

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTYEIGHTH LEGISLATURE,

At its Session, held in January, 1836.

Published agreeably to the Resolbe of June 28, 1820.

AUGUSTA:

SMITH AND ROBINSON,.....PRINTERS TO THE STATE.

1836.

SECT. 10. *Be it further enacted,* That any two of the persons herein named, are authorized to call the first meeting by posting up advertisements in two or more public places in said Town of Monmouth ten days prior to said meeting. And no policy shall be issued by said Company until application shall be made for insurance on twenty five thousand dollars at least.

Manner of calling first meeting.

Chapter 126.

AN ACT to incorporate the Readfield, Winthrop, and Cobbossee Contee Canal and Rail Road Company.

Approved March 18, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Stephen Sewall, Thomas Newman, Gustavus A. Benson, Elijah Wood, Oaks Howard, Joseph Additon, Peleg Benson Jr., Daniel Carr, Samuel Benjamin, Samuel P. Benson, David Stanley, Cyrus Knapp, Samuel Chandler, John Fairbanks, Nathan Foster, Jonathan Whiting, Moses White, Francis Fuller 2d, Horace Parlin, James B. Fillebrown, Wadsworth Foster, Oliver Foster, Lloyd Thomas, Columbus Fairbanks, Joseph A. Metcalf, John Lovering, Truxton Wood, Francis Perley, Robert H. Gardiner, Parker Sheldon, Richard Clay, Henry B. Hoskins, John S. Mitchell, Ansel Clark, Ebenezer F. Deane, Edward Swan, Enoch Marshall, Ivory Nudd, Michael Woodward, Henry Bowman, William Bradstreet, John Hazeltine, Jonathan G. Huntoon, Edward Fuller, Oliver Bean, William Vance, David F. Sampson, Jere. Page, James R. Bachelder, David H. Foster, Dudley Moody, John Smith, James Fillebrown Jr., Moses Whittier, Thomas Pierce, their associates, successors and assigns be, and hereby are constituted a body politic and corporate, by the name of the Readfield, Winthrop, and Cobbossee Contee Canal and Rail Road Company, with power to make such by laws for the regulation of their affairs, not repugnant to the laws of this State, as

Names of Corporators.

Corporate name.

they from time to time may deem expedient, and to establish and fix such penalties and forfeitures for the breach thereof as shall be just and reasonable, not exceeding ten dollars for any one offence, and to sue for and prosecute the same in an action of debt to the use of said Company before any Justice of the Peace for the County in which the offence shall have been committed; and generally, to have and enjoy all the powers, privileges and immunities, and subject to all the liabilities incident to similar Corporations, and especially, as created by an Act entitled "an Act concerning Corporations," passed the sixteenth day of February in the year of our Lord one thousand eight hundred and thirty six.

Powers and privileges.

SECT. 2. *Be it further enacted*, That the said Company are authorized and empowered to make, construct and maintain a Canal or Rail Road or Canal and Rail Road from Readfield through or near Winthrop Village to the Lakes or Ponds adjacent thereto, and connecting by Canals or Rail Roads the Lakes or Ponds in the route with the Cobbossee Contee River, and also said River with the Kennebec River at Gardiner, and to render said Lakes, Ponds and Streams, or any part or parts thereof navigable for boats and other floating substances, and to erect, construct and maintain such dams, locks, piers, tow paths, reservoirs, aqueducts, feeders, culverts, wasteways, basins, embankments, bridges, channels, and such other works as they shall deem necessary and proper for facilitating the transportation of lumber, merchandize and other commodities to, and from Readfield and Winthrop and the neighboring towns and the Kennebec River.

Powers, &c.

SECT. 3. *Be it further enacted*, That said Company are authorized and empowered to lay out and locate a route for such Canal or Rail Road, with tow paths, sites for basins, wharves, piers, rivers, dams, locks, reservoirs, embankments, lands from whence to take stone and gravel for said works and such other things and works as they may deem, necessary as aforesaid; such Rail Road or tow path not to exceed four rods in width; and for the lands

May lay out and locate a route for canal, &c.

Rail road or tow-paths not to exceed four rods in width.

taken for the uses and purposes aforesaid, said Company shall be liable, and bound to make compensation to the owner or owners thereof in the same manner as is provided in the Act entitled "an Act defining certain rights and duties of Rail Road Corporations," passed the first day of March, in the year of our Lord one thousand eight hundred and thirty six, *Provided*, That the waters of Winthrop North, or Chandler's Mill Pond shall not be taken to the injury of any mills or privileges between said Pond and Winthrop South Pond, except with the free consent of the owners thereof to said Company. Proviso.

