

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. 16.

SENATE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND THIRTY-FOUR.

AN ACT to incorporate the **Kenduskeag Canal Corporation.**

SECT. 1. *Be it enacted by the Senate and*
2 House of Representatives in Legislature as-
3 scmbled, That William Bradbury, Benjamin
4 Garland, Mark Trafton, Isaac Hodsden, Rufus
5 Parks, Samuel Ramsdell, Romulus Haskins,
6 Thomas A. Hill, John Bradbury, and John C.
7 Dexter, with their associates and successors, be
8 and they hereby are incorporated into a body
9 politic by the name of the Kenduskeag Canal
10 Corporation, with power to sue and be sued ;
11 have a common seal; to make any by-laws for
12 the management of their affairs not repugnant
13 to the 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 head waters of the
4 Kenduskeag stream, and its principal branches
5 to the Six Mile Falls, so called, in Bangor in the
6 County of Penobscot, or on such parts of said
7 route as the said proprietors may deem proper,
8 with a suitable number of locks or sluices, to
9 commence at such points on the said head wa-
10 ters, pass in such direction and terminate at such
11 place at or near said Six Mile Falls, as they may
12 designate ; and they shall have the power to
13 take and use such land along the course of
14 said Canal as shall be necessary for the purposes
15 aforesaid, not exceeding ten rods in width ;
16 *Provided, That,* in all cases, said Company
17 shall pay for all such lands so taken and used,
18 such price as they and the owners thereof may
19 mutually agree on. And in case the Bangor
20 and Pushaw Canal Company should not locate
21 and make their Canal by said Six Mile Falls,
22 so as to connect the same with the Canal here in
23 granted, it shall be and hereby is permitted the
24 said Proprietors hereof to extend their said
25 Canal down said stream to the tide waters
26 thereof.—And if the estate of said Company in
29 its corporate capacity, shall not be sufficient to
30 satisfy such damages, then the Stockholders,

31 each in proportion to his respective number of
 32 shares, shall be personally liable for such defi-
 33 ciency. And said corporation may purchase
 34 and hold other land and buildings, not exceed-
 35 ing two hundred thousand dollars in value, and
 36 any personal estate not exceeding three hun-
 37 dred thousand dollars in value, and the said real
 38 and personal estate, or any part thereof, they
 39 may sell or transfer.

SECT. 3. *Be it further enacted*, That for
 2 the purposes aforesaid, the said corporation shall
 3 have power to take and use the waters of said
 4 Kenduskeag Stream, and of any other conven-
 5 ient stream or streams on the route of said
 6 Canal. And they may use the waters of said
 7 streams for mills, factories and other machinery;
 8 and may erect dams, sluices, or other works that
 9 may be necessary. *Provided*, That the said
 10 Corporation shall not take the waters of any
 11 stream for the use of their mills or other pur-
 12 poses, to the detriment of any water privileges
 13 belonging to any other person or persons; and
 14 *Provided*, that such dams on said Kenduskeag
 15 Stream shall be so constructed as not to ob-
 16 struct the passage of logs or other lumber down
 17 the same; and *Provided*, that said Corporation

18 shall not draw water from said stream for the
19 use of mills or other purposes, to the injury of
20 mills and other machinery which are or may be
21 built on the same, without said Corporation pay-
22 ing a just compensation therefor.

SECT. 4. *Be it further enacted,* That if
2 any person or persons shall suffer damage by the
3 exercise of the power herein granted to said
4 Corporation, and the amount or mode of ascer-
5 taining the amount cannot be agreed upon by
6 the parties, the Court of Common Pleas for the
7 County of Penobscot shall, on petition by the
8 party aggrieved, which petition shall be served
9 on said Corporation thirty days at least before
10 the sitting of said Court by leaving an attested
11 copy thereof with the President or Secretary
12 of said Corporation, cause said damages to be
13 ascertained by a Committee of three disinterest-
14 ed freeholders of the same County. *Provided*
15 *however,* That if either party be dissatisfied
16 with the award of said Committee and shall at
17 the term when said award is presented apply to
18 said Court for a trial by Jury in the manner
19 other like cases are determined, the Court shall
20 by Jury determine the amount of such damages

21 accordingly. And if the verdict do not give
 22 the party applying for the Jury greater damages
 23 than were awarded by the Committee, judg-
 24 ment shall be rendered against the applicants for
 25 the costs accruing after said application. And
 26 if the verdict be more favorable to the party
 27 applying for a Jury than was awarded by the
 28 Committee, the applicant shall recover the costs
 29 accruing after such application, and execution
 30 shall in either case issue upon the judgment.

