

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.

CHAP. 86.

Chapter 86.

An act regulating the amount of tolls to be received by the Chesuncook Company and the North Twin Dam Company.

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

Rate of toll to be demanded by Chesuncook co.

Lien created on logs and lumber, for payment of toll thereon.

May sell so many of said logs as will pay said toll, if not paid with a certain time. Notice first to be given.

Conditions upon which said company shall have a right to demand said toll.

Amount said corporation may collect in toll.

SECT. 1. The Chesuncook Company shall have the right to demand and receive the sum of twenty cents for each and every thousand feet, board measure, of all logs and lumber which may pass over or through their said dam, instead of the tolls as now provided for by law, to be ascertained and determined by the scale usually denominated the woods scale. And said corporation shall have a lien on all logs and lumber which may pass through or over the said dam whether the same remain in the possession of said corporation or not, until the full amount of tolls due on all the logs of any particular mark shall be paid ; and if not paid within twenty days after said logs or lumber arrive at the Penobscot boom or within ten miles of the same, said corporation may sell at public auction so many of said logs as may be sufficient to pay said toll and incidental charges, but public notice of the time and place of said sale shall first be published in some newspaper printed in Bangor, at least ten days before said sale, and a like notice be posted up a like time in the town of Oldtown—but the right of said corporation to demand said toll, is upon the condition that said corporation shall forthwith repair and if necessary re-construct their dam to the satisfaction and acceptance of the land agent, and upon the further condition that no more shall be demanded for toll for lumber which has already passed said dam than has been customary for said corporation to demand for the last three years, being the sum of twenty cents per thousand feet, and upon the further conditions that if said corporation shall collect the sum in tolls as provided in the second section of this act, under and by virtue of this act, it shall be in full compensation to said corporation for their said dam, and then the same shall become the property of the Penobscot Log Driving Company, and be free to the public without the payment of toll.

SECT. 2. The said corporation may upon the foregoing conditions, collect in tolls the further sum of eight thousand dollars in tolls for timber hereafter to come over said dam, and also, all the costs of repairs and incidental expenses on said dam, with twelve per cent. interest on said eight thousand dollars and on said repairs and no more, from the first day of April last, and if in any year the whole amount of tolls on all the timber which would come over the dam shall be more than sufficient to pay the balance due said corpo-

CHAP. 86.

ration—then the toll shall be reduced and graduated by the land agent at the request of the corporation, (whose action shall be final and conclusive) on all the timber equally, so that no more than is due the said corporation shall be collected, and the toll for each and every thousand feet, board measure, according to the woods scale, which shall pass their dam, shall be deemed and taken to be received by said corporation (unless in the opinion of the land agent said corporation shall use due diligence to collect the same as soon as possible and shall fail); and no sum shall be allowed for repairs, except such bills and so much as is audited and approved by the land agent, and filed in the land office, and on the first day of September annually the treasurer or proper officer of said corporation shall make a return to the land agent under oath, of all, or as near as may be, the number of thousand feet, board measure, which has passed said dam, with the amount received for tolls; and if any toll remains due, the reason why the same has not been collected; and if said bills of repairs are not audited, allowed and filed with the land agent, and if said return is not made on or before the first day of September as aforesaid the right to take toll shall cease, unless such failure to audit accounts or make returns shall happen through accident or mistake, and if on demand it then shall be done without unnecessary delay.

When toll may be reduced and graduated by land agent.

Bills allowed for repairs to be audited by land agent and filed in office.

Annual return to be made to the land agent.

If said bills are not filed, audited and allowed, and said return is not made, the right to take toll shall cease.

SECT. 3. When the North Twin Dam Company shall have been reimbursed the sum of thirteen thousand dollars from tolls, with interest from the first day of April last, at the rate of twelve per cent. per annum and all repairs and incidental expenses for logs which may hereafter pass their said dam, and with twelve per cent. interest on repairs, then said dam shall be free to the public generally without the payment of tolls; and the right of said corporation to demand any toll is upon condition that said corporation shall forthwith repair the said dam to the satisfaction and acceptance of the land agent, and upon the further condition that no more shall be demanded for toll for lumber which has already passed said dam than has been customary for said corporation to demand for the last three years, being the sum of twenty-five cents per thousand feet, and upon the further conditions that if said corporation shall collect the aforesaid sums, under and by virtue of this act, then it shall be a full compensation to said company for their dam, and the same shall become the property of the Penobscot Log Driving Company.

Amount of toll which may be collected by North Twin Dam Company, when said dam shall be free.

Conditions upon which said corporation shall have a right to demand toll.

SECT. 4. If in any year the whole amount of toll on all the timber which would come over the dam, shall be more than sufficient to pay the balance due said corporation, then the toll shall be reduced

When toll may be reduced and graduated by land agent.

CHAP. 87.

Bills offered for repairs to be audited by land agent and filed in land office.

Annual return to be made to the land agent.

If bill of repairs are not filed, audited, or allowed, and said returns made, right to take toll shall cease.

Inconsistent acts repealed.

and graduated by the land agent, at the request of the corporation whose decision shall be final, on all the lumber equally, so that no more than is due the said corporation shall be collected, and the toll for each and every thousand feet, board measure, according to the woods scale, which shall pass their dam, shall be taken and deemed to be received by said corporation unless said corporation use diligence to collect the same as soon as payable and fail, and no more shall be allowed for repairs, except, such bills and so much as may be audited and approved by the land agent and filed in the land office. And on the first day of September annually the treasurer or proper officer of said corporation shall make a return to the land agent under oath, of the number of thousand feet, board measure, or as near as may be, which has passed over their said dam, with the amount received for tolls and if any remaining due, the reason why the same has not been collected, and if said bills of repairs are not filed, audited or allowed by the land agent, and said return made, annually on the first day of September, the right to take toll shall cease, and all bills, both of the Chesuncook Company and the North Twin Dam Company, shall be so audited and allowed within three months after they shall accrue.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[Approved August 2, 1847.]

Chapter 87.

An act to incorporate the Baring and Bog Brook Railway Company.

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

Corporators.

SECT. 1. John Stickney, George M. Chase, Horatio N. Hill, Samuel T. King, John Porter, Robert Stickney, John P. McAllesster, Seth Emerson, D. K. Chase, John Polleys, George Pierce, Ebenezer Pratt, Albert Stinson, Sumner W. Farnham, William P. Trott, L. E. McKusick, William A. Gould, Noah McKusick, James Sargent, John J. Russell, their associates, successors and assigns, are hereby created and made a body politic and corporate by the name of the Baring and Bog Brook Railway Company with all the powers and privileges and subject to all the duties and liabilities provided in the laws of this state concerning rail road corporations.

Corporate name.

Powers, privileges and liabilities.

SECT. 2. The said corporation shall have power to construct a