

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTYEIGHTH LEGISLATURE,

At its Session, held in January, 1836.

Published agreeably to the Resolbe of June 28, 1820.

AUGUSTA:

SMITH AND ROBINSON,.....PRINTERS TO THE STATE.

1836.

incorporation, treble the amount of such damage as the said proprietors, shall before the Court and Jury make to appear to have been sustained by them in consequence of such injury, which damage may be sued for and recovered in an action of trespass in any Court proper to try the same.

SECT. 7. *Be it further enacted*, That any two persons named in this Act shall have power to call the first meeting of the Proprietors of said Corporation by publishing an advertisement in the Kennebec Journal and Skowhegan Sentinel fourteen days before the time of said meeting, stating the time and place, when and where said meeting shall be holden.

Manner of calling first meeting.

Chapter 151.

AN ACT to incorporate the Salt Water Falls Company.

Approved March 24, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That William Freeman, Robert Foster 2d, and Isaac Gage, their associates, successors and assigns be incorporated into a body politic by the name of the Salt Water Falls Company, and by that name may transact all business and enjoy all privileges, to which similar Corporations are entitled by an Act concerning Corporations passed the sixteenth day of February in the year of our Lord one thousand eight hundred and thirty six.

Names of Corporators.

Corporate name.

SECT. 2. *Be it further enacted*, That the capital stock of said Company shall consist of two hundred thousand dollars to be divided into and held by shares of one hundred dollars each.

Capital Stock.

SECT. 3. *Be it further enacted*, That said Company be and they hereby are authorized to build, maintain, repair and rebuild a dam and bridge either separately or connected, as may be thought necessary across the Nar-

Powers, &c.

Proviso. raguagus River in the Town of Harrington, and at a place called Salt Water Falls; and said Company are hereby authorized to flow the water by means of said dam, and to use and improve the same for propelling mills factories and other purposes, either upon said dam or in canals, basins or sluices made therefor, *Provided, however*, that the water in said River shall not be raised so high by means of said dam as to injure or destroy the improvement, of any mills or mill privileges, now occupied as such above said dam.

Proviso. And *provided further* that the water in said river shall not be raised as aforesaid so as to prevent the owners of mills and privileges above from carrying on any works to improve the navigation of said river the ensuing season for making such improvements *and provided also* that such owners shall not be molested or impeded in making any necessary improvements of the navigation below said Salt Water Falls by the Corporation aforesaid except such improvement will injure any mills belonging to said Corporation.

SECT. 4. *Be it further enacted*, That said Corporation shall make and provide a suitable draw through said Bridge or dam at least twenty eight feet wide in the clear, and shall also make and provide a good, sufficient and easy passage way or passage ways, through said dam by means of locks, gates, or otherwise, so that rafts, boats, vessels, and all other river craft, which said River may hereafter be made navigable for, may safely pass through each passage way or passage ways, at all times. And it shall be the duty of said Company to cause said draw and passage ways to be promptly and faithfully tended and managed by careful and skilful persons, so that all rafts, boats, vessels, and other river craft, having occasion therefor, may be admitted and pass through the same without any unreasonable delay—*Provided however*, that no compensation shall be asked or received for the purposes aforesaid, and no toll or pay shall be exacted or taken of any person for passing the dam and bridge aforesaid,—and said Company shall be liable for all damages, which may arise in conse-

To make draw through Bridge, and locks through Dam.

To cause the passage ways to be faithfully tended.

No toll to be received.

Liable to damages for neglects.

quence of any neglect in tending the dam or passage ways as aforesaid, to the party injured thereby—to be recovered by an action of debt before any Court of competent jurisdiction, *and provided further* that said dam shall be so constructed as to admit the tide to flow in at high water so as to have the water as high above the dam as below it.

SECT. 5. *Be it further enacted*, That said Corporation shall so construct said dam or bridge that the same shall be made a safe and convenient passage way, and shall at all times keep the same in good repair and free and open for the accommodation of the public travel so that they can pass with their teams, carriages or otherwise. *And* said Corporation shall locate and open a road or highway leading westerly over lands belonging to said Company from the said bridge or passage way to the town road, and in like manner locate and open a road or highway leading easterly from said bridge or passage way over their own lands to a town road, which roads or highways when accepted by the Town authorities or County Commissioners shall be deemed public highways.

To open roads,
&c.

SECT. 6. *Be it further enacted*, That said Corporation may erect and maintain, within one and a half miles, above or below said dam such piers abutments, wharves, side booms, or other structures, which may be necessary and suitable for the protection of said dam and bridge, passage ways or other works of said Company, and which may be required for the safe and easy guidance of all boats, rafts, vessels and other craft, in and through said draw or passage ways, or which may be needed for the better accommodation of the business of said Company—and the said Corporation may also cut and open such canals and sluiceways, on their own lands, within the limits aforesaid on the banks of said river as may be wanted for the purposes aforesaid. *Provided*, that such piers, abutments, wharves, side booms, canals, sluiceways or other structures, shall not interfere with or impede the free passage of such logs, lumber, rafts, boats, or other craft floated down, or designed by the owners thereof to pass over or through said

May erect piers,
wharves, &c.

