

# LAWS

OF THE

## Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE 10th

DAY OF JANUARY, AND WHICH ENDED ON THE

16th DAY OF FEBRUARY, 1816.

Published agreeably to a Resolve of 16th January, 1812.



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*BOSTON:*

PRINTED BY RUSSELL, CUTLER AND CO. FOR BENJAMIN RUSSELL,  
PRINTER TO THE STATE,

.....  
1816.

## CHAP. CI.

## An Act to incorporate the Eastern River Lock and Sluice Company.

**SEC. 1.** *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John N. Swazey, Joseph R. Folsom, and Joseph Lee, together with such Persons incorporated. other persons as may be associated with them, and their successors, shall be a Corporation, by the name of The Eastern River Lock and Sluice Company; and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted; shall have a common seal, which they may alter at pleasure, and shall enjoy all the privileges and powers, and do and suffer all such matters and things as are incident to similar incorporations.

**SEC. 2.** *Be it further enacted,* That said Corporation be, and hereby are empowered, within the term of five years from the passing of this act, to make a Sluice Locks and Sluices to be made, and Lock or Locks, from the outlet of Eastern River Great Pond, so called, to the waters below the falls, at the head of the tide in the town of Orland, in the most suitable and convenient place for making the same; and to erect such dam or dams, as may be necessary for the safety and convenience thereof: *Provided* that nothing in this act shall interfere with the provisions of a law, passed on the twenty-second of February, one thousand eight hundred and fourteen, entitled "An act for the preservation of Fish in Penobscot River and Bay, and the several streams emptying into the same;" or any subsequent law enacted, or which may be enacted for that purpose.

**SEC. 3.** *Be it further enacted,* That if any person or persons shall suffer any damage by means of said Lock or Sluice, and the parties cannot agree upon the amount of damages thus occasioned, nor upon some suitable person or persons to estimate the same, then in such case a disinterested Committee of three freeholders shall be appointed by the Circuit Court of Common Pleas Damages.

Proviso.

for the third Eastern Circuit, when holden in and for the county of Hancock, to ascertain the damages ; and the determination of the Committee, so appointed, shall be the measure of damages : *Provided however*, that if either party shall be dissatisfied with the report of said Committee, and shall, at the same session of the Court aforesaid, at which said report shall be made, apply to said Court for a trial by Jury, in the manner other like causes are determined, the Court aforesaid shall have power to determine the same by a Jury as aforesaid ; and if the verdict of the Jury shall not give the party applying, a greater sum in damages, than the said Committee shall have awarded as aforesaid, the said Court shall award costs against the applicants ; but if said decision shall be more favorable to the party applying, than the report of said Committee, the said Court shall render judgment accordingly, and issue execution in either case.

Wanton inju-  
ria.

SEC. 4. *Be it further enacted*, That if any person or persons shall wilfully or mischievously, in any manner, injure or destroy said Locks or Sluice, or any other works connected with them, or parts thereof, or divert or obstruct the waters, to the damage of the proprietors thereof, he, she or they shall pay treble the value of such damage, as said proprietors shall, before the Court and Jury, before whom trial shall be had, make to appear said proprietors have sustained, by means of said trespass ; to be sued for and recovered, in any Court proper to try the same.

Rate of tolls.

SEC. 5. *Be it further enacted*, That a toll be, and is hereby granted and established, for the benefit of said proprietors, their successors and assigns, according to the rates following, viz. : For each thousand feet of boards, plank and scantling, board measure, twenty cents ; for each cord of wood and bark, twenty cents ; for each ton of timber, ten cents ; for each thousand of staves, twenty cents ; for each thousand of clapboards, ten cents ; for each thousand of shingles, three cents ; for each hundred of posts and rails, fifteen cents : And as soon as the said Locks and Sluice shall be completed, the said Corporation shall have power to lay and collect the tolls aforesaid, on all the several articles as they pass the same.

SEC. 6. *Be it further enacted*, That the persons named in this act or any two of them, shall have power to call the first meeting of said Corporation, giving each proprietor personal notice of the time and place of such meeting, seven days at least before the time appointed for said meeting; and said proprietors, when met as aforesaid, may agree upon the method of calling future meetings, elect officers, and do and transact such other things as they may deem necessary.

First Meeting.

SEC. 7. *Be it further enacted*, That if the said Corporation shall not, within the said term of five years, erect and complete the said Locks and Sluice as aforesaid, then this act shall be void; and if the said Corporation at any future time after the said Locks and Sluice are completed, shall neglect to keep the same in suitable repair, for the space of one year, at any one time, then this act shall likewise become void and of no effect.

Conditions.

[Approved by the Governor, December 13, 1816.]

## CHAP. CII.

An Act to incorporate the Trustees of the Ministerial Fund in the north parish in Berwick.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Joseph Fogg, Samuel Goodwin, Elijah Hays, Reuben Hays, Mark Libbey, Samuel Lord, Joseph Prime, John Staples, and Samuel Wentworth, be, and they are hereby appointed Agents and Trustees to sell the lands appropriated for the use of the Ministry in the north parish, in the town of Berwick, in the county of York; and the monies arising from the sale of said lands to put out at interest in the manner hereinafter directed; and the said Trustees are hereby made a body politic and corporate, by the name of The Trustees of the Ministerial Funds in the north parish in Berwick; and they and their successors in that office, shall have and use a common seal, and, by the name aforesaid, may sue and be sued

Persons incorporated.