

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1846.



*AUGUSTA:*

WM. T. JOHNSON, PRINTER TO THE STATE.

1847.

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# TWENTY-SIXTH LEGISLATURE.

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No. 21.

HOUSE.

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## STATE OF MAINE.

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

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AN ACT to promote the improvement of the navigation  
of the Penobscot river.

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*Be it enacted by the Senate and House of Represent-  
atives in Legislature assembled, as follows :*

3 SECTION 1. William Moor and Daniel Moor, jr.,  
4 their associates and assigns are hereby authorized  
5 to improve the navigation of the Penobscot river  
6 above Oldtown—and for this purpose are authorized  
7 to deepen the channel thereof—to cut down and  
8 remove any gravel or ledge bars, rocks or other  
9 obstructions in the bed thereof—to erect in the  
10 bed, upon the shore or bank of said river, suitable  
11 dams and locks with booms, piers, abutments, break-  
12 waters and other erections to protect the same—to  
13 build upon the shore or bank of said river any canal

14 or canals to connect the navigable parts of said river,  
15 or (in case it should be deemed the preferable mode  
16 of improvement) any rail road for the like purpose.

SEC. 2. They are authorized to take and hold so  
2 much land along the bank and shore of said river  
3 or in the bed thereof as may be necessary for the lo-  
4 cation, construction and repair of their aforesaid im-  
5 provements, and to take and use the gravel, stone and  
6 earth upon the land so taken—and the damages for  
7 the real estate so taken when not agreed upon by the  
8 parties, shall be ascertained and determined by the  
9 County Commissioners of Penobscot County, under  
10 the same limitations and restrictions as are by law  
11 provided in case of damage by laying out highways,  
12 and the damage for flowage created by any dam erec-  
13 ted for the above specified purpose, shall be ascer-  
14 tained and determined in the same manner as is pro-  
15 vided in the one hundred and twenty-sixth chapter of  
16 the Revised Statutes, for flowage created by mill  
17 dams—Provided, that no claims for damage shall be  
18 sustained unless made and prosecuted within two  
19 years from the time of the alleged injury.

SEC. 3. The above grant is upon the condition,  
2 that the said William Moor and Daniel Moor, jr.,  
3 their associates, and assigns, shall within five years

4 from the date hereof, improve the navigation of said  
5 river from Oldtown to Piscataquis Falls, and from  
6 Piscataquis Falls to the foot of the Five Island rips,  
7 and shall build and run over said route a steamboat,  
8 and shall within said five years, or within a reasonable  
9 time afterwards, build a canal and lock round said  
10 falls, or a railroad to connect the route above with the  
11 route below said falls.

SEC. 4. If said William Moor and Daniel Moor,  
2 jr., their associates and assigns shall perform the  
3 conditions of this grant as contained in the last  
4 preceding section, the sole right of navigating said  
5 river by boats propelled by steam, from said Oldtown  
6 as far up as they shall render the same navigable, is  
7 hereby granted to them for the term of twenty-five  
8 years from and after the completion of the improve-  
9 ment, as provided in the third section of this act, pro-  
10 vided, however, that the said William Moor and Dan-  
11 iel Moor, jr., their associates and assigns, in the exer-  
12 cise of said right of navigation, or in the erection of  
13 works they may make to promote the same, shall not  
14 obstruct the running of any logs, rafts or lumber  
15 down said river, which are usually driven or floated  
16 therein.

SEC. 5. The said William Moor and Daniel Moor,

2 jr., their associates and assigns, are hereby created  
3 a body corporate, by the name of the *Penobscot*  
4 *River Navigation Company*, with the powers inci-  
5 dent to corporations described and defined in the  
6 seventy-sixth chapter of the Revised Statutes, and at  
7 common law, provided that they shall at any time  
8 during the continuance of the above grant, elect by  
9 the vote of a majority in interest, and proceed to or-  
10 ganise under and according to the provisions of said  
11 chapter of the Revised Statutes; and if they shall so  
12 organise, they shall not be subject to the operation  
13 of the twenty-third section of said seventy-sixth chap-  
14 ter of the Revised Statutes.

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## STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
July 2, 1846. }

*Ordered*, That 350 copies of this bill, reported by the Committee on Interior Waters, be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk*.