

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.

AUGUSTA:
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1836.

SIXTEENTH LEGISLATURE.

No. 36.

HOUSE.

AN ACT to incorporate the St. Croix Navigation Company.

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

14 navigating rafts, boats and other water craft up-
15 on the waters of the St. Croix River, between
16 the tide waters thereof and the outlet or foot of
17 the Chepetnecook Lake, with all the powers and
18 privileges and subject to all the duties and liabili-
19 ties, provided and required by an Act, passed on
20 the sixteenth of February, 1836, entitled "An
21 Act concerning Corporations. *Provided*, that
22 the rights of others, public and private and of ev-
23 ery description, in the use of the waters of said
24 river shall not be infringed or impaired.

SECT. 2. *Be it further enacted*, That for
2 the purposes of this Act, the Corporation is
3 hereby authorized to purchase and hold any es-
4 tate, real and personal to an amount not exceed-
5 ing two hundred thousand dollars, and the cap-
6 ital stock shall be divided into shares of fifty
7 dollars each, and the stockholders shall be allow-
8 ed one vote for the first share, and one vote for
9 every two succeeding shares—*Provided*, no
10 member shall be entitled to more than twenty
11 votes; and any member may vote by proxy au-
12 thorized in writing.

SECT. 3. *Be it further enacted*, That said
2 Corporation may construct and maintain such

3 dams, locks, piers, booms, inclined planes, and
4 other structures and excavations as may be ne-
5 cessary for said purposes.

SECT. 4. *Be it further enacted,* That if
2 any person shall wilfully or maliciously destroy,
3 injure, impair or obstruct any of the rights, priv-
4 ileges or property of the Corporation as herein
5 granted, such person shall forfeit and pay to the
6 party injured, treble damages, to be recovered in
7 an action of trespass, or be punished by fine to
8 the use of the State, not exceeding five hundred
9 dollars, or imprisonment, not exceeding six
10 months, by indictment in any Court of compe-
11 tent jurisdiction.

SECT. 5. *Be it further enacted,* That if any
2 person shall by boat, raft or otherwise wilfully
3 delay or obstruct the approaching, entering, pass-
4 ing or repassing any lock, inclined plane, sluice
5 or other avenue, or do any other act whereby
6 the operations of said Corporation in the trans-
7 portation on said river shall, under the improve-
8 ments authorized by this Act, be obstructed,
9 such person shall for every such offence, forfeit
10 and pay all damages therefor, to be recovered in
11 an action of the case.

SECT. 6. *Be it further enacted,* That said
2 Corporation may take and occupy such lands
3 adjacent to said river as may be necessary for
4 the purposes of this Act, on paying a just com-
5 pensation to the owners to be determined in the
6 same manner and subject to the same rules and
7 regulations as are provided in the several Acts
8 for the laying out of highways.

SECT. 7. *Be it further enacted,* That if by
2 reason of any powers, herein granted, any per-
3 son shall be injured by the waters flowing on
4 such person's lands, he shall have the same
5 remedy, in the same manner and to the same
6 effect, as is, or shall be provided by the several
7 Acts for the support and regulation of Mills.

SECT. 8. *Be it further enacted,* That there
2 shall be allowed to said Corporation, a toll upon
3 all articles, as follows, viz: All square and round
4 timber to be run down at the expense of the
5 Corporation, if the same will float without the
6 assistance of boats, and to be delivered at their
7 works, seventy five cents per thousand feet, to be
8 scaled by board measure, if the same shall pass
9 the whole distance embraced in the Corporation ;
10 all planks, joists and other lumber that may be

11 floated without boats, at any place on the river
12 where the same may be delivered, shall be trans-
13 ported to any place designated on the river with-
14 in the limits of the Corporation, at the rate of
15 seventy five cents per thousand, board measure;
16 for every boat passing either way the whole of
17 said distance besides the toll required for the
18 articles on board, that is to say, for each boat
19 not exceeding two tons burden, one dollar; over
20 two and not exceeding five tons, one dollar and
21 fifty cents; over five and not exceeding twenty
22 tons, two dollars; over twenty and not exceeding
23 forty tons, two dollars and fifty cents; over forty
24 tons, three dollars. Upon articles transported
25 by boats, the whole of said distance, as follows:
26 each cord of bark or wood, seventy five cents;
27 hardwood lumber, unmanufactured, thirty seven
28 and a half cents per ton; staves or clapboards,
29 seventy five cents per thousand; shingles and
30 laths, fifteen cents per thousand; hoop poles and
31 cedar posts, seventy five cents per cord; agri-
32 cultural products, one dollar and twenty five
33 cents per ton; other merchandise, two dollars
34 per ton; the tolls for any parts of the distance
35 shall bear the same proportion to the rates afore-
36 said, as that part of the distance bears to the

37 whole. And said Corporation shall have a lien
 38 upon said boats and articles, and may detain the
 39 same for the tolls, until the same shall be paid,
 40 and at the expiration of thirty days from the
 41 time said toll shall have become payable, may,
 42 after reasonable notice, raise the same by public
 43 sale of so much of said boats or articles, as will
 44 pay the same with the expenses of collecting—
 45 or said Company may sue for and recover said
 46 tolls by action of debt in any Court of competent
 47 jurisdiction — *Provided*, That when boats or
 48 articles shall be entered for transportation at
 49 either end or terminus embraced within the lim-
 50 its of the Corporation and intended for the whole
 51 distance, the same toll may be exacted whether
 52 the same be transported the whole distance or
 53 not—*Provided also*, That no toll shall be taken
 54 or exacted until the river shall become boata-
 55 ble by the falls for flat bottomed boats of at least
 56 ten tons burden at all seasons when not incum-
 57 bered by ice, and the tolls shall be subject at all
 58 times to revision and modification by the Legis-
 59 lature.

SECT. 9. *Be it further enacted*, That it shall
 2 be the duty of said Corporation to make and

3 keep in good repair at all times, good and suffi-
 4 cient bridges over any part that may be canalled
 5 where any county road or town road now crosses,
 6 or wherever the same may hereafter be found
 7 necessary to pass upon any land that may be
 8 taken by said Corporation, and the same to be
 9 kept in good repair.

SECT. 10. *Be it further enacted,* That
 2 this Act shall not be so construed as to prejudice
 3 the rights of any mill owner or owners, or any
 4 owner or owners of booms, piers or mill privilege
 5 or privileges, or dam or dams that may belong to
 6 them, nor shall their interest be prejudiced by
 7 reason of the water being retained by any dam,
 8 bulkhead or lock to be erected by said Corpora-
 9 tion; nor shall this Act be so construed as to pre-
 10 judice any Corporation heretofore granted.

SECT. 11. *Be it further enacted,* That if said
 2 Corporation shall not construct the works, and
 3 make the improvements, by this Act provided,
 4 within five years from the enactment thereof, it
 5 shall be null and void; and it shall have no effect
 6 until an Act of incorporation for like purposes
 7 shall have been granted by the authority of
 8 New Brunswick from some point on the St.

9 Johns to Cheputnecook Lake—and whatever
 10 toll shall be received under the authority of New
 11 Brunswick for the transportation herein provid-
 12 ed, and within the limits of this Corporation,
 13 shall be deducted from that herein granted.

SECT. 12. *Be it further enacted,* That this
 2 Act shall continue in force twenty——years,
 3 subject however to be annulled or modified by
 4 the Legislature.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
 February 22, 1836. }

ORDERED, That this Bill as amended lie on the table, and that
 300 copies of the same be printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST: JAMES L. CHILD, Clerk.