

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

4628

PASSED BY THE

TWENTY-SECOND LEGISLATURE

OF THE

**S T A T E O F M A I N E ,**

**A . D . 1 8 4 2 .**

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and  
March 16, 1842.

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*AUGUSTA:*

Wm. R. SMITH & Co., PRINTERS TO THE STATE.

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1 8 4 2 .

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PRIVATE AND SPECIAL LAWS

OF THE

**S T A T E   O F   M A I N E .**

**1842.**

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**Chapter 43.**

AN ACT to enlarge the time for closing the concerns of the Globe Bank, of Bangor.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

The provisions of the third section of an act entitled "an act additional to an act to repeal the charters of the Globe, Citizens' and Frankfort Banks," approved April sixteen, eighteen hundred and forty one, so far as the same relate to the assets of said Globe Bank, hereby are extended until the first day of April, eighteen hundred and forty three: *provided* the receivers of said bank shall, on or before the sixteenth day of August next, distribute among the several creditors of said bank in the manner prescribed by the act aforesaid, the money they may have received from the effects of said bank up to said sixteenth day of August.

Further time allowed the Globe Bank to close its concerns.

Proviso.

[Approved March 16, 1842.]

**Chapter 44.**

AN ACT to incorporate the Neguemkeag Dam and Lock Company.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT. 1. Timothy Boutelle, Clifford Williams, Johnson Williams, Zebulon Sanger, Henry Nourse, Ebenezer H. Scribner, William Pearson, Joseph O. Pearson, James Pearson, William Moor, Daniel Moor, jr., Wyman B. S. Moor, Jediah Morrell, William Getchell, Walter Getchell, James Hasty, jr., Nathaniel Gilman, jr., Timothy McIntire and Orrin Low, their associates, successors and assigns, are hereby incorporated into a body politic by the name of the Neguemkeag Dam and Lock Company, with all the rights, privileges and immunities and subject to all the restrictions provided in chapter seventy six of the revised statutes of this state.

Names of corporators.

Corporate name. General powers.

R. S. ch. 76.

SECT. 2. The said company may be organized at a legal meeting of the same to be held for that purpose, and the proceedings of said meeting shall be determined by a majority of the members present.

How organized.

SECT. 3. The capital stock of said company shall consist of twelve thousand dollars, to be divided into one hundred shares at one hundred and twenty dollars each. And the said company shall prepare a book of subscription thereto—and having subscribed for such portion of the stock as it may wish to retain may offer said

Capital stock, \$12,000.

Subscription for same.

## CHAP. 44.

Proviso.	book to others for subscription thereto until the whole shall be taken up. <i>Provided</i> , that no person shall be allowed to subscribe for, and hold stock in said company, to a greater amount than one half of his rateable property.
Location of dam.	SECT. 4. Said company is hereby authorized to build, maintain, repair and rebuild a dam across the Kennebec river between the towns of Sidney and Vassalborough, at or near a place called the Six Mile Falls, for the purpose of improving the navigation of said river, and for no other purpose. <i>Provided</i> , that said dam shall not in any event exceed six feet in height above the surface of the water at its ordinary summer pitch—but in seasons of low water the height may be increased by the temporary erection of flush boards upon the top of the dam, so far as necessary for improving the navigation of the river into Waterville bay.
Proviso.	
Corporation to build and maintain a lock, &c.	SECT. 5. It shall be the duty of said company to insert and constantly keep and maintain in said dam, a suitable lock for the passage of boats, steamboats, rafts and such other craft, as shall commonly be used in the navigation of said river, between Augusta and Waterville, which said lock shall be not less than twenty eight feet in width, in the clear, and of sufficient length to receive and accommodate boats and rafts of one hundred feet in length, and of such depth, height and structure, as to afford a convenient passage for boats, steamboats and rafts, such as are above described. And the said company shall cause said lock to be constantly attended by a sufficient number of faithful and capable persons, whose duty it shall be, at all times promptly and faithfully to attend the same, and aid in passing through said lock, all such rafts, boats, steamboats and other craft, as shall have occasion to pass the same. Which said lock shall be constructed and attended as aforesaid, before the said dam shall be so far completed as to prevent the safe and convenient passage up and down the river, of boats, rafts and
Construction of same.	lumber. And any person who shall suffer any damage in consequence of any neglect or violation by said company, of any of the provisions of this section, shall be entitled to recover the amount of said damage, by an action in any court competent to try the same.
How tended.	
Penalty for neglect.	
How recovered.	
Rates of toll.	SECT. 6. The following rates of toll are hereby granted to said company, viz: For the passage through the said lock of every boat, steamboat and other craft used for conveying passengers and freight,
Boats.	fifty cents; <i>provided</i> , that all small boats and canoes when not carrying more than eight hundred pounds of freight, shall pass said
Proviso.	lock free of toll. For every ton in weight of goods, wares, merchandize and other property except lumber if passing up the river
Merchandize.	

through said lock, twenty five cents ; if down, twelve and one half cents.

For every thousand feet of boards and other long lumber carried in boats and vessels, ten cents ;

For clapboards, ten cents per thousand ;

For shingles and laths, two cents per thousand ;

For hoop poles, five cents per thousand ;

For wood and bark, ten cents per cord.

All clapboards, shingles, laths, hoop poles, wood, bark, or any small lumber, carried on rafts of boards, or of other lumber not made for the purpose of conveying the same, shall pass said lock free of toll: *provided*, that whenever said company shall have received in tolls granted by this act, a sufficient sum to reimburse itself the amount it shall have expended in building, repairing and maintaining said dam, lock and other appendages, and for attending the same, and also the amount it may have paid for damage to private property, and also such sums as it may have paid under any of the provisions of this act, together with such a rate of interest thereon, as the legislature may deem just and reasonable, the legislature may reduce the tolls to such rates as will be sufficient to pay for attending the said lock and dam and keeping the same in repair.

