

# 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.

NO. 63.

HOUSE.

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STATE OF MAINE.

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

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AN ACT to incorporate the Saltwater Falls  
Company.

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SECT. 1. *Be it enacted by the Senate and  
2 House of Representatives in Legislature as-  
3 sembled, That William Freeman, Robert Fos-  
4 ter, 2d, and Isaac Gage, their associates, succes-  
5 sors and assigns be incorporated into a body  
6 politic by the name of the Saltwater Falls  
7 Company, and by that name may transact all  
8 business and enjoy all privileges, to which sim-  
9 ilar Corporations are entitled by an Act con-  
10 cerning corporations passed the sixteenth day of*

11 February in the year of our Lord one thousand  
12 eight hundred and thirty six.

SECT. 2. *Be it further enacted*, That the  
2 capital stock of said Company shall consist of  
3 two hundred thousand dollars, to be divided in-  
4 to and held by shares of one hundred dollars  
5 each.

SECT. 3. *Be it further enacted*, That said  
2 Company be and they hereby are authorized  
3 to build, maintain, repair and rebuild a dam  
4 and bridge, either separately or connected, as  
5 may be thought necessary, across the Narra-  
6 guagas river in the Town of Harrington, and at  
7 a place called Saltwater Falls; and said  
8 Company are hereby athorized to flow the wa-  
9 ter by means of said dam, and to use and im-  
10 prove the same for propelling mills, factories and  
11 other purposes, either upon said dam or in ca-  
12 nals, basins or sluices made therefor; *Provided*,  
13 however, that the water in said river shall not  
14 be raised so high by means of said dam as to in-  
15 jure or destroy the improvement of any mills or  
16 mill privileges, now occupied as such above  
17 said dam. *And provided further*, that the wa-  
18 ter in said river shall not be raised as aforesaid

19 so as to prevent the owners of mills and privi-  
 20 leges above from carrying on any works to im-  
 21 prove the navigation of said river the ensuing  
 22 season, for making such improvements. *And*  
 23 *Provided also*, that such owners shall not be  
 24 molested or impeded in making any necessary  
 25 improvements of the navigation below said Salt-  
 26 water Falls, by the Corporation aforesaid, ex-  
 27 cept such improvement will injure any mills be-  
 28 longing to said Corporation.

SECT. 4. *Be it further enacted*, That said  
 2 Corporation shall make and provide a suitable  
 3 draw through said bridge or dam at least twen-  
 4 ty eight feet wide in the clear, and shall also  
 5 make and provide a good, sufficient and easy  
 6 passage-way or passage-ways, through said dam  
 7 by means of locks, gates or otherwise, so that  
 8 rafts, boats, vessels and other river craft which  
 9 said river may hereafter be made navigable for,  
 10 may safely pass through each passage-way or  
 11 passage-ways, at all times. And it shall be the  
 12 duty of said Company to cause said draw and  
 13 passage-ways to be promptly and faithfully tend-  
 14 ed and managed by careful and skilful persons,  
 15 so that all rafts, boats, vessels and other river

16 craft, having occasion therefor, may be admit-  
17 ted and pass through the same without any un-  
18 reasonable delay—*Provided however,* That no  
19 compensation shall be asked or received for the  
20 purposes aforesaid, and no toll or pay shall be  
21 exacted or taken of any person for passing the  
22 dam and bridge aforesaid; and said Company  
23 shall be liable for all damages, which may arise  
24 in consequence of any neglect in tending the  
25 draw or passage ways as aforesaid, to the party  
26 injured thereby, to be recovered by an action of  
27 debt before any court of competent jurisdiction.  
28 *And provided further,* That said dam shall be  
29 so constructed as to admit the tide to flow in at  
30 high water so as to have the water as high above  
31 the dam as below it.

