

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

THIRTEENTH LEGISLATURE,

AT ITS SESSION COMMENCING JANUARY 2, 1833.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:

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1833.

CHAPTER 311.

AN ACT to incorporate the Penobscot Stage Company.

Approved February 9, 1833.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That James Thomas and his associates, successors and assigns be, and hereby are, incorporated into a Company by the name of the Penobscot Stage Company, for the purpose of establishing and continuing a line of Stages from Augusta to Bangor, and from Bangor to Houlton and Ellsworth, with power to defend and prosecute suits at law; to have a common seal; make by-laws for the management of the Company, not inconsistent with the laws of the State; take and hold any real and personal estate, to an amount not exceeding Forty Five Thousand Dollars at any one time; and the same convey at pleasure; and generally to have, exercise and enjoy all the privileges, rights and powers, usually granted to similar Corporations; and the said James Thomas may convene the first meeting of said Corporation, first giving to his associates such notice as he may think suitable.

Names of persons incorporated.

For what purpose.

Powers &c.

First meeting.

CHAPTER 312.

AN ACT to incorporate the Bangor and Pushaw Pond Canal Company.

Approved February 10, 1833.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled, That Mark Trafton, Amos M. Roberts, Hermon Fisher, J. M. Woodman, Elias T. Aldrich, Joseph Treat, John Bright, Daniel W. Bradley, Peter H. Hesseltime, Isaac Hodsdon, Levi Bradley, John Hodgdon, E. G. Rawson, Seth Emery, John Berry, John E. Hesseltime, John Trafton, David Nye with their associates, and successors, be and they are incorporated into a body politic by the name of the Pushaw Canal Company with power to sue and be sued; to have a common seal*

Names of persons incorporated.

Name of Incorporation.

Powers &c.
granted.

and to change the same; to make any by-laws for the management of their affairs, not repugnant to the Laws of this State.

Authorized to
make a Canal
from Pushaw
Pond to Penob-
scot River.

SECT. 2. *Be it further enacted,* That said Corporation shall have power to survey, lay out and make a canal from the waters of the Pushaw Pond to Penobscot River, or the tide waters thereof, with a suitable number of locks

Locks or Sluices
—where made.

or sluices, to commence at such points on said Pond, pass in such direction and terminate at such place or places on

Corporation
may use lands
along the course
of said Canal.

said river, or tide waters as they may designate; and they shall have power to take and use such land along the course of said canal as shall be necessary for the purposes

Proviso.

aforsaid, not exceeding ten rods in width; *Provided,* That, in all cases, said Company shall pay for all such lands so taken and used, such price as they and the owners thereof may mutually agree on. And if the estate of said Company in its corporate capacity, shall not be sufficient to satisfy such damages, then the several Stockholders, each in proportion to his respective number of shares, shall be personally liable for such deficiency. And said corporation

May purchase
and hold other
land and build-
ings, not ex-
ceeding in value
\$300,000, &c.

may purchase and hold other land and buildings not exceeding two hundred thousand dollars in value, and any personal estate not exceeding three hundred thousand dollars in value, and the said real or personal estate, or any part thereof, they may sell and transfer.

May use the wa-
ters of Pushaw
Pond &c.

SECT. 3. *Be it further enacted,* That for the purposes aforsaid the said Corporation shall have power to take and use the waters of Pushaw Pond and of any convenient stream on the route of said canal. And they may

May use the wa-
ters of Pushaw
Pond for Mills,
Factories &c.

use the waters of said pond for mills, factories and other machinery; and may erect any dams, sluices or other works that may be necessary—and they may erect and

May erect and
keep a dam on
Pushaw stream.

keep a dam on Pushaw stream, at such places as they may deem necessary for the purpose of reserving the water in

Proviso.

said pond: *Provided* That the said Corporation shall not take the water of any stream for the use of their mills or

Proviso.

other purposes to the detriment of any water privileges belonging to any other person or persons: and *Provided* That such dam on Pushaw stream shall be so constructed

as not to obstruct the passage of logs or other lumber down the same: and *Provided* That said Corporation shall not draw water from said pond for the use of mills or other purposes to the injury of mills and other machinery which are or may be built on the Still-water stream at Orono—that is to say, they shall not draw water for the use of mills, machinery or other purposes so as to reduce the level of the water in said pond lower than the pitch at which it will barely run over the dam built by John Bennock and Asa W. Babcock and others, at the lower Still-water when all the mills and other machinery which are or may be built on said dam, are in operation; and the said level may be ascertained by the board of Selectmen of Orono, at a suitable time in the course of the summer of eighteen hundred and thirty three, and they shall cause some permanent mark to be made on the margin of said pond to designate said level. And the level may be ascertained in the same way, at any time afterwards, should the state of the water in said pond be changed by any new dam or dams. And when the waters in said pond shall be reduced to such level, the gate at the head of the canal shall be kept shut, and the gate in the dam at Pushaw stream kept open, except that said Corporation shall have leave to draw two hundred thousand cubic feet of water at the upper lock in a week for the purpose of canalling, the quantity of water to be estimated by the size of said lock, and the owners of said mills at Still-water may draw off the surplus water above said level equally with said Corporation by a gate of equal size.

Proviso.

Level to be ascertained by Selectmen—when, &c.

SECT. 4. *Be it further enacted,* That if any person or persons shall suffer damage by the exercise of the power herein granted to said Corporation, and the amount or mode of ascertaining the amount cannot be agreed upon by the parties, the Court of Common Pleas for the County of Penobscot shall, on petition by the party aggrieved, which petition shall be served on said Corporation thirty days at least before the sitting of said Court by leaving an attested copy thereof with the President or Secretary of said Corporation, cause said damages to be ascertained by

When amount of damages sustained cannot be agreed upon by the parties, what proceedings shall be had.