Proviso.

To keep open a fishway. dam—and it shall be the duty of said Corporation to construct and maintain a good and sufficient fish way, over or through said dam for the passage of salmon, shad and alewives, and keep the same free and open at such times as the fishways on said river are now required by law to be kept free and open—*Provided however*, that if the flood gates or other openings which may be made through said dam should be sufficient for the passage of said fish, no other fishway shall be required as aforesaid.

Proviso.

The taking of Salmon, &c. prohibited within certain limits.

SECT. 7. *Be it further enacted*, That if any person shall at any time take any salmon, shad or alewives, within the distance of fifty rods above or below or at said dam or fishway, he shall for every such salmon, so taken forfeit the sum of five dollars, and for every such shad or alewife so taken the sum of one dollar, to be recovered by an action of debt in the name of any complainant before any Justice of the Peace in the County of Washington,—one half to the use of the complainant and the other half to the use of the inhabitants of the town where taken as aforesaid.

May hold estate to amount of 200,000 dollars.

SECT. 8. *Be it further enacted*, That for the purposes of this Act, said Corporation are authorized to have, purchase, hold and enjoy any lands, tenements, and estates, real, personal and mixed to an amount not exceeding two hundred thousand dollars, as provided for in the second section, and the same or any part thereof to sell lease, or convey at pleasure.

Powers, &c.

SECT. 9. *Be it further enacted*, That it shall be lawful for said Company to enter upon and improve such lands as may be necessary for the construction and protection of the works, and for the prosecution of the business appertaining to said dam, and mentioned as aforesaid—and if any person or persons shall suffer damage by the exercise of any of the powers, herein granted to said Corporation, and the amount of such damage cannot be agreed upon by the parties, or some suitable person or persons agreed upon to estimate the same, the Court of Common Pleas for the County of Washington shall on application of the

Damages—how obtained.

party aggrieved, cause said damage to be estimated by three disinterested freeholders of the same County—*Provided however*, that if either party be dissatisfied with the award of said Committee, such party shall be entitled to a trial by jury in the manner other like causes are determined.

SECT. 10. *Be it further enacted*, That whenever any three or more persons shall make complaint in writing—having previously given reasonable notice of the particular grounds of such complaint to said Company—to the Court of Common Pleas for the County of Washington, alleging that said Company in the construction of any of the works herein contemplated have failed to conform to the conditions of this Act, it shall be the duty of the Court to appoint three disinterested freeholders, who after due notice given, shall examine the premises and hear the parties and their witnesses, and thereupon adjudicate upon said complaint—and if they find the same to be unfounded, they shall award reasonable costs to said Company against said complainant—but if well founded, they shall award like costs to said complainant, and shall in writing prescribe the improvements necessary to be made in and about said works, and the time in which the same shall be made; and if the said Corporation shall not cause said improvements to be made and finished within the time prescribed therefor, the said Commissioners shall enter into contracts therefor and cause the same to be completed; and for all the expense thereof with reasonable compensation to said Commissioners and all other costs, the said Court shall issue an execution or a warrant of distress against said Company.

Proceedings, relative to damages.

SECT. 11. *Be it further enacted*, That if any person or persons shall wilfully and maliciously molest, injure or destroy any of the works belonging to said Company, created or caused by virtue of this Act and mentioned as aforesaid, he or they shall, on conviction thereof before the Court of Common Pleas forfeit such penalty or suffer such imprisonment for every such offence, as said Court may order according to their discretion and the aggravation of the offence—and shall also be liable to pay to said

Penalty for injuring any of the works.

Company treble damages therefor, to be recovered by an action of trespass in any Court of competent jurisdiction.

When to be completed.

SECT. 12. *Be it further enacted,* That unless said dam and bridge and works appertaining to the same and required by this Act, shall be completed and fitted for use within five years from the passing of this Act, all the powers herein granted to said Company shall be annulled and made void.

Manner of calling first meeting.

SECT. 13. *Be it further enacted,* That any one of the persons before mentioned may call the first meeting of the Corporation by publishing the time and place thereof, twenty days previously, in one of the Boston newspapers, and in any newspaper printed in the County of Washington, or by giving personal or written notice thereof twenty days previously to each stockholder of said Company—at which meeting a President Treasurer, Directors and other officers may be chosen, by laws adopted and any other Corporation business transacted—said officers to hold their offices, until the annual meeting next thereafter, and until others are chosen in their room.

Officers may be chosen.

SECT. 14. *Be it further enacted,* That in all elections and in acting on any subject at said first meeting and all subsequent meetings, the decision shall be had by a majority of the votes actually given—and each share in the stock shall be entitled to one vote—*Provided,* that no stockholder shall be entitled to more than thirty votes—and any stockholder may vote by proxy authorized in writing; but no vote shall be given by any stockholder upon whose share or shares any instalment or arrearages shall be due and unpaid, more than thirty days, previous to the meeting.

Voters.