

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

TWENTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1849.

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

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

1849.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1849.

Portland, is allowed to take the name of Edward True; Nathan Billings Emerton of Sedgwick, is allowed to take the name of William Fernando Emerton; Daniel Moulton, fourth, of Scarborough, is allowed to take the name of Daniel Dunlap Moulton; John T. Wormwood of Bath, is allowed to take the name of John T. Forest; Angelia N. Wormwood of Bath, is allowed to take the name of Angelia N. Forest; Hiram Perkins of Starks, is allowed to take the name of Lafayette Oliver; William Chase Killpatrick of Falmouth, is allowed to take the name of William Chase Patrick; Mary Catharine Killpatrick of Falmouth, is allowed to take the name of Mary Catharine Patrick; Daniel Hobbs Killpatrick of Falmouth, is allowed to take the name of Daniel Hobbs Patrick; Jimnah O. T. P. Andrews of Saco, is allowed to take the name of Talman H. Andrews; Louisa Caroline Stevens of Portland, is allowed to take the name of Louisa Caroline Fernald; Frances Helen Conner of Prospect, is allowed to take the name of Helen Frances French; Dominicus G. Kingsbury of Hollis, is allowed to take the name of Leonard Kingsbury; Alonzo Barnard of Brunswick, is allowed to take the name of George Barnard Upham; Joshua T. Lincoln of Cornish is allowed to take the name of Thompson Lincoln.

[Approved August 9, 1849.]

Chapter 269.

An act to incorporate the Mattawamkeag Dam Company.

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

SECT. 1. Daniel White, Ebenezer Webster, junior, Israel Washburn, junior, John Hutchins, William B. Harlow, Abner R. Hallowell, George F. Marston, Jonathan A. Cushing, Jonathan Eddy, Henry E. Prentiss, Samuel F. Hersey, Theophilus Cushing and their associates and assigns, are hereby created a body politic by the name of the Mattawamkeag Dam Company, with all the powers, rights and privileges of similar corporations.

Corporators.

Corporate name.

SECT. 2. Said corporation shall have the right to erect and maintain a dam across the Mattawamkeag river, above Gordon Falls, and near a place called "Jim Skitticook," for the purpose of facilitating the transportation of logs and lumber down said river; and said corporation may improve the falls below their dam for the running of logs, by the erection of dams and side

Right to erect and maintain a dam across Mattawamkeag river.

May improve the falls below their dam.

CHAP. 269.

Authorized to take land and materials.

Empowered to flow lands.

Value of land and materials to be paid proprietors.

If unable to agree, how ascertained and determined.

Damages for lands flowed.

Toll granted for the passage of logs or lumber over their dam.

Ten cents per thousand feet.

If no woods scale has been had affidavit to be filed with treasurer.

Time of filing affidavit.

On failure to do so, said corporation may estimate the number of thousand feet.

Lien created on logs and lumber for payment of toll.

booms and removal of rocks and other obstructions; and they are authorized to enter upon and take such land, property or material, as they may find it necessary to build their dam or dams, or upon which to locate the same or make their improvements; and they are empowered to flow lands as far as may be necessary to accomplish their object: *provided, however*, that said corporation shall pay the proprietor or proprietors of land, property or material taken and used, such sum as they and said proprietor or proprietors may agree upon. And in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county of Penobscot, in the same manner and under the same conditions and limitations as are by law provided in the case of damage by laying out of public highways, with the same right to either party aggrieved at the doings of said commissioners in estimating damages to have a jury to determine that matter on their petition, unless said party shall agree with the other party in interest to have the same determined by a committee to be appointed under the direction of said commissioners; but for lands flowed the proprietor or proprietors may obtain damages therefor, in the same mode and manner and extent, and under the same conditions and limitations, as are provided in chapter one hundred and twenty-sixth of the revised statutes, for damages where lands are flowed by the erection of mills; *provided*, that no application shall be made to estimate damages for lands taken, unless within two years from the time the same are so taken. And said corporation shall have the right to demand and receive as a toll for the passage of logs or lumber over or through their dam, at or near the said place called the "Jim Skitticook," the sum of ten cents per thousand feet, board measure, to be ascertained and determined by the scale usually denominated the woods scale; and if no woods scale has been had, then the owners of said logs shall file a written affidavit with the treasurer of said corporation of the number of thousand feet, board measure, and the marks of the same, within ten days after a greater portion of the logs of any and each particular mark have arrived at the Penobscot boom, and on failure so to do, said corporation may estimate the number of thousand feet, board measure, which they shall judge said logs of any particular mark may contain, and have the right to demand and receive toll accordingly. And said corporation shall have a lien on all logs or lumber which may pass their dam as aforesaid, for the payment of the

toll ; and all the logs of any particular mark shall all be holden to pay the toll on all the logs of such particular mark ; and unless the same is paid within twenty days after the logs, or a greater portion of them have arrived at the Penobscot boom, or within ten miles of the same, said corporation may sell at public auction, after ten days' public notice in some newspaper printed in the county of Penobscot, so much of said logs or lumber as may be sufficient to pay said toll and incidental charges.

Unless paid within a certain time, may sell the same at auction, after notice.

SECT. 3. Whenever the corporation aforesaid shall have received a sum sufficient to pay the original cost of the dam and other improvements, and interest, and the cost of building said dam, if the same shall be carried away by freshet, or otherwise destroyed, before paid for by tolls, said toll shall be reduced to five cents per thousand feet, board measure, upon all logs, masts, spars or other lumber passing over said dam

When the rate of toll shall be reduced.

SECT. 4. For the purpose of ascertaining the cost of said dam and improvements as contemplated by the third section of this act, and for ascertaining the amount of tolls received, the treasurer of said corporation shall make return under oath, on or before the first day of January, annually, to the treasurer of the county of Penobscot, of the amount expended for such dam and improvements ; also the amount of receipts for tolls.

Annual return of treasurer, to treasurer of Penobscot county.

[Approved August 9, 1849.]

Chapter 270.

An act to incorporate the West River Company.

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

SECT. 1. H. P. A. Smith, Caleb Burbank, Samuel Burbank and William Nickels, and their associates, successors and assigns, are constituted a body politic and corporate, by the name of the West River Company, for the purpose of making such improvements on the West river and its tributary waters, as will facilitate and render more convenient the drifting or driving of logs, masts, spars or timber to the booms thereon, by removing obstructions, building dams, wing dams, gates, piers, booms and so forth ; 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

Corporators.

Corporate name.

Purposes of incorporation.

Powers and duties.