

# MAINE STATE LEGISLATURE

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**PRIVATE AND SPECIAL ACTS**

OF THE

**STATE OF MAINE,**

PASSED BY THE

**FIFTEENTH LEGISLATURE,**

AT ITS SESSION, HELD IN JANUARY, 1835.

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Published agreeably to the Resolve of June 28, 1820.

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**AUGUSTA:**

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

Corporation by publishing the time and place thereof twenty days previously in the newspaper called the "Zions Advocate" printed in Portland, and the powers granted by this Act may be enlarged, restricted or annulled at the pleasure of the Legislature.

## CHAPTER 562.

AN ACT to incorporate the St. Croix River Company.

Approved March 11, 1835.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Neal D. Shaw, Luther Brackett, William Pike, Stephen Emerson, Anson G. Chandler, Salmon Gates, John Stickney, Joseph Whitney and Isaac Pool their associates, successors and assigns be, and they hereby are constituted a body politic and corporate, by the name of the St. Croix River Company, for the purpose of making such improvements upon the parts of the St. Croix River and the shores of the Lakes thereon, between the Salmon Falls inclusive, and the head of the western branch thereof, by removing obstructions therein and erecting thereon dams and gates, piers and booms, as will facilitate and render more convenient the drifting and driving down said parts of said river and lakes, logs, ton timber, masts, spars and other lumber and timber, not in boats; and by that name may contract, sue, be sued and defend suits at law, have a common seal and change the same at pleasure, make by-laws not repugnant to the laws of this State, for the convenient management of their corporate concerns; take and hold any estate, real, personal or mixed to the amount of Twelve Thousand Dollars, and the same to sell, convey and otherwise dispose of, and have and enjoy all the rights and powers necessary to carry into full effect the objects of the Corporation.

Names of persons incorporated.

Corporate name.

Powers, &c.

May hold estate to the amount of \$12,000.

SECT. 2. *Be it further enacted,* That said Corporation shall have power to remove any obstructions in, and to erect such dams and gates, piers and booms upon the parts aforesaid, as said Corporation shall determine necessary to the attainment of the purposes of this incorporation; but no person or persons, upon whose premises any such improvements may be made, shall be debarred from using the same in any way not inconsistent with the full attainment of the purposes aforesaid; unless such person or persons shall have demanded and received of said Corporation a full equivalent for the value of the premises so occupied.

SECT. 3. *Be it further enacted,* That if any person or persons shall suffer damage by the exercise of the power herein granted to said Corporation; or if said Corporation shall take or use any dam, or the materials of any dam now existing or which has existed on said parts, and which was originally erected solely for said purposes, which said Corporation is hereby authorized to take and use, and the amount, or value thereof cannot be agreed upon by the parties, the same shall be mutually submitted to three disinterested freeholders, whose determination shall be binding and final in the premises, and in case of their disagreement the same shall be submitted to the Court of County Commissioners in the County of Washington, whose decision in the premises shall be final, and said freeholders and Commissioners shall also determine the time and manner of the payment of the amount or value they may agree upon.

Claims of persons injured—the amount of, how determined.

SECT. 4. *Be it further enacted,* That if any person shall wilfully or maliciously injure any such dam, gate, pier, boom or other improvement, made by said Corporation, so as to render it less fitted for the purposes of its construction, or so as to cause expense to said Company, or shall aid in, or procure or advise the same to be done, such person or persons shall forfeit and pay said Corporation treble damages, to be sued for and recovered in an action of debt, in any Court competent to try the same, to the use of said Corporation.

Penalty for wilfully injuring dam, &c.

—how recovered.

SECT. 5. *Be it further enacted,* That a toll shall be and hereby is granted for the benefit of said Corporation, according to the rates following, to wit:—for each and every thousand feet, board measure, which the logs, masts, ton timber, spars or other timber or lumber would make, which may be drifted, floated or drove through the mouth or outlet of the Grand Lake Stream within the first year said Corporation may take toll, four cents—for each and every thousand feet as aforesaid so drifted, floated or drove the second year, three cents—for every thousand feet as aforesaid, so drifted or drove after the second year, two cents,—for each and every thousand feet as aforesaid, which may be drifted, floated or drove through the outlet of Big Lake, the first year said company may take toll and which have not passed through the outlet or mouth of the Grand Lake Stream, two cents and an half—and for each and every thousand feet as aforesaid, so drifted, floated or drove as is last aforesaid, after the said first year, one cent and an half, for each and every thousand feet as aforesaid, which may pass Sprague's falls and have not passed the outlet of Big Lake, nor of the Grand Lake Stream, one cent, but said Corporation may at all times vary said tolls, for said places, provided they shall keep them within the limits above prescribed—and said Corporation shall have a lien upon the logs, masts, spars, ton timber, other lumber and timber for the payment of said tolls, which may so become due thereon; and said Corporation may, by any person it may designate as its agent therefor, take and sell at public vendue any and so much of the same as may be necessary to raise the sum due for said toll, the expenses of said taking and sale and the keeping thereof, but no such sale shall be made until said Corporation shall have made a demand therefor of the owners thereof or persons interested therein or some of them, if known to said Agent, and a refusal or neglect to pay the same; nor after said refusal, nor if said owner or persons interested therein be not so known, until notice shall have been posted by said Agent, six days at least before the day of sale, in

