

# MAINE STATE LEGISLATURE

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**PRIVATE AND SPECIAL**

**ACTS**

OF THE

**STATE OF MAINE,**

PASSED BY THE

**TWELFTH LEGISLATURE,**

AT ITS SESSION COMMENCING JANUARY 4, 1832.

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PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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**AUGUSTA:**

**I. BERRY & CO., PRINTERS TO THE STATE.**

**1832.**

until the year  
1847.

Proviso.

October one thousand eight hundred and forty seven; *Provided*, that the persons above named, or such of them as may be living when said Bank shall go into operation, shall become Stockholders therein to the amount of at least fifty per centum of the capital stock, and continue to hold that proportion of said stock until the whole capital, named in the second section of this Act, shall have been paid into said Bank.

Capital Stock  
to be \$100,000  
—to be divided  
into shares of  
\$100 each.

Bank to be es-  
tablished in  
Portland.

SECT. 2. *Be it further enacted*, That the capital stock of said Bank shall be one hundred thousand dollars in gold and silver, divided into shares of one hundred dollars each. And said Bank shall be established in the town of Portland in the County of Cumberland.

Powers, priv-  
ileges, &c.

SECT. 3. *Be it further enacted*, That said corporation shall be entitled to all the powers and privileges, and subject to all the liabilities and duties specified in an Act to regulate Banks and Banking, passed the thirty first day of March one thousand eight hundred and thirty one.

First meeting.

SECT. 4. *Be it further enacted*, That James C. Churchill, Luther Jewett and Solomon H. Mudge, or a major part of them, may call the first meeting of said corporation to be holden in Portland, by an advertisement, in the Eastern Argus printed in said Portland, seven days at least before the time of said meeting.

## CHAPTER 250.

AN ACT to establish the Oxford Canal Corporation.

Approved March 1, 1832.

Names of per-  
sons incorporat-  
ed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That W. B. Norton, Cyrus Shaw, Samuel A. King, Ezra F. Beal, William Reed, Nathaniel Bennet, Levi Whitman, David Noyes, and Henry Rust, with their associates and successors, be, and they hereby are created a corporation and body politic forever, by the name of the Oxford Canal Corporation, with all the

powers, privileges, and immunities incident by law to a corporation aggregate. And said corporation may make any by-laws for the management of their affairs not repugnant to the laws of this State ; and may take, hold, and convey in fee simple or in any less estate, any estate real, personal or mixed, necessary for carrying into effect the objects intended by this Act.

Powers, privileges, &c.

SECT. 2. *Be it further enacted,* That the said corporation shall have power to survey, lay out, make and forever maintain, a Canal or Canals with a suitable number of locks, to commence at the most suitable and convenient place at the waters of the Sebago Pond, in the County of Cumberland, and be constructed in a northerly direction, in the most suitable and convenient route until it enters the waters of the Thompson Pond so called thence passing through said Pond at or near Craiges mills in the town of Oxford thence in the most convenient route to Rust's mill pond at Norway village in the County of Oxford, following such direction and terminating at such place at said mill pond as they may designate ; and for the purposes aforesaid may take and use the lands of private persons along the course of said Canal, not exceeding the breadth of twenty rods, acquiring the same title to said lands as is acquired by the public to lands appropriated for public highways, and paying a just compensation therefor ; and for the purposes of supplying and maintaining said canal or canals, the said corporation is hereby authorized to take and use any water of and from any pond or ponds, rivers, and other water courses, as the same may be convenient or necessary ; and to make, in any part of such canal or canals and at the extremities thereof, all such locks flood gates, docks, embankments, basins, piers, wharves, and other works, as well above as below, low water mark, as may be convenient or necessary for the purposes of this Act.

May lay out and make a Canal or Canals, &c.

Location.

May take and use the lands of private persons.

Compensation therefor.

May take and use water from any pond, river, &c.

SECT. 3. *Be it further enacted,* That when the said corporation cannot agree with any other corporation or individual, over and through whose lands the said canal or canals may pass, then they may apply by petition to the Court of Common Pleas, when holden within and for the

Mode of fixing the compensation for lands taken by said Corporation.

County in which any part of such land may lie, therein setting forth, by a proper description, the quantity of land they want, and that they are unable to purchase the same by agreement, and requesting the said Court to have the same valued; and may file the same in the office of the Clerk of said Court in such county, and may take out a summons from him under the seal of said Court, with a copy of said petition annexed thereto, returnable at the next term of said Court; which summons shall be served at least thirty days before the sitting of said Court to which it is returnable and being duly served and returned by the Sheriff of the proper county or his Deputy, the same may be entered with the other actions of the said Court; and the said Court shall thereupon proceed to inquire, and by the verdict of a jury at the bar of said Court, to ascertain the value of the land taken from any individual or corporation, for the purposes aforesaid; and the same verdict, being allowed and recorded, shall be conclusive on all parties; and the amount so ascertained, being paid or tendered by said corporation, and if not accepted, left with the said Clerk for the use of the party entitled to the same, or his or their legal representative shall operate a transfer of the estate so taken, and vest the same in the said corporation, and thereupon they may enter upon, use, and occupy and enjoy the same for the purposes aforesaid forever. And the said Court and all officers who may perform any service on any such application, shall be entitled to the same fees as are by law taxable in civil actions; and the said corporation may join in the said application, any one or more individuals, whose lands may be taken; and the said jury shall, in each case, return separate verdicts respecting the lands of each several respondent; and if in the opinion of the said Court, it may be necessary, they may upon the motion of any party, direct a view of the premises by the jury upon such terms as to costs, as the Court may think proper.

