

MAINE STATE LEGISLATURE

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Charles F. Rice

DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1840.

AUGUSTA:

WM. R. SMITH & CO., PRINTERS TO THE STATE.

1840.

TWENTIETH LEGISLATURE.

NO. 11.

HOUSE.

A N A C T

TO INCORPORATE THE

ALLAGASH COMPANY.

[SMITH & ROBINSON,.....Printers to the State.]

STATE OF MAINE.

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

AN ACT to incorporate the Allagash and Penobscot Canal Company.

SECT. 1. *Be it enacted by the Senate and*
2 House of Representatives in Legislature
3 assembled, That Samuel P. Strickland, Gor-
4 ham L. Boynton, Andrew Freeze and Hastings
5 Strickland, with their associates and successors,
6 be and hereby are, created a corporation, by the
7 name of the Allagash and Penobscot Canal
8 Company, for the purpose of connecting the
9 waters of the Allagash with the waters of the
10 East branch of Penobscot River, with power
11 to sue and be sued, to have a common seal,
12 to make any by-laws for the proper manage-
13 ment of their affairs, not repugnant to the laws

14 of the State, to hold real and personal estate,
15 not to exceed in value the sum of twenty-five
16 thousand dollars, and to exercise all the powers
17 and privileges incident to corporate bodies.

SECT. 2. *Be it further enacted*, That said
2 corporation shall have power to construct a canal
3 with sluices and side dams, if necessary, from
4 some convenient point of Lake Telos, to con-
5 nect the waters thereof with Penobscot Pond,
6 and to erect a dam on said canal, between Lake
7 Telos and Penobscot Pond, and also to erect
8 such dams on the waters of the Allagash, at or
9 near the outlet of Chamberlain Lake, as may
10 be necessary to turn the lumber on the waters
11 of the Allagash into the Penobscot waters, said
12 dams, sluices and side dams to be constructed
13 of suitable materials; said canal and dams to be
14 commenced within one year, and to be com-
15 pleted within two years after the passing of this
16 act; *Provided*, said dams, sluices, side dams
17 and canal shall not obstruct or prevent the run-
18 ning of lumber in its natural course in the Alla-
19 gash to the St John's.

SECT. 3. *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 in case the parties are unable
5 to agree upon the amount of such damages, the
6 same shall be mutually submitted to three dis-
7 interested persons, whose determination shall be
8 binding and final in the premises. And in case
9 of their disagreement, to be submitted to the
10 Court of County Commissioners for the County
11 of Penobscot.

SECT. 4. *Be it further enacted,* That this
2 grant shall continue in force for the term of
3 twenty years, from the time said canal and dams
4 shall be completed, from which time the corpor-
5 ation may commence receiving toll hereinafter
6 specified; *Provided,* said canal and dams shall
7 have been erected and finished to the satisfaction
8 of the Land Agent. And if any person or per-
9 sons shall wilfully, or maliciously destroy or
10 injure said canal, sluices or dams, or any part
11 thereof, or divert, obstruct, or draw the waters
12 below a sufficient quantity to float lumber
13 through said canal, to the damage of the propri-
14 etors thereof, he or they shall pay treble the

15 amount of such damage, to be recovered before
16 any Court of competent jurisdiction.

SECT. 5. *Be it further enacted*, That
2 said canal, dams, and sluices shall be kept in
3 repair to the satisfaction of the Land Agent.
4 And a sufficient number of men shall be kept
5 in attendance by said Corporation during the
6 season for running lumber through said Canal,
7 to prevent any unnecessary delay in passing the
8 same.

SECT. 6. *Be it further enacted*, That a
2 toll be, and hereby is granted for the benefit of
3 said Corporation according to the following
4 rates on all lumber that shall pass through
5 said Canal, to wit :—fifty cents for each thou-
6 sand feet board measure for all pine lumber,
7 and twenty-five cents for each thousand feet of
8 spruce and other lumber, board measure. And
9 the said proprietors shall have a lien upon all
10 the lumber, which may pass through said Canal,
11 for the payment of the toll due and payable
12 thereon, according to the rates before specified.

SECT. 7. *Be it further enacted*, That any
2 two of the persons named in this Act, may call
3 the first meeting of the proprietors, by giving a

4 seasonable notice of the time and place of said
5 meeting to each member thereof, in such man-
6 ner as they may deem proper.

SECT. 8. *Be it further enacted*, That the
2 private property of each individual proprietor or
3 stockholder shall be liable, and holden, for all
4 the debts and liabilities of said Corporation, for
5 and during the term he may be a stockholder,
6 and for one year after he may transfer the same.

AMENDMENT PROPOSED BY MR. CAREY, AND ADOPTED.

Strike out the last Section in the Bill and insert
the following.

That said company shall cause the names of
2 the stockholders to be registered in the Registry
3 of Deeds, for the County of Penobscot, with
4 the amount of stock held by each. And no sale
5 or transfer of said stock shall be valid until said
6 sale or transfer shall be registered as heretofore
7 provided.

Be it further enacted, That the private prop-
2 erty of each stockholder, shall be holden for all
3 debts contracted during the time he or they
4 held such stock.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 29, 1840. }

ORDERED, That this Bill be laid on the table, and three hundred copies printed for the use of the Legislature.

[Extract from the Journal.]

ELBRIDGE GERRY, *Clerk.*