

# MAINE STATE LEGISLATURE

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**PRIVATE ACTS**

OF THE

**STATE OF MAINE,**

**PASSED BY THE LEGISLATURE,**

*AT THEIR SESSIONS,*

HELD IN

**JUNE, 1820, AND JANUARY, 1821.**

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Published agreeably to a Resolve of June 28, 1820.

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*PORTLAND :*

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1821.

be known and called by the name of Ligonja, any law to the contrary notwithstanding; and nothing in this act shall be construed to impair any rights or liabilities of said corporation.

[*This Act passed March 10, 1821.*]

### CHAPTER LXIII.

AN ACT to change the name of the town of Malta.

*BE it enacted by the Senate and House of Representatives in Legislature assembled,* That from and after the passing of this act, the name of the said town of Malta shall cease, and the said town shall henceforth be called and known by the name of Gerry, any law to the contrary notwithstanding; and nothing in this act contained shall be construed to impair any rights of the said Corporation.

[*This Act passed March 10, 1821.*]

### CHAPTER LXIV.

AN ACT to establish the Damascotta Canal.

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled,* That Daniel Hall, Elias Haskell, John Borland, Nathaniel Bryant, Stephen Coffin, Richard Jennings, Arad Hazeltine, Joel How, George Reid, Stephen Hodgdon, Samuel Jackson jun. Henry Bond jun. Charles Nickels, Samuel Borland, Josiah Myrick, Joseph Hall, Daniel Weeks, Samuel Merrill, Joseph Merrill, Benjamin Flint, and their associates and successors, shall be a corporation for the purpose of opening and keeping open a canal, from the foot of Damascotta fresh pond to the salt bay in Damascotta River, in the county of Lincoln, by the name of the proprietors of the Damascotta Canal; with power to sue and be sued; to have a common seal, and the same to change; to make any by-laws not repugnant to the laws of this State; and with all the powers usually granted to similar corporations.

SECT. 2. *Be it further enacted,* That whenever any individual, or body corporate shall be damaged in his or their land or meadows, or mill or mills, or other buildings or privileges adjoining said Damascotta pond, or at the outlet thereof by reason of said canal, the party so aggrieved may com-

May complain to the S. J. Court.

Who shall appoint a committee to ascertain the damages.

Judgment on their report final.

If no damages be reported the corporation to recover costs.

Proprietors holden for the debts of the corporation.

Limitation of complaints.

Bridges over the canal to be made by the corporation.

Wharves and dams may be built.

plain to the Justices of the Supreme Judicial Court, at any term of said Court holden in said county, who may order the said complainants to notify said corporation by serving them with an attested copy of their complaint, together with such order thereon fourteen days at least before the next term of said Court; and such aggrieved party may, fourteen days at least, before the setting of said Court to which he or they may prefer their complaint, cause the said corporation to be served with a copy of such complaint, and such service or notification, certified by the proper officer, shall be deemed sufficient evidence of proper notice; and upon the return of such notice, the Court shall appoint a committee of three disinterested persons, freeholders within said county to ascertain the amount of such alleged damages; and such committee having first given due notice to the parties interested, shall proceed to ascertain such damages, and make report thereof to said Court, as soon as may be, and judgment thereon rendered by said Court shall be final; and execution shall be issued by said Court accordingly, and for all costs. And if the complainant shall fail to prosecute his complaint, or if the committee aforesaid shall report that no damages have been sustained, the corporation aforesaid shall recover costs as in other cases; and all executions recovered against said corporation as aforesaid, shall be levied or extended on the goods or estate of said corporation, if property sufficient for that purpose be shewn by the judgment debtors, on demand thereof being made by the officer having such execution for service; otherwise such officer shall levy the same on the goods or estate of any one or more of the proprietors or members of said corporation; each and all of said proprietors to be holden for the same in proportion to his share or shares in said corporation: *Provided however*, That no damages shall be assessed as aforesaid on any complaint made more than twelve months after such damage shall be sustained, and nothing in this act shall be so construed as to prevent the proprietors of said corporation, and the parties so damaged from agreeing on, and paying the same as they may agree.

SECT. 3. *Be it further enacted*, That it shall be the duty of said proprietors to make, and at all times to keep in good repair, good and sufficient bridges over said canal, where any county, town, or private way or road now is, or hereafter may be laid out across the same, for the passage of teams and every thing else necessary for public convenience.

