

# MAINE STATE LEGISLATURE

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# PRIVATE ACTS

OF THE

## STATE OF MAINE,

PASSED BY THE

### EIGHTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1828.

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Published agreeably to the Resolve of the 28th June, 1828.

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PORTLAND.

PRINTED BY THOMAS TODD, PRINTER TO THE STATE.  
1828.

committed, agreeably to their several warrants, any thing in this act to the contrary notwithstanding.

SECT. 5. *Be it further enacted,* That the said town of Westport shall pay their said proportion of all such State and County taxes as already are, or may hereafter be assessed on the inhabitants of the town of Edgcomb until the Legislature shall lay a tax upon said town of Westport.

State and county taxes to be paid.

SECT. 6. *Be it further enacted,* That said towns of Edgcomb and Westport shall constitute a district to elect one Representative to the Legislature of this State, till otherwise provided by law.

Edgcomb and Westport to constitute a district for the choice of Representative.

[*Approved by the Governor, February 5, 1828.*]

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## CHAPTER DXII.

AN ACT to establish the Old Town Canal.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Benjamin Fiske and William S. Bridge with their associates and successors be, and they hereby are, created a corporation by the name of the Proprietors of the Old Town 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, privileges and immunities incident to a corporation aggregate.

Persons incorporated.

Powers, &c.

SECT. 2. *Be it further enacted,* That the said Proprietors shall have power to lay out and make a Canal and locks on the east side of the Penobscot river at Old Town falls, for the passage of boats and lumber, commencing at said river about one hundred and twenty feet above the mills at said falls, thence proceeding about sixty rods to the river at the eddy, at the foot of the falls; said Proprietors using the waters of the

Proprietors authorized to make a Canal, &c. on the east side of Penobscot river, at Old town falls.

Proviso.

Penobscot river for the same: *Provided*, That said Corporation shall not take water from said river for said Canal, to the injury of persons owning water privileges on said river, and that nothing in this Act shall be construed to deprive the public, or any citizen, from the free passage of said river with rafts of timber, or lumber, as heretofore enjoyed; and that this grant shall not preclude the Legislature from authorizing any other corporation to take water from said river for the supply of any other canal or canals.

Toll established

SECT. 3. *Be it further enacted*, That a toll shall be, and hereby is granted and established for the benefit of said Proprietors, according to the rates following; on all goods, lumber or other commodities passing through the said canal, to wit: for the passage of pine lumber, twenty cents, for each and every thousand feet board measurement; for the passage of ash plank and other hard wood stuff, thirty cents for each and every thousand, board measurement; for each ton of pine timber, eight cents; for each ton of hard wood timber, twelve cents; for each thousand of clapboards, twenty cents; for each thousand of shingles, two cents; for each thousand of red oak hogshead staves, twenty five cents; for each thousand barrel staves, fifteen cents; for each cord of wood or bark, twenty five cents; for all board logs, for every thousand feet, board measure, twenty five cents; masts and bowsprits, three tons each, and over, thirty cents; masts and bowsprits, under three tons each, twenty five cents; for the passage of each boat passing through said Canal, for each ton of weight it is capable of carrying, if loaded, forty cents, and if unloaded, for each ton, twenty five cents; and so in proportion for all lumbers, goods, merchandize, and other property transported through said Canal. And said proprietors shall have a lien upon property that may pass through said Canal, for the payment of the toll due and payable thereon, according to

Proprietors have a lien on property, for payment of toll.

the rates of toll above specified : *Provided*, That, when ten years from the first opening of said Canal shall have expired, the Legislature afterwards may regulate the rates of toll.

*Proviso.*

SECT. 4. *Be it further enacted*, That if any person or persons shall wilfully or mischievously destroy or injure said Canal, or any part thereof, or divert or obstruct the waters to the damage of the proprietors thereof, he or they shall pay treble the amount of such damage as said proprietors shall before the Court and Jury before whom the trial shall be had, make to appear, said proprietors have sustained by means of said trespass, to be sued for and recovered in any Court of competent jurisdiction.

Penalty for destroying or injuring Canal.

SECT. 5. *Be it further enacted*, That if the said proprietors shall refuse or neglect, for the space of five years after the passing of this act, to open and complete said Canal, then this act shall be void.

Act to be void, unless the Canal be completed within a certain time.

SECT. 6. *Be it further enacted*, That any Justice of the Peace in the county of Penobscot be, and is hereby empowered to issue a warrant to either 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, and such other officers as they may deem necessary for managing the business of said proprietors, which they shall have power to choose from time to time afterwards, if necessary, and said proprietors may agree on a method for calling future meetings.

First meeting, how called.

Officers to be chosen.

[*Approved by the Governor, February 5, 1828.*]

## CHAPTER DXIII.

AN ACT to establish an Institution for Female Education.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That there be, and hereby is established at