

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1846.



AUGUSTA:

WM. T. JOHNSON, PRINTER TO THE STATE.

1847.

TWENTY-SIXTH LEGISLATURE.

No. 23.

SENATE.

STATE OF MAINE.

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

AN ACT to incorporate the Saint Croix River Canal
Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. George Downes, Nehemiah Marks,
2 Anson G. Chandler, William Porter, Seth Emerson,
3 George M. Porter, William P. Trott, Noah Smith, jr.,
4 Levi L. Lowell, Ferdinand Tinker, Japheth H. Mc-
5 Allister, William Todd, jr., Abner Hill, Daniel Hill.
6 Gilman D. King, Miriam Lindsay, David Upton, Wil-
7 liam Eaton, William Pike, Frederick A. Pike, John
8 Stickney, Abner Sawyer, Ephraim C. Gates, Elijah
9 D. Green, Wm. H. C. Stevens, Francis Swan, Jere-
10 miah Bradbury, James S. Pike, Edward Clough, An-
11 sel Dailey, Columbus Bacon, Rendol Whidden, their

12 associates, successors and assigns, are hereby de-
13 clared to be a body politic and corporate, by the
14 name of the Saint Croix River Canal Company,
15 with all the rights, liabilities, powers and privileges
16 incident to corporations by the common law and
17 by the seventy-sixth chapter of the laws of Maine,
18 for the purpose of opening and perfecting a water
19 communication by means of a canal and other im-
20 provements, from such points on the head waters or
21 streams of said river, and also of the western branch
22 thereof, as said company may deem advisable, and
23 thence down along said river and the western branch
24 thereof, and their lakes, to the tide way at the lower
25 bridge across the same.

SEC. 2. Said company shall have the right, privi-
2 lege and power to improve said river, western branch,
3 streams and lakes, within the points named, by flow-
4 age and by removing obstructions, by making exca-
5 vations and embankments thereon, and to make,
6 excavate, build, construct and erect a canal and sec-
7 tions of slackwater therein and upon their borders,
8 and for this purpose may make all necessary excava-
9 tions, embankments, locks, gates, dams, pathways,
10 booms, piers, inclined planes, wharves, sluices, and
11 all other things which they may deem necessary and

12 expedient for the convenient attainment of their ob-
13 ject—for drifting or floating thereon logs, timber or
14 other lumber, and for passing up and down, merchan-
15 dise and other things, with greater facility than can
16 now be done, and for making the same boatable,—
17 and may and shall, for all said purposes, control said
18 river and canal and all their works, in such way and
19 manner as said company shall deem proper ; and said
20 company may diverge with said canal, from said river,
21 western branch, lakes and streams, and again connect
22 it with the same at such places as they may deem
23 expedient.

SEC. 3. The capital stock of said company shall
2 consist of two hundred thousand dollars and be divid-
3 ed into such number of shares of such amount as
4 said company shall direct. Ten per cent of said
5 capital stock shall be paid in within three years from
6 the passage of this act, and the residue at such times
7 and in such sums as said company shall from time to
8 time direct. In the management of the affairs of said
9 company, every stockholder shall have as many votes
10 as he may possess shares.

SEC. 4. The company shall, in addition to the pro-
2 visions herein made for the collection of toll, have a
3 lien therefor, on all boats, lumber, or other things

4 subject to toll, passing through or over said canal or
5 improvements.

SEC. 5. If any person shall willfully or maliciously
2 destroy, injure, impair or obstruct any of the rights,
3 privileges or property of said company, such person
4 shall forfeit and pay to said company treble damages,
5 with cost of suit, to be recovered by action of trespass,
6 in any court of competent jurisdiction; and if any
7 person shall by boat, raft, lumber, or otherwise, will-
8 fully or unnecessarily delay or obstruct the approach-
9 ing, entering, passing or re-passing of any lock,
10 wasteway, inclined plane, sluice, or other avenue or
11 passageway, or do any other act or thing whereby the
12 operations of said company, or the transportation,
13 floating or passage of any lumber, merchandise or
14 other thing, in, over or upon said canal or any of their
15 improvements shall be hindered, obstructed or delayed,
16 he shall, for every such offense, forfeit and pay double
17 damages, with costs of suit, to be recovered in an
18 action on the case, in any court of competent juris-
19 diction.

SEC. 6. The first meeting of said company shall
2 be called in the mode prescribed in section seventh of
3 chapter seventy-six of the Revised Statutes of Maine,
4 but the notice therein named shall be signed by seven
5 at least, of the persons herein named.

SEC. 7. Said company shall have no right to retain,
2 keep back or divert the water of said river, western
3 branch, streams or lakes, to the detriment of any mills
4 or machinery now erected, or which may hereafter be
5 erected thereon, and every owner of land used or
6 interfered with by said company or their works, by
7 virtue of this act, may still use the same in the same
8 way and manner he ever could, he leaving the works
9 of said company in as good condition as they were
10 before.

SEC. 8. Every person shall have the right, under
2 the direction and control of said company, or its
3 agents, to use the said works and improvements for
4 the purpose for which they were erected and designed,
5 at all proper and suitable times, according to the
6 regulations of said company, upon paying therefor
7 the usual and legal toll or compensation.

