

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1852.

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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.

1852.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1852.

An act for the improvement of the Northwestern river, in the town of Sebago.

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

Persons authorized to make improvements.

Powers and privileges.

SECT. 1. Luther Fitch, his associates and assigns are hereby authorized to improve the Northwestern river in the town of Sebago, between the Bog dam so called and Sebago pond, so that the same shall be suitable for floating mill-logs; and for this purpose, he is authorized to deepen the channel thereof; to cut down and remove any gravel or ledge, bars or rocks, or other obstructions in the bed thereof; and to erect in the bed and upon the shore or bank of said river suitable dams and sluice-ways for raising a head of water and for slipping the logs.

Authorized to take certain lands, &c.

Damages, how determined.

SECT. 2. They are authorized to take and hold so much land along the bank and shore of said river or in the bed thereof, as may be necessary for the location, construction and repair of said improvements, and to take and use the gravel, stone, and earth upon the land so taken; and the damages for the real estate so taken, when not agreed upon by the parties, shall be ascertained and determined by the county commissioners of Cumberland county, under the same limitations and restrictions as are by law provided in case of damages in laying out highways; and the damage for flowage created by any dam erected for the above specified purpose, shall be ascertained in the same manner as is provided in the one hundred and twenty-sixth chapter of the revised statutes, for flowage created by mill-dams; *provided* that no claim for damage shall be sustained, unless made and prosecuted within two years from the time of the alleged injury.

Proviso.

Improvements to be made in one year.

SECT. 3. The above grant is upon condition, that the said Luther Fitch, his associates and assigns shall within one year from the date hereof, improve said river, from Bog dam, so called, to Sebago pond, so that the same shall be suitable for floating mill-logs upon the stream and slipping them through the sluice-ways in the dams that may be erected.

Rights of, &c.

SECT. 4. If said Luther Fitch, his associates and assigns shall perform the conditions of this grant as contained in the last preceding section, they shall be entitled to the exclusive right of driving mill-logs from Bog dam so called to Sebago pond for the term of fifteen years; and they shall be entitled to receive the sum of seventy-five cents for every thousand feet of mill-logs, driven through said stream between said points,

Toll granted.

and shall have a lien upon said timber driven so long as they retain possession of the same, for their compensation, or they may recover said compensation from the owner or owners of said timber in an action of the case.

CHAP. 566.

Lien created.

SECT. 5. The said Luther Fitch, his associates and assigns shall be under obligations to drive through said stream between the points before named all the mill-logs that they may be required to drive, after said improvements shall have been made, so far as the capacity of the stream will admit, in a reasonable time and for the compensation of seventy-five cents per thousand feet; and if they shall fail to fulfill the obligation imposed upon them by this section in any case, they shall be liable to pay all damages to the person or persons aggrieved in an action of the case.

Obligations
of, &c.Penalty in case
of failure.

SECT. 6. The said Luther Fitch, his associates and assigns are hereby created a body corporate by the name of the Northwest River Log Driving Company, with powers incident to corporations described and defined in the seventy-sixth chapter of the revised statutes, and at common law, *provided*, that they shall at any time during the continuance of the above grant so elect by the vote of a majority in interest and proceed to organize under and according to the provisions of said chapter of the revised statutes.

Corporate
name.General
powers.

Proviso.

[Approved April 6, 1852.]

Chapter 566.

An act to change the line between the counties of Kennebec and Franklin.

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

SECT. 1. The southeasterly part of the line between Vienna, in the county of Kennebec, and Chesterville, in the county of Franklin, is hereby established as follows: beginning at the westerly corner of lot number twenty-seven, in the town of Vienna; thence northeasterly on the northeasterly line of said lot, twenty-five rods, more or less, to Lane's brook (so called); thence southerly by said Lane's brook about two hundred rods to Parker's pond.

Line estab-
lished.

SECT. 2. This act shall be in force from and after its approval by the governor.

[Approved April 9, 1852.]