Value of land—  
how ascer-  
tained.

The tender or  
payment of  
damages, shall  
operate as a  
transfer of the  
estate.

Corporation  
may join sever-  
al individuals in  
their applica-  
tion—but the  
jury shall return  
separate ver-  
dicts.

SECT. 4. *Be it further enacted,* That if any person or corporation sustain damage in his or their lands or rights, by using, diverting or drawing off any pond or water course,

or by flowing or dividing any lands, in consequence of any act or thing done by said corporation and the said corporation shall tender and offer to pay to the party injured as aforesaid, such sum as said corporation may deem a just and reasonable compensation, the same if found to be sufficient, as herein after provided, shall be a bar to any further damages for such injury.

Tender of full amount of damages sustained by any individual, in consequence of any act of said corporation, shall be a bar to further damages.

SECT. 5. *Be it further enacted,* That any person or corporation who may sustain damage as aforesaid, may state his complaint in writing, directed to the Court of Common Pleas, holden for the County in which such lands lay, at any term thereof, setting forth with legal certainty the injury they have sustained; and a true copy of such complaint being left with the President or Secretary of the said corporation, thirty days at least before the setting of such Court, and being afterwards entered upon the docket, said Court may hold jurisdiction of such complaint and give judgment and issue execution thereon; and the said corporation may appear and plead to such complaint, any matter in bar, or abatement, or may traverse the facts therein set forth; and the said Court, if an issue in law shall be joined thereon, shall proceed to determine the same; and if an issue in fact shall be joined thereon, the same shall be committed to a jury at the bar of said Court, who shall try it and return their verdict thereon, and the same jury shall also inquire, and by their verdict ascertain what damages the party complaining has suffered; and if the said corporation shall not appear, the Court may, upon their default proceed to inquire by a jury, and ascertain the damages any complainant has sustained; and the same proceedings shall be had respecting such damages as might have been had, if the said corporation had appeared and answered to such complaint. And if the jury who may inquire of the damages in any case where the party has appeared and pleaded in bar of damages, shall not by their verdict find a greater sum in damages than was tendered as aforesaid, then the respondent shall go free of such complaint and shall have judgment and execution for their legal costs. And if the said corporation shall have

Mode of making complaint of injury so sustained, &c.

Notice to the Corporation.

Court may hold jurisdiction of such complaint, &c.

When the jury find no greater damages than sum tendered, the respondent to have costs.

And if the cor-

poration have not tendered amends, they may bring money into Court.

neglected to tender amends for any injuries done as aforesaid, before they shall be served with a copy of such complaint, then they may at any Court where such process may be pending, bring into the same Court, under a rule for that purpose, for the use of the party complaining, such sum in satisfaction of the injuries complained of, together with the costs which then may have arisen; and if the complainant will not accept thereof, and shall not afterwards by the verdict of the jury recover a greater sum in damages than shall have been paid into the Court under such rule, then the party complained of shall go free of such complaint.

And if greater damages are not recovered, party complained of shall go free.

Parties may appeal to S. J. Court.

SECT. 6. *Be it further enacted*, That any party aggrieved at the judgment of any Court of Common Pleas, may appeal therefrom to the next Supreme Judicial Court, to be holden within and for such County as aforesaid; and the party appealing, shall before the same be granted, enter into recognizance with one or more sureties, to prosecute his appeal, and to pay such additional costs and damages as may be awarded against him; and the Supreme Judicial Court shall proceed on such appeal, in all respects as the Court having original jurisdiction thereof.

Penalty for maliciously injuring the Canal, to be paid to the Corporation.

SECT. 7. *Be it further enacted*, That if any person or persons, shall wilfully, maliciously, or contrary to law, take up, remove break down, dig under or otherwise injure any part of said Canal or Canals or any work or works connected with or appertaining to the same or any part thereof, such person or persons, for every such offence, shall forfeit and pay to such corporation, a sum not less than fifty dollars, nor more than five thousand dollars, according to the nature and aggravation of injury done or committed. And such offender or offenders shall further be liable to indictment for such trespass or trespasses, and on conviction thereof, shall be sentenced to pay a fine to the use of the State, not more than one hundred dollars, nor less than twenty five dollars.

Offenders may be indicted.

Penalty to the State.