SECT. 7. The said company may enter upon and occupy any land, which may be necessary for it to enter upon and occupy in erecting, repairing and maintaining said dam and lock, and also such piers, bulk-heads, temporary dams, and other structures, as may be necessary and suitable for the building and protection of said dam and lock. And for the injury arising therefrom the owner or owners of said land shall have remedy, as provided in the following section.

SECT. 8. In case of any injury sustained by means of the back flowing, created or occasioned by said dam, in any dwelling house, store or other building, or in any mill, mill machinery, dams, wharves, piers, piling places, bridges, fences, or other artificial erections made before the passing of this act and designed to be of a permanent nature, either by floating said erections away, or breaking them or impeding their use and occupation, or in case of any injury sustained by such means in the use or value of any mill, or in lands bordering upon or near the river by damaging any growth thereon, whether natural or produced by labor and cultivation, or by undermining or washing away the soil, or in any other mode, the persons sustaining such injury shall be entitled to recover compensation therefor.

CHAP. 44.

Party injured to make complaint to S. J. Court, in certain cases.

SECT. 9. If the injury be of a character to occur but once or seldom, the party injured may make his complaint in writing to the supreme judicial court, when holden in the county of Kennebec; and after such notice, as the court may order to said company, the suit shall be proceeded in as in cases at the common law, with rights and liabilities as to costs pertaining to real actions; and the amount so ascertained, if any, shall be the true amount to which the complainant is entitled.

Remedy for damages of yearly occurrence.

R. S. ch. 126, § 5. to 15 inclusive.

SECT. 10. For damages of yearly occurrence, created as aforesaid, the party injured is hereby invested with all the remedies therefor which are provided in the revised statutes, chapter one hundred and twenty six, sections, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and twenty four, so far as the same are in substance applicable to the case, making such variation in the forms of the process and the name and description of the respondent as the nature of the case may require in order to an effectual remedy; and this is to be the exclusive mode of remedy in such cases:—*provided*, that said company may, after complaint is filed as provided in the ninth and tenth sections of this act, offer to be defaulted for a certain sum, as now allowed in civil actions, and also offer another sum as the measure of yearly damages. And if the complainant or complainants shall not on trial recover more than the amount so offered, he shall recover no costs after such offer is made, and the respondent shall recover their cost after the said offer is filed; but no person shall be entitled to recover any damage which has accrued more than two years before the filing of his said complaint.

Proviso.

Costs, &c.

Liabilities of stockholders, &c.

R. S. ch. 76, § 18.

SECT. 11. The liability of the stockholders in said company as defined in the eighteenth section of the seventy sixth chapter of the revised statutes, shall continue notwithstanding any transfer of the stock of any such stockholder, for the term of two years after the record of said transfer of the books of the company; and for the term of six months after judgment recovered against said company in any suit commenced within one year from the time of said transfer: *provided*, that in every such case the officer holding the execution shall first ascertain and certify upon such execution that he cannot find corporate property or estate.

Proviso.

Corporation to keep an account of its expenditures.

Abstract of the same to be filed in secretary's office, annually.

SECT. 12. The said company, by one or more of its officers, to be designated by said company for the purpose, shall keep a true and accurate account of all the expenditures and receipts of said company. And the said officer, whose duty it shall be to keep the said accounts, shall, previous to the meeting of the legislature, in each year, file an abstract of his said accounts in the office of

the secretary of state—which said abstract shall exhibit the true amount of all the receipts and expenditures of said company for the year next preceding. And said officer before filing the same, as aforesaid, shall make oath that the same is true before some justice of the peace.

SECT. 13. The powers, rights and privileges, by this act granted to said company, shall be null and void, if said dam, together with the lock and other necessary appendages thereto, shall not be completed within three years from the passing of this act.

Charter to be null unless dam is completed in 3 years.

SECT. 14. After commencing to build the dam, if it shall be abandoned before completion—or if on account of its being broken or impaired, the proprietors shall omit, in reasonable time to repair or rebuild it, whereby said dam or the remains of it, shall become an obstruction to the free navigation of the river for rafts, boats, logs or timber, it is hereby made the duty of the proprietors immediately to remove said obstruction.

Corporation to remove obstructions if the building of dam is abandoned.

SECT. 15. If said proprietors shall neglect to remove said obstruction, an indictment therefor may be sustained against any one or more of the proprietors, of said corporation upon whom fine shall be imposed, by the court having jurisdiction of the matter, to be expended in making such removal, to be collected on warrant of distress.

Penalty for neglect, &c.

SECT. 16. Said court shall appoint suitable agents or agent to expend said fine—who shall be under like obligations as to their proceedings as agents are who are appointed to expend fines assessed upon towns for repair of highways. And the court shall allow said agent suitable compensation out of said fine.

Court to appoint committee to expend fine.

SECT. 17. If the fine shall prove to have been greater than was needed, the balance shall be repaid to the person or persons, of whom it was collected—but if it shall prove to have been insufficient in amount, the court, upon scire facias shall impose such further fine, to be collected and expended in the same way, as may be needful for accomplishing said removal, and the person or persons of whom any such fine shall be levied and collected shall be entitled to remuneration from the corporation or to contribution from the members thereof.

Proceedings if fine should be more or less than necessary.

[Approved March 16, 1842.]