

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1860.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26,
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1860.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1860.

CHAP. 453.**Chapter 453.**

An act to incorporate the Mutual Steamboat Company.

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

Corporators.

SECT. 1. Aaron Hayden, B. F. Milliken, R. Mowe, Jr., J. H. McLaven, John McAllister, William Deming, Thos. J. Copeland and George A. Boardman, and their associates, successors

Corporate name.

and assigns, are hereby incorporated into a company by the name of the Mutual Steamboat Company for the purpose of steam navigation between Boston, ports in this state, and St. John, New Brunswick, with the power to hold real and personal estate not exceeding three hundred thousand dollars ; and said company shall

May hold real and personal estate.

have the powers, and be subject to all the liabilities and duties of steam navigation companies.

Powers, &c.

First meeting, how called.

SECT. 2. Aaron Hayden or either of the other persons named in the first section are hereby authorized to call the first meeting of this company, by giving seven days notice of the time and place of meeting to each of the other corporators named in said section.

SECT. 3. This act shall take effect when approved.

[Approved March 17, 1860.]

Chapter 454.

An act to incorporate the Nahumkeag Fish-breeding Company.

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

Corporators.

SECT. 1. John Covill, Samuel Cutts and Oliver Moulton, their associates, successors and assigns, are hereby created a body corporate by the name of the Nahumkeag Fish-breeding Company, with power by that name to sue and be sued, to make by-laws for the management of their affairs, not repugnant to the laws of this state, and for the purposes hereinafter named.

Corporate name.
By-laws.

Authorized to remove obstructions in Nahumkeag stream.

SECT. 2. Said company shall have the power, and are hereby authorized to remove the obstructions to the passage of fish in the Nahumkeag stream in the town of Pittston, in the county of Kennebec, from the mouth of said stream where it enters the Kennebec river to the pond in said Pittston, known as the Nahumkeag pond, and are allowed two years from the date of the approval of this bill by the governor in which to remove said obstructions.

Authorized to take and hold certain lands.

SECT. 3. Said company is hereby authorized to enter upon any land upon the margins of said stream, within one rod from the margins thereof, and to take and hold said land, or such portion thereof as may be necessary for the removal of said obstructions, and to

carry into effect the purposes of this act, or to use and occupy said land within said one rod from the margins of said stream so long as the same may be necessary, and the damages for the real estate so taken, or so used and occupied, when not agreed upon by the parties, shall be ascertained and determined by the county commissioners of the county of Kennebec, under the same limitations and restrictions as are by law provided in case of damages for the laying out of highways; *provided*, that no claim for damages shall be sustained, unless made and prosecuted within two years from the time of the alleged injury; the damages shall be paid to said proprietors, if requested by any one of them, before said company shall proceed to remove any obstructions from said stream.

—damages, how determined.

Proviso.

—damages, when to be paid.

SECT. 4. It is hereby authorized and granted to said company, that it shall have for the term of twenty years, from and after the approval of this act by the governor, the sole and exclusive right to take salmon, shad and alewives in said stream and pond, and no person shall be allowed to take any of said fish, or set any net or seine therefor, or to place any obstruction to the passage of fish in the waters of the Kennebec river, on the east side of the channel of said river opposite the mouth of said Nahumkeag stream, nor within twenty rods, north or south of the center of said stream without the consent of said company; and if any person shall take fish in the Kennebec river, or set any net or seine, or place any obstruction therein against the provisions of this act, he shall be liable to a penalty of ten dollars, to be recovered before any justice of the peace, or judge of any municipal or police court within the county of Kennebec on complaint of any person interested therein, and one half of said penalty shall belong to the complainant in said matter, and the other half to the school district in which said offence was committed, for the use of the schools therein.

Exclusive right of company for twenty years.

—other persons not allowed to take fish, &c.

Penalty, how recovered.

—how appropriated.

SECT. 5. Whenever the proprietors of the mill privilege at the mouth of said stream, shall deem it expedient to build a mill there, they shall have the right so to do, *provided*, they will cause sufficient fish ways to be constructed through the dam that may be erected for the mill so built, which said fish ways shall be acceptable to the fish wardens or fish commissioners, as being proper and sufficient for the passage of fish, and the said proprietors shall have the right to use the shore at the mouth of said stream for a booming privilege the same as they had before the passage of this act. This bill shall not be so construed as to debar any person from taking pick-erel in said pond as they have heretofore been taken.

Proprietors of mill privilege, right of.

Proviso.

SECT. 6. Either of the persons named in the first section of this act, shall have power to call the first meeting of the corporators, by giving written notice to each of the other persons named therein, setting forth the time and place of said meeting at least seven days before the time of said meeting.

First meeting, how called.

CHAP. 455. SECT. 7. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 17, 1860.]

Chapter 455.

An act giving the city of Augusta certain powers therein named.

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

Authorized to purchase of Kennebec bridge company, franchise, &c.

SECT. 1. The city of Augusta is hereby authorized to purchase of the Kennebec Bridge Company their franchise, together with the bridge and appurtenances ; and to hold the same with all the rights and powers incident thereto, for the purpose of making the bridge free, when the inhabitants of said city may vote so to do, as herein provided.

Mayor to obtain terms, &c.

SECT. 2. It shall be the duty of the mayor of said city, as soon after the passage of this act as may be, to obtain from said bridge company the terms on which they will convey said franchise, bridge and appurtenances, and report the same to the mayor and aldermen of said city, and it shall be their duty thereupon to call a mass meeting of the inhabitants of said city, qualified to vote in said city, to act upon such proposition for the purchase of said franchise, bridge and appurtenances ; and if said inhabitants shall vote to purchase the same, it shall be the duty of the mayor, aldermen and common council of said city to purchase said franchise, bridge and appurtenances, and may issue the notes of said city to the amount of such purchase, in sums of not less than five hundred dollars each, payable at such times as they may designate, not exceeding ten years from their date, with semi-annual interest coupons attached, which notes shall bear the date of such purchase, and shall be signed by the treasurer and countersigned by the mayor of said city, and shall express therein that the same are issued under the provisions of this act. Said coupons shall be signed by the treasurer, and said notes and coupons shall be binding upon said city.

--and report to mayor and aldermen.
--shall call mass meeting.

If inhabitants vote to purchase.
--duty of mayor, &c.

In case of purchase, bridge co. to convey, &c.

City, rights, powers, &c.

Toll.

--how applied.

SECT. 3. In case such purchase shall be made, the said bridge company shall convey to said city, either by a transfer of all the shares in the capital stock of said company, or by conveyance duly executed ; and in either case, the said city shall take and hold the same with all the rights, powers, duties and liabilities of said corporation, and may manage the same, and receive tolls in like manner as said company ; the net receipts arising from such tolls, shall be applied first to the payment of the interest coupons of said notes, and then to create a sinking fund for the payment of said notes,