SECT. 4. *Be it further enacted*, That said proprietors shall have full powers to build any dam or dams, wharf or wharves, which may be necessary to facilitate transportation through the same.

SECT. 5. *Be it further enacted,* That said corporation shall not at any time erect or permit to be erected, any mill or mills or any other machinery on said canal, nor use the waters of said pond for any purposes, except the carrying or floating of boats, gondolas or other craft with their loadings, and for rafting masts, spars, timber and other lumber through said canal. Mills not to be built on the canal.

SECT. 6. *Be it further enacted,* That the said proprietors be, and they hereby are authorised and empowered to purchase and hold in fee simple all such land and real estate, as may be necessary to effect the purposes of this act. Corporation may purchase and hold lands, &c.

SECT. 7. *Be it further enacted,* That if the said proprietors shall refuse or neglect for the space of six years after the passing of this act to open and complete said canal, then this act shall be void and of no effect. Canal to be made in six years.

SECT. 8. *Be it further enacted,* That for the purpose of re-imbursing the said proprietors, the money by them expended or to be expended, in building and supporting the dams, canal and locks, and making a passage necessary for the purposes aforesaid, a toll be, and hereby is granted for the sole benefit of the said proprietors, not to exceed the following rates; viz., for the passage of each boat or other water craft passing through said canal for each ton weight they are capable of carrying, if loaded, twenty cents, and if having no loading on board for each ton ten cents; for the passage of oak or other hard wood boards at the rate of thirty cents for each thousand feet, and for all other boards twenty cents for each thousand feet; for each ton of hard wood timber ten cents; for each ton of pine and other timber, six cents; for each mast or spar of more than twelve inches diameter, at one third of its length from the largest end thereof, two cents for each inch of such diameter; for each cord of wood or bark twenty cents; for each thousand of pipe staves thirty cents; for each thousand of hogshead staves twenty cents; for each thousand of barrel staves fifteen cents; for each thousand of clapboards, twenty cents; for each thousand of shingles, four cents; and so in proportion for all lumber and merchandise transported through said canal; and all gondolas, boats or other water craft, passing through said canal, not having on board a full cargo, shall be liable to pay in proportion to the loaded part, the same as loaded boats, and for such unladen part the same as unladen boats. Toll granted.

SECT. 9. *Be it further enacted,* That said canal shall not commence in leading from said Damascotta pond to the salt bay, west of the point of land on which David Gorham's potash works now stand. Location of the canal.

Act may be re-  
pealed.

SECT. 10. *Be it further enacted*, That the legislature shall have power at all times to alter, restrain, enlarge or annul the powers of said corporation.

First meeting.

SECT. 11. *Be it further enacted*, That Stephen Coffin, Esquire, or any other justice of the peace in the county of Lincoln, be, and hereby is empowered to issue a warrant to one of the proprietors aforesaid, requiring him to notify a meeting of the proprietors in manner as the law directs in similar cases; and the proprietors at said meeting shall choose a clerk, who shall be sworn to the faithful discharge of his duty, and all other necessary officers for managing the business of said proprietors, which they shall have power to choose from time to time afterwards if necessary; and said proprietors shall agree on a method for calling future meetings.

[*This Act passed March 10, 1821.*]

## CHAPTER LXV.

AN ACT to incorporate the Eastport Marine Insurance Company.

Persons incor-  
porated,

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled*, That Jonathan Bartlett, Samuel Wheeler, Wooster Tuttle, Benjamin Bucknam, Joseph Harrod, Jacob Penniman, Jabez Mowry, with their associates, successors and assigns be and they hereby are, incorporated into a company and body politic, by the name of the Eastport Marine Insurance Company, with all the powers and privileges granted to Insurance Companies, and subject to all the restrictions, duties and obligations contained in a law of this State, entitled, "An Act to define the powers, duties and restrictions of Insurance Companies," passed on the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and twenty-one, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure, and may purchase, hold, and convey any estate real or personal for the use of said company; *Provided* the said real estate shall not exceed the value of six thousand dollars except such as may be taken for debt, or held as collateral security for money due to said company.

for twenty years.

May hold real  
property,

of the value of  
6000 dollars.

Capital 100,000  
dollars.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, exclusive of premium notes and profits accruing from their business,