SECT. 5. *Be it further enacted,* That said  
2 Corporation shall so construct said dam or bridge  
3 that the same shall be made a safe and conven-  
4 ient passage-way, and shall at all times keep  
5 the same in good repair and free and open  
6 for the accommodation of the public travel so  
7 that they can pass with their teams, carriages  
8 or otherwise. And said Corporation shall locate  
9 and open a road or highway leading westerly

10 over lands belonging to said Company from the  
 11 said bridge or passage-way to the town road,  
 12 and in like manner locate and open a road or  
 13 highway leading easterly from said bridge or  
 14 passage-way over their own lands to a town  
 15 road, which roads or highways when accepted  
 16 by the town authorities or County Commission-  
 17 ers, shall be deemed public highways.

SECT. 6. *Be it further enacted,* That said  
 2 Corporation may erect and maintain, within one  
 3 and a half miles above or below said dam, such  
 4 piers, abutments, wharves, side booms, or other  
 5 structures, which may be necessary and suitable  
 6 for the protection of said dam and bridge, pas-  
 7 sage-ways or other works of said Company, and  
 8 which may be required for the safe and easy  
 9 guidance of all boats, rafts, vessels and other  
 10 craft, in and through said draw or passage-ways,  
 11 or which may be needed for the better accom-  
 12 modation of the business of said Company—and  
 13 the said Corporation may also cut and open  
 14 such canals and sluice-ways on their own lands,  
 15 within the limits aforesaid, on the banks of said  
 16 river, as may be wanted for the purposes afore-  
 17 said; *Provided,* That such piers, abutments,

18 wharves, side booms, canals, sluice-ways or  
19 other structures, shall not interfere with or im-  
20 pede the free passage of such logs, lumber, rafts,  
21 boats, or other craft floated down, or designed  
22 by the owners thereof to pass over or through  
23 said dam. And it shall be the duty of said Cor-  
24 poration to construct and maintain a good and  
25 sufficient highway over or through said dam for  
26 the passage of salmon, shad and alewives, and  
27 keep the same free and open at such times as  
28 the fish-ways on said river are now required by  
29 law to be kept free and open—*Provided how-*  
30 *ever,* That if the flood gates or other openings  
31 which may be made through said dam should  
32 be sufficient for the passage of said fish, no other  
33 fish-way shall be required as aforesaid.

SECT. 7. *Be it further enacted,* That if any  
2 person shall at any time take any salmon, shad  
3 or alewives, within the distance of fifty rods  
4 above or below said dam or fish-way, he shall for  
5 every such salmon so taken, forfeit the sum of five  
6 dollars, and for every such shad or alewife so  
7 taken, the sum of one dollar, to be recovered by  
8 an action of debt in the name of any complain-  
9 ant before any Justice of the Peace in the coun-



10 ty of Washington, one half to the use of the  
11 complainant, and the other half to the use of the  
12 inhabitants of the town where taken as aforesaid.

SECT. 8. *Be it further enacted,* That for  
2 the purposes of this Act, said Corporation are  
3 authorized to have, purchase, hold and enjoy  
4 any lands, tenements and estates, real, personal  
5 and mixed, to an amount not exceeding two  
6 hundred thousand dollars, as provided for in the  
7 second section, and the same or any part there-  
8 of to sell, lease or convey at pleasure.

SECT. 9. *Be it further enacted,* That it  
2 shall be lawful for said Company to enter upon  
3 and improve such lands as may be necessary for  
4 the construction and protection of the works,  
5 and for the prosecution of the business apper-  
6 taining to said dam, and mentioned as aforesaid;  
7 and if any person or persons shall suffer damage  
8 by the exercise of any of the powers herein  
9 granted to said Corporation, and the amount of  
10 such damage cannot be agreed upon by the par-  
11 ties, or some suitable person or persons agreed  
12 upon to estimate the same, the Court of Com-  
13 mon Pleas for the County of Washington shall  
14 on application of the party aggrieved, cause said

15 damage to be estimated by three disinterested  
16 freeholders of the same county—*Provided how-*  
17 *ever*, That if either party be dissatisfied with  
18 the award of said Committee, such party shall  
19 be entitled to a trial by jury in the manner other  
20 like causes are determined.

