

MAINE STATE LEGISLATURE

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PRIVATE

AND

SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SEVENTEENTH LEGISLATURE,

JANUARY SESSION, 1837.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA :
SMITH & ROBINSON, PRINTERS TO THE STATE.

1837.

Powers, &c.

Mill Company for the purpose of carrying on the business of lumbering upon and managing and improving their own land in townships numbered seven and eight in the second range of townships North of Bingham Penobscot Purchase in the County of Washington, and of manufacturing, dealing in and transporting lumber to market, with power to hold manage and improve real and personal estate not exceeding in value at any one time two hundred thousand dollars, and to dispose of the same at pleasure. And said corporation is hereby vested with all the powers and made subject to all the liabilities and restrictions incident by law to similar corporations. *Provided however* that nothing in this Act shall be so construed as to confer upon said corporation any right or power whatever to interfere with or injuriously affect public or private rights.

May hold estate,
\$200,000.

Proviso.

First meeting,
how called.

SECT. 2. *Be it further enacted*, That Horace Baker and in case of his death any two of the persons above mentioned shall have power to call the first meeting of said corporation, at such time and place as he or they may deem expedient by publishing notice thereof ten days at least before the time appointed for said meeting in some newspaper printed in the cities of Portland and Boston.

Chapter 387.

AN ACT to incorporate the Narraguagus Sluiceway Company.

Approved March 29, 1837.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Jeremiah O. Nichels, Amzi Curtiss, Tobias A. Hall, William Freeman, Alexander Campbell, Francis C. Campbell, Robert Foster, Ambrose Lovis, William Nickels, Albert Church,

Edward F. Jacobs, and Charles S. Hall, their associates, successors and assigns, be, and hereby are incorporated into a body politic by the name of the Narraguagus Sluiceway Company and by that name may transact all business and enjoy all the rights and privileges, and be subject to all the liabilities, restrictions and obligations contained in an "Act concerning corporations," passed the sixteenth day of February in the year of our Lord one thousand eight hundred and thirty-six.

Corporate name.
Powers, &c.

SECT. 2. *Be it further enacted*, That the capital stock of said company may consist of twenty-five thousand dollars, to be divided into and held by shares of one hundred dollars each.

Capital Stock,—
\$25,000.

SECT. 3. *Be it further enacted*, That said company be and hereby are authorized to build, maintain repair, and rebuild a Sluiceway in the town of Cherryfield on the Narraguagus River, leading from a dam lately built across said river near the main log boom, and over, through or by the said Narraguagus River, or lands adjacent thereto, and terminating at a point between the lower mill dam and the lower bridge on said river; and said company are hereby authorized to construct, maintain, repair and rebuild the said Sluiceway, over, through, or by all the mill dams between said main log boom, and said lower bridge; and to use a sufficient quantity of water from the aforesaid river, or from any of the ponds created by the aforesaid mill dams, to carry the logs or other lumber which may be required by said company to pass through said Sluiceway. *Provided* that no more water, shall be taken from any of the said ponds than shall be necessarily used in floating the logs and other lumber through said Sluiceway.

Powers and privileges.

Proviso.

SECT. 4. *Be it further enacted*, That said company may erect and maintain side-booms, abutments, piers, and all such other structures as may be necessary and suitable for the protection of said Sluiceway and for the safe and easy guidance of all logs and other lumber which may be required to pass into, through and from said Sluiceway;

May erect side booms, &c.

Proviso.

Provided, that said booms and structures do not impede or obstruct the free navigation of said river.

May enter upon and improve such lands as may be necessary.

SECT. 5. *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 prosecuting the business appertaining to said Sluiceway; on payment of such sum as may be agreed upon by the owners of said land and said corporation.

Penalty for injuries or obstructions.

SECT. 6. *Be it further enacted*, That if any person or persons shall wilfully and maliciously molest, injure or destroy any part of the said Sluiceway or any of the works belonging thereto, created or caused by this Act, 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 said company treble damages therefor to be recovered by an action of trespass in any Court of competent jurisdiction.

Railway to be completed within 3 years.

SECT. 7. *Be it further enacted*, That unless said Sluiceway shall be completed and fitted for use within three years from the passing of this Act, all the powers herein granted to said company shall be annulled and made void.

Capital Stock,—\$25,000.

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

Rates of toll.

