

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.

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

PORTLAND.

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1828.

twenty five degrees east to the place of beginning; with the inhabitants thereon, be, and hereby are, incorporated into a town by the name of Hancock, and vested with all the powers and privileges, and subject to the duties of other towns: *Provided*, The inhabitants thus incorporated shall be holden to pay all assessments due and remaining unpaid, prior to the passing of this Act.

Powers.

Proviso.

Certain part of the valuation of Sullivan, Trenton, and No. 8, to be set to Hancock.

SECT. 2. *Be it further enacted*, That one third of the State valuation of the town of Sullivan, one ninth of said valuation of the town of Trenton, and three fifths of the valuation of Plantation numbered eight, be taken from the valuation of said towns and plantations and set to the town of Hancock.

Provision respecting paupers.

SECT. 3. *Be it further enacted*, That the inhabitants of that part of the town of Trenton hereby set off shall be holden to pay their proportion for the support of the paupers now chargeable to the town of Trenton so long as they shall be supported by said town.

Provision respecting the choice of certain State, and county officers.

SECT. 4. *Be it further enacted*, That the inhabitants of that part of the town of Trenton, Sullivan and Plantation numbered eight, thus set off, shall be and continue a part of the towns and plantation to which they now respectively belong, for the purpose of voting for Governor, Senators, Representatives, Register of Deeds and County Treasurer, until the State shall be districted anew for the choice of Representatives.

[Approved by the Governor, February 21, 1828.]

CHAPTER DLII.

AN ACT to incorporate the Proprietors of Piscataquis Canal.

Persons incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That William R. Miller, with his associates and successors, be, and hereby is, incorporated as a

body politic, by the name of the Proprietors of Piscataquis Canal; with power to prosecute and defend suits at law; to have a common seal, and change the same; to make any by-laws, for the management of their affairs, not repugnant to the laws of this State; and said proprietors are hereby empowered to lay out and make a Canal, with locks and piers, for the passage of boats, rafts, and lumber, to and from Piscataquis and Penobscot rivers, commencing at a place not exceeding one hundred feet above the dam at the mouth of said Piscataquis river, and extending down said river past the falls, or rapids, to the Penobscot river, using the waters of said Piscataquis river to supply the same: *Provided*, The said proprietors shall first obtain a right to all land over or through which said Canal may pass, and shall not take water from said river, for said Canal, to the injury of persons owning water privileges on said river, without first obtaining their consent.

Powers, privileges, &c.

May lay out and make a canal, with locks, &c.

Route of the Canal.

Proviso.

SECT. 2. *Be it further enacted*, That nothing in this Act shall be construed to deprive the public, or any citizen, from the free passage of said Piscataquis river, with rafts of timber or lumber, in the same manner as if this Act had not been passed. And also, that this Act 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.

Nothing in this Act to deprive any person the free passage of the river;

nor to preclude any other corporation from taking water therefrom.

SECT. 3. *Be it further enacted*, That if any person or persons shall wilfully or maliciously destroy or injure said works, or any part thereof, or divert or obstruct the waters thereof, he or they shall pay treble damages for such trespass, to be recovered in any court of competent jurisdiction.

Penalty for injuring the works or obstructing the waters.

SECT. 4. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole use of said corporation, at the following rates, viz: For the passage of pine lumber, for each and every thousand feet, board measure, thirty-five cents; for ash plank and other hardwood stuff,

Toll established.

Rates.

for each and every thousand feet, board measure, fifty-two cents; for each ton of pine timber, fourteen cents; for each ton of hardwood timber, twenty-one cents; for each thousand of clapboards, thirty-five cents; for each thousand of shingles, three cents; for each thousand of red oak hogshead staves, forty-four cents; for each thousand barrel staves, twenty-six cents; for each cord of wood or bark, forty-four cents; for all board logs, for every thousand feet, board measure, forty-four cents; masts and bowsprits, under three tons each, forty-four cents; for each boat passing through said Canal, for each ton weight it is capable of carrying, if loaded, fifty cents; and if unloaded, for each ton, thirty-cents; and so in proportion for all lumber, goods, merchandize and other property, transported through said Canal, according to the rates of toll specified as aforesaid: *Provided*, That when ten years from

Toll may be regulated after a certain time.

Corporation to keep the Canal in repair, for a certain time;

open gates, &c.

Liable to damages.

Proviso.

Damages how recovered.

Corporation may commence taking toll when the Court of Sessions for Penobscot Co. shall adjudge the works completed.

— may retain articles for the payment.

the first opening of said Canal shall have expired, the Legislature afterwards may regulate the rates of toll. And said corporation shall, at all times, for the term of ten years, from the time said Canal shall be completed, keep the same in repair, and, when required, open the gates, for the passing of boats, rafts, and timber thereon; and shall be liable to pay to each person, the damage he may sustain in consequence of said Canal not being in good and sufficient repair: *Provided*, Any one of said corporation be notified that such repairs are needed, and the same are unreasonably delayed; such damage to be recovered in any court of competent jurisdiction.

SECT. 5. *Be it further enacted*, That said corporation may, as soon as their works hereby authorized, are, in the opinion of the Court of Sessions, for the county of Penobscot, or their committee, completed, and suitable for the passage of boats, rafts, and timber, have power to collect toll on the same, passing thereon; and to retain such part thereof as may be necessary to pay toll and

charges of collection, if payment be refused ; and said corporation may sell so much thereof at public auction, as may be necessary for the payment of toll and charges thereon, after detaining the same ten days, and posting up notice thereof in two or more public places in the town of Howland, six days before the sale, or said corporation may recover said toll of the owner, by action of debt, in any court of competent jurisdiction ; and if said corporation, on payment, or tender of payment of the toll on any boat, raft, or lumber, as herein provided, shall neglect or refuse to permit the same to pass said Canal, the said corporation shall be liable to pay to the owner, or possessor of such boat, raft or lumber, the sum of fifty dollars, to be recovered by action of debt.

and sell the same, after giving notice

or may recover the toll in an action of debt.

— liable to penalty for refusing any boat, &c. a passage, after payment or tender of toll.

SECT. 6. *Be it further enacted*, That if the said proprietors shall 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 in five years.

SECT. 7. *Be it further enacted*, That William R. Miller is hereby authorized to call the first meeting of said proprietors, at such time and place as he may appoint, by giving four days notice thereof in writing to each stockholder, or by giving twelve days notice thereof in one of the newspapers printed in Bangor. 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 ; and shall have power to choose the same from time to time afterwards ; and said proprietors may agree on the method of calling future meetings, make assessments, and divide their stock into shares. And each stockholder shall be entitled to one vote for each share he may own ; and may vote by proxy duly authorized in writing.

First meeting how and by whom called,

Officers to be chosen.

May agree on the mode of calling future meetings ; make assessments, &c.

Manner of voting.

[Approved by the Governor, February 23, 1828.]