

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.

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.

CHAP. 270.

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.

Toll granted upon logs, masts, spars, and other timber, floated by their improvements.

SECT. 2. As compensation for their expenditures said corporation shall have power to impose and collect a toll upon 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 masts, spars, logs 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 fifty cents per thousand feet, board measure.

Proviso as to rate of toll.

Lien upon such logs or other timber, for the payment of toll.

SECT. 3. Said corporation shall have a lien upon the logs, masts 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 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 if said owner or owners interested therein be not so known, until notice shall have been posted up by said agent in three public and conspicuous places in the town of Cherryfield, one of which shall be at the town 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.

May be sold for the payment of toll and other expenses.

Toll first to be demanded of persons interested therein, if known.

Notice to be posted up, if owners are unknown.

Or may sue for and recover said toll of owner.

Right of passage to or from said improvements.

SECT. 4. Said corporation shall have the right to pass and repass, 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

—to take and use materials.

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.

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 West river or its tributary waters, which have been erected for the purpose of facilitating the driving of logs, 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.

SECT. 6. All logs or other timber which are not marked 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 and conspicuous places in the town of Cherryfield; and the proceeds of such sale, after deducting expenses, shall be applied to the payments of tolls for the season, so that each owner of logs or other timber shall have his proportion of benefit thereof, and if any person or persons shall, willfully 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.

SECT. 7. If any person shall willfully 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, or shall hoist or shut down any dam or sluice gate belonging to said company without first obtaining leave of the officers of said company, such person or persons shall forfeit and pay said corporation or any individual or individuals damaged thereby treble

CHAP. 270.

Liability to persons suffering loss or damage.

If parties disagree, how adjudicated.

Right to take and use, alter or remove any dams on said river or its tributaries.

Value, how paid.

Prize logs.

May be sold at public auction, after notice.

Proceeds of sale, how applied.

Liability of persons feloniously taking such logs.

Forfeiture for willful trespass upon works of said company.

CHAP. 270.

How recovered.

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.

First meeting.

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 said meeting, stating the time and place and objects of said meeting.

Amount of lumber driven, how ascertained.

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.

Liability of stockholders for debts of said corporation.

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 stock 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.

Names of stockholders and number of shares to be recorded by town clerk of Cherryfield.

No sale valid unless so registered.

Remedy of persons whose property has been taken for debts of the company.

Accounts to be audited by co. commissioners of Washington.

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 showing said expenses shall be audited by the county commissioners for the county of Washington; and no accounts shall be allowed for repairs.

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

Inconsistent provisions repealed.

SECT. 13. So much of the first section of an act to incorpo-

rate the Narraguagus River Company, approved March twenty-second, eighteen hundred and forty-three, as is inconsistent with this act is hereby repealed.

CHAP. 271.

[Approved August 10, 1849.]

Chapter 271.

An act to incorporate the Newcastle Hotel Company.

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

SECT. 1. E. Wilder Farley, Simon Handley, Isaac C. Washburn, John Glidden, Peter Connell, John A. Glidden, Charles H. Merrill, William T. Glidden, William L. Southard, James G. Huston, Samuel W. McKown, Albert Glidden, Samuel Glidden, E. W. Shaw, Robert Dixon, William Hall, John H. Converse, Nathaniel T. Chapman, Alexander Teague, Thomas J. Merrill, their associates, successors and assigns, are hereby created a corporation by the name of the Newcastle Hotel Company, for the purpose of building, furnishing and maintaining a public house in the town of Newcastle, in the county of Lincoln. And said corporation are hereby authorized and empowered to exercise all the rights, powers and privileges, conferred upon such corporation by the laws of this state, and subject to all the liabilities and restrictions thereof.

Corporators.

Corporate name.

Rights, privileges and liabilities.

SECT. 2. Said corporation may purchase and hold real and personal estate, to an amount not exceeding twenty-five thousand dollars, with full power to manage and dispose of the same, and to be divided into such number of shares as they may determine.

May hold and control real and personal estate.

SECT. 3. This act shall take effect from and after its approval by the governor.

[Approved August 10, 1849.]