

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-THIRD LEGISLATURE

OF THE

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

A. D. 1843.

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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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1843.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1843.

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**CHAP. 104.**

Names of stockholders and number of shares to be publicly registered.

No sale or transfer valid until recorded.

Right of members whose property shall be taken for corporate debts.

River divided into sections for certain purposes.

County commissioners to audit expenses.

Subject to the legislature.

the private property of each stockholder shall be liable for the debts and liabilities of the corporation, contracted during the time of holding such stock; and the names of all persons who may hold stock in said corporation, and the number of shares held by each shall be recorded in the office of town clerk of the town of Columbia, in a book or books to be kept for that purpose: and at all times to be free for the examination of all persons having occasion therefor, and no sale or transfer of any of said stock shall be valid, until the same shall be so recorded, and if at any time the private property of one or more individuals, shall be taken for the debts or liabilities of the corporation, the person or persons, whose property may be so taken, shall have good right of action against each and every holder of stock at the time, according to the proportion of stock so held, for his or their proportion of the sum so paid, including cost and interest at the rate of twelve per cent. per annum.

**SECT. 11.** For the purpose of ascertaining the cost of the improvements made under this act, and ascertaining the amount of tolls chargeable according to the second section hereof, the said river shall be divided into as many sections, as may be thought proper, which shall be done by a vote of said corporation, and the amount of expenditure on each section shall be kept separate, and the amount showing the whole expenses shall be audited by the county commissioners, for the county of Washington.

**SECT. 12.** The powers granted by this act may be altered or amended at any time, by the legislature.

[Approved March 22, 1843]

**Chapter 104.**

AN ACT to incorporate the Narraguagus River Company.

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

Corporators.

**SECT. 1.** William Burnam, Alexander Campbell and company, George H. Deveraux, Charles S. Hall, Jeremiah O. Nichols, John Thompson, Richard D. Coffin, William C. Foster, James Brewster, William Nichols and Albert Church and their associates, successors and assigns, are constituted a body politic and corporate, by the name of the Narraguagus River Company, for the purpose of making such improvements, on the Narraguagus river and its tributary waters, as will facilitate and render more convenient the drifting or

Name.

Purposes.

driving of logs, masts, spars, and 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.

Powers.

To hold property not exceeding \$10,000.

SECT. 2. As compensation for their expenditures, said corporation shall have power to impose and collect a toll upon all logs, masts, spars and 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 or other timber may contain, *provided, however*, that said toll shall in no case exceed the rate of two thirds of a 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, or other timber may pass ; *provided also*, that in no case shall the toll exceed sixty four cents per thousand feet, board measure.

Toll granted on lumber.

Rate.

SECT. 3. Said corporation shall have a lien upon the logs, masts, spars 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 agent, shall have demanded said toll of the person or persons interested therein, or 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 up by said agent in three public places in the town of Cherryfield, one of which shall be at the lower corner, so called, stating the marks as near as may be, of the property on which toll is 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, or any of them, in an action of assumpsit on an account annexed for tolls, before any tribunal competent to try the same.

Lien on lumber for payment.

Agent may sell.

Demand to be first made if owners are known.

Notice in all cases to be posted in some public place previous to sale.

Corporation may recover such toll in an action of assumpsit, if they so elect.

CHAP. 104.

Privileges of corporation.

SECT. 4. Said corporation shall have the right to pass and re-pass, with teams and 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 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, and the decision of the referees shall be final.

Liable for damages.

Dispute, how settled.

Power to remove dams.

SECT. 5. 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 Narraguagus 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 case provided for in the fourth section of this act.

To pay for same.

Disputes settled as in the 4th section.

Prize logs to become the property of the corporation.

SECT. 6. All logs or other timber which are not marked, or or which cannot be identified as the property of any particular individual, commonly called prize logs, shall become the property of said corporation. *It is further provided*, that all logs marked on the river and in the boom, which can be identified as prize logs thus marked, shall become the property of said corporation, to be sold at public auction after six days public notice, posted at two public places in the town of Cherryfield; and the proceeds of such sale after deducting expenses, shall be applied to the payments of the tolls for the season, so that each owner of logs or other timber shall have his proportional benefit thereof, and if any person, or persons, shall wilfully or feloniously, take and convert to his own use, any such logs, he or they, shall be liable to all the penalties, provided against stealing logs.

To be sold after notice.

Application of proceeds.

Penalty for stealing such logs.

If any person shall wilfully injure or damage said improvements, &c.

Penalty.

SECT. 7. If any person shall wilfully or maliciously injure any such dam or 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 on 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.

SECT. 8. 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.

First meeting, how called.

SECT. 9. 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 when 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.

Power to exact under oath the amount of lumber scaled by each surveyor.

When not scaled to be settled by agreement or reference.

SECT. 10. 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 shares in said corporation, shall be recorded by the town clerk of Cherryfield in a book kept for that purpose; and no sale or transfer of said stock shall be valid, until such sale or transfer has been registered as above; and it is further provided, that if, at any time the private property of one or more individuals, shall be taken for the debts or liabilities of said corporation; the person or persons whose property may be so taken, shall have good right of action, against each and every holder of stocks at the time, according to the proportion of stock so held for his or their proportion of the sum so paid, including costs and interest, at the rate of twelve per cent.

Private property holden.

Names of all stockholders to be recorded by town clerk, &c.

No sale, &c. valid until registered.

Remedy if the private property of any member is taken for corporate debts.

SECT. 11. For the purpose of ascertaining the costs of 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.

County commissioners for Washington county to audit account of expenses.

SECT. 12. The powers granted by this act, may be altered and amended at all times by the legislature.

Controlled by legislature.

[Approved March 22, 1843.]