

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.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:

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

1835.

Stockholder shall be entitled at all meetings of said Stockholders shall be according to the number of shares he shall hold, in the following proportions, that is to say, for one share one vote, and every two shares above one, shall give a right to one vote more, provided no one member shall have more than ten votes.

SECT. 4. *Be it further enacted*, That the shares or stock in this Corporation shall be deemed and taken to be personal property, and held, transferred, pledged or sold as such, and whenever the Corporation shall be dissolved, the property thereof, shall vest in the Stockholders of the shares, at the time of such dissolution, according to their several and respective interests, subject to the legal and equitable claims of creditors of the Corporation to be enforced according to law.

Shares to be deemed personal property.

SECT. 5. *Be it further enacted*, That any three of the Corporators aforementioned may call the first meeting of said Corporation, by advertisement of the time and place thereof in any newspaper printed in Brunswick or Portland, seven days at least before the time appointed for said meeting.

Mode of calling the first meeting.

CHAPTER 608.

AN ACT to incorporate the Casco and Kennebec Canal Company.

Approved March 24, 1835.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Levi Cutter, William Willis, Nathaniel G. Jewett, Samuel Winter, Noah Hinkley, Asa W. H. Clapp, Oliver B. Dorrance, Alpheus Shaw, John Purinton, George Jewett, together with their associates and successors, be, and they hereby are constituted a body politic and corporate by the name of the Casco and Kennebec Canal Company, with all the powers, privileges and immunities incident to a corporation aggregate:—and said Corporation may have and use a common

Names of persons incorporated.

Corporate name, powers, privileges and immunities.

seal, and may prosecute and defend suits at law by their corporate name :—and said Corporation may take and hold and sell and convey in fee simple or otherwise, any estate, real, personal or mixed, necessary for carrying into effect the objects of this Act:—and may make any by-laws for the convenient management of their affairs not repugnant to the constitution and laws of the State.

SECT. 2. *Be it further enacted,* That said Corporation shall have power to survey, lay out, make and maintain a canal or canals with a suitable number of locks from the head waters of New Meadows river to the Kennebec river, at an inlet called Welch's creek; and also to make a Canal or cut so as to form a connexion between New Meadows river and Casco Bay, by a cut through Harpswell neck, and a dam and tide lock in the narrow strait at the Gurnets, so called :—and for the purposes aforesaid the said Corporation may take and use the lands of individuals or private persons along the course of said canal, not exceeding the breadth of thirty rods; acquiring thereby 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 said Corporation shall have power to make in any part of any such canal or canals, and at the extremities thereof, all such locks, dams, 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 hereby intended.

SECT. 3. *Be it further enacted,* That whenever the Corporation hereby created cannot agree with any other Corporation or individuals over and through whose lands the said Canal or Canals may pass, as to the value thereof, when thus taken for the uses of the Canal, or as to the damage sustained thereby, or by overflowing or otherwise injuring the lands adjoining, the same process and proceedings may be had, and the same remedies used for settling all controversies which may arise in the premises, as are provided in and by the third and fifth sections of the Act to establish the Cumberland and Oxford Canal Corporation,

Corporation may make and maintain canal or canals from, &c.

—may use lands of individuals on paying compensation therefor.

—and erect locks, dams, flood gates, &c.

Proceedings when Corporation and individuals cannot agree as to damages.

passed March 15th 1821 :—and each party shall have the same rights of appeal as are given in and by the sixth section of the same Act.

SECT. 4. *Be it further enacted,* That a toll is hereby granted and shall be established for the benefit of said corporation, according to the rates following, to wit:—Rates of toll.

