

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSION

**A. D. 1836.**

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*AUGUSTA:*  
SMITH & ROBINSON,.....PRINTERS.

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1836.

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SIXTEENTH LEGISLATURE.

No. 25.

HOUSE.

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STATE OF MAINE.

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

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AN ACT to incorporate the St. Croix Navigation  
Company.

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SECT. 1. *Be it enacted by the Senate and*  
*2 House of Representatives in Legislature as-*  
*3 sembled, That Anson G. Chandler, Reuel Wil-*  
*4 liams, John A. Chandler, Daniel Williams,*  
*5 Samuel Veazie, Neil D. Shaw, George M.*  
*6 Chase, Shelomith S. Whipple, Luther C.*  
*7 White, George W. Stanley, Josiah Pierce and*  
*8 Joseph Whitney, with their associates, succes-*  
*9 sors and assigns, be and they hereby are incor-*  
*10 porated into a body politic by the name of*  
*11 the St. Croix Navigation Company, with the*  
*12 power and for the purpose of floating lumber*  
*13 and other articles with greater facility, and of*

14 using and navigating rafts, boats and other  
 15 water craft upon the waters of the St. Croix  
 16 River, between the tide waters thereof and the  
 17 outlet or foot of the Chepetnetcook Lake. And  
 18 said Company by the name aforesaid are here-  
 19 by empowered to prosecute and defend suits at  
 20 law and equity; have and use a common seal;  
 21 make and establish by-laws, for the manage-  
 22 ment of their concerns, not repugnant to the  
 23 laws of the State; choose all necessary officers;  
 24 and have, exercise and enjoy all the rights,  
 25 privileges and immunities usually possessed by  
 26 incorporated companies.

SECT. 2. *Be it further enacted,* That for the  
 2 purposes of this Act, said Company is hereby  
 3 authorized to purchase and hold any estates,  
 4 real, personal or mixed to an amount not ex-  
 5 ceeding two hundred thousand dollars.

SECT. 3. *Be it further enacted,* That said  
 2 Company may erect and maintain all such  
 3 dams, piers, bulkheads, abutments, booms, in-  
 4 clined planes, locks, sluices and other structures  
 5 which they may deem necessary for said pur-  
 6 poses.

SECT. 4. *Be it further enacted,* That if

2 any person or persons shall wilfully or mali-  
3 ciously take up or remove, injure or impair any  
4 of the above mentioned works of said Compa-  
5 ny, or open or shut the gate of any sluice, in-  
6 clined plane or lock, or drive any nails, spikes,  
7 pins or wedges into any gate or any fixture  
8 thereof; or throw any rocks, earth or other  
9 heavy substance, or bring or cause to be brought  
10 any drift stuff, or other obstacle against such  
11 gate or into any such sluice, inclined plane or  
12 lock, or against or under any other of the works  
13 of said Company to the molestation of said  
14 Company or of persons employed in using the  
15 waters of said river, the offender shall be held  
16 liable to pay to the party or parties injured,  
17 treble damage, recoverable by actions of tres-  
18 pass, and to be punished therefor on indict-  
19 ment, by fine or imprisonment, or both, at the  
20 discretion of the Court.

SECT. 5. *Be it further enacted,* That if  
2 any person having the care of any boat, raft or  
3 other craft or floating article shall willingly  
4 practice any unnecessary delay in approaching,  
5 entering, passing or departing from any such  
6 lock, sluice or inclined plane and the vicinity

7 thereof, or unnecessarily moor or fasten any  
 8 such boat, raft, craft or floating article at or  
 9 near such lock, sluice or inclined plane, or other  
 10 works whereby the operations of the Company  
 11 or the suitable movements of any other boat,  
 12 raft, craft or floating article shall be prevented  
 13 or retarded, he shall for every such offence for-  
 14 feit and pay a penalty not exceeding ten dollars  
 15 for each and every hour of delay so occasioned.

SECT. 6. *Be it further enacted,* That this  
 2 Act, in all legal proceedings shall be deemed and  
 3 taken to be a public Act. But if said Corpo-  
 4 ration shall not construct the works herein con-  
 5 templated, within five years from the passing of  
 6 this Act, then this Act shall be void.

SECT. 7. *Be it further enacted,* That any  
 2 three of the five persons first named in this Act  
 3 may call the first meeting of the Corporation by  
 4 publishing the time and place thereof three  
 5 weeks previously in the Democrat, a newspa-  
 6 per published at Calais, and in the Age printed  
 7 at Augusta. And at said meeting the Corpora-  
 8 tion may be organized, and any Corporation busi-  
 9 ness transacted. The capital stock may be di-  
 10 vided in such number of shares, and such assess-  
 11 ments may be made as the company may direct.

