

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FOURTEENTH LEGISLATURE,

At its Session, held in January, 1834.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA :

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1834.

duty may pass free from toll—*Provided however*, That the Legislature shall have power to regulate the toll established by this Act, any time within one year after the said bridge shall be completed.

SECT. 4. *Be it further enacted*, That at the places of collecting the tolls, the corporation shall keep a board or sign constantly exposed to view, in a conspicuous place, on which the aforesaid rates of toll shall be fairly and legibly painted. Whenever the toll-gatherer shall be absent, the gate shall be left open and the bridge toll free.

To keep a board or sign at places of collecting toll with the rates of toll painted thereon.

SECT. 5. *Be it further enacted*, That any two of the persons named in this Act, may call the first meeting of the corporation, by giving personal notice of the time and place of said meeting, or by posting up written notices thereof in two public places in the town of Winslow seven days at least previous to said meeting.

Mode of calling first meeting.

CHAPTER 442.

AN ACT to incorporate the Magurawock and Schoodic Canal Company.

Approved February 15, 1834.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Amaziah Nash and Shelomith S. Whipple, together with their associates and successors, be and are hereby incorporated into a body politic, by the name of the Magurawock and Schoodic Canal Company, with power to sue and be sued, to have a common seal and to change the same, to make any by-laws for the management of their affairs, not repugnant to the laws of this State.

Persons incorporated.

Corporate name.

Powers, privileges, &c.

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 Western Magurawock Lake to the tide waters in the Schoodic River, at or near the entrance of Bog brook (so called) into the said Schoodic river, with such

Corporation empowered to lay out and make a canal and take land therefor upon paying damages.

dams, locks, sluices or inclined planes, as may be deemed advantageous to said canal. And they shall have power to use such land along the course of said canal as shall be necessary for the purposes of constructing and maintaining said canal, and to build dams thereon and flow lands, when the nature of the undertaking may require, the lands to be so used or flowed not to exceed three rods in width from the water in said canal on each side, *Provided*, That in all cases, said company shall pay for all damages to such lands so used or so flowed, such price as they and the owners thereof may agree on, and if the corporate property shall not be sufficient to satisfy such damages, then the individuals, stockholders, shall be severally holden each in proportion to his amount of stock, to make up the deficiency; and said corporation may purchase and hold other lands and buildings not exceeding two hundred thousand dollars in value, and any personal estate not exceeding one hundred and fifty thousand dollars, which real and personal estate, or any part thereof, they may sell and transfer.

Private property of stockholders holden for such damages.

Amount of real and personal estate.

Corporation empowered to use the water of certain lakes and to erect dams, &c.

Proviso.

Proceedings when amount of damages cannot be agreed on by the parties.

SECT. 3. *Be it further enacted*, That for the purposes aforesaid, the said corporation shall have power to take and use on said canal and at its termination, the waters of the Western and Eastern Magurawock Lakes, and that they may there use the waters of said lakes or ponds for mills, factories and other machinery, and may erect dams, sluices or other works that may be necessary for such purposes, and that they may erect and keep a dam at the outlet of said Western Lake; likewise one in the Magurawock Stream, at a suitable place below the outlet of the Eastern Lake, and one at the inlet of the Eastern Lake on Dead Brook (so called) and one on Bog Brook (so called) for the purpose of reserving water for the above objects: *Provided*, That the said corporation shall not use water to the detriment of any other mills, factories or other machinery now erected or being erected. And 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 Washington, 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 a committee of three disinterested freeholders of the same county; *Provided however*, That if either party be dissatisfied with the award of the 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 cost accruing after said application.

Proviso.

SECT. 4. *Be it further enacted*, That if any person or persons shall wilfully or maliciously take up or remove any part of said canal, dams, locks, sluices, inclined planes, 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.

Penalty for taking up or removing any part of said canal, dams, locks, sluices, &c.

SECT. 5. *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, clapboards or joists, floated on rafts or otherwise, through said canal, forty cents per thousand, from the Eastern Magurawock Lake, and sixty cents from the Western; for laths and shingles, six cents from the Eastern, and ten cents from the Western Lake; cord wood and bark forty cents per cord from

Amount of tolls granted said corporation.

the Eastern, and sixty from the Western Lake ; for timber, masts, logs and spars, seventeen cents per ton from the Eastern, and twenty five cents from the Western Lake; and in proportion to the above rates for any part of said distances ; and for all other lumber in proportion to the above rates ; for all country produce or merchandize, thirty cents per ton from the Eastern, and forty five cents from the Western Lake ; 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 said 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 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 ; said tolls always to be subject to the control of the Legislature of the State.

Corporation to have a lien for the toll.

This Act to be a public Act.

Proviso.

SECT. 6. *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 within three years from the passing of this Act, then this Act shall be void.

Mode of calling first meeting.

SECT. 7. *Be it further enacted*, That the persons named in this Act may call the first meeting by giving such notice as they may see proper ; and the said meeting may proceed to organize said corporation, may make and adopt by-laws, choose its officers, determine their qualifications, and define their powers and duties, may agree upon the number of shares into which the capital stock shall be divided, 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 similar corporations are liable.

Shares liable to legal process.