

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES,

PASSED BY THE

TWENTIETH LEGISLATURE

OF THE

STATE OF MAINE,

JANUARY SESSION, 1840.

Published by the Secretary of State, agreeably to Resolves of June
28, 1820, and February 26, 1840.

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1840.

PUBLIC AND PRIVATE LAWS
OF THE
STATE OF MAINE.
1840.

[supplied from page 1 of volume]

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

E R R A T A .

- Page 2, eleventh line from the bottom, for "Nathan" read *Nahum*.
 3, third line from the bottom, after the word "matters" insert *and things*.
 6, at the end of chap. 6, for "January 27," read *January 29*.
 15, at the end of chap. 17, for "February 18," read *February 19*.
 22, chap. 23, sec. 3, sixth line, for "vehicle" read *vehicle*.
 29, third line from the top, for "votes" read *voters*.
 29, seventh line from the top, omit the word "by" before "law."
 29, sec. 8, tenth line, for "estate" read *estates*.
 31, chap. 30, sec. 1, fifth line, omit the word "other" before "refuse."
 33, chap. 33, sec. 1, eleventh line, for "mast" read *masts*.
 38, second line from the bottom, for "chair-" read *chain*.
 47, fourth line from the bottom, for "Northam" read *Northane*.
 48, third line from the top, for "Videto" read *Viddeto*.
 51, twelfth line from the bottom, between "that" and "all" insert the word *in*.
 52, in the enacting clause of chap. 53, for "*entaced*" read *enacted*.
 67, fifteenth line from the bottom, for "thousand" read *thousands*.
 68, twenty-third line from the top, for "annully" read *annually*.
 111, ninth line from the top, for "such" read *said*.
 113, chap. 1, fifth line, omit the word "the" before "advice."
 115, fifth line from the bottom, for "certificate" read *certificates*.
 122, in the title of chap. 21, for "Jordon," read *Jordan*.
 188, eighth line from the bottom, before the word "person" insert *other*.
 206, in the title of chap. 77, for "relating" read *relative*.
 207, chap. 79, second and third lines, between the words "of" and "State" insert the word *the*.
 224, chap. 93, twelfth line, for "relation" read *reference*.

to fix upon the time and place of holding a meeting of said proprietors, and to notify the same by posting up notices thereof, in two or more public places in said Norway, ten days at least before said meeting.

Meeting, how called.

[Approved March 3, 1840.]

Chapter 33.

AN ACT to incorporate the Machias River Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That William Brown, Daniel Harwood, Nathan Longfellow, G. S. Smith and William F. Penniman, and their associates, successors and assigns, be, and hereby are constituted a body politic and corporate by the name of the Machias River Company, for the purpose of making such improvements on the Machias river and its tributary waters as will facilitate and render more convenient the drifting or driving of logs, mast, spars, and ton or other timber, to the different mill sites thereon by removing obstructions, building dams, wing-dams, gates, piers, booms, &c.:—by which name they may contract; sue and be sued; defend suits at law; have and use 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 affairs; take and hold any estate, real, personal or mixed, to an amount not exceeding ten thousand dollars, and sell and convey or otherwise dispose of the same; and have and enjoy all the rights powers and privileges necessary to carry into effect the objects of the corporation.

Corporators.

Corporate name.

General powers.

May hold estate to the amount of \$10,000.

SEC. 2. *Be it further enacted,* That as a compensation for their expenditures, said corpora-

May collect toll,
rate of same not
to exceed \$1 per
thousand feet.

tion shall have power to impose and collect a toll upon all logs, masts, spars, ton or other timber which may be drifted, floated or driven by or over their improvements, which toll shall be in proportion to the number of feet, board measure, which said logs, masts, spars, ton or other timber may contain. *Provided however*, that said toll shall in no case exceed the rate of one cent on each and every thousand feet, board measure, for every one hundred dollars expended on the various improvements, over or by which said logs, masts, spars, ton or other timber may pass; *Provided also*, that in no case shall the toll exceed one dollar per thousand feet, board measure.

Corporation to
have a lien on
timber for toll.

Manner of dis-
posing of timber
for tolls.

