

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.

Moses Smith Marshall—That Charles Smith of Fayette in the County of Kennebec, shall be allowed to take the name of Charles Smith Marshall—That Jonathan Farnham Littlefield of Belgrade in the County of Kennebec shall be allowed to take the name of Andrew Jackson—That Seth Grovener of Minot in the County of Cumberland shall be allowed to take the name of Seth Craige Grovener. And said persons shall in future be respectively known and called by the name, which they are respectively allowed to take as aforesaid; and the same shall be considered as their only proper name.

Chapter 172.

AN ACT to incorporate the Kirkland Canal and Rail Road Company.

Approved March 29, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Winborn A. Swett, Charles W. Wilder, Edward Mitchell, Luke Wilder Junr. Elijah Clark, Neal Warren, Rendall Smith, Nathan L. Merrill, Heman S. Jackson, Hall Bagley, John Thissell, Samuel Blake, Matthew H. French, Harvey Hatch, William Tozier, Martin Ulmer, Ijay Gay, William McLaughlin, Chapman Goodwin, Moses Shepard, their associates, successors, and assigns be and they hereby are made a body politic and corporate by the name of the Kirkland 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 Little Pushaw Pond situate in Kirkland or from any point on Pushaw Stream above the falls which are near the centre of said Town to Great Pushaw Pond, or to any point of said Pushaw Stream below the falls aforesaid as shall be deemed most expedient—with the right of clearing said Stream of

Names of Corporators.

Corporate name.

Location, &c.

Powers and privileges.

any obstructions to the navigation of boats and rafts—and they are also authorized to erect, construct and complete such dams, towing paths, reservoirs, aqueducts, feeders, culverts, 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 wood bark, and all other articles.

Powers, &c.

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 or Rail Road as they shall deem most convenient not exceeding four rods in width, and such basins, wharves, piers, dams, ponds, reservoirs, and embankments, as they shall judge necessary and take such lands as may be necessary for the purpose of obtaining stones, and gravel for the proper construction of any dams, embankments or other works of said Company, agreeably to the Act of this State, defining certain rights, and duties of Rail Road Corporations, passed March first, 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 said Act, and said Company may take and use such of the waters of the Pushaw Stream as may be necessary or advantageous for the purpose of said Canal or Rail Road as the said Company may construct.

Government, &c.

Directors to be chosen at first meeting.

SECT. 3. *Be it further enacted*, That the powers of the Company, except at the legal meetings thereof shall be vested in a Board of not less than five Directors, who shall be chosen at the first meeting of the Company and shall afterwards be chosen annually at such time as the by laws of the Company may determine, and shall hold their offices for one year and until others shall be chosen in their stead.

May make by laws.

SECT. 4. *Be it further enacted*, That the Company shall have power to establish any by laws not repugnant to the laws of this State, and the Directors shall annually elect

from their own number a President, Secretary Treasurer and such other officers as the said by laws may prescribe. Officers.

SECT. 5. *Be it further enacted,* That this grant shall be void, unless the construction of said Canal or Rail Road shall be commenced on or before the first day of June one thousand eight hundred and thirty seven, and completed within three years from the passage of this Act. Commencement and completion.

SECT. 6. *Be it further enacted,* That the capital stock of said Company may consist of fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and said shares shall be deemed personal property and transferred in such manner as the by laws of the Company shall direct; and each share shall be entitled to one vote—*Provided,* no member shall be allowed more than thirty votes. Capital Stock—number of shares, &c.

SECT. 7. *Be it further enacted,* That said Company shall have power from time to time to establish, demand and collect, such rates of toll for the transportation of persons, goods, wares, and merchandize, lumber or any article on said Road as they may see fit—*Provided however,* that the Legislature after the completion of said road, may reduce its tolls at pleasure, and a lien is hereby created upon all property or merchandize transported on said Rail Road or Canal for transporting the same. May establish toll
Proviso.

SECT. 8. *Be it further enacted,* That if the said Rail Road or Canal shall pass any public highway, the construction shall be such as not to injure or obstruct, the safe conveyance on said public way. Not to obstruct public ways.

SECT. 9. *Be it further enacted,* That the Company may purchase and hold such land and other property as may be necessary for the construction of said Rail Road or Canal and may make assessments on the shares and collect the same in such manner as may be prescribed in their by laws. May make assessments on shares for purchase of property.

SECT. 10. *Be it further enacted,* That the first meeting of the Company may be called by Winborn A. Swett, Charles W. Wilder, Nathan L. Merrill, and John Thissel, or either of them by publishing the notice of such meeting three weeks successively in some newspaper printed in the County of Penobscot—the last publication to be ten days at least before the time appointed for such meeting. Mode of calling first meeting.