

# MAINE STATE LEGISLATURE

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# PRIVATE ACTS

OF THE

# STATE OF MAINE,

PASSED BY THE

# LEGISLATURE,

AT ITS SESSION, JANUARY, 1822.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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PORTLAND :

ABIJAH W. THAYER, PRINTER TO THE STATE,

1822.

County of Kennebec ; and in case said corporation shall fail to comply with any of the provisions of this act, it shall be the duty of the Governor, with advice of Council, upon proof thereof being produced to him, to declare this section, securing to said corporation the exclusive privilege of navigating Kennebec River with steam, to be null and void, so far as it respects that part of Kennebec River, which lies below Augusta, if the neglect should happen with respect to that section of the River, or if the neglect should take place with respect to that part of Kennebec River above Augusta, then the privileges secured to said corporation with regard to that part of Kennebec River shall be null and void.

in case of failure this section to be declared void.

SECT. 8. *Be it further enacted*, That at all meetings of the corporation each member shall be entitled to one vote for each share owned by him. : *Provided*, that no person shall be entitled to more than fifteen votes.

Meetings regulated.

SECT. 9. *Be it further enacted*, That Captain Seward Porter and William M. Dodge, be, and they hereby are authorized to determine on the time and place for holding the first meeting of said corporation by giving notice thereof in one of the public papers printed at Portland, ten days at least before said meeting.

First meeting.

[This Act passed February 6, 1822.]

## CHAPTER CXXVII.

AN ACT to incorporate the Proprietors of Burnt Meadow Brook Canal.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That Samuel Bean, James Osgood Bean, Henry Howard, and James Steele, with their associates, be, and they hereby are, incorporated into a body politic by the name of the proprietors of the Burnt Meadow Brook Canal, with power to sue and be sued ; to have a common seal, and to change the same ; and to make any by-laws for the management of their affairs, not repugnant to the laws of this State.

Persons incorporated.

Powers, &c.

Location of  
the Canal.

SECT. 2. *Be it further enacted,* That the proprietors aforesaid, be, and hereby are empowered, within the term of five years, to make a Canal on Burnt Meadow Brook, so called, in the town of Brownfield, in the County of Oxford, for the purpose of floating timber down said Brook into Saco River.

Committee to  
be appointed  
in case of dis-  
agreement as to  
damages.

SECT. 3. *Be it further enacted,* That if any person shall suffer damage by means of said Canal, and the parties cannot agree on the amount of damages, nor upon some suitable person or persons to estimate the same, then some disinterested committee of three freeholders in said County shall be appointed by the Circuit Court of Common Pleas, in and for said county, and the determination of the Committee so appointed shall be the measure of said damages: *Provided however,* That if either party shall be dissatisfied with the report of said committee, so appointed, and shall at the same session of said Court, at which said report shall be made, apply to said Court for a trial by jury, in the manner other causes are determined; the Court aforesaid shall have power to determine the same by Jury as aforesaid; and if the verdict of the Jury shall not give to the party applying a greater sum in damages than said Committee shall have awarded as aforesaid, then the said Court shall award costs against the applicants; but, if said last decision shall be more favorable to the party applying, than the report of said committee, then the said Court shall render judgment accordingly, and issue execution in either case.

Proviso.

Penalty for in-  
juring the can-  
nal.

SECT. 4. *Be it further enacted,* That if any person or persons shall wilfully or mischievously in any way destroy or injure said Canal or any part thereof, or divert or obstruct the waters to the damage of the proprietors thereof, he or they shall pay treble the value of such damage as said proprietors shall, before the Court and Jury before whom the trial shall be had, make to appear, said proprietors have sustained, by means of said trespass, to be sued for and recovered in any Court proper to try the same.

SECT. 5. *Be it further enacted,* That for the purpose of remunerating said proprietors for the monies

by them expended, and to be expended in building and supporting said Canal, a toll be, and hereby is granted and established for the benefit of said Proprietors, their heirs, successors and assigns, of two cents on each mill log passed down said Canal. <sup>Toll established;</sup>

SECT. 6. *Be it further enacted,* That said proprietors shall as soon as said Canal is, in the opinion of the Circuit Court of Common Pleas, or in the opinion of a committee appointed by said Court, completed, have power to recover the toll as aforesaid, on the timber as it shall pass down said Canal, and to retain such part of it as may be necessary to pay the toll and necessary charges, if payment shall be refused. <sup>when to commence.</sup>

SECT. 7. *Be it further enacted,* That the powers granted by this Act may be enlarged or restrained at the pleasure of the Legislature. <sup>Powers granted may be allowed, &c.</sup>

SECT. 8. *Be it further enacted,* That Samuel Bean, be, and he hereby is authorized to call the first meeting of the corporation, at such time and place as he may direct, by notifying each proprietor of the time and place of meeting. <sup>First meeting.</sup>

[This Act passed February 6, 1822.]

## CHAPTER CXXVIII.

AN ACT to incorporate the Trustees of the School Fund of Lovell.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That Stephen Heald, Josiah Heald, Jun. Nathaniel Hutchins, Jun. Philip C. Johnson, John Merrill, John Swain and Stephen Barker, and their successors, be, and they hereby are, incorporated into a body politic by the name of the Trustees of the School Fund of Lovell; with power to sue and be sued, to have a common seal, and to change the same, to make any by-laws for the management of their affairs, not repugnant to the laws of the State; and to sell and convey all the school lands belonging to said town of Lovell; and any deed thereof, duly executed and acknowledged <sup>Persons incorporated Trustees.</sup> <sup>Powers, &c.</sup>