

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1837.

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1837.

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SEVENTEENTH LEGISLATURE.

No. 25.

HOUSE.

STATE OF MAINE.

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

AN ACT to incorporate the Somerset and Moose
Head Lake Canal Company.

SECTION 1. *Be it enacted by the Senate
2 and House of Representatives, in Legislature
3 assembled, That Seth Soule, Ambrose Finson,
4 Enoch E. Brown, Thomas Smith, Alfred Red-
5 ington, Thomas Davee, Thomas W. Smith,
6 Elias Craig, Jr., Daniel Williams, Sewall
7 Prescott, Asa Redington, Jr., John Ware, and
8 Samuel A. Todd, with their associates, suc-
9 cessors and assigns, be and they are incorporat-
10 ed into a body corporate and politic, by the*

11 name of the Somerset and Moose Head Lake
 12 Canal Company, with the power and for the
 13 purpose of improving the Sebec River
 14 from Moose Pond to the mouth of said river in
 15 Winslow, and facilitating the transportation
 16 thereon of lumber and other articles by means
 17 of locks and Canals, with the right of extend-
 18 ing said improvements from the foot of said
 19 Pond to the Moose Head Lake, and from the
 20 mouth of Sebec River to the tide waters
 21 in the Kennebec.

SECT. 2. *Be it further enacted*, That said
 2 Company is vested with all the powers, privi-
 3 leges and immunities, and made liable and sub-
 4 ject to all the restrictions and limitations and
 5 obligations, specified in an Act passed in the
 6 year one thousand eight hundred and thirty-six,
 7 entitled an "Act concerning Corporations."

SECT. 3. *Be it further enacted*, That said
 2 Company shall have power to survey, lay out,
 3 make and maintain a Canal from said Moose
 4 Pond to the mouth of said river in Winslow,
 5 along the course of said river, or upon or near
 6 its margin, crossing, however, from point to point

7 over such lands as may be necessary for short-
8 ening distances or avoiding shoals, falls or rapids
9 in the river and hills, or other obstructions on
10 the land. And, for that purpose, may take and
11 use any lands along the course of said Canal,
12 not exceeding six rods in breadth. And make
13 and maintain in any part, or along the sides of
14 said Canal and at the extremities thereof, all
15 such tow-paths, locks, flood-gates, excavations,
16 embankments, dams, sluices or other works or
17 erections necessary for effectuating the purposes
18 of this Act; also to erect in or across said river
19 any dams, piers, side dams or other works
20 necessary for flowing and securing water for the
21 use of said Canal; and, for the purpose of sup-
22 plying said Canal, to take and use water of and
23 from any pond or water-course as shall be found
24 expedient. And all persons, who may sustain
25 injury by the crossing or taking of their lands, or
26 by flowing of water, or in any other way, by
27 reason of the exercise, by the corporation, of
28 any of the powers herein granted, shall be enti-
29 tled to recover of said corporation a just com-
30 pensation therefor, to be ascertained in the mode
31 prescribed in the Acts for establishing high-

32 ways. And said Company are empowered to
 33 make any works and do any act or thing upon
 34 said Canal and the feeders thereof, and other-
 35 wise, which shall be necessary in order to give
 36 to this Act its intended effect.

SECT. 4. *Be it further enacted*, That said
 2 Company may take and hold estates, real and
 3 personal, not exceeding at any one time five
 4 hundred thousand dollars in value. The capital
 5 shall be divided into shares of one hundred dol-
 6 lars each, and stockholders shall be allowed to
 7 vote by proxy, authorized in writing. Each
 8 share shall be entitled to one vote, but no stock-
 9 holder shall carry more than twenty votes.

SECT. 5. *Be it further enacted*, That this
 2 Act shall be void, unless the Canal between
 3 Moose Pond and the mouth of Seabasticook
 4 River shall be completed within six years from
 5 the passing of this Act.

