, rules and  
13 regulations for the management of their concerns  
14 as are not repugnant to the laws of the State.

SECT. 2. *Be it further enacted*, That said  
2 Company be and they hereby are authorized to  
3 build, maintain and rebuild a Dam in the Ken-  
4 nebec river, at the Six Mile Falls, so called, in  
5 Vassalborough and Sidney, from the Western  
6 Shore to the Side Dam of the Negumkeag Mill  
7 Dam Company, (not exceeding six feet above  
8 high water mark,) for the purpose of raising a  
9 head of water for propelling mills, factories and  
10 other purposes. And said Corporation are here-  
11 by authorized to flow the water as aforesaid,  
12 and the same to draw, use and sell or lease, in  
13 whole or in part, upon the Dam hereby author-  
14 ized to be erected, or in canals, basins or sluices  
15 made therefor; *Provided*, That nothing in this  
16 Act contained, shall impair the rights of the Ne-  
17 gumkeag Mill Dam Company to the entire and  
18 exclusive use of all the privileges and water  
19 power, on their said Dam, or of the use thereon  
20 of any additional head of water created by the  
21 erections under this Act of incorporation.

SECT. 3. *Be it further enacted*, That it  
2 shall be the duty of this Corporation to insert  
3 and constantly keep and maintain in their Dam  
4 aforesaid, a lock for the passage of boats, rafts,  
5 steamboats and river craft, which lock shall be  
6 not less than twenty eight feet in width in the  
7 clear, and of such length as to receive and ac-  
8 commodate boats or rafts, of one hundred feet  
9 length, and of such depth as that boats or steam-  
10 boats or vessels which might have ascended or  
11 descended before the erection of said Dam, may  
12 be received and pass through said lock; and said  
13 Company shall cause said lock to be constantly  
14 attended by persons whose duty it shall be  
15 promptly and diligently to attend said lock and  
16 aid in transmitting through the same, all boats,  
17 rafts and river craft having occasion to pass;  
18 *Provided*, said Company shall not demand or  
19 receive any toll or compensation for the services  
20 aforesaid, and said Company shall forfeit and  
21 pay a penalty of twenty dollars for each day they  
22 shall neglect to have said lock suitably attended  
23 at such seasons as would permit the passage of  
24 boats, rafts, steamboats and river craft. And it  
25 shall also be the duty of said Corporation to

26 construct and maintain, from the twentieth of  
27 April to the twentieth of July, in each year, a  
28 good and sufficient passage way up, through or  
29 over said Dam, and at the most suitable part  
30 thereof, so as to render the passage of shad,  
31 salmon and alewives, practicable and easy, so  
32 that said fish may go up said river into the wa-  
33 ters above.

SECT. 4. *Be it further enacted*, That said  
2 Corporation shall have the power to erect and  
3 maintain such piers, abutments, temporary dams  
4 or other structures as may be necessary or situa-  
5 ble for the protection of said Dam and the works  
6 thereon or for facilitating the safe and easy pas-  
7 sage through said lock, of all boats, rafts, steam-  
8 boats, and river craft having occasion to pass up  
9 or down the river aforesaid;—*Provided*, such  
10 piers, abutments, temporary dams, or other  
11 structures shall not impede the free passage of  
12 logs or other lumber floated down and designed  
13 by the owners thereof to pass over the dam.

SECT. 5. *Be it further enacted*, That for  
2 the purposes of this Act, said Corporation are

3 authorized to purchase, have, hold and enjoy in  
4 fee simple or any less estate, lands, tenements  
5 and estates, real, personal or mixed, to an  
6 amount not exceeding two hundred thousand  
7 dollars; and the same or any part thereof, sell,  
8 lease or convey at pleasure.

SECT. 6. *Be it further enacted,* That said  
2 Dam shall be so constructed and extend down  
3 the river with such slope or inclination, in such  
4 part thereof as may be necessary, as shall facili-  
5 tate and admit the easy passage of logs, rafts and  
6 other lumber, in the most safe and convenient  
7 manner over the same.

SECT. 7. *Be it further enacted,* That if any  
2 person or persons shall sustain any injury by  
3 means of the erection of said Dam either by the  
4 overflowing his or their land or by the throwing  
5 back the water of the river upon his or their  
6 mills or machinery or water works, he or they  
7 shall be entitled to recover of said Corporation  
8 the full, adequate and just damages therefor;  
9 *Provided,* That no dam shall be sustained that  
10 shall flow out and injure the mills and other ma-  
11 chinery at Waterville.

SECT. 8. *Be it further enacted,* That the  
2 Corporation hereby created, or any claiming un-  
3 der them, shall not be allowed to claim or re-  
4 cover of the Kennebec Dam Company any  
5 damage which may arise or be sustained by  
6 them by reason of any dam or other structures  
7 made or to be made pursuant to the powers al-  
8 ready granted to the Kennebec Dam Company;  
9 *Provided,* That nothing in this section contain-  
10 ed shall apply to the Negankeag Mill Dam  
11 Company, or to any dam or erections made pur-  
12 suant to the charter granted to said last men-  
13 tioned Company.

SECT. 9. *Be it further enacted,* That if any  
2 person shall wilfully tear down, or injure the  
3 Dam or other structures made pursuant to this  
4 Act of incorporation, he shall, on conviction be-  
5 fore the Supreme Judicial Court or Court of  
6 Common Pleas, forfeit and pay a penalty to the  
7 use of the State, not exceeding five thousand  
8 dollars for every such offence, or suffer impris-  
9 onment, not exceeding twelve months, at the  
10 discretion of the Court aforesaid, and also be  
11 liable to pay the Company double damages for



12 the injury by him done, to be recovered by an  
 13 action of trespass before any Court of compe-  
 14 tent jurisdiction.

SECT. 10. *Be it further enacted,* That the  
 2 Capital Stock of said Corporation shall consist  
 3 of one hundred thousand dollars divided into  
 4 one thousand shares of one hundred dollars each;  
 5 and that the three corporators last named in this  
 6 Act, with their associates, successors and assigns  
 7 shall have and hold two hundred fifty shares;  
 8 and the residue of said corporators with their  
 9 associates, successors and assigns, shall have and  
 10 hold the residue of said stock. And whenever  
 11 the Dam aforesaid and other works shall have  
 12 been completed, the three corporators last nam-  
 13 ed as aforesaid or their assigns or legal repre-  
 14 sentatives shall have full power to erect, main-  
 15 tain, operate or dispose of such mills and other  
 16 machinery as may occupy one-fourth part of the  
 17 privileges and water power on the Dam afore-  
 18 said, and on any side dams or sluices on the  
 19 western side of the river aforesaid.

SECT. 11. *Be it further enacted,* That in  
 2 constructing the necessary locks, piers, fishways

3 and other works, for facilitating the navigation  
4 of said river, they shall be so constructed as not  
5 to affect the privileges and facilities for securing  
6 water power by side dams, sluices and canals  
7 on the western side of the river aforesaid.

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STATE OF MAINE.

In SENATE, March 10, 1836.

Ordered that 300 copies of the foregoing Bill be printed for the use of the  
Legislature.

[Extract from the Journal.]

Attest,

WILLIAM TRAFTON, *Secretary.*