

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.

the First Parish for the present to elect, to add it to the fund of either of the other parishes at any future time, with liberty to remove it to any other parish or parishes—and to authorize and request the said Trustees to pay over said donation agreeably to said election and determination.

And whereas the said Parish at the meeting aforesaid further unanimously voted that the said Trustees be authorized to deliver to the Treasurers of the several Parishes that might thereafter exist in said Town their proportion of the principal of the donation fund aforesaid agreeably to the election and determination of the several donors and their representatives as aforesaid.

And whereas the said Parish at the meeting aforesaid further unanimously voted to bind themselves to indemnify and by their said vote did bind themselves to indemnify the said Trustees against all loss or damage they might sustain by reason of their compliance with or performance of the requirements of the above votes.

Be it therefore enacted by the Senate and House of Representatives in Legislature assembled, That the aforesaid doings of the said Parish, at the meeting aforesaid, be legal and valid, and that the votes, of the said Parish authorizing and requesting the said Trustees to pay over and dispose of the funds of the said Parish, in manner as aforesaid, shall be to the said Trustees a legal justification for so doing.

Chapter 145.

AN ACT to incorporate the Hampden and Carmel Canal and Rail Road Company.

Approved March 22, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Moses Sanborn, Joseph L. Cilley, Jacob H. Sanborn, John Lowe Jun., George Gardiner, James Bell, Wells Healy, S. D. Bell, George W. Chamberlain, Simeon Stetson, Reuben K.

Principal of donation fund to be paid according to determination of donors.

Parish to indemnify Trustees from all loss by reason of compliance with the requirements of the above.

Doings of Parish made valid.

Names of Corporators.

Stetson, John Crosby Jun., Elias Dudley, Josiah Kidder their associates, successors and assigns be and they are hereby constituted a body politic and corporate by the name of the Hampden and Carmel Canal and Rail Road Company, with all the powers and privileges and subject to all the liabilities incident to similar Corporations. And the said Company are authorized and empowered to make, construct and complete a Canal or Rail Road, or a Canal and Rail Road from any points of the Sowadabscook River to the Penobscot River and to render the Sowadabscook River or any part or parts thereof navigable for boats, and to erect, construct and complete such dams, towing paths, reservoirs, aqueducts, feeders, culverts, waste weirs, basins for boats, embankments, piers, locks, wharves, bridges, channels and such other works as they shall deem necessary or expedient for facilitating the transportation of lumber and merchandize to and from the Penobscot River.

SECT. 2. *Be it further enacted,* That said Company be and they hereby are authorized and empowered to lay out and locate a route for, and construct such a Canal, Rail Road or towing path as they shall judge most convenient, not exceeding four rods in width, and such basins, wharves, piers, weirs, dams, ponds, reservoirs, and embankments as they shall judge necessary, and take such lands as may be necessary for the purpose of obtaining stone and gravel for the proper construction of any dams embankments or other works of said Company, agreeable to the Act of this State defining certain rights and duties of Rail Road Corporations, passed the first day of March one thousand eight hundred and thirty six:—and all damages sustained in consequence of locating and constructing said Canal and Rail Road or said Canal or Rail Road shall be determined agreeably to the provisions of this Act. And said Company may take and use such of the waters of the Sowadabscook River and other streams and Rivers convenient for the purpose as may be necessary or advantageous for the purpose of such Canal or works as the

Corporate name.

Powers, &c.

Damages sustained, how determined.

Privileges.

Proviso.

said Company may construct. *Provided*, That the waters of the Sowadabscook or the waters of its tributary streams shall in no case be used or diverted to the injury of the mills or privileges upon the Sowadabscook River.

May make by-laws.

SECT. 3. *Be it further enacted*, That said Company may from time to time make any by laws for the regulation of their affairs and relative to the duties of their officers—and for the preservation, use and management of their Canal, Rail Road tow path or other works and property of every kind, not inconsistent with the laws of this State and may annex and collect in any Court proper to try the same, penalties not exceeding ten dollars for the violation of any provision of such by-laws, *Provided* such by laws, so far as they effect persons not members of said Company shall be approved by the Court of Common Pleas.

Proviso.

Canal, &c. to be used by any person.

SECT. 4. *Be it further enacted*, That the Canal or Rail Road and other works of said Company and the navigation of said Sowadabscook River may be freely used by any person or persons, who shall comply with the regulations of said Company, and shall pay such tolls as may be from time to time established by said Company subject to the control and revision of the Legislature; and the Company aforesaid are authorized to erect toll houses and houses for the deposite of merchandize, appoint toll gatherers, and demand and receive the tolls established as aforesaid. And a lien is hereby created upon all property, and merchandize transported upon said Rail Road or Canal for transporting the same.

Tolls subject to control of Legislature.

Penalty for obstructing or injuring Canal or Rail Road.

SECT. 5. *Be it further enacted*, That if any person shall injure or destroy said Canal, Rail Road, tow path, or any other work erected or made by said Company, or any part of the same, or shall unlawfully or maliciously obstruct the use of the same, or in any manner whatever, such person or persons, on conviction thereof shall forfeit and pay a fine of not less than five nor more than five hundred dollars for the use of said Corporation, and may be imprisoned not exceeding one year, at the discretion of the Court before whom the conviction may be had.

SECT. 6. *Be it further enacted,* That said Company shall build and keep in good repair, suitable bridges over their Canal, wherever the same shall cross any public highway, and if the Rail Road shall cross any public highway, the same shall be so constructed as not to impede the safe and convenient use of said highway, and the said Company may raise or lower such highway, so that said Railway may conveniently pass over or under the same, in which case the said Company shall maintain and keep in repair all such parts of such highways as shall be raised or lowered as aforesaid.

To build Bridges over Canal when the same crosses highways.

SECT. 7. *Be it further enacted,* That the capital stock of said Corporation shall consist of such sum as shall be from time to time determined by the said Company not exceeding two hundred thousand dollars which shall be divided into shares of one hundred dollars each and may be vested in such real and personal estate as to the said Company may seem expedient, and the said shares shall be deemed personal property and shall be transferrable in such manner as the by laws of said Company shall direct. And the said Company shall make equal assessments on said shares as the same may be judged necessary and may make such by laws for the sale of shares for non-payment of assessments as they may think reasonable.

Capital stock not to exceed \$200,000.

SECT. 8. *Be it further enacted,* That meetings of said Company shall be holden at such times and places, and shall be notified in such manner as the by laws of said Company may prescribe, and at any meeting of said Company such officers and agents shall be appointed, who shall have such powers and perform such duties, as are provided by such by laws. 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 as proxy for him at any meeting.

Meetings may be held at such times &c.