Amount of toll granted to said corporation.

Corporation to have a lien upon logs, &c. for the payment of tolls.

—may take and sell at vendue logs, &c. to raise a sum sufficient to pay tolls and expenses of the keeping thereof.

Demand of payment to be made previous to sale.

Manner of giving notice of sale.

some conspicuous and public place, in the towns of Calais, Baring and in the parish of St. Stephens, stating the marks as near as may be, of the property on which the toll is due, the amount due, and the time and place of sale—or said Corporation may sue for and recover said toll of said owners or persons interested therein or any of them in an action of assumpsit on an account annexed for tolls, before any tribunal of competent jurisdiction. But said Corporation shall not have any right to demand or receive any of said tolls, till said improvements are made at Sprague's Falls, Grand Falls, the outlet of Big Lake and on the Grand Lake Stream, and if they be not completed within two years from the first day of May next then this Act shall be void—*Provided however* that when said improvements are made and completed at the outlet of Grand Lake, the Corporation shall be entitled to demand receive and collect as aforesaid one half of the rates of toll aforesaid until the other improvements contemplated by this Act are made and completed.

Corporation may sue, &c. for tolls.

No tolls to be demanded until certain improvements are made.

Time allowed to complete improvements.

When improvements are made at outlet of Grand Lake, corporation to take half toll.

SECT. 6. *Be it further enacted*, That if any person or persons shall, after the first day of September next, in any way put into, or drift, float or drive upon said River or any of the Lakes within the limits first in the first section hereof named, or cause it to be done, any log, mast, spar, or other stick of timber or lumber over thirty feet long which shall therein become mixed with the logs, masts, spars or other lumber or timber of any other person to his injury or delay in driving them, the person by whom it may be done, or who shall assist in doing it, or causing it to be done, shall forfeit and pay one dollar for each and every such log, mast, spar or other stick of timber or lumber, which may be sued for and recovered of him in an action of debt, in the name of said Corporation, to its use and benefit, to be applied, as said tolls shall be, in making said improvements, keeping them in repair and tending upon and managing the same—*Provided however*, that this forfeiture shall not be incurred by any person who, in driving his own lumber or that which he may have contracted to drive,

Penalty for putting in or driving any log, &c. over 30 feet in length.

—how recovered.

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shall therewith necessarily drift, float or drive any such log, mast, spar or other stick of timber or lumber of any other person which has become and continues so mixed with his, against his will and consent.

Corporation not to keep back the water by their dams to the injury of the owners of mills.

SECT. 7. *Be it further enacted*, That said Corporation shall not, by any of its dams or other improvements, keep back or withhold the water from flowing down said River or Lakes so as to prevent any of the mills thereon from being supplied with a sufficiency of water to the injury of the owners or occupants thereof.

Manner of calling first meeting.

SECT. 8. *Be it further enacted*, That the first meeting of this Corporation may be called by any one of the persons herein named, giving to each of the others written notice thereof in hand, or leaving it at his last and usual place of abode six days before the day of meeting, stating the time and place of said meeting.

Corporation to take and dispose of prize logs.

SECT. 9. *Be it further enacted*, That said Corporation be and hereby are authorized to take, within the limits first herein named, all such prize logs as may be found therein by its agents, to dispose of the same as it may deem expedient, and shall appropriate the proceeds thereof, after deducting the expenses of said taking and sale and the keeping of said logs, to the purposes for which this Corporation was created.

Corporation not to divide proceeds of tolls or monies arising from prize logs, but to expend the same in accomplishing the objects thereof.

— shall cease to demand toll when determined by Legislature

SECT. 10. *Be it further enacted*, That the Corporation shall never be allowed to divide any of the proceeds of the tolls or monies arising from the sale of prize logs as aforesaid, but shall faithfully expend the same in accomplishing the objects of this Corporation, and shall cease to demand tolls whenever the Legislature shall determine that the necessary improvements upon said Lakes and River are fully accomplishd and provision made for keeping the same in repair.