Proviso. a Committee of three disinterested freeholders of the same County. *Provided*, however, That if either party be dissatisfied with the award of said Committee and shall at the term when said award is presented apply to said Court for a trial by jury in the manner other like cases are determined, the Court shall by jury determine the amount of such damages accordingly. And if the verdict do not give the party applying for the jury greater damages than were awarded by the Committee, judgment shall be rendered against the applicants for the costs accruing after said application. And if the verdict be more favorable to the party applying for a jury than was awarded by the Committee, the applicant shall recover the costs accruing after such application, and execution shall in either case issue upon the judgment.

Forfeiture for maliciously injuring said Canal, dams, locks &c. *SECT. 5. Be it further enacted*, That if any person or persons shall wilfully or maliciously take up, remove, or injure any part of said canal, dams, locks, sluices, mills or other works or appendages thereof, such person or persons, for every such offence, shall forfeit and pay to said corporation treble damages; to be sued for and recovered in any Court competent to try the same; and such offender or offenders shall further be liable to indictment for such trespass or trespasses, and on conviction thereof before the Supreme Court or Court of Common Pleas, shall be sentenced to fine or imprisonment, at the discretion of the Court.

How to be recovered.

Offenders liable to indictment.

Toll granted. *SECT. 6. Be it further enacted*, That a toll shall be and hereby is granted and established for the benefit of said Corporation, according to the rates following, viz: For all planks, boards, joist or other sawed lumber, floated in rafts or otherwise through said canal, fifteen cents per mile for each thousand feet, board measure; for clapboards, twenty cents per thousand for each mile; shingles, three cents per thousand for each mile; staves, twenty cents per thousand for each mile; cord wood and bark, thirteen cents per cord for each mile; for all timber, masts, logs and spars, eight cents per ton for each mile; and for all other lumber, in proportion to the above rates, per

Rate thereof.

For plank boards &c.

—Clapboards.
—Shingles.
—Staves.
—Cordwood.
—Timber &c.

quantity or bulk; for all kinds of country produce, provisions, goods or merchandise, ten cents per ton for each mile; for all boats or rafts, ten cents for each lock the same may pass, in addition to the toll aforesaid, which toll shall commence and be payable when any part of said canal, locks or sluices shall be passable for any of the articles aforesaid: and the said corporation shall have a lien upon the same articles, and shall have the power to detain the same for the toll aforesaid, until the same be paid; and at the expiration of ten days from the time said tolls become due, may raise the same by public or private sale of so much of said articles as will pay the amount due for toll and the expenses for collecting the same, or the said Corporation may sue for and recover the same, by an action of debt, in any Court proper to try the same.

—Country produce.

—Boats &c.

Toll to commence when said Canal or locks shall be passable.

Corporation shall have a *lien* on articles for amount of toll.

Articles may be sold when the toll thereon is not paid.

SECT. 7. *Be it further enacted*, That this Act, in all legal proceedings, shall be deemed and taken to be a public Act; *Provided*, If said Corporation shall not make and complete said canal, locks or sluices within ten years from the passing of this Act, then this Act shall be void; *Provided*, also, That said Corporation shall, within two years from the passage of this Act, determine upon and locate the route of said canal and enter the same upon their records and shall be bound by such location; and also *Provided*, That if said route, so to be located, shall not follow the general course of Meadow brook, so called, and join the Kenduskeag stream near the mouth of said brook, the Legislature may hereafter grant to other persons, on equitable terms, the right to make a branch to the canal herein granted, running from the mouth of said brook, and in the general direction of the same, in the best direction to strike the canal to be located by virtue of this Act, or in want thereof to strike said Pushaw Pond.

This Act shall be deemed, in all legal proceedings, a Public Act.

Proviso.

Proviso.

Proviso.

SECT. 8. *Be it further enacted*, That any three or more of the persons named in this Act may call the first meeting of those incorporated, by causing notice to be given of the time, place and purpose thereof, in any newspaper printed in Bangor, ten days previous to said meeting; and at said meeting may proceed to organize said Corporation; may

First meeting—how to be called.

What proceedings may be had.

make and adopt by-laws, designate and choose its officers, determine their qualifications, and define their powers and duties; may fix on the mode of calling future meetings, and the manner of voting at said meetings; may agree upon the number of shares into which the capital stock shall be divided, the evidence of ownership thereof, and the manner of transferring the same; may make assessments, and do all other things that may be necessary for the management of the concerns of said Corporation. And all shares shall be liable to legal process in the same manner as shares in Turnpike or Bridge Corporations are by law liable.

Shares liable to legal process.

CHAPTER 313.

AN ACT to incorporate the Bangor Insurance Company.

Approved February 10, 1833.

SECT. I. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Amos Patten, Joseph R. Lumbert, Thomas A Hill, Thomas F. Hatch, Moses Patten, Samuel B. Morill, Elisha H. Allen, John Hodsdon, George W. Pickering, Amos Davis, Amos M. Roberts, E. G. Rawson, Willis Patten, Cyrus Goss, Samuel Smith, Hayward Pierce and Waldo T. Pierce, with their associates, successors and assigns, be and they hereby are created a Corporation by the name of the Bangor Insurance Company, with the powers usually granted to other Insurance Companies, and subject to all the duties, obligations and restrictions contained in a law of this State entitled "An Act to define the powers, duties and restrictions of Insurance Companies" passed the twenty fourth day of February one thousand eight hundred and twenty one, for the term of twenty years from the passing of this Act, and by that name may sue and be sued, have a common seal and purchase and hold real estate to an amount not exceeding Fifteen Thousand Dollars.

Names of persons incorporated.

Name of Incorporation.
Powers, duties &c.

May hold Real Estate to the amount of \$15,000.