SECT. 10. *Be it further enacted*, That when-  
2 ever any three or more persons shall make com-  
3 plaint in writing—having previously given rea-  
4 sonable notice of the particular grounds of such  
5 complaint to said Company—to the Supreme  
6 Judicial Court or Court of Common Pleas for  
7 the County of Washington, alleging that said  
8 Company in the construction of any of the works  
9 herein contemplated, have failed to conform to  
10 the conditions of this Act, it shall be the duty  
11 of the Court to appoint three disinterested free-  
12 holders, who after due notice given, shall exam-  
13 ine the premises and hear the parties and their  
14 witnesses, and thereupon adjudicate upon said  
15 complaint—and if they find the same to be un-  
16 founded, they shall award reasonable costs to  
17 said Company against said complainant—but if  
18 well founded, they shall award like costs to said  
19 complainant, and shall in writing prescribe the

20 improvements necessary to be made in and about  
21 said works, and the time in which the same  
22 shall be made; and if the said Corporation shall  
23 not cause said improvements to be made and  
24 finished within the time prescribed therefor, the  
25 said Commissioners shall enter into contracts  
26 therefor and cause the same to be completed; and  
27 for all the expense thereof with reasonable com-  
28 pensation to said Commissioners and all other  
29 costs, the said Court shall issue an execution or  
30 a warrant of distress against said Company.

SECT. 11. *Be it further enacted,* That if  
2 any person or persons shall wilfully and ma-  
3 liciously molest, injure or destroy any of the  
4 works belonging to said Company, created or  
5 caused by virtue of this Act and mentioned as  
6 aforesaid, he or they shall, on conviction thereof  
7 before the Court of Common Pleas or the Su-  
8 preme Judicial Court, forfeit such penalty or  
9 suffer such imprisonment for every such offence,  
10 as either of said Courts may order according to  
11 their discretion and the aggravation of the of-  
12 fence; and shall also be liable to pay to said  
13 Company treble damages therefor, to be recov-

14 ered by an action of trespass in any Court of  
15 competent jurisdiction.

SECT. 12. *Be it further enacted,* That un-  
2 less said dam and bridge and works appertaining  
3 to the same and required by this Act, shall be  
4 completed and fitted for use within five years  
5 from the passing of this Act, all the powers  
6 herein granted to said Company shall be an-  
7 nulled and made void.

SECT. 13. *Be it further enacted,* That any  
2 one of the persons before mentioned may call  
3 the first meeting of the Corporation by publish-  
4 ing the time and place thereof, twenty days  
5 previously, in one of the Boston newspapers,  
6 and in any newspaper printed in the County of  
7 Washington, or by giving personal or written  
8 notice thereof twenty days previously to each  
9 Stockholder of said Company; at which meet-  
10 ing a President, Treasurer, Directors and other  
11 officers may be chosen, by-laws adopted, and  
12 any other corporation business transacted. Said  
13 officers to hold their offices until the annual  
14 meeting next thereafter, and until others are  
15 chosen in their room.

SECT. 14. *Be it further enacted,* That in all  
2 elections, and in acting on any subject at said  
3 first meeting, and all subsequent meetings, the  
4 decision shall be had by a majority of the votes  
5 actually given; and each share in the Stock  
6 shall be entitled to one vote: *Provided,* That  
7 no stockholder shall be entitled to more than  
8 thirty votes; and any stockholder may vote by  
9 proxy authorized in writing; but no vote shall  
10 be given by any stockholder upon whose share  
11 or shares any instalment or arrearages shall be  
12 due and unpaid, more than thirty days, previous  
13 to the meeting.

**STATE OF MAINE.**

**HOUSE OF REPRESENTATIVES, }  
MARCH 18, 1836. }**

**Read a third time, Monday next assigned for further consideration, and 300 copies of the same ordered to be printed for the use of the members.**

**[Extract from the Journal.]**

**ATTEST: JAMES L. CHILD, Clerk.**