

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1834.

FOURTEENTH LEGISLATURE.

NO. 2.

SENATE.

AN ACT to Incorporate the Magurawock and Schoodic Canal Company.

SECT. 1. *Be it enacted by the Senate and*
2 *House of Representatives in Legislature as-*
3 *sembled, That Amariah Nash and Shelomith*
4 *S. Whipple, together with their associates and*
5 *successors, be and are hereby incorporated into*
6 *a body politic, by the name of the Magurawock*
7 *and Schoodic Canal Company, with power to*
8 *sue and be sued, to have a common seal and to*
9 *change the same, to make any by-laws for the*
10 *management of their affairs, not repugnant to the*
11 *laws of this State.*

SECT. 2. *Be it further enacted, That said*
2 *Corporation shall have power to survey, lay out*
3 *and make a canal from the waters of the West-*

4 ern Magurawock Lake to the tide waters in the
5 Schoodic River, at or near the entrance of Bog
6 Brook (so called) into the said Schoodic River,
7 with such dams, locks, sluices or inclined planes,
8 as may be deemed advantageous to said canal.
9 And they shall have power to use such land
10 along the course of said canal as shall be neces-
11 sary for the purposes of constructing and main-
12 taining said canal, and to build dams and flow
13 lands, when the nature of the undertaking may
14 require, the lands reserved not to exceed three
15 rods in width from the water in said canal on
16 each side, provided, that in all cases, said Com-
17 pany shall pay for all such lands so taken, such
18 price as they and the owners thereof may agree
19 on, and if the corporate property shall not be
20 sufficient to satisfy such damages, then the indi-
21 viduals, stockholders, shall be severally holden
22 each in proportion to his amount of stock, to
23 make up the deficiency ; and said corporation
24 may purchase and hold other lands and build-
25 ings not exceeding two hundred thousand dollars
26 in value, and any personal estate not exceeding
27 one hundred and fifty thousand dollars, which
28 real and personal estate, or any part thereof, they
29 may sell and transfer.

SECT. 3. *Be it further enacted,* That for the
2 purposes aforesaid, the said Corporation shall
3 have power to take and use the waters of the
4 Western and Eastern Magurawock Lakes, and
5 that they may use the waters of said lakes or
6 ponds for mills, factories and other machinery,
7 and may erect dams, sluices or other works that
8 may be necessary for such purposes, and that
9 they may erect and keep a dam at the outlet of
10 said Western Lake ; likewise one in the Ma-
11 gurawock Stream, at a suitable place below the
12 outlet of the Eastern Lake, and one at the inlet
13 of the Eastern Lake on Dead Brook (so called)
14 and one on Bog Brook (so called) for the purpose
15 of reserving water for the above objects ; provi-
16 ded that the said Corporation shall not use wa-
17 ter to the detriment of any other mills, factories
18 or other machinery. And if any other person
19 or persons shall suffer damage by the exercise
20 of the power herein granted to said Corporation,
21 and the amount or mode of ascertaining the
22 amount cannot be agreed upon by the parties,
23 the Court of Common Pleas for the County of
24 Washington, shall on petition by the party ag-
25 grieved, which petition shall be served on said
26 Corporation thirty days at least before the sit-

27 ting of said Court, by leaving an attested copy
 28 thereof with the president or secretary of said
 29 Corporation, cause said damages to be ascer-
 30 tained by a committee of three disinterested
 31 freeholders of the same County ; provided how-
 32 ever, that if either party be dissatisfied with the
 33 award of the Committee, and shall at the term
 34 when said award is presented, apply to said
 35 Court for a trial by Jury in the manner other
 36 like cases are determined, the Court shall by
 37 Jury determine the amount of such damages ac-
 38 cordingly ; and if the verdict do not give the
 39 party applying for the Jury greater damages
 40 than were awarded by the Committee, judg-
 41 ment shall be rendered against the applicants for
 42 the cost accruing after said application.

SECT. 4. *Be it further enacted,* That if any
 2 person or persons shall wilfully or maliciously
 3 take up or remove any part of said canal, dams,
 4 locks, sluices, inclined planes, mills or other works,
 5 or appendages thereof, such person or persons, for
 6 every such offence, shall forfeit and pay to said
 7 Corporation treble damages, to be sued for and
 8 recovered, in any Court competent to try the
 9 same ; and such offender or offenders shall fur-
 10 ther be liable to indictment for such trespass or

11 trespasses, and on conviction thereof before the
 12 Supreme Court, or Court of Common Pleas,
 13 shall be sentenced to fine or imprisonment, at
 14 the discretion of the Court.

SECT. 5. *Be it further enacted,* That a toll shall
 2 be and hereby is granted, and established for the
 3 benefit of said Corporation, according to the rates
 4 following: viz. for all Planks, Boards, Clapboards
 5 or Joists, floated on rafts or otherwise, through
 6 said canal, forty cents per thousand, from the
 7 Eastern Magurewock lake, and sixty cents from
 8 the Western ditto; for Laths and Shingles, six
 9 cents from the Eastern, and ten cents from the
 10 Western lake; Cord Wood and Bark, fifty cents
 11 per cord from the Eastern, and seventy-five from
 12 the Western lake; for Timber, Masts, Logs
 13 and Spars, thirty cents per ton from the East-
 14 ern, and forty-five cents from the Western lake;
 15 and for all other lumber in proportion to the
 16 above rates; for all Country Produce or Mer-
 17 chandize, thirty cents per ton from the Eastern,
 18 and forty-five cents from the Western lake; for
 19 all Boats or rafts, ten cents for each lock the
 20 same may pass, in addition to the toll aforesaid:
 21 which toll shall commence and be payable, when
 22 any part of said canal, locks or sluices, shall be

23 passable for any of the articles aforesaid: and
 24 the said Corporation shall have a lien upon the
 25 said articles, and shall have the power to detain
 26 the same for the toll aforesaid, until the same
 27 be paid; and at the expiration of ten days from
 28 the time said tolls become due, may raise the
 29 same by public sale of so much of said articles
 30 as will pay the amount due for toll and the ex-
 31 penses for collecting the same; or the said Cor-
 32 poration may sue for and recover the same by
 33 an action of debt, in any Court proper to try the
 34 same: said tolls always to be subject to the con-
 35 trol of the Legislature of the State.

SECT. 6, *Be it further enacted*, That this
 2 Act, in all legal proceedings, shall be deemed
 3 and taken to be a public act: *Provided*, if said
 4 Corporation shall not make and complete said
 5 canal within five years from the passing of this
 6 Act, then this Act shall be void,

SECT. 7. *Be it further enacted*, That the per-
 2 sons named in this Act may call the first meet-
 3 ing by giving such notice as they may see proper;
 4 and the said meeting may proceed to organize
 5 said Corporation, may make and adopt by-laws,
 6 choose its officers, determine their qualifications,
 7 and define their powers and duties, may agree

8 upon the number of shares into which the Cap-
9 ital Stock shall be divided, may make assess-
10 ments, and do all other things that may be ne-
11 cessary for the management of the concerns of
12 said Corporation; and all shares shall be liable
13 to legal process in the same manner as shares in
14 similar Corporations are liable.

STATE OF MAINE.

IN SENATE, January 16, 1834.

Read and ordered to lie upon the table, and that three hundred copies be printed for the use of the Legislature.

(Extract from the Journal.)

Attest, WILLIAM TRAFTON, *Secretary.*