

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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1836.

SIXTEENTH LEGISLATURE.

No. 61.

SENATE.

STATE OF MAINE.

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

AN ACT to Incorporate the Kirkland Canal and
Railroad Company.

SECT. 1. *Be it enacted by the Senate and*
2 House of Representatives in Legislature as-
3 sembled, That Winborn A. Swett, Charles
4 W. Wilder, Edward Mitchell, Luke Wilder
5 Jr., Elijah Clark, Neall Warren, Rendall
6 Smith, Nathan L. Merrill, Heman S. Jackson,
7 Hall Bagley, John Thissell, Samuel Blake,
8 Matthew H. French, Harvey Hatch, William
9 Tozier, Martin Ulmer, Ijah Gay, William Mc-
10 Laughlen, Chapman Goodwin, Moses Shepard,

11 their associates, successors and assigns be, and
12 they hereby are made a body politic and corpo-
13 rate by the name of the *Kirkland Canal and*
14 *Railroad Company*, with all the powers and
15 privileges and subject to all the liabilities inci-
16 dent to similar Corporations. And the said
17 Company are authorized and empowered to
18 make, construct and complete a Canal or Rail-
19 road, or a Canal and Railroad from little Push-
20 aw Pond situate in Kirkland, or from any point
21 on Pushaw Stream above the falls which are
22 near the centre of said town to Great Pushaw
23 Pond, or to any point of said Pushaw Stream
24 below the falls aforesaid, as shall be deemed
25 most expedient, with the right of clearing said
26 Stream of any obstructions to the navigation
27 of boats and rafts, and they are also authorized
28 to erect, construct and complete such dams,
29 towing-paths, reservoirs, aqueducts, feeders,
30 culverts, basins for boats, embankments, piers,
31 locks, wharves, bridges, channels, and such other
32 works as they shall deem necessary or expedient
33 for facilitating the transportation of lumber, wood,
34 bark, and all other articles.

SECT. 2. *Be it further enacted*, That said

2 Company be and they hereby are authorized
3 and empowered to lay out and locate a route
4 for, and construct such a Canal or Railroad as
5 they shall deem most convenient, not exceeding
6 four rods in width, and such basins, wharves,
7 piers, dams, ponds, reservoirs and embankments,
8 as they shall judge necessary and take such
9 land as may be necessary, for the purpose of ob-
10 taining stones, and gravel for the proper con-
11 struction of any dams, embankments or other
12 works of said Company, agreeably to the Act of
13 this State, defining certain rights and duties of
14 Railroad Corporations, passed March first, one
15 thousand eight hundred and thirty-six, and all
16 damages sustained in consequence of locating
17 and constructing said Canal and Railroad, or
18 said Canal or Railroad shall be determined
19 agreeably to the provisions of said Act, and said
20 Company may take and use such of the waters
21 of the Pushaw Stream as may be necessary or
22 advantageous for the purpose of said Canal or
23 Railroad as the said Company may construct.

SECT. 3. *Be it further enacted,* That the
2 powers of the Company, except at the legal
3 meetings thereof, shall be vested in a Board of

4 not less than five **D**irectors, who shall be chosen
5 at the first meeting of the **C**ompany, and shall
6 afterwards be chosen annually at such time as
7 the by-laws of the **C**ompany may determine,
8 and shall hold their offices for one year and
9 until others shall be chosen in their stead.

SECT. 4. *Be it further enacted,* That the
2 **C**ompany shall have power to establish any by-
3 laws not repugnant to the laws of this **S**tate,
4 and the **D**irectors shall annually elect from their
5 own number a **P**resident, **S**ecretary, **T**reasurer
6 and such other officers as the said by-laws may
7 prescribe.

SECT. 5. *Be it further enacted,* That this
2 grant shall be void, unless the construction of
3 said **C**anal or **R**ailroad shall be commenced on
4 or before the first day of **J**anuary, one thousand
5 eight hundred and thirty-seven, and completed
6 within three years from the passage of this **A**ct.

SECT. 6. *Be it further enacted,* That the
2 **C**apital stock of said **C**ompany may consist of
3 **F**ifty **T**housand **D**ollars, and shall be divided
4 into shares of one hundred dollars each, and said
5 shares shall be deemed personal property and

6 transferred in such manner as the by-laws
 7 of the Company shall direct; and each share
 8 shall be entitled to one vote. *Provided*, no
 9 member shall be allowed more than thirty
 10 votes.

SECT. 7. *Be it further enacted*, That said
 2 Company shall have power from time to time,
 3 to establish, demand and collect, such rates of
 4 toll for the transportation of persons, goods,
 5 wares and merchandise, lumber, or any article
 6 on said road, as they may see fit. *Provided*,
 7 *however*, that the Legislature after the comple-
 8 tion of said road, may reduce its tolls at pleas-
 9 ure, and a lien is hereby created upon all prop-
 10 erty or merchandise transported on said Rail-
 11 road or Canal, for transporting the same.

SECT. 8. *Be it further enacted*, That if the
 2 said Railroad or Canal shall pass any public
 3 highway, the construction shall be such as not
 4 to injure or obstruct the safe conveyance on said
 5 public way.

SECT. 9. *Be it further enacted*, That the
 2 Company may purchase and hold such land and
 3 other property as may be necessary for the con-
 4 struction of said Railroad or Canal, and may

5 make assessment on the shares and collect the
6 same in such manner as may be prescribed in
7 their by-laws.

SECT. 10. *Be it further enacted,* That
2 the first meeting of the Company may be
3 called by Winborn A. Swett, Charles W.
4 Wilder, Nathan L. Merrill, and John Thissell,
5 or either of them, by publishing the notice of
6 such meeting three weeks successively in some
7 newspaper printed in the County of Penobscot,
8 the last publication to be ten days at least before
9 the time appointed for such meeting.

STATE OF MAINE.

In SENATE, March 15, 1836.

Ordered, that 300 copies of this Bill be printed for the use of the
Legislature.

[Extract from the Journal.]

Attest,

WILLIAM TRAFTON, *Secretary.*