

# MAINE STATE LEGISLATURE

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# PRIVATE ACTS

OF THE

## STATE OF MAINE,

PASSED BY THE

### LEGISLATURE,

AT ITS SESSION, JANUARY, 1822.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.



PORTLAND :

ABRAHAM W. THAYER, PRINTER TO THE STATE,  
1822.

and possess any estate personal or real, by gift, grant, or devise for the use of the public free schools in said town, the annual income whereof shall not exceed the sum of fifteen hundred dollars, and shall appropriate the same agreeably to the intention of the donors, grantors, or devisors, respectively.

SECT. 5. *Be it further enacted,* That said trustees shall be responsible to the town of Avon, for the faithful discharge of their duty, and liable to pay all damages occasioned by their misconduct or negligence, to be recovered by said town, by action of the case in any Court competent to try the same; and the debt or damage so recovered, shall be added to the said funds respectively. <sup>Trustees liable to the town.</sup>

SECT. 6. *Be it further enacted,* That the powers granted by this act may be enlarged, restrained or repealed at the pleasure of the Legislature. <sup>Powers granted may be altered, &c.</sup>

SECT. 7. *Be it further enacted,* That Jonathan Elsworth, be, and he hereby is authorized to call the first meeting of the corporation, at such time and place as he may direct, by notifying each trustee of the time and place of meeting. <sup>First meeting.</sup>

[This act passed February 6, 1822.]

## CHAPTER CXXVI.

AN ACT to incorporate the Kennebec Steam Navigation Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That Seward Porter, William M. Dodge, and Isaac Baker, with such other persons as may hereafter associate with them, and their successors, be, and they hereby are, made and constituted a body politic and corporate by the name of the Kennebec Steam Navigation Company, for and during the term of twenty years after the passing of this Act; and by that name may sue and be sued in all actions, real, personal and mixed, to final judgment and execution, and may do and suffer all acts, matters and things which bodies politic may or <sup>for twenty years.</sup>

Fowers, &c.

or ought to do and suffer ; and may have and use a common seal, and the same may break and alter at pleasure : *Provided, however,* that any proprietor alienating his share or shares in said corporation, shall thereafter in respect thereto, cease to be a member of said corporation ; and the assignee thereof shall be, with respect thereto, thence forward a member of said corporation, with all the rights and privileges, and subject to all the duties, penalties and payments which the assigner thereof was or might have been vested with, or liable to.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for establishing and carrying on the business of said corporation, and of as much personal estate as shall be actually employed by said corporation, and may be empowered, to give, grant, bargain and sell, or lease the same : *Provided* that such real estate shall not exceed the value of fifty thousand dollars, and the personal estate one hundred thousand dollars.

SECT. 3. *Be it further enacted,* That the property of said corporation shall be, and hereby is, divided into two hundred shares, and shall be numbered in progressive order ; and every original member thereof shall have a certificate under the seal of the corporation and signed by the Treasurer, certifying his property in such shares as shall be expressed in said certificate, and said shares shall be esteemed and taken to be personal estate and may be transferred by an assignment thereof in writing, signed in the presence of one subscribing witness at least, and recorded by the Secretary of the corporation ; and said corporation or its officers, duly authorized by its by-laws, shall have power from time to time to assess such taxes on the proprietors of the shares thereof as to them shall seem expedient ; and on the neglect of any proprietor to pay such tax to sell so many of his shares at vendue as will pay said taxes, after giving reasonable notice of the sale of such share or shares in one of the public papers printed at Portland.

SECT. 4. *Be it further enacted,* That when any proprietor shall die possessed of any share or shares in said corporation his executor or administrator, upon producing to the President and Treasurer of said corporation, such deceased proprietor's certificate or certificates, shall be entitled to receive a new certificate of such shares executed in form aforesaid, who shall hold such share or shares as personal estate of such deceased proprietors, and shall or may sell and dispose of the same at public auction, in the same manner as by law he might sell and dispose of any chattels of such deceased proprietors, having regard to the course by law enjoined for the sale of shares in corporations when taken in execution, so far as the same is applicable ; and such executor or administrator who shall not have sold such share or shares, shall after the settlement of the estate of such deceased proprietor, deliver the certificate or certificates by him received to the heir or legatee of such deceased, who shall, upon producing the same to the Treasurer, be entitled to a new certificate, executed as aforesaid.

