

# MAINE STATE LEGISLATURE

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# PRIVATE ACTS

OF THE

## STATE OF MAINE,

PASSED BY THE

### SIXTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1826.

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PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28th OF JUNE, 1826.

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Portland.

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1826.

Inhabitants hold-  
en to pay taxes,  
&c.

SECT. 4. *Be it further enacted*, That the inhabitants hereby incorporated, shall be holden to pay all taxes, which have been assessed upon them, as inhabitants, either of Etna or of plantation number five, previous to the passing of this Act: And the collectors of taxes, in the said town of Etna, and plantation number five, shall have the same power to enforce the collection of such taxes, as if this Act had not passed.

[*Approved by the Governor, Feb. 21, 1826.*]

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CHAPTER CCCCVI.

AN ACT to change the names of certain Banks.

Names changed.

*BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That the several Banks herein named, incorporated by the Legislature of this State, shall hereafter be allowed to take the names following, that is to say, the Casco Bank, the name of the President, Directors and Company of the Casco Bank; the Union Bank, the name of the President, Directors and Company of the Union Bank; the Merchants Bank, the name of the President, Directors and Company of the Merchants Bank; the Manufacturers Bank, the name of the President, Directors and Company of the Manufacturers Bank; and the Vassalborough Bank, the name of the President, Directors and Company of the Vassalborough Bank; any thing in their several Acts of incorporation, to the contrary notwithstanding.

[*Approved by the Governor, Feb. 22, 1826.*]

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CHAPTER CCCCVII.

AN ACT to incorporate the Proprietors of Ten Mile Brook Canal.

Persons incorpo-  
rated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That Simeon Pease, Theophilus Smith and

John Pike, 2d, their associates and successors, be, and they hereby are, incorporated, as a body politic, by the name of the Proprietors of Ten Mile Brook Canal; with power to prosecute and defend suits at law; 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 said proprietors are hereby empowered to make, on the stream called Ten Mile Brook, in Brownfield, in the county of Oxford, such dams and slips, as shall be sufficient for the conveyance of logs and timber through said stream, to Saco river, and in such manner, as shall be safe and convenient for that purpose.

Powers, &amp;c.

Dams, &amp;c. may be made.

SECT. 2. *Be it further enacted,* That if any person or persons, shall suffer damages, by the erecting of said dams and slips, and the parties cannot agree upon the amount, the same proceedings may be had thereon, to ascertain and settle the same, as is prescribed in the second section of the Act, defining the general powers and duties of turnpike corporations. And if any person or persons shall wilfully destroy or injure the said dams or slips, or any part thereof, or divert or obstruct the waters thereof, he or they shall pay treble damages for such trespass, to be recovered in any Court of competent jurisdiction.

Provision respecting damages.

Penalty for injuring dams, &amp;c.

SECT. 3. *Be it further enacted,* That a toll be, and hereby is, granted, for the sole use of said corporation, at the following rates, viz: For timber, sufficient to make a thousand feet of boards, which shall pass through the whole extent of said stream, twenty-cents; for the same quantity of timber which shall pass down the same, as far as the place called Lane's dam, eight cents; to Wadsworth's mill dam, four cents; and at the lower dam, eight cents; and at said several places, the said corporation may cause the toll to be taken accordingly; the quantity or amount of timber to be determined by the survey from the owner, to the purchaser: And said cor-

Toll granted.

Corporation held  
to keep the dams,  
in repair for a  
certain time.

Proviso.

poration, shall, at all times, for the term of ten years, from the time said dams and slips shall be completed, keep the same in repair, for the passing of logs and timber thereon, and shall be liable to pay each person, the damage he may sustain, in consequence of said dams or slips, not being in good and sufficient repair: *Provided*, Any one of said corporation be notified that such repairs are needed, and the same is not done without unnecessary delay; such damage to be recovered in any Court of competent jurisdiction.

Toll when and  
how collected.

SECT. 4. *Be it further enacted*, That said corporation may, as soon as their works, hereby authorized, are, in the opinion of the Court of Sessions, for the county of Oxford, or of their committee, completed and suitable for the passage of logs, have power to collect toll on any timber passing therein; and to retain such part thereof, as may be necessary to pay the toll and charges of collection, if payment be refused; and said corporation may sell at public auction so much of said timber, as may be necessary for the payment of toll and charges thereon, after detaining said timber ten days, and posting up notice thereof, in some public places in the town of Brownfield, six days before the sale; or said corporation may recover said toll of the owner of the timber, by action of debt, in any Court of competent jurisdiction.

First meeting,  
how called, &c.

SECT. 5. *Be it further enacted*, That Simeon Pease, be, and he hereby is, authorized to call the first meeting of said Proprietors, at such time and place, within the town of Brownfield, as he may direct, by notifying each proprietor, of the time and place of meeting, six days previous thereto.

Individuals not to  
be injured in their  
rights.

SECT. 6. *Be it further enacted*, That no individuals shall, by any construction of the provisions of this Act, be deprived or injured in the exercise of any rights or privileges, they might or could have enjoyed, in regard to the stream aforesaid, previous to the passing of this Act.

SECT. 7. *Be it further enacted,* That the powers granted by this Act may be enlarged, restricted or annulled, at the pleasure of the Legislature. Powers restricted  
*[Approved by the Governor, Feb. 22, 1826.]*

## CHAPTER CCCCVIII.

AN ACT to authorize a Canal in Cape Elizabeth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That Joshua Mitchell, Samuel Waterhouse, Charles Peabbles, Richard Jordan and Elliot Jordan, Persons incorporated. their associates and successors, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of the Cape Elizabeth Canal; and by that name may prosecute and defend suits at law; may have and use a common seal; may take and hold any estate, real and personal, to any amount not exceeding ten thousand dollars, and the same may use, occupy, dispose of, grant or release, Powers, &c at their pleasure, for the purposes of their incorporation; and generally, may have and enjoy all the powers and privileges usually granted to similar corporations.

SECT. 2. *Be it further enacted,* That the said corporation shall have power to cut and make a canal through and over their own land, or such as they may purchase for that purpose, in said Cape Elizabeth, from Great Pond, so called, in a northerly direction, about half a mile, to the salt marsh, and to feed said canal with the waters of said pond, for the purpose of erecting on said canal, such dams and mills, as public convenience may require: *Provided however,* That the authority hereby granted, shall not be so construed, Corporation authorized to make a Canal through certain lands. as to allow any interruption or interference with the Alewife Fishery; and that said corporation shall make and keep in good repair, a strong and substantial dam at the fountain head. Proviso.