

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1847.

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

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1847.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1847.

Flanders, James R. Whiting, George H. Gates, Benjamin R. Scribner, John H. Rice, Joseph M. Curtis, James H. Whitney, Leonard S. Crafts, E. C. Buker, Josiah P. Haynes, Robert Barbour, Horace Adams, Paul S. Merrill, Josiah Norris, Samuel Pillsbury, junior, John E. Sawyer, Bowman Varney, Nelson Savage, Joshua Buck, Norman S. Williams, William Tenney, Roland Taylor, Alonzo H. Davee, Isaac Phillips, Hiram Vinton, Henry Hills, Ozias Blanchard, Leonard Howard, Robert Barbour, junior, John Pollard, Charles W. Gower, Davis N. Gower, Samuel Cole, Stephen Brown, Solomon F. Dane, Charles Blanchard, Solomon Cushman, and Justin E. Crafts, their associates, successors and assigns are hereby constituted a corporation by the name of the stockholders of Monson Academy; and by this name may sue and be sued; have a common seal; appoint trustees to manage their affairs; take and hold any estate personal or real, that they may receive by donation or otherwise, the annual income of which not to exceed two thousand dollars; said income to be faithfully applied to the purposes of education; and the stockholders, aforesaid, are authorized to make any by-laws they may deem necessary, not repugnant to the laws of the state, and to have all the powers and privileges incident to similar corporations.

Corporate name.

Powers and privileges.

[Approved July 26, 1847.]

Chapter 63.

An act to incorporate the North Pond Steam Boat Company.

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

SECT. 1. Oliver Parsons, Henry Leach, John Patterson, Levi Gates, Aaron C. Bigelow, Samuel Kilgore, William D. Branch, Samuel Wade, Job N. Tuttle, Ezekiel Clements, Samuel Goodridge and Otis Goodwin, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of North Pond Steam Boat Company; with power to open a canal from North pond to Great pond; thence by Goodridge's mills, in Belgrade, to Long pond; thence to intersect the line of the Androscoggin and Kennebec rail road, where it may cross the stream leading from said Long pond; and with power to construct locks sufficient to run a steamboat, or boats of suitable burthen to convey all the lumber, produce or other merchandize that it may be convenient to transport on said route. And the said corporation is

Corporators.

Corporate name.

Power to open a canal.

General course and direction.

Power to construct locks.

CHAP. 63.

Authorized to locate, construct and keep in repair, canals, locks, dams, and other works.

—to construct steamboats.

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—to take and use land.

Compensation therefor.

Compensation for lands, or for damages for flowage, how determined, when parties cannot agree.

hereby authorized and empowered, to survey, locate, construct and finally complete and keep in repair, such canals, locks, dams, flood gates, docks, sluices, embankments, basins, piers and other works, as may be necessary and convenient for the purposes of said corporation; and they shall have power to construct such steam boats or boats as may be necessary and to use and employ so much of the water of said ponds and streams or the streams which may be connected therewith, as may be necessary or convenient for the use of said locks and canals, and also to take and use such land along the course of said ponds, canals and locks as shall be necessary for the purposes herein expressed, acquiring the same title thereto, as is acquired by the public to lands appropriated for public highways, they paying a just compensation therefor, and also for all damages caused to any lands by means of flowing occasioned by any of said canals, locks, dams or other works erected or made by said company as herein provided.

SECT. 2. When the said corporation cannot agree with any corporation or individual over or through whose lands any of the above works may be constructed, or which may be damaged by flowing occasioned by any of said dams, canals, locks or other works, then in that case, the district court for the county in which any of said lands lie, upon the application of either party, and on due notice to the adverse party, shall cause the damages to be ascertained by a committee of three disinterested persons to be appointed by said court, whose duty it shall be to view the premises, estimate the damages, and make report thereof to said court; and if the same be not objected to, it may be approved, and shall be final as to the matter inquired of by said committee. But if either party is dissatisfied with such report, and desires that the damages may be ascertained by the verdict of a jury, said court may on such request, submit the question of damages and any other matter of fact, which may be raised by the pleadings or brief statement of the parties, to a jury, to be empaneled to try the cause, whose verdict shall be final in all such matters of fact submitted to them; and on such trial, the report of the committee shall be prima facie evidence of the amount of damages, but may be impeached by other evidence. And the notice to the adverse party herein required, shall be by causing him to be served with an attested copy of such application, fourteen days at least, prior to the sitting of the court at which such committee is to be moved for; and such application may be filed in vacation in the clerk's office of said court, whose duty shall be to issue an order of notice thereon, returnable to the next succeeding term thereof.

SECT. 3. The said corporation may tender, either before or after such application to the court, a reasonable compensation for damages, or tender a default therefor; and if the final determination shall not exceed the amount so tendered or named in such offer, all costs arising after such tender or offer, shall be paid by the party to whom such tender or offer is made; and such tender or offer shall not bar the party making it from showing that a less amount or no damages at all, have arisen or may arise to the party making claim thereto. And said court shall have power to award execution for the amount of damages when ascertained as aforesaid; and also for costs to the party entitled thereto; *provided, also*, that if the party objecting to the report of the committee shall not succeed in obtaining a verdict more favorable to him, he shall pay the costs of such trial to the adverse party.

SECT. 4. The capital stock of said corporation shall not exceed the sum of twenty-five thousand dollars to be divided into shares of fifty dollars each; and for the purposes specified in this act, may take, hold and manage real and personal estate, not exceeding said sum, and may dispose of the same. And said corporation is hereby invested with all the powers and privileges and subject to all the duties, specified in chapter seventy-six of the revised statutes, and an act approved March thirty-first, eighteen hundred and forty-five, entitled "an act in relation to steam navigation companies," so far as said acts are not inconsistent with the provisions of this act.

SECT. 5. Said corporation shall have the exclusive right of employing steam power for the purpose of navigating said North pond, Great pond and Long pond and the intervening waters, for the term of ten years from the passage of this act, unless the legislature shall authorize any other individuals or corporations to use the same waters for the same purposes, which right is expressly reserved: *provided*, that if said corporation shall fail or neglect to build and put in operation on said waters, within two years from the passage of this act, a good and safe steam boat, or to open the canal as herein provided, and to keep the same in repair, (unusual casualties excepted,) during the aforesaid term of ten years, then the exclusive privileges herein granted shall be void.

Capital stock.

Powers, privileges and liabilities.

Exclusive right of employing steam for the purposes of navigation on said waters, for ten years.

—unless the legislature shall authorize others to use said waters for the same purpose.

Proviso.

[Approved July 26, 1847.]