For all planks, boards, joist or other sawed stuff, timber squared, other than hard wood, board measure, fifty cents per thousand; on the same, if hard wood, fifty cents per thousand; on spars and masts per ton of soft wood, forty cents; on piling per ton, twenty cents; on round timber, soft wood, other than spars, masts and piling per ton, twenty cents; on round timber, hard wood per ton, fifty cents; on ship timber, hard wood per ton, fifty cents; on same soft wood—per ton, thirty cents; on knees of an average size thirteen to a ton—per ton, sixty cents; on oars per thousand feet—one dollar; on treenails per thousand feet, thirty cents; on clapboards per thousand, sixty cents; on laths per thousand, ten cents; on hhd. staves per thousand, seventy cents; on barrel staves hard wood, fifty cents; on bbl. staves soft wood, thirty cents; on shingles per thousand, twelve cents; on hhd. hoops and bbl. hoop poles per thousand, one dollar; on barrel hoops, sixty cents; on hhd. hoop poles per thousand, one dollar; on bricks per thousand, sixty cents; on shooks each, six cents; on sugar boxes each, five cents; on heading, pairs one hundred, eighty cents; on fencing posts one hundred in number, two dollars; on hard wood and bark per cord, fifty cents; on soft wood per cord, twenty cents; on gypsum, sand, grindstones, leached ashes &c. per ton, twenty five cents; on granite wrought or unwrought—per ton, twenty five cents; on iron, nails, spikes, lead and hollow ware per ton, fifty cents; on pot and pearl ashes, salt, salt petre and brimstone per ton, sixty cents; on bales of cotton and cotton factory goods per ton, sixty cents; on hay per ton, sixty cents; on charcoal per hundred bushels, forty cents; on boxes of dry goods per ton of forty feet, sixty cents; on crates of ware each, forty cents; on chests of tea each, eight cents; on ploughs—

each ten cents; on lime the cask, twelve cents; on boxes of glass one hundred feet each, eight cents; on molasses the hhd. forty cents; do. tierce, twenty two cents; do. bbl. ten cents; on spirits and wine tierce each, twenty two cents; beef and pork the bbl. ten cents; on flour and pickled fish do. ten cents; on bread and crackers, ten cents per bbl.; on cider and apples per bbl. six cents; on salt per bushel two cents; on oats do. three cents; on corn and other grain, two cents; on potatoes and other vegetables, three cents; on passengers, twelve and a half cents each.

SECT. 5. *Be it further enacted*, That it shall be the duty of 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 necessary for the public convenience, toll free. And it shall be the duty of said Corporation while constructing said canal over and across any public highway, to erect temporary bridges or otherwise provide for the safe passage of teams, mail stages, carriages and all other vehicles, beasts or passengers having occasion to travel over the same—*Provided*, That no person or persons, other than stockholders under this Act, shall ever be liable to any expense in making, building or repairing any bridge or draw erected by virtue of powers hereby granted, or to any expense for attending said draw or draws.

SECT. 6. *Be it further enacted*, That if any person shall wilfully, maliciously, or contrary to law, take up, remove, undermine, or otherwise injure any part of said canals, or any works connected with, or appertaining to the same, such person for every such offence shall forfeit and pay to said Corporation a sum not less than Fifty nor more than Five Thousand Dollars according to the nature and aggravation of the injury done or committed. And such offender or offenders shall further be liable to indictment for such trespass or trespasses, and on conviction thereof

Corporation to make and keep in repair bridges where it crosses town or county roads, &c.

—and while constructing said canal to erect temporary bridges.

Proviso.

Penalty for wilfully injuring the property of Corporation.

Offenders liable also to indictment.

shall be sentenced to pay a fine to the State of no less than Twenty Five, nor more than One Hundred Dollars.

SECT. 7. *Be it further enacted*, That the shares in the stock and property of the Corporation aforesaid shall be deemed and taken to be personal estate; and may be transferred under such rules and regulations as may be lawfully established by said Corporation.

Shares to be deemed personal property, and transferred as such.

SECT. 8. *Be it further enacted*, That the first meeting of the Corporation hereby created may be called at such time and place, as may be deemed proper, by any three of the persons named in the first section of this Act, giving notice thereof in one or more of the public newspapers printed in Portland and Augusta.

Mode of calling first meeting.

CHAPTER 609.

AN ACT in addition to an Act, entitled an Act to regulate the Survey of Lumber in the County of Penobscot.

Approved March 24, 1835.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the Act entitled An Act to regulate the Survey of Lumber in the County of Penobscot passed March second in the year of our Lord one thousand eight hundred and thirty three, be and the same is hereby so far altered and amended that it shall be lawful for Surveyors chosen by the town of Hampden to survey in the same manner as practiced before the passage of this Act all Lumber which may be transported to that Town by land, all Lumber manufactured within the limits thereof and all Lumber bought or sold by the inhabitants of the said town of Hampden.

Former act amended so far as relates to town of Hampden.