

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSIONS

**A. D. 1842.**

*AUGUSTA:*

SMITH & Co., PRINTERS TO THE STATE.

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1842.

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**TWENTY-SECOND LEGISLATURE.**

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**NO. 20.]**

**[SENATE.**

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**AN ACT**

**TO INCORPORATE THE**

**NEGUEMKEAG DAM AND LOCK COMPANY.**

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**[Wm. R. SMITH & Co.....Printers to the State.]**



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# STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND FORTY-TWO.

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AN ACT to incorporate the Neguemkeag Dam and  
Lock Company.

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SECT. 1. *Be it enacted by the Senate and*  
2 *House of Representatives in Legislature assem-*  
3 *bled,* That Timothy Boutelle, Clifford Williams,  
4 Johnson Williams, Zebulon Sanger, Henry  
5 Nourse, Ebenezer H. Scribner, William Pear-  
6 son, Joseph O. Pearson, James Pearson, William  
7 Moor, Daniel Moor, jr., Wyman B. S. Moor,  
8 Jediah Morrell, William Getchell, Walter  
9 Getchell, James Hasty, jr., Nathaniel Gilman,  
10 jr., Timothy McIntire and Orrin Low, their as-  
11 sociates, successors and assigns, be and they  
12 hereby are incorporated into a body politic by  
13 the name of the Neguemkeag Dam and Lock  
14 Company, with all the rights, privileges and im-

4 NEGUEMKEAG DAM AND LOCK COMPANY.

15 munities and subject to all the restrictions pro-  
16 vided in chapter seventy-six of the Revised  
17 Statutes of this State.

SECT. 2. *Be it further enacted*, That the said  
2 company may be organized at a legal meeting  
3 of the same to be held for that purpose, and the  
4 proceedings of said meeting shall be determined  
5 by a majority of the members present.

SECT. 3. *Be it further enacted*, That the cap-  
2 ital stock of said company shall consist of twelve  
3 thousand dollars, to be divided into two hundred  
4 shares at one hundred and twenty dollars each.  
5 And the said company shall prepare a book of  
6 subscription thereto—and having subscribed for  
7 such portion of the stock as they may wish to  
8 retain may offer said book to others for subscrip-  
9 tion thereto until the whole shall be taken up.  
10 *Provided*, that no person shall be allowed to  
11 subscribe for, and hold stock in said company  
12 to a greater amount than one half of his ratea-  
13 ble property.

SECT. 4. *Be it further enacted*, That said com-  
2 pany be and they hereby are authorized to build,  
3 maintain, repair and rebuild a dam across the

4 Kennebec river between the towns of Sidney  
5 and Vassalborough, at or near a place called the  
6 six mile Falls, for the purpose of improving the  
7 navigation of said river, and for no other pur-  
8 pose. *Provided*, that said dam shall not in any  
9 event exceed six feet in height above the surface  
10 of the water at its ordinary summer pitch—but  
11 in seasons of low water the height may be in-  
12 creased by the temporary erection of flush  
13 boards upon the top of the dam, so far as neces-  
14 sary for improving the navigation of the river  
15 into Waterville bay.

SECT. 5. *Be it further enacted*, That it shall be  
2 the duty of said company to insert and constantly  
3 keep and maintain in said dam, a suitable lock  
4 for the passage of boats, steamboats, rafts and  
5 such other craft, as shall commonly be used in  
6 the navigation of said river, between Augusta  
7 and Waterville, which said lock shall be not less  
8 than twenty eight feet in width, in the clear, and  
9 of sufficient length to receive and accommodate  
10 boats and rafts of one hundred feet in length,  
11 and of such depth, height and structure, as to  
12 afford a convenient passage for boats, steamboats  
13 and rafts, such as are above described. And the

6 NEGUEMKEAG DAM AND LOCK COMPANY.

14 said company shall cause said lock to be con-  
15 stantly attended by a sufficient number of faith-  
16 ful and capable persons, whose duty it shall be,  
17 at all times promptly and faithfully to attend the  
18 same, and aid in passing through said lock, all  
19 such rafts, boats, steamboats and other craft, as  
20 shall have occasion to pass the same. Which  
21 said lock shall be constructed and attended as  
22 aforesaid, before the said dam shall be so far  
23 completed as to prevent the safe and convenient  
24 passage up and down the river, of boats, rafts  
25 and lumber. And any person who shall suffer  
26 any damage in consequence of any neglect or  
27 violation by said company, of any of the provis-  
28 ions of this section, shall be entitled to recover  
29 the amount of said damage, by an action in any  
30 court competent to try the same.

SECT. 6. *Be it further enacted,* That for the  
2 passage of all such boats, steamboats and other  
3 craft, together with their lading, the following  
4 rates of toll is hereby granted to said company,  
5 viz: For each boat, steamboat or other craft,  
6 used for conveying freight or passengers, fifty  
7 cents. For canoes and other small boats, when  
8 passed the lock separately, twelve and one half  
9 cents.



10 For every ton in weight of goods, wares, mer-  
11 chandize and other property passing up the river  
12 through the lock, in boats, vessels or otherwise,  
13 twenty five cents; if passing down the river in  
14 the same manner, twelve and one half cents—

15 With the following exceptions. For all boards  
16 and other long lumber carried in boats or other  
17 craft, ten cents for each thousand feet.