SEC. 9. Said company may occupy and use any
2 lands necessary to be occupied and used for the ac-
3 complishment of their purpose, but not until they
4 shall have paid to the owner thereof, his damages or
5 a full compensation therefor, to be ascertained by
6 agreement of said owner and company, or by such
7 arbitration as they may agree upon, if they choose so
8 to settle it; and in default of either of these modes,

9 by petition, stating the cause of claim and the amount
10 claimed, to the district court in the county where the
11 land lies, and the amount of damages or compensation,
12 if any, shall be determined by the jury, on the de-
13 nial of said company of said petitioners right to
14 recover, or of his right to the amount claimed. Said
15 company shall pay for all earth, sand, gravel, stone or
16 wood they may take in their natural state, from the
17 lands adjoining their work, which they are hereby
18 authorized so to take, so far as may be necessary for
19 their said purposes, they first giving the owner written
20 notice of their intention, not injuring, interfering
21 with or impeding the access to any house, doing as
22 little damage as may be, and repairing all breaches
23 they may make in any enclosure. Said company
24 shall pay for all damages they may occasion to any
25 lands by flowage, or otherwise than is above named,
26 the amount in all cases herein named, to be deter-
27 mined in the manner above in this section named.
28 The claimant shall in all cases where he recovers any
29 damages or compensation, recover also his full cost.
30 The jury shall on petition for damages for flowage,
31 settle the amount to be paid in each future year, as
32 well as what has already arisen, to the rendition of
33 the verdict, which amount for each future year, if

34 not paid on or before the last day of July in each
35 year, may be recovered of said company by an action
36 on the case, before any court of competent jurisdic-
37 tion. Either party may from time to time, petition
38 said court for an increase or dimunition of said year-
39 ly sums, so determined by the jury to be paid in future,
40 which shall be heard and tried as above specified,
41 and the cost thereon shall follow the verdict in the
42 case; said petition in any case herein named, may be
43 served before entry by leaving a copy attested as a
44 true copy by the officer, with the adverse party, as
45 other copies are left with like adverse parties.

SEC. 10. Said company by its officers, servants or
2 agents, may demand and receive of and from the
3 owner or owners, or any person or persons having
4 the charge or direction of any boat, craft or other
5 vessel, timber, wood, logs, bark, shingles, staves, lath-
6 wood, boards, plank, deals, scantling, goods, wares
7 or merchandise, live or dead stock, or other things
8 whatsoever, passing through said canal or part there-
9 of, the rates of toll which shall be established by said
10 company, and the said company may bring suit for the
11 said toll, against the owner, shipper, supercargo, cap-
12 tain, controller or director of such vessel or other
13 said article before any competent tribunal.

SEC. 11. Any collector of said toll may stop or
2 prevent the passage of any person or property of any
3 kind, for or in respect of which toll ought to be paid,
4 whenever said toll shall not be paid as it should be,
5 and may seize and detain said property ; and in case
6 said toll shall not be paid, together with the expense
7 of seizure, detaining and advertising the same, within
8 the space of five days, said collector may and shall
9 sell the same, or so much thereof as may be necessary,
10 tendering the residue and overplus of the proceeds
11 of said sale, if any, after deducting the cost and ex-
12 pense of seizing, detaining, advertising and selling
13 such property, to the owner or owners thereof, which
14 the owner shall receive at the place where said col-
15 lector has it.

SEC. 12. Said company shall so make said canal,
2 as not to obstruct or impede the use and passage of
3 any public way or road which may cross the same ;
4 and where said canal shall interfere with or cross any
5 such road, or any which may hereafter be located, it
6 shall be the duty of the company to make a good and
7 sufficient causeway or bridge over said canal, and the
8 same to keep in good repair ; and if said company
9 shall neglect to make said bridge as soon as practica-
10 ble, or when made to keep the same in repair, the

11 person, town or other corporation, on whom would,
 12 but for this section, devolve the making or repairing
 13 the same, may make and erect said bridge, or make
 14 said repairs, and after notice to said company of the
 15 expense thereof and demand on said company there-
 16 for, and their refusal or neglect to pay double the
 17 cost thereof, may sue for and recover of said com-
 18 pany, said double cost, in an action of the case in
 19 any court of competent jurisdiction.

SEC. 13. The owner of any land through which
 2 said canal may pass, or on which any improvements
 3 may be made, shall not be prevented from making
 4 bridges over the same for their use and convenience,
 5 nor shall such person be requested so to erect bridges
 6 as to accommodate boats with masts.

SEC. 14. Said company shall complete their works
 2 for the floating or driving down said river and west-
 3 ern branch and streams and lakes, logs, timber and
 4 other lumber, without boats, within four years from
 5 the passage of this act, or all authority by this act for
 6 that purpose shall cease; and said company shall
 7 complete their said work for all other purposes, within
 8 eight years from the passing of this act, or all author-
 9 ity by this act, for all the said other purposes, shall
 10 cease and become void.

STATE OF MAINE.

IN SENATE, July 7, 1846.

Ordered, That 350 copies of the foregoing Bill, reported from the Committee on Interior Waters, be printed for the use of the Legislature.

DANIEL T. PIKE, *Secretary.*