Representatives of persons deceased entitled to new certificates.

SECT. 5. *Be it further enacted,* That any share in said corporation may be attached on original process, or levied upon by execution, at the suit of any creditor of the proprietor of such share or shares by the officer having process to execute, conforming to the provisions of the Act entitled "an Act respecting the attachment of property on mesne process, and directing the issuing, extending and serving of executions," so far as relates to the attachment of shares in companies corporate, and dividends growing thereon.

Sale of the shares of deceased persons regulated.

SECT. 6. *Be it further enacted,* That the persons who may at any time become holders of any shares or stock in said corporation, shall be chargeable in their private and individual capacity, and shall be holden for the payment of their just proportion of the debts of said corporation which may accrue during the time of their owning such shares or stock, in proportion to the number of such shares or the amount of such stock ; whenever the property of said corporation shall be found insufficient for the payment of its debts, whether such person continue to hold any

Shares may be attached.

Proprietors liable in their private capacity in case.

Proviso.

shares in said corporation or not : *Provided however,* that the private property of such persons shall not be holden to contribute towards the payment of any demands against said corporation after one year from the day of their ceasing to be members of said corporation.

Exclusive  
privilege granted  
for fifteen  
years.

SECT. 7. *Be it further enacted,* That said corporation shall be, and they are hereby vested with the sole and exclusive right and privilege of employing and navigating all and every species or kind of boats or water craft, which may be urged or propelled by the force of steam on the Kennebec River during the term of fifteen years aforesaid, from and after the passing of this act ; and that if any person or persons whomsoever, without being properly authorized by said corporation, shall use or employ, or navigate on said river, any boat or water craft as aforesaid, except such as may be authorized by the government of the United States, during the term aforesaid ; every person or persons so offending against the tenor, true intent or meaning of this act, for each and every offence shall forfeit and pay to the said corporation, a sum not more than two hundred dollars, or less than thirty dollars, to be recovered by action of debt in any Court of Record within this State, with costs of suit ; *Provided nevertheless,* That if the said corporation

Penalty for offending  
against such  
privilege ;

Provided the  
corporation  
shall run a  
boat between  
certain places  
on certain  
days ;

shall fail or shall neglect to run on said river, unless prevented by unusual casualties, between the town of Bath and the town of Gardiner, Hallowell, or Augusta, a steam boat of at least fifty tons burthen, with a cabin and convenient accommodation for passengers, at least three times in every week, between the first days of May and November of each year, during the term of fourteen years from and after the first day of May, eighteen hundred and twenty-three, upon stated days, of which public notice shall be given ; or shall neglect to run a steam boat of at least twenty tons burthen between the towns of Waterville and Augusta, at least twice a week during the aforesaid periods, on stated days, without said corporation's having the power to alter said stated days, except by giving one week's previous notice in some public newspaper printed in the

County of Kennebec ; and in case said corporation shall fail to comply with any of the provisions of this act, it shall be the duty of the Governor, with advice of Council, upon proof thereof being produced to him, to declare this section, securing to said corporation the exclusive privilege of navigating Kennebec River with steam, to be null and void, so far as it respects that part of Kennebec River, which lies below Augusta, if the neglect should happen with respect to that section of the River, or if the neglect should take place with respect to that part of Kennebec River above Augusta, then the privileges secured to said corporation with regard to that part of Kennebec River shall be null and void.

SECT. 8. *Be it further enacted*, That at all meetings of the corporation each member shall be entitled to one vote for each share owned by him. : *Provided*, that no person shall be entitled to more than fifteen votes.

SECT. 9. *Be it further enacted*, That Captain Seward Porter and William M. Dodge, be, and they hereby are authorized to determine on the time and place for holding the first meeting of said corporation by giving notice thereof in one of the public papers printed at Portland, ten days at least before said meeting.

[This Act passed February 6, 1822.]

## CHAPTER CXXVII.

AN ACT to incorporate the Proprietors of Burnt Meadow Brook Canal.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That Samuel Bean, James Osgood Bean, Henry Howard, and James Steele, with their associates, be, and they hereby are, incorporated into a body politic by the name of the proprietors of the Burnt Meadow Brook Canal, with power to sue and be sued ; to have a common seal, and to change the same ; and to make any by-laws for the management of their affairs, not repugnant to the laws of this State.