SEC. 3. *Be it further enacted*, That said corporation shall have a lien upon the logs, masts, spars, ton or other timber for the payment of said tolls which may so become due thereon; and said corporation may by any person whom it shall appoint as its agent therefor, take and sell at public auction 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, by its said agent, shall have demanded said toll of the person or persons interested therein or of some of them, if known to said agent, and after a refusal or neglect on their part to pay the same for the space of ten days; nor after said refusal or neglect; nor, if said owner or owners interested therein be not so known, until notice shall have been posted by said agent in three public places in the town of Machias, one of which shall be at Whitneyville or Middle Falls Village, so called, 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, ten days at least before said sale;—or said corporation may sue for and recover said toll of the owner or owners interested therein,

May collect toll
by action of as-
umpsit.

or any of them, in an action of assumpsit, on an account annexed for tolls, before any tribunal of competent jurisdiction.

SEC. 4. *Be it further enacted,* That said corporation shall have the right to pass and repass with teams or otherwise, to and from the various places where the improvements contemplated by this Act are to be or may have been effected, and to take and use all necessary unconverted materials for effecting said improvements—and whenever any individual or individuals shall suffer loss or damage by reason of the exercise of the powers and privileges granted in this section, said corporation shall be liable to make good the same; and whenever there shall arise any disagreement or dispute between the parties aforesaid as to the amount of said damages, the question shall be referred to three disinterested persons, one of whom shall be chosen by each of the parties aforesaid, and the third by the two first chosen, or the decision of such question or questions may be referred to the Court of County Commissioners for the County of Washington, and in either case the decision of the referees shall be final.

May occupy and use materials necessary for the accomplishment of the objects herein contemplated, by paying damages.

SEC. 5. *Be it further enacted,* That said corporation shall have the right to take and use, alter or remove, or otherwise dispose of any dam or dams which may now exist on said Machias river or its tributary waters, and which has been erected for the purpose of facilitating the driving of logs &c. as their contemplated improvements may require, by paying the proper value thereof to those persons at whose expense they were erected; and whenever there shall arise any dispute touching said value, it shall be referred as in the cases provided for in the fourth section of this Act.

May remove any dam that may interfere with their improvements, by paying the value thereof.

SEC. 6. *Be it further enacted,* That all logs, masts, spars, ton or other timber which are not marked, or which cannot be identified as the prop-

All prize logs, &c. to become the property of the corporation--how to be disposed of.

erty of any particular individual, commonly called "prize logs," shall become the property of said corporation, to be sold at public auction after six days public notice posted in the town of Machias and at Whitneyville or Middle Falls Village, so called, and the proceeds of such sale, after deducting expenses, shall be applied to the payment of the tolls for the season, so that each owner of logs, masts, spars, ton, or other timber shall have his proportional benefit thereof.

Penalty for injury
done to any of the
improvements.

SEC. 7. *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.

First meeting
how called.

SEC. 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, or addressing the same to him through the post office, ten days at least before the day of meeting, stating the time and place and objects of said meeting.

May exact from
scalers the am't
by them scaled
annually.

SEC. 9. *Be it further enacted*, That for the purpose of ascertaining the amount of lumber driven and the amount due for tolls, said corporation shall have the right to exact from each and every scaler of lumber, under oath, the true amount of lumber, board measure, scaled by him or them each season; and where logs are not scaled, an estimate of the quantity may be made by agreement or a reference to three individuals as provided in the fourth section.

SEC. 10. *Be it further enacted*, That in case of deficiency of corporate property or estate, the private property of each individual stockholder shall be liable for the debts and liabilities of the corporation contracted during the time he held such stock; and the names of all persons who may hold stock, and the number of their shares in said corporation, shall be recorded in the office of the Registry of Deeds in the County of Washington;—and no sale or transfer of said stock shall be valid until such sale or transfer has been registered as above.

Private property
holden for debts
of corporation.

Names of stock-
holders to be re-
corded.

SEC. 11. *Be it further enacted*, That for the purpose of ascertaining the cost of the improvements contemplated in this Act, and ascertaining the amount of tolls chargeable according to the second section hereof, the accounts shewing said expenses shall be audited by the County Commissioners for the County of Washington; and no accounts shall be allowed for repairs.

Accounts to be
audited by the
County Commis-
sioners.

SEC. 12. *Be it further enacted*, That the powers granted by this Act may be altered and amended at all times by the Legislature.

[Approved March 4, 1840.]

Chapter 34.

AN ACT in addition to "an Act to incorporate the Maine Mutual Fire Insurance Company."

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the Maine Mutual Fire Insurance Company, be, and they hereby are, authorized and empowered, at their annual meetings, by a major vote of the members present, to choose a board of Directors, consisting of not more than fifteen, nor less than nine members, who shall continue in office until others shall have been chosen, and accepted the trust, in

May choose a
board of Direc-
tors.