SECT. 5. *Be it further enacted,* That if any
 2 person or persons shall wilfully or maliciously,
 3 take up, remove, or injure any part of said
 4 Canal, dams, locks, sluices, mills or other works
 5 or appendages thereof, such person or persons
 6 for every such offence, shall forfeit and pay to
 7 said Corporation treble damages, to be sued for
 8 and recovered in any Court competent to try the
 9 same; and such offender or offenders shall far-
 10 ther be liable to indictment for such trespass or
 11 trespasses, and on conviction thereof before the
 12 Supreme Judicial Court or Court of Common
 13 Pleas, shall be sentenced to fine or imprison-
 14 ment, at the discretion of the Court.

SECT. 6. *Be it further enacted,* That a toll

2 shall be and hereby is granted and established
3 for the benefit of said Corporation, according to
4 the rates following, to wit :—For all planks,
5 boards, joist or other sawed lumber, floated in rafts
6 or otherwise, through said Canal, eight cents per
7 mile for each thousand feet, board measure; for
8 clapboards, ten cents per thousand, for each
9 mile; shingles, one cent per thousand, for each
10 mile; staves, ten cents per thousand, for each
11 mile; cord wood and bark, eight cents per cord,
12 for each mile; and for all other lumber in pro-
13 portion to the above rates, per quantity or bulk;
14 for all kinds of country produce, provisions, goods
15 or merchandize, five cents per ton, for each mile;
16 for all boats or rafts ten cents for each lock the
17 the same may pass, in addition to the toll afore-
18 said; which toll shall commence and be paya-
19 ble when any part of said Canal, locks or sluices
20 shall be passable for any of the articles afore-
21 said; and the said Corporation shall have a lien
22 upon the same articles, and shall have the pow-
23 er to detain the same for the toll aforesaid, until
24 the same be paid; and at the expiration of ten
25 days from the time the said tolls become due,
26 may raise the same by public or private sale of

27 so much of said articles as will pay the amount
28 due for toll and the expenses for collecting the
29 same, or the said Corporation may sue for and
30 recover the same, by an action of debt, in any
31 Court proper to try the same.

SECT. 7. *Be it further enacted*, That this
2 Act, in all legal proceedings, shall be deemed and
3 taken to be a Public Act. *Provided*, if said
4 said Corporation shall not make and complete
5 said Canal, locks or sluices, within six years
6 from the passing this Act, then this Act shall be
7 void. *Provided also*, That said Corporation
8 shall within three years from the passage of this
9 Act, determine upon and locate the route of
10 said Canal and enter the same upon their records
11 and shall be bound by such location.

SECT. 8. *Be it further enacted*, That any
2 three or more of the persons named in this Act
3 may call the first meeting of those incorporated,
4 by causing notice to be given of the time, place
5 and purpose thereof, in any newspaper printed
6 in Bangor, ten days previous to said meeting,
7 and at said meeting may proceed to organize
8 said Corporation, may make and adopt by-laws,
9 designate and choose its officers, determine their

10 qualifications and define their powers and duties ;
11 may fix on the mode of calling future meetings
12 and the manner of voting at said meetings ; may
13 agree upon the number of shares into which
14 the capital stock shall be divided, the evidence
15 of ownership thereof and the manner of trans-
16 ferring the same ; may make assessments, and
17 do all other things that may be necessary for
18 the management of the concerns of said Corpo-
19 ration. And all shares shall be liable to legal
20 process in the same manner as shares in Turn-
21 pike or Bridge Conporations are by law liable.

STATE OF MAINE.

IN SENATE, February 3, 1834.

Ordered, that three hundred copies of the foregoing Bill be printed for the use of the Legislature.

(Extract from the Journal.)

Attest, WILLIAM TRAFTON, *Secretary.*