

# MAINE STATE LEGISLATURE

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**PRIVATE AND SPECIAL ACTS**

OF THE

**STATE OF MAINE,**

PASSED BY THE

**FIFTEENTH LEGISLATURE,**

AT ITS SESSION, HELD IN JANUARY, 1835.

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Published agreeably to the Resolve of June 28, 1820.

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**AUGUSTA:**

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

of said Bank shall have signed and verified by oath and filed in the office of the Secretary of State a certificate that said residue of said additional capital has been so paid into said Bank, and not before.

CHAPTER 586.

AN ACT to incorporate the Mattawamkeag Canal Company.

Approved March 17, 1835.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Cyrus Moore, Robert M. N. Smyth and Nathl. Treat, their associates, successors and assigns be and they hereby are incorporated into a body politic by the name of the Mattawamkeag Canal Company, with power to sue and be sued, to have a common seal; and to make any by-laws for the management of their affairs, not repugnant to the laws of the State.

Names of 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 Puskaw falls on the Penobscot river to Mattawamkeag point, either by the thoroughfare and up the cook, so called, or up the Penobscot and birch stream, and thence across the land to Sunkhaze dead water, with suitable locks, sluices and dams; and to take and use such land, not exceeding ten rods in width, and the waters of any pond or stream, on the route of said canal as shall be necessary for the purposes aforesaid; and to hold and manage such real estate as may be necessary for the convenient operations of the Company not exceeding Twenty Five Thousand Dollars—*Provided,* That said Corporation shall not be empowered to interfere with, or in any way impair the navigation of the main channel of Penobscot river, or to disturb the bed of the same, or divert the water in said river from its natural channel at any time to the injury of owners of mills on said river, or any persons navigating the same with boats or lumber—*And it is further provided* that said Corporation

Corporation empowered to construct canal, use land, waters of ponds, &c., and hold real estate.

Proviso.

Additional proviso.

shall not divert the water of any stream now navigable for logs to the injury of the same.

**SECT. 3.** *Be it further enacted,* That the Proprietors of said Canal shall be liable for all damages that may be sustained by reason of said Canal—and that if any person or persons shall sustain any injury by the exercise of the power herein granted to said Corporation, and the amount thereof cannot be agreed upon by the parties, he or they so sustaining injury shall have a right of action for the same in any Court competent to try the same.

Proprietors liable for damages, &c.

Parties injured to have a right to action for damages.

Penalty for wilfully injuring any part of canal.

**SECT. 4.** *Be it further enacted,* That if any person shall wilfully or maliciously injure or destroy any part of said Canal 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 shall be further liable to indictment, and on conviction, shall be sentenced to fine or imprisonment at the discretion of the Court.

Rates of toll.

**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 sawed long lumber passing through said Canal in rafts or otherwise, ten cents per mile, for each thousand feet board measure; for clap-boards, twelve cents per thousand for each mile; shingles, one and a half cents per thousand for each mile; cord wood and bark, twelve and a half cents per cord for each mile; staves, twelve and a half cents per thousand 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 quantity or bulk; for all kinds of country produce, goods or merchandise, ten cents per ton for each mile; 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 all articles and shall have power to detain the same for the toll aforesaid, until the same be paid; and at the expiration of ten days after said tolls become due, may raise the same by

Corporation to have lien on all articles for toll.

May sell at auction after 10 days.

public or private sale of so much of said articles as will pay the amount due for toll and the expenses of collecting the same—or the said Corporation may sue for and recover the same, in any Court proper to try the same.

—or sue for and recover the same.

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, locks, dams and sluices within six years from the passing of this Act, and shall not 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, by which location they shall be bound, then this Act shall be void.

This Act in legal proceedings to be deemed a public act.

Proviso.

SECT. 7. *Be it further enacted*, That either of the persons named in this Act, be authorized to call the first meeting of this Corporation, by causing notice thereof to be published in any newspaper printed in Bangor seven days prior to said meeting—At which meeting the Corporation may be organized, and such by-laws and regulations, in relation to the officers of said Corporation, their powers and duties, the number of shares into which the capital stock shall be divided and all other necessary rules and regulations for the proper management of their concerns, be adopted as may be deemed proper.

Mode of calling first meeting.

Corporation to be organized, pass by laws, &c.

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CHAPTER 587.

AN ACT to incorporate the Waldo Coal, Iron, Marble and Lime, Mining and Manufacturing Company.

Approved March 20, 1835.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Erastus Foote, Alfred Johnson Jr., Hugh J. Anderson, Joseph Williamson, Denny McCobb, Hezekiah Prince Jr., Nathaniel C. Eastbrook, Benja. Cushing, Charles Pendleton, Warren Rawson, Francis Fletcher 2d, David McKay, Jones Shaw,

Persons incorporated.