18 For clapboards, ten cents per thousand.

19 For shingles, two cents per thousand.

20 For laths, two cents per thousand.

21 For hop poles, five cents per thousand.

22 For wood and bark, ten cents per cord.

23 *Provided*, That whenever said company shall  
24 have received in tolls granted by this act, a suffi-  
25 cient sum to reimburse themselves the amount  
26 they shall have expended in building, repairing  
27 and maintaining said dam, lock and other ap-  
28 pendages, and for attending the same, and also  
29 the amount they may have paid for damage to  
30 private property, and also such sums as they may  
31 have paid under any of the provisions of this act,  
32 together with such a rate of interest thereon, as  
33 the Legislature may deem just and reasonable,  
34 the Legislature may reduce the tolls to such rates

8 NEGUEMKEAG DAM AND LOCK COMPANY.

35 as will be sufficient to pay for attending the said  
36 lock and dam and keeping the same in repair.

SECT. 7. *Be it further enacted*, That the said  
2 company may enter upon and occupy any land,  
3 which may be necessary for them to enter upon  
4 and occupy in erecting, repairing and manufac-  
5 turing said dam and lock, and also such piers,  
6 bulk-heads, temporary dams, and other struct-  
7 ures, as may be necessary and suitable for the  
8 building and protection of said dam and lock.  
9 And for the injury arising therefrom the owner  
10 or owners of said land shall have remedy, as  
11 provided in the following section.

SECT. 8. *Be it further enacted*, That in case  
2 of any injury sustained by means of the back  
3 flowing, created or occasioned by said dam, in  
4 any dwelling house, store, or other building, or  
5 in any mill, mill machinery, dams, wharves,  
6 piers, piling-places, bridges, fences, or other arti-  
7 ficial erections made before the passing of this  
8 act and designed to be of a permanent nature,  
9 either by floating said erections away, or break-  
10 ing them or impeding their use and occupation,  
11 or in case of any injury sustained by such means  
12 in the use or value of any mill, or in lands bor-

13 dering upon or near the river by damaging any  
14 growth thereon, whether natural or produced  
15 by labor and cultivation, or by undermining or  
16 washing away the soil, or in any other mode,  
17 the persons sustaining such injury shall be enti-  
18 tled to recover compensation therefor.

SECT. 9. *Be it further enacted,* That if the  
2 injury be of a character to occur but once or  
3 seldom, the party injured may make his com-  
4 plaint in writing to the Supreme Judicial Court,  
5 when holden in the county of Kennebec; and  
6 after such notice, as the court may order to said  
7 company, the suit shall be proceeded in as in  
8 cases at the common law, with rights and liabil-  
9 ities as to costs pertaining to real actions; and  
10 the amount so ascertained, if any, shall be the  
11 true amount to which the complainant is enti-  
12 tled.

SECT. 10. *Be it further enacted,* That for  
2 damages of yearly occurrence, created as afore-  
3 said, the party injured is hereby invested with  
4 all the remedies therefor which are provided in  
5 the Revised Statutes, chapter one hundred and  
6 twenty six, sections, five, six, seven, eight, nine,  
7 ten, eleven, twelve, thirteen, fourteen, fifteen,

10 NEGUEMKEAG DAM AND LOCK COMPANY.

8 and twenty four, so far as the same are in sub-  
9 stance applicable to the case, making such vari-  
10 ations in the forms of the process and the name  
11 and description of the respondent as the nature  
12 of the case may require in order to an effectual  
13 remedy ; and this is to be the exclusive mode of  
14 remedy in such cases :—*Provided*, that said  
15 company may, after complaint is filed as pro-  
16 vided in the 9th and 10th sections of this act,  
17 offer to be defaulted for a certain sum, as now al-  
18 lowed in civil actions, and also offer another sum  
19 as the measure of yearly damages. And if the  
20 complainant or complainants shall not on trial re-  
21 cover more than the amount so offered, he shall  
22 recover no costs after such offer is made, and  
23 the respondent shall recover his cost after the  
24 said offer is filed ; but no person shall be entitled  
25 to recover any damage which has accrued more  
26 than two years before the filing of his said com-  
27 plaint.

SECT. 11. *Be it further enacted*, That the lia-  
2 bility of the stockholders in said company as  
3 defined in the eighteenth section of the seventy-  
4 sixth chapter of the Revised Statutes, shall con-  
5 tinue notwithstanding any transfer of the stock

6 of any such stockholder, for the term of two  
7 years after the record of said transfer of the  
8 books of the company ; and for the term of six  
9 months after judgment recovered against said  
10 company in any suit commenced within one  
11 year from the time of said transfer: *Provided*,  
12 that in every such case the officer holding the  
13 execution shall first ascertain and certify upon  
14 such execution that he cannot find corporate  
15 property or estate.

SECT. 12. *Be it further enacted*, That the said  
2 company, by one or more of its officers, to be  
3 designated by said company for the purpose,  
4 shall keep a true and accurate account of all  
5 the expenditures and receipts of said company.  
6 And the said officer, whose duty it shall be to  
7 keep the said accounts, shall, previous to the  
8 meeting of the Legislature, in each year, file an  
9 abstract of his said accounts in the office of the  
10 Secretary of State—which said abstract shall  
11 exhibit the true amount of all the receipts and  
12 expenditures of said company for the year next  
13 preceding. And said officer before filing the  
14 same, as aforesaid, shall make oath that the same  
15 is true before some justice of the peace.

12 NEGUEMKEAG DAM AND LOCK COMPANY.

SECT. 13. *Be it further enacted*, That all the  
2 powers, rights and privileges, by this act granted  
3 to said company, shall be null and void, if said  
4 dam, together with the lock and other necessary  
5 appendages thereto, shall not be completed within  
6 three years from the passing of this act.

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STATE OF MAINE.

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IN SENATE, February 17, 1842.

ORDERED, That 500 copies of the foregoing Bill, be printed  
for the use of the Legislature.

[Extract from the Journal.]

ATTEST : JERE HASKELL, *Secretary*.