

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

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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:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

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1846.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1846.

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**CHAP. 371.**

Machias River Company, on the various improvements made by them on the main Machias river, said company shall have the power to impose and collect a toll of seven and a half mills on each and every thousand feet, board measure, of all logs, masts, spars, ton or other timber, drifted, floated or driven by or over such improvements, instead of the toll now authorized. But nothing contained in this section shall be construed to apply to the tributary waters of said river.

Not construed to apply to tributary waters.

SECT. 2. Whenever any person or persons, liable for the payment of toll, shall by written petition represent to the county commissioners for the county of Washington, that any of the improvements made by said company have been removed or injured, so as no longer to answer the purpose for which they were erected, and that said company have refused to make a proportional abatement of toll in consequence thereof, said commissioners shall cause said company to be served with a true copy of said petition and of their order assigning the time and place for hearing the parties, one week at least prior to the day of hearing. And if said commissioners on the examination of witnesses or the inspection of their improvements, shall find the allegations set forth in said petition to be true, they shall determine what deductions from the tolls shall be made by reason of the removal or injury of said improvements until the same shall be replaced or repaired; but if they shall find that said allegations are not true, they shall establish the tolls as claimed by the company; and their determination in the premises shall be final and conclusive upon all parties and persons.

When petition shall be made to the county commissioners, representing that said improvements are removed or injured, &c.

Said company to be served with a copy of said petition, and of the order assigning a time and place of hearing.

Said commissioners to examine witnesses, &c. and determine in the premises.

—their determination shall be final and conclusive.

Costs, how recovered.

SECT. 3. Said commissioners shall order the payment of costs to the prevailing party and shall have power to issue warrants of distress to carry such order into effect; and said warrants if against said company shall be a legal set-off to any claims of said company for tolls against any person or persons whatsoever.

[Approved July 30, 1846.]

**Chapter 371.**

An Act to incorporate the Waldo Mills Company.

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

SECTION 1. Isaac Gage, John Dorr, E. K. Robinson, Calvin Spaulding, William G. Crosby, Hiram O. Alden, John Haraden, William S. Brannigan, Philo Sandford, Joseph Ballister, Smith

Corporators.

**CHAP. 371.** Dyer, their associates, successors and assigns, be and they hereby are, incorporated into a body politic by the name of the Waldo Mills Company, and by that name may prosecute and defend suits at law and equity; have and use a common seal; make and establish by-laws, rules and regulations, not repugnant to the laws of the state, for the management of their concerns; choose all necessary officers, and have, exercise and enjoy all the rights, privileges, and immunities pertaining to companies legally incorporated.

Corporate name.

Powers and privileges.

Number of shares constituting capital stock.

First meeting, how called.

Authorized to build a dam across Goose river in Belfast.

Damages.

—how recovered.

**SECT. 2.** The capital stock of said corporation shall consist of the sum of two hundred thousand dollars, divided into two thousand shares of one hundred dollars each.

**SECT. 3.** Any two of the three first persons above named may call the first meeting of the corporation, by publishing the time and place thereof seven days previous in any newspaper printed in Belfast, in the county of Waldo, at which meeting all necessary officers may be chosen, by laws adopted, and any other corporate business transacted; said officers to continue in office until others shall be chosen in their place; and in all elections and in acting on any subject relating to the interest of said corporation, the decision shall be had by a majority of the votes actually given.

**SECT. 4.** Said company are hereby authorized to build, maintain, keep up, repair and rebuild a dam across Goose river in Belfast, within fifty rods from its mouth, for the purpose of raising a head of water, not exceeding ten feet in height above high water mark, for propelling factories, and for other purposes, and said company are authorized by means of said dam to flow the water aforesaid, and the same to draw, use, occupy, sell or lease in whole or in part, either upon said dam, or in canals, basins, or collateral sluices made therefor.

**SECT. 5.** If any person or persons shall sustain any injury by means of the erection of said dam, either by the overflowing of his or their lands or by the throwing back the water of the river upon his or their mills, machinery or water works, he or they shall be entitled to receive of said corporation just damages therefor.

**SECT. 6.** Whenever any person or persons, entitled to compensation or damages pursuant to the fifth section of this act, shall not be able to agree with said company upon the amount thereof, he or they may by petition, apply to the supreme judicial court or district court, for the county of Waldo, for remedy; and said court shall order suitable notice to be given to said company of the pendency of said petition, and if said company shall in their plea deny the petitioners title to said lands, mills, machinery or other water works, alleged to have been injured by means of said dam, or shall claim

a right to flow for an agreed composition, the court, if issue be joined thereon, shall order a trial at the bar of the court, but when said company shall not shew sufficient cause to the contrary, said court may appoint three or more disinterested free holders to make true and faithful appraisement of the damages already sustained as well as of those to be yearly sustained, which report being duly returned to court, shall be conclusive between the parties, unless either party shall request that the question of damages may be tried by a jury in which case the report of said commissioners may be used as evidence by either party, subject however to be impeached by other evidence, and judgment having been rendered upon such verdict, the same shall be a bar to any action brought for such damages.

SECT. 7. Unless said dam shall be completed and fit for use within five years from the passage of this act, all the powers herein granted to said company shall be rescinded and held void.

Said dam to be completed in five years.

[Approved July 30, 1846.]

**Chapter 372.**

An Act consenting to the purchase of land for the extension of the site of Fort McClary and ceding to the United States jurisdiction over the same.

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

SECTION 1. The consent of this state is hereby granted to the United States to purchase an additional tract of land, not exceeding in quantity thirty acres, lying adjacent to the present site of Fort McClary, in Kittery, county of York, for military purposes; the evidence of the purchase aforesaid to be entered and recorded in the Registry of Deeds, in the county of York, and State of Maine; and the jurisdiction over the said tract of land, is hereby granted and ceded to the United States: *provided* always, and the cession and consent aforesaid are granted upon the express condition, that this state shall retain a concurrent jurisdiction with the United States, in and over the tract aforesaid, so far that all civil and such criminal processes as may issue under the authority of this state against any person or persons charged with crimes committed without the said tract, may be executed therein in the same way and manner as though this cession and consent had not been made and granted.

Consent granted to the purchase of certain lands by the United States.

Jurisdiction over said land ceded to the U. States.

Proviso.

SECT. 2. The property over which jurisdiction is granted by this act, shall be exonerated and discharged from all taxes and

Said property exonerated from all taxes and assessments.