SECT. 4. *Be it further enacted*, That said Company are authorized and empowered to establish such rates of toll on and for their Canal or Rail Road or Canal and Rail Road as they may deem just and proper, and to erect such Toll Houses, and appoint such toll gatherers as they may deem necessary; to erect and maintain such warehouses, wharves and lumber yards for the safe keeping of lumber, or other commodities transported, or to be transported thereon, and to have and retain a lien on any boat, carriage or commodity for the tolls due thereon, with power to sell so much thereof as may be necessary to pay such tolls, with incidental expenses, unless the same shall be paid within thirty days from the transportation thereof, or such tolls and incidental expenses may be recovered of the owner thereof, by an action of debt before any Court of competent jurisdiction. And any person, or persons conforming to the regulations of said Company and paying the tolls by them established, shall have full right to pass over and upon, and to use the Canal or Rail Road and other works of said Company. May establish rates of toll.

Powers and privileges.

Persons conforming to the regulations, have right to pass.

SECT. 5. *Be it further enacted*, That if any person shall wilfully or maliciously obstruct the passage of any boat, or other floating substance on said Canal, or any car, or carriage on said Rail Road, or in any way injure or destroy said Canal or Rail Road, or any part thereof, or any thing belonging thereto, or any material or implement to be employed in the construction, or for the use of said Penalty for persons obstructing the passage of boats and cars.

Canal or Rail Road; he, she, or they, or any person, or persons, assisting, aiding, or abetting, such trespass, shall forfeit and pay treble damages for every such offence, to be sued for by such officer or person as said Company shall appoint, to the use of the Corporation, and prosecuted to final judgment before any Court of competent jurisdiction. And such offender or offenders shall be liable to indictment by any Grand Jury of the County within which such offence or offences shall have been committed; and on conviction thereof before any Court competent to try the same, shall pay a fine not exceeding one hundred dollars to the use of the State, or be imprisoned for a term not exceeding one year, either, or both at the discretion of the Court before whom such conviction may be had.

To build bridges
over highways,
&c.

SECT. 6. *Be it further enacted,* That said Company shall build and keep in good repair, safe and convenient bridges over their Canal, whenever the same shall be constructed across any highway or townway so as not to impede the safe and convenient use of such road.

Capital stock not
to exceed \$200,
000.

SECT. 7. *Be it further enacted,* That the Capital Stock of said Company shall consist of such sum as shall be from time to time determined on by said Company, not exceeding two hundred thousand dollars, which shall be divided into shares of fifty dollars each, and may be vested in such real or personal estate as said Company may deem expedient: and the said shares shall be deemed personal property, and be transferable in such manner as the by laws shall direct. And said Company may raise such sums of money as they may judge necessary, by equal assessments on said shares, and may establish such uniform mode for the sale of shares for the nonpayment of assessments as they may judge expedient.

Shares consider-
ed personal es-
tates.

SECT. 8. *Be it further enacted,* That the regular meetings of said Company shall be holden at such times and places, and be notified in such manner as the by laws of said Company may prescribe; at which meetings of said Company such officers and agents shall be appointed and chosen, and who shall have such powers, and perform such

Meetings of the
Company to be
at such times as
by laws prescribe.

duties as such by-laws shall provide. And at all meetings of said Company each stockholder shall be entitled to as many votes as he holds shares, and may by writing under his hand, depute any other person to vote and act for him, as his proxy. And all special meetings of said Company shall be called and notified in such manner, and by such officer as shall be provided for in the by-laws of said Company.

Number of votes
for each member.

SECT. 9. *Be it further enacted*, That the rates of toll, the rules and regulations to be observed by those who shall pass over and upon, or use the said Canal or Rail Road, or other works, and the fines and forfeitures for the breach of such rules and regulations as shall be established by said Company shall be printed in a plain, intelligible and durable manner, and kept constantly posted in the most public and conspicuous place in each of their toll houses, ware houses, and at the most public and conspicuous places on the route of said Canal or Rail Road, so far as may be practicable; and no toll, fine, or forfeiture shall be demanded, nor action thereon, or therefor be sustained, until the provisions of this section shall have been complied with.

Rates of toll, rules
and regulations,
&c. to be printed
and exposed to
view.

Chapter 127.

AN ACT to incorporate the Penobscot Mutual Fire Insurance Company.

Approved March 18, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That John R. Greenough, Benjamin Weed, Samuel Lunt, Benj. Wade, Orin Wardwell, Charles K. Miller, Messenger Fisher, Ford Whitman, John A. French, Asa Sawyer, Jona. Burr, Isaac S. Whitman, Joseph Snow, James Smith, Amos Jones, Samuel True, Stephen Gilman, Warren West, Moses Haskell, George Webb, Otis Small, Jabez True, Noah Fogg, Charles G. Bryant, G. L. Boynton, John Sargent, John Brown, James

Names of Corpo-
rators.