SECT. 6. *Be it further enacted*, That said
 2 Company are authorized to extend said Canal
 3 from the foot of said Moose Pond to Moose
 4 Head Lake, with the same rights and privileges
 5 and subject to the same liabilities in relation to
 6 the route and the feeders and dams or other

7 works, as are above prescribed concerning the
8 portion of the Canal lying between Moose Pond
9 and the mouth of said Sebesticook River;
10 *provided*, that the powers granted in this sec-
11 tion shall be void unless the portion of the Canal
12 between said pond and lake be completed within
13 eight years from the passing of this Act. And
14 said Company is authorized to extend said
15 Canal from the mouth of said Sebesticook River
16 down the Kennebec River to the tide waters
17 thereof, with the same rights and powers and
18 subject to the same liabilities, in this section
19 above named.

SECT. 7. *Be it further enacted*, That it
2 shall be the duty of the corporation to make
3 and keep in good repair at all times good bridges
4 over any place that may be canaled, where any
5 county or town road now passes.

SECT. 8. *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 and authorized, such person shall forfeit
6 and pay to the party injured treble damages, to

7 be recovered in an action of trespass, and be
 8 punished by a fine not exceeding five hundred
 9 dollars, or imprisonment not exceeding six
 10 months, by indictment.

SECT. 9. *Be it further enacted*, That if
 2 any person shall by boat, raft or otherwise wil-
 3 fully obstruct the passing of any boat or raft
 4 upon said Canal, or when passing any lock, he
 5 shall pay treble damages therefor, to be recov-
 6 ered by action of the case.

SECT. 10. *Be it further enacted*, That a
 2 toll is hereby granted to said corporation upon
 3 articles passing upon said Canal as follows, viz:
 4 upon articles passing any distance greater than
 5 twelve miles at the following rates: for each and
 6 every mile so passed, this is to say; boards,
 7 plank and joists, six cents per thousand feet board
 8 measure—staves and clapboards, six cents per
 9 thousand—shingles, two cents per thousand—
 10 wood and bark, eight cents per cord—timber
 11 and masts, six cents per ton—merchandise or ag-
 12 ricultural produce, six cents per ton. For all lum-
 13 ber or other articles, not above enumerated, a toll
 14 shall be paid proportionate to the rates aforesaid.

15 Upon articles passing more than six and not
 16 exceeding twelve miles; at the following rates
 17 for each and every mile so passed, that is to say;
 18 boards, plank and joists, eight cents per thousand
 19 feet board measure—staves and clapboards, eight
 20 cents per thousand—shingles, two cents per
 21 thousand—wood and bark, ten cents per
 22 cord—masts and timber, eight cents per ton
 23 —merchandize or agricultural produce, eight
 24 cents per ton. All other kinds of lumber or
 25 articles, a toll proportionate to the rates afore-
 26 said.—Upon articles passing a distance not ex-
 27 ceeding six miles, at the following rates for each
 28 and every mile so passed, that is to say; boards,
 29 plank and joists, ten cents per thousand, board
 30 measure—wood and bark twelve and a half
 31 cents per cord—shingles, two cents per thous-
 32 and—staves and clapboards, ten cents per thous-
 33 and—timber and masts, ten cents per ton—
 34 merchandize and agricultural produce, ten cents
 35 per ton—other lumber or articles at a propor-
 36 tionate rate—also, a toll on each boat, of three
 37 cents for each ton of its capacity, for each and
 38 every lock through which it may pass; said toll

39 to commence on any part of said Canal, as the
40 same may be completed.

SECT. 11. *Be it further enacted*, That for
2 securing the payment of said tolls, the Company
3 shall have a lien on the articles transported, and
4 at the end of thirty days from the time when
5 the said tolls became payable, may collect said
6 toll by a sale of so much of said articles as will
7 pay the same, with the expense of collecting,
8 having first given reasonable notice of the time
9 and place of said sale, or said Company may sue
10 for and recover said tolls by action of assumpsit.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
MARCH 6, 1837. }

Read twice, Thursday next at 10 o'clock assigned for third
reading, and 500 copies ordered to be printed for the use of
the Legislature.

[Extract from the Journal.]

Attest: CHARLES WATERHOUSE, Clerk.