

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

EXTRA SESSION OF THE THIRTY-SECOND LEGISLATURE, 1853,

AND THE

THIRTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE,

1854.

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

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1854.

SECT. 5. Nothing in this act relating to the first appraisal or assigning of pews as provided in section second shall apply to pews in the galleries of said house; but all pews that shall be added to, or left in, said galleries, shall be deemed and are hereby declared to be new pews, and shall be disposed of as provided for in sections third and fourth of this act.

CHAP. 323.

Gallery pews,
how disposed of.

SECT. 6. All the doings and acts of said south parish and of their assessors shall in nowise be invalidated or rendered illegal and void in consequence of said assessors not having been sworn, but said acts and doings shall be of the same force and effect as though the provisions of law in that respect had been complied with.

Acts made valid.

SECT. 7. This act shall take effect when approved by the governor.

[Approved April 10, 1854.]

Chapter 323.

An act to incorporate the Tillson and Ulmer Lime Rock Company.

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

SECT. 1. Jeremiah Tolman, Davis Tillson and Ephraim Hall, their associates and successors, are hereby made a corporation by the name of the Tillson and Ulmer Lime Rock Company, for the purpose of draining or removing the water by steam or otherwise, from the range of quarries situated near the residence of Gilbert Ulmer, and improving the same.

Corporators.

Corporate name.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding ten thousand dollars in amount.

Capital.

SECT. 3. Said corporation may enter upon and dig up, remove and use any land or lime rock necessary and convenient for the purpose of draining said quarries.

May construct
drains.

SECT. 4. If said corporation, in the exercise of the powers granted in the preceding section, shall damage the owners of land or lime quarries, by digging, removing or using the same, the owners of said lime quarries or land shall be entitled to compensation; and in case such owners and said corporation shall not mutually agree upon the sum to be paid, such owners may cause their damage to be appraised by a committee of three disinterested persons who shall be appointed by one of the judges of the supreme judicial court.

Compensation
for damages.—how deter-
mined in case of
disagreement.

CHAP. 323.

Owners of quarries to remove rock as soon as practicable.

SECT. 5. When the water from any portion of said quarries is so removed as to render the digging of the rock practicable, the owner or owners of quarries so drained, (being corporators) shall, as soon thereafter as practicable, dig up their said rock in such a manner as shall give each corporator the benefit of the improvement made by such draining.

Proceedings in case of neglect.

SECT. 6. In case any member of said corporation shall neglect to comply with the requirements of the preceding section, then said corporation or such portion thereof as may be interested, may, after giving such member reasonable notice, enter upon, dig up and use said member's rock, or so much thereof as may be necessary to effect the object mentioned in the preceding section, by paying the owner thereof the amount of one cent for each cask of rock so taken.

Expense of digging drains, &c., how paid.

SECT. 7. The expense of digging drains, purchasing steam engines and fixtures, shall be paid by the corporators; each member thereof paying in proportion to the amount of rock he has drained; the expense of keeping engines in operation, shall be paid by the owners of quarries, (corporators) each paying in proportion to the amount of rock he shall dig in each year.

Toll on rock owned by persons not members of company.

SECT. 8. All persons, not members of said corporation, owning quarries lying within the range or adjacent to the quarries of said corporation and drained by their works, shall be subject to a toll by said corporation of three cents upon each cask of rock so drained; when dug up by said persons, a lien for said toll is hereby created upon all rock so dug up, and said lien shall take precedence of all other claims.

Owners of quarries may become members.

SECT. 9. The owners of quarries situated as described in the preceding section, may, if they shall so elect, become members of said corporation, and upon such terms as shall be agreed upon by such persons and said corporation.

Membership, how determined in case of disagreement.

SECT. 10. In case such person and said corporation shall not be able to agree upon the terms and conditions of membership, the judge of the said court upon application of any such person so situated, may appoint three disinterested persons to fix upon and settle such terms and conditions, and their decisions shall be final.

Tolls, how applied.

SECT. 11. All tolls received by said corporation from persons situated as described in section eight of this act, shall be applied to the expense of draining said quarries in such way as the corporators may determine.

SECT. 12. This act shall take effect on and after its approval by the governor.