SECT. 8. *Be it further enacted*, That all  
2 shares shall be liable to attachment in legal pro-  
3 cess, as are shares in similar Corporations.

SECT. 9. *Be it further enacted*, That said  
2 Company may enter upon and occupy such  
3 lands as may be necessary for erecting, main-  
4 taining, repairing and rebuilding any of the  
5 works authorized by this Act, and for protect-  
6 ing the same, and for improving the navigation  
7 and the rafting business of said river. And for  
8 any injury to the owner or owners of said lands  
9 a just compensation shall be paid by said Com-  
10 pany.

SECT. 10. *Be it further enacted*, That when-  
2 ever any owner or owners of land, entitled to  
3 compensation as aforesaid, shall not be able to  
4 agree with said company upon the amount  
5 thereof, he or they may, by petition, apply to the  
6 Supreme Judicial Court or Court of Common  
7 Pleas, for the County of Washington for rem-  
8 edy. And said Court shall order suitable no-  
9 tice thereof to the Company. And if said Com-  
10 pany, in their plea, shall deny the complainant's  
11 title to the land alledged to be injured, or shall  
12 claim a right to occupy without payment of

13 damages, or for an agreed composition, the  
14 Court, if issue be joined in said plea, shall or-  
15 der on said pleadings a trial at the bar of the  
16 Court. And if said Company shall not show  
17 sufficient cause, said Court shall appoint three  
18 disinterested freeholders to make true and faith-  
19 ful appraisal of the damages sustained, and  
20 of those to be yearly sustained by said complain-  
21 ants. And the Report of said Commissioners  
22 shall under the direction of the Court be given  
23 in evidence to the Jury, subject to be impeached  
24 by evidence of either party. And judgment  
25 having been rendered upon the verdict, or upon  
26 said report, (if no such jury trial has been had,)  
27 shall be a bar to any action brought for such  
28 damages.

SECT. 11. *Be it further enacted,* That  
2 such judgment shall be the measure of yearly  
3 damages, until either of the parties shall on a  
4 new complaint, and by the same form of pro-  
5 cess, obtain an increase or diminution of the  
6 same. And in all cases the prevailing party  
7 shall be entitled to such reasonable costs as the  
8 Court in their discretion shall allow.

SECT. 12. *Be it further enacted,* That there



2 shall be allowed to said Company a toll upon  
3 articles as follows; viz : upon such planks, joists,  
4 boards, and other lumber usually measured by  
5 the superficial feet, as shall pass through the  
6 whole distance of the improved waters, seventy-  
7 five cents per thousand feet equal to board meas-  
8 ure; for every boat passing either way the whole  
9 of said distance, besides the toll required for the  
10 articles on board, that is to say, for boats not  
11 exceeding two tons burthen, one dollar; over  
12 two and not exceeding five tons burthen, one  
13 dollar and fifty cents; over five and not exceed-  
14 ing twenty tons burthen, two dollars; over  
15 twenty and not exceeding forty tons burthen,  
16 two dollars and fifty cents; over forty tons bur-  
17 then, three dollars. Upon articles transported by  
18 boats the whole of said distance as follows:—each  
19 cord of bark or wood, seventy-five cents; hard  
20 wood lumber unmanufactured, thirty-seven and  
21 a half cents per ton; staves and clapboards, sev-  
22 enty-five cents per thousand; shingles and laths  
23 thirty cents per thousand; hoop poles and cedar  
24 posts, agricultural products, one dollar and twen-  
25 ty-five cents per ton; merchandise, other than  
26 agricultural products, two dollars per ton. The

27 tolls for any part of the distance shall bear the  
 28 same proportion to the rates above mentioned as  
 29 that part of the distance bears to the whole dis-  
 30 tance. And said Corporation shall have a lien  
 31 upon said articles, and may detain the same for  
 32 the tolls aforesaid, until the same shall be paid;  
 33 and at the expiration of thirty days from the  
 34 time said tolls become payable, may raise the  
 35 same by public sale of so much of said articles as  
 36 will pay the same, with the expenses of collect-  
 37 ing; or said Company may sue for and recover  
 38 said tolls, by action of debt. Said tolls to be  
 39 subject to the control of the Legislature after  
 40 twelve years.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
 February 5, 1836. }

Read twice, and laid on the table, and three hundred copies  
 ordered to be printed for the use of the members.

[Extract from the Journal.]

ATTEST: JAMES L. CHILD, Clerk.