

## 1796. — Chapter 92.

[January Session, ch. 57.]

AN ACT TO INCORPORATE ISAAC LANE & OTHERS, FOR THE PURPOSE OF BUILDING A SLUICE-WAY FROM A PLACE CALLED BUXTON MILL-DAM, TO A PLACE CALLED COOK'S EDDY IN THE PLANTATION OF LITTLE FALLS.

Corporate name.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, that Isaac Lane, Samuel Merrill junr. & Gibbins Eldin, and all such persons as shall be associated with them and their Successors, shall be a Corporation by the name of The Proprietors of the Sluice-ways in the Plantation of Little-Falls, for the purpose of building a Sluice way from Buxton Mill-dam to Cook's Eddy in the Plantation of Little Falls.

First meeting.

SECT. 2. *And be it further Enacted*, that the said Proprietors shall hold their first Meeting on the first Monday of May next at the house of John Garland, inholder in Buxton.

Toll established.

SECT. 3. *And be it further Enacted*, that for the purpose of reimbursing the said Proprietors the money to be expended in building, supporting and keeping in repair said Sluice-way, a Toll be & hereby is granted & established for the sole benefit of said Corporation, according to the rates following; vizt. For every thousand feet of Boards, plank, and Joist, twenty five Cents; for every thousand of Pipe staves thirty three cents; for every thousand of Barrel staves, twenty cents; for every Thousand of Clap-boards and oar rafters, twenty five cents; for every thousand of Shingles, six cents; for every hundred feet of ranging timber, ten cents; for every Ton of Timber, ten cents, and in that proportion for a greater or less number of any of the said articles.

Shares to be considered personal estate.

SECT. 4. *And be it further Enacted*, that the shares in the same sluice-way, shall be taken, deemed and considered to be personal estate to all intents and purposes.

General Court to regulate toll after 12 years.

SECT. 5. *And be it further Enacted*, that the General Court shall have a right to regulate the Toll aforesaid after the term of twelve years from the first day of June next.

Whereas it may be necessary in the prosecution of the foregoing business, that the property of private persons

may be appropriated for the use of the same, and in order that no person may be damaged by digging and cutting sluice ways thro his land, by removing mills or mill dams, diverting water-courses, or flowing his land by the proprietors aforesaid, without receiving full & adequate compensation therefor ;

SECT. 6. *Be it Enacted by the authority aforesaid,* that in all cases where any person shall be damaged in his property by the said proprietors for the purposes aforesaid, in manner as is above expressed, or in any other way, and the proprietors aforesaid do not within twenty days after being requested thereto, make or tender reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of General Sessions of the Peace for the County in which the damage shall have been sustained, to have a Committee appointed by said Court to estimate the damage so done ; & the said Court are hereby authorized and empowered by warrant under the seal thereof, upon such application made, if within one year from the time of the damage done as aforesaid, to appoint a Committee of five disinterested Freeholders in the same County, to estimate the damages ; which Committee shall give seasonable notice to the person interested & to the Clerk of the proprietors aforesaid, of the time & place of their meeting & they shall be under oath to perform said service, according to their best skill & judgement ; which having done, they or the major part of them, shall make return thereof under their hands and seals, to the next Court of General Sessions of the Peace to be holden in said County, after the same service is performed, to the end that the same may be accepted, allowed & recorded ; & the Committee so empowered, are required to estimate the said damage & make return thereof as aforesaid ; & if the estimate of the Committee be accepted by the Court, the Clerk of the Court is hereby authorized & directed on application therefor, to issue an execution against the property only of the Corporation, or of any Individual belonging thereto, for the sum so adjudged in damages, *Provided* the same is not paid within twenty days after the acceptance of said Report, and likewise for the cost of the said Committee, & fees of the Court, both to be allowed by the Court, *provided* the sum of damages estimated by the Committee,

Case of  
damaging the  
property of  
individuals.

exceed the sum of damages so tendered; but in case the proprietors actually tendered to the person complaining, before the complaint was exhibited, a sum as great as that allowed by the Court in damages, then nothing to be included in the execution for costs of Committee or Court; the execution to be issued by the Clerk of the Court to be in the same terms, *mutatis mutandis*, & returnable in the same time as though Judgement had been rendered against said Corporation for a like sum in damages on process in the Court of Common pleas. And if any person find himself aggrieved by the doings of said Committee in estimating damages, he may apply to said Court of General Sessions of the Peace, *provided* such application be made to the same Court within one year after the acceptance of such return; & the said Court is empowered to hear & finally determine the same by a Jury under oath, to be summoned by the Sheriff or his Deputy for that purpose, if the person complaining desire the same, or by a Committee if the person complaining & the proprietors can agree thereon; And if the Jury or Committee agreed on as aforesaid (who are to be under oath) shall not increase the sum of damages, the person complaining shall be at the cost arising on such Complaint, to be taxed against him by the said Court; otherwise such cost & encrease of damages shall be paid by the proprietors, & execution to issue therefor as before expressed, and the report of such Committee, or verdict of such Jury being returned into the same Court & being allowed & recorded, shall be a sufficient bar against any action brought for the damages aforesaid; saving only that when the sum of damages is not estimated at a sum in Gross, for the full satisfaction thereof, but a yearly sum is assessed, in such case, the complainant shall be entitled to an action of debt for the recovery of the same, so often as the same becomes due during the continuance of the damage done or suffered as aforesaid; & the said Proprietors at their first meeting or any subsequent meeting may enjoin & order fines & penalties for the breach of any bye Laws of such Corporation, not exceeding fourteen Dollars.

*Approved March 11, 1797.*