

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1837.

AUGUSTA:
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1837.

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SEVENTEENTH LEGISLATURE.

No. 29.

HOUSE.

STATE OF MAINE.

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

AN ACT to incorporate the Winslow Lock and
Dam Company.

SECTION 1. *Be it enacted by the Senate
2 and House of Representatives in Legislature
3 assembled, That Amasa Dingley, with his
4 associates, successors, and assigns, be, and they
5 hereby are created a body corporate by the
6 name of the Winslow Lock and Dam Com-
7 pany, with authority to construct and maintain
8 upon their own lands in Winslow in the County
9 of Kennebec, a Dam across the Sebasticook
10 River, between Winslow Bridge and Seckey's
11 Brook, with locks, canals, and other structures,
12 for the purposes of improving the navigation of*

13 said River, and facilitating the passage of lum-
 14 ber down the same ; and of creating a head of
 15 water to be by them used for the manufacturing
 16 of lumber and other articles.

SECT. 2. *Be it further enacted*, That said
 2 Corporation shall have power to purchase, hold
 3 and dispose of estate, real, personal and mixed,
 4 to an amount, not exceeding at any one time,
 5 one hundred thousand dollars ; and for the pur-
 6 poses of this Act, said Corporation shall have
 7 and enjoy all the rights and privileges to similar
 8 corporate bodies incident ; and be subject to all
 9 the duties and requirements contained in an
 10 Act concerning Corporations, passed February,
 11 sixteenth, 1837.

SECT. 3. *Be it further enacted*, That the
 2 Dam aforesaid shall be erected to a height not
 3 exceeding eight feet above the ordinary height
 4 of the water in the summer season ; and that
 5 the same shall be constructed with a sufficient
 6 toll-way to allow the free and convenient pas-
 7 sage of logs and lumber over said Dam whenever
 8 the water below the same is of sufficient height
 9 to admit of said passage ;—and it shall be the

10 duty of said Corporation to construct and main-
 11 tain from the twentieth of April to the twen-
 12 tieth of July in each year, a good and sufficient
 13 passage-way up, through or over said Dam, and
 14 at the most suitable part thereof, so as to render
 15 the passage of Shad and Alewives practicable
 16 and easy over said Dam into the waters above.

SECT. 4. *Be it further enacted*, That said
 2 Corporation shall insert, and constantly keep
 3 and maintain, in said Dam, a lock or locks, for
 4 the passage of lumber, rafts, boats, and other
 5 river craft ; each of which locks to be not less
 6 than fifteen feet wide, in the clear ; and of such
 7 length and depth as to receive and accommodate
 8 all boats and river craft of the size that have
 9 heretofore ascended said River, and to allow
 10 the passage of rafts through the same ; and
 11 said Company shall cause said lock or locks to
 12 be constantly attended by a sufficient number of
 13 capable and faithful persons, whose duty it shall
 14 be, at all times, promptly and diligently, faith-
 15 fully and carefully to tend said lock or locks, and
 16 aid in transmitting through the same, all boats,
 17 river craft, rafts or lumber having occasion to

18 pass.—And said Company shall forfeit and pay
 19 a penalty of ten dollars, for each and every day
 20 they shall neglect to cause said lock to be atten-
 21 ded as aforesaid, when there shall be occasion
 22 to use the same.

SECT. 5. *Be it further enacted*, That said
 2 Company shall have authority to demand and
 3 recover the following rates of toll upon all boats,
 4 rafts and lumber, that shall pass through the
 5 lock or locks aforesaid, during the months of
 6 July, August and September, and during no
 7 other time, viz :—for each boat or other craft,
 8 with her cargo, fifty cents; for sawed or squared
 9 lumber, and logs, per thousand feet, board mea-
 10 sure, eight cents ; for ship-timber, per ton, four
 11 cents; for shingles, laths and other small lum-
 12 ber, per thousand, two cents. And said Com-
 13 pany shall have a lien on all articles passing
 14 through said lock or locks for the tolls due
 15 thereon.

SECT. 6. *Be it further enacted*, That it
 2 shall not be lawful for said Company to take the
 3 water above the Dam aforesaid by a canal or
 4 otherwise, from said Sebasticook River into the
 5 Kennebec River, but the lock or locks aforesaid

6 shall be supplied with water below and above
7 the Dam aforesaid.

SECT. 7. *Be it further enacted*, That said
2 Company shall be liable for all damages sustain-
3 ed by the erection of the Dam aforesaid causing
4 the overflowing of the land of any person or
5 persons; and that when such person or persons
6 shall not be able to agree with said Company,
7 upon the amount of such damage, he or they
8 may apply by petition to the Supreme Judicial
9 Court, or the Court of Common Pleas, for the
10 County aforesaid, for remedy; and said Court,
11 after notice given to said Company, shall have
12 power to settle the amount of damages already
13 sustained, and also the amount that shall be
14 received in full compensation for future damages
15 to said petitioner or petitioners, either by a
16 committee appointed by the Court, or by a jury,
17 to examine the premises; and the report of such
18 committee, or the verdict of such jury, accepted
19 by the Court, shall be final between the parties.

SECT. 8. *Be it further enacted*, That if
2 any person shall wilfully or maliciously injure or
3 destroy any part of said dam, locks or other
4 structures, such person so offending shall forfeit

5 a penalty of not less than twenty dollars, to be
6 recovered by said Company by action of debt,
7 or by indictment, to the use of the State, before
8 the Court of Common Pleas for the County
9 aforesaid : and said Court shall have power to
10 punish such person or persons by imprisonment,
11 not exceeding one year.

STATE OF MAINE.

**HOUSE OF REPRESENTATIVES, }
March 9, 1837. }**

Read twice, to-morrow at ten o'clock assigned for third reading, and five hundred copies ordered to be printed for the use of the Legislature.

(Extract from the Journal.)

Attest: **CHARLES WATERHOUSE, Clerk.**