Stock to be divided into 1400 shares---

SECT. 8. *Be it further enacted*, That the stock and property of this corporation shall be divided into fourteen hundred shares, certificates of which shall issue under the seal

of said corporation, and be signed by the President and Treasurer thereof; and the said shares shall be deemed and taken to be personal estate, and may be transferred by endorsement and such transfer shall be recorded by the Secretary of said corporation. And the said corporation may make assessments on the shares for the purpose of effecting the objects of the corporation: *Provided however* that the whole amount of the assessments on each share shall not exceed the sum of fifty dollars, and the original proprietors shall be holden in their private property for the amount of assessments on their several shares, and the corporation may sue for the said assessments in any Court proper to try the same. And in case the amount of fifty dollars so assessed on each share will not supply the necessary funds, the corporation may raise the funds required by selling any shares not subscribed for; or by creating and selling any necessary number of shares over and above the said fourteen hundred shares. And if the proprietor of any share or shares shall become insolvent or unable to pay, or shall neglect or refuse to pay any assessment, for the term of thirty days after the same hath become due, the share or shares on which there is a delinquency may be sold at public auction notice of the time and place of such sale being given by the Treasurer of said corporation, in two public newspapers, three weeks at least, previous to the time appointed for such sale; and the proceeds of the sale shall be applied to the payment of the assessments due on the share or shares so sold with the incidental charges; and the surplus, if any shall be paid to the former owner or his legal representatives on demand; and such sale shall give a good and complete title to the purchaser of such share or shares, and he shall receive a new certificate or certificates therefor: *Provided however*, that if before the actual sale of any such delinquent share or shares, the proprietor thereof pay the assessments due thereon, with interest from the time they become due, and all necessary and reasonable charges, the sale shall not proceed.

which shall be deemed personal estate.

How to be transferred.

Corporation may make assessments.

Proviso.

Private property of original proprietors holden.

Corporation may, if necessary create new shares.

Shares of delinquent proprietors may be sold.

Proviso.

Toll established.

SECT. 9. *Be it further enacted*, That a toll shall be, and hereby is granted and established for the benefit of said



Rates.

corporation, according to the rates following, on all goods, lumber or other commodities passing through said canal or canals actually cut and made navigable; viz. for all planks, boards, joist or other sawed stuff, and for all board logs floated on rafts or otherwise, six cents a mile for each thousand feet, board measure; for clapboards and staves six cents a thousand; for shingles, two cents a thousand; for cordwood and bark, six cents a cord, for each mile; for all timber and masts, six cents a ton for each mile, and for other lumber in proportion to the above rates; for all kinds of goods or provisions carried in boats or on rafts six cents a ton for each mile; for all boats or rafts, six cents for each lock the same may pass in addition to the toll aforesaid. And toll shall commence and be payable as soon as any mile of such canal is completed for the passage of suitable boats and rafts.—And said corporation shall have power to detain any goods or lumber transported on said canal or canals until the toll due therefor is paid: and after twenty days from the time such toll became due, may sell at public auction, or otherwise so much of such goods or lumber as may be necessary to pay such toll and other incidental charges; or said corporation may sue for said toll by action of debt in any Court proper to try the same: *Provided*, That when twenty years from the first opening the same shall have expired, the Legislature from thence forward may regulate the rate of toll; and the same shall be collected in such manner as shall be prescribed by the said corporation.

Goods may be detained until toll is paid.

Toll may be altered in 20 years.

This to be deemed in legal proceedings a Public Act—and to be void if said Canal shall not be completed in 5 years.

SECT. 10. *Be it further enacted*, That this Act in all legal proceedings shall be deemed a public Act; and if said corporation shall not complete said Canal, within five years from the passage of this Act, then this Act shall be void.

Corporation shall make and keep in good repair, bridges with draws, &c.

SECT. 11. *Be it further enacted*, That it shall be the duty of the said corporation to make and keep in good repair, at all times, good and sufficient bridges, with draws over said canal or canals, where any County or town roads now cross the land which may be taken for the same, for

the passage of teams, mail stages and carriages, and every thing else necessary for the public convenience toll free.

SECT. 12. *Be it further enacted,* That the stock and property of said corporation shall be exempted from all public taxes, until a dividend shall be made, on the shares of said corporation equal to an annual income of six per centum on the money actually expended by said corporation in making said Canal or Canals and other works connected with and appertaining to the same.

Stock exempt from taxation until, &c.

SECT. 13. *Be it further enacted,* That any four of the persons named in the first section of this Act, may call the first meeting of said corporation to be holden at such time and place as they may judge proper, of which meeting they shall give notice by publishing the same in one of the newspapers printed in Portland and in one of the newspapers printed in the County of Oxford, the first publication to be at least fourteen days previous to said meeting. And at all meetings of said corporation, one vote shall be allowed to a share and one vote for every additional two shares owned by the same proprietor: *Provided,* no one Proprietor shall be allowed more than ten votes; and absent proprietors may vote by proxy duly authorized in writing.

First meeting.

No proprietor shall have more than ten votes.

SECT. 14. *Be it further enacted,* That there shall be appointed by the County Commissioners, in each County through which said Canal may pass, a committee or committees of three disinterested and discreet men, whose duty it shall be to examine, ascertain and report from time to time to said County Commissioners, when said canal or canals or any part thereof shall be completely navigable, and also to ascertain the number of miles in length, and the number of locks completed according to the intent of this Act.

County Commissioners to appoint Committees to examine said Canal.