SECT. 9. *Be it further enacted*, That a toll be, and is granted for the use of said corporation at the following rates, to wit, for every log which shall be passed through said Sluiceway from above the first dam into the next adjoining mill pond below two cents—for every log which shall be passed through said Sluiceway into the second mill pond, three cents—for every log which shall be passed

through said Sluiceway into the third mill pond, four cents—for every log which shall be passed through said Sluiceway into the fourth mill pond, five cents—for every log which shall be passed through said Sluiceway into the river or pond below the present lower mill dam six cents for each and every such log,—and for all timber sticks not exceeding thirty-two feet in length and nine inches through at the top which shall be passed through said Sluiceway into either of the said ponds or river below, a sum equal to one half the rate charged for logs,—for all sawed lumber which shall be passed through said Sluiceway, thirty three and one third cents per thousand feet board measure—and for all sawed lumber logs masts, spars timber or wood of any description that may be permitted by said company to pass through any part of said Sluiceway, and that can be so passed through without any hindrance to the sluicing such logs and lumber as is required to pass through, and on which the rates of toll are not established by this Act; the said company shall be allowed to receive such compensation as the parties may agree upon; or as the company shall determine upon and make known by giving public notice thereof. And said company shall at all times keep said Sluiceway in good repair for the passing of logs through the same and shall be liable to pay each person the damage he may sustain in consequence of said Sluiceway not being in good repair.—*Provided*, any one of said corporation be notified and the same is not done without unnecessary delay; such damage to be recovered in any Court of competent jurisdiction, to be estimated by a jury, or by a disinterested committee mutually agreed upon by the parties.

Sluiceway to be kept in good repair.

Penalty for neglect.

SECT. 10. *Be it further enacted*, That for all the logs timber sticks and sawed timber on which the rates of toll are established by this Act which shall pass through any part of said Sluiceway between the fifteenth day of June and the first day of October an additional charge of twenty five per cent. to the above named rates shall be paid thereon, which additional sum or sums shall be paid to the

Additional toll, in certain cases for the benefit of owners of first Mill Dam.

owners of the first mill dam from which the water is drawn for the use of said Sluiceway, as a compensation for the said water from their pond. And for all the masts, spars, timber or wood of any description, required by said company to pass from said first mill dam through the said Sluiceway between the fifteenth day of June and the first day of October, and on which the rate of toll is not fixed by this Act, the owners of said first mill dam from which the water is drawn shall be entitled to receive from said company one fourth part of all tolls charged and received for the sluiceage of the aforesaid masts, spars, timber and wood of all descriptions. *Provided*, that when the sluicing of logs, timber or wood, at any time does not prevent the water from running over the waste way of said dam, then no excessive toll shall be paid or demanded.

Owners of first Mill Dam, to receive 1-4 part of tolls in certain cases.

All necessary branches considered as a part of said Sluice way.

SECT. 11. *Be it further enacted*, That all necessary branches, outlets and inlets leading from said Sluiceway into any part of the river or ponds aforesaid; or leading from said ponds or river into said Sluiceway, shall be considered as a part of said Sluiceway, and authorized by this Act, and shall be subject to all the restrictions, and entitled to all the protection and privileges contained in this Act.

First meeting—how called.

SECT. 12. *Be it further enacted*, That either of the persons named in the first section of this Act, be and hereby is authorized to call the first meeting of the proprietors, at such time and place as he may direct, by notifying each proprietor of the time and place of such meeting ten days previous thereto,—and further, that in acting on any subject at the first, and at all subsequent meetings, a decision shall be had by a majority of the votes actually given; each share of the stock being entitled to one vote—*Provided*, that no stockholder shall be entitled to more than five votes—Any stockholder may vote by proxy authorized in writing—*Provided* that no stockholder on whose share or shares any assessment shall be, and has remained unpaid for more than three months preceding any meeting of said company, shall be entitled to vote in said meeting.

No stockholder to have more than 5 votes.

SECT. 13. *Be it further enacted*, That if any owner, or owners of logs or other lumber, which may be sluiced, shall refuse or neglect to pay toll for the same ; said company may take and sell at public auction so many of said logs or so much of said other lumber as may be necessary to pay the toll and the charges thereon, by first giving reasonable and sufficient notice to such owner or owners, of the time and place of sale, and said company shall always have a lien upon any logs, or other lumber for all toll and charges which may be due thereon : or shall have right to sue for, and recover the same in any Court of competent jurisdiction.

Corporation may sell lumber for toll in certain cases.

Chapter 388.

AN ACT to incorporate the Proprietors of Anson and Solon Bridge.

Approved March 29, 1837.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That David Bronson, Franklin Smith, William Weston, Joshua Snell, Dennis Moore, Elisha Coolidge, Theodore W. Smith, Sam'l Gage, Andsa McFader, Asa Vickerie, Cyrus Rogers, James Allbee, Thomas Dinsmore, William R. Flint their associates and successors be and they are hereby constituted a body politic and corporate by the name of the Anson and Solon Bridge Proprietors and by that name may prosecute and defend suits at law ; may have and use a common seal ; may make any by-laws for the management of their affairs not repugnant to the laws of the State ; and may choose a Clerk Treasurer and any other officers proper for the management of their corporate business by a majority of votes present allowing one vote to each share. *Provided*, that no individual shall be entitled to more than ten votes on all his shares.

Corporators.

Corporate name.

Powers and privileges.