

MAINE STATE LEGISLATURE

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P R I V A T E

AND

S P E C I A L A C T S

OF THE

S T A T E O F M A I N E ,

PASSED BY THE

S E V E N T E E N T H L E G I S L A T U R E ,

J A N U A R Y S E S S I O N , 1 8 3 7 .

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA :
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1 8 3 7 .

Chapter 393.

AN ACT to incorporate the Somerset and Moose Head Lake Canal Company.

Approved March 29, 1837.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Seth Soule, Ambrose Finson, Enoch E. Brown, Thomas Smith, Alfred Redington, Thomas Davee, Thomas W. Smith, Elias Craig, Jr., Daniel Williams, Sewall Prescott, Asa Redington, Jr., John Ware, and Samuel A. Todd, with their associates, successors and assigns, be and they are incorporated into a body corporate and politic, by the name of the Somerset and Moose Head Lake Canal Company, with the power and for the purpose of improving the Sebasticook River from Moose Pond to the mouth of said river in Winslow, and facilitating the transportation thereon of lumber and other articles by means of locks and canals, with the right of extending said improvements from the foot of said Pond to the Moose Head Lake, and with the further right of improving the navigation of the Kennebec River from the mouth of said Sebasticook to the tide waters, by removing rocks, ledges, gravels or other natural impediments, *Provided*, none of said operations below the mouth of said Sebasticook shall impare the rights of any persons or corporations either in their property or in the free navigation of said Kennebec River.

SECT. 2. *Be it further enacted,* That said company is vested with all the powers, privileges and immunities, and made liable and subject to all the restrictions and limitations and obligations, specified in an Act passed in the year one thousand eight hundred and thirty-six, entitled an "Act concerning corporations."

SECT. 3. *Be it further enacted,* That said company shall have power to survey, lay out, make and maintain a Canal from Moose Pond to the mouth of said river in Winslow, along the course of said river, or upon or near its margin, crossing, however, from point to point over

such lands as may be necessary for shortening distances or avoiding shoals, falls or rapids in the river and hills, or other obstructions on the land. And, for that purpose, may take and use any lands along the course of said Canal, not exceeding six rods in breadth. And make and maintain in any part, or along the sides of said Canal and at the extremities thereof, all such tow-paths, locks, flood-gates, excavations, embankments, dams, sluices or other works or erections necessary for effectuating the purposes of this Act; also to erect in or across said river any dams, piers, side dams or other works necessary for flowing and securing water for the use of said Canal; and, for the purpose of supplying said Canal, to take and use water of and from any pond or water-course as shall be found expedient. And all persons, who may sustain injury by the crossing or taking of their lands, or by flowing of water, or in any other way, by reason of the exercise, by the corporation, of any of the powers herein granted, shall be entitled to recover of said Corporation a just compensation therefor, to be ascertained by the mode prescribed in the Acts for establishing highways. And said company are empowered to make any works and do any act or thing upon said Canal and the feeders thereof, and otherwise, which shall be necessary in order to give to this Act its intended effect.

May take any lands.

May erect dams, piers, &c.

Compensation to persons whose lands, &c. may be taken.

Further general powers.

SECT. 4. *Be it further enacted,* That said company may take and hold estates, real and personal, not exceeding at any one time five hundred thousand dollars in value. The capital shall be divided into shares of one hundred dollars each, and stockholders shall be allowed to vote by proxy, authorized in writing. Each share shall be entitled to one vote, but no stockholder shall carry more than twenty votes.

Capital Stock,—
\$500,000.

SECT. 5. *Be it further enacted,* That this Act shall be void, unless the Canal between Moose Pond and the mouth of Sebasticook river shall be completed within six years from the passing of this Act.

Part of said Canal to be completed within 6 years.

SECT. 6. *Be it further enacted,* That said company

May extend Canal, &c. subject to the same liabilities, &c. of the other Canal.

are authorized to extend said Canal from the foot of said Moose Pond to Moose Head Lake, with the same rights and privileges and subject to the same liabilities in relation to the route and the feeders and dams or other works, as are above prescribed concerning the portion of the Canal lying between Moose Pond and the mouth of said Sebasticook river; *Provided*, that the powers granted in this section shall be void unless the portion of the Canal between said Pond and Lake be completed within eight years from the passing of this Act.

Shall keep good bridges at all roads where canal passes.

SECT. 7. *Be it further enacted*, That it shall be the duty of the corporation to make and keep in good repair at all times good bridges over any place that may be canaled, where any county or town road now passes, or that may hereafter be laid out and opened over said stream or Canal by the Selectmen of any town, or by any County Commissioners.

Penalty for injuries, &c.

SECT. 8. *Be it further enacted*, That if any person shall wilfully or maliciously destroy, injure, impair or obstruct any of the rights, privileges or property of the corporation, as herein granted and authorized, such person shall forfeit and pay to the party injured treble damages to be recovered in an action of trespass, and be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding six months by indictment.

Liable to fine or imprisonment.

SECT. 9. *Be it further enacted*, That if any person shall by boat, raft or otherwise wilfully obstruct the passing of any boat or raft upon said Canal, or when passing any lock, he shall pay treble damages therefor to be recovered by action of the case.

Penalty for obstructing the passage of any boat, &c.

SECT. 10. *Be it further enacted*, That a toll is hereby granted to said corporation upon articles transported upon said Canal by any person or persons, whether in their boats or rafts at the following rates: for each and every mile so passed, this is to say; boards, plank and joists, six cents per thousand feet board measure—staves and clapboards, six cents per thousand—shingles two cents per thousand—wood and bark, eight cents per cord—timber and masts,

Rates of toll.

six cents per ton—merchandise or agricultural produce, six cents per ton. For all lumber or other articles, not above enumerated, a toll shall be paid proportionate to the rates aforesaid ; said toll to commence on any part of said Canal, as the same may be completed.

SECT. 11. *Be it further enacted*, That said corporation shall be required to employ and retain in constant readiness suitable persons to tend and take care of the several locks which may be built upon said Canal, whose duty it shall be to assist in passing boats and rafts through the same. And for the purpose of compensating said corporation for the expense of thus tending said locks, there is hereby granted an additional toll of twenty cents upon each boat or raft for each and every lock through which the same may pass.

Shall keep suitable persons to tend all locks, &c.

Additional toll.

SECT. 12. *Be it further enacted*, That for securing the payment of said tolls, the company shall have a lien on all the articles transported, and at the end of thirty days from the time when the said tolls became payable, may collect said toll by a sale of so much of said articles as will pay the same, with the expense of collecting, having first given reasonable notice of the time and place of said sale, or said company may sue for and recover said tolls by action of assumpsit.

Lien created upon all articles transported, for toll.

SECT. 13. *Be it further enacted*, That Amasa Dingley, the owner of the privilege between Seekey's Brook and Winslow Bridge shall have and enjoy the water power created by the erection of a dam on said privilege subject to the necessary use of the water for a lock in said dam, upon assuming equally with said corporation the liability to damage for flowage by said dam, and reimbursing said corporation the necessary expenditure in erecting said dam. And in case said corporation shall not complete said dam within one year from the passage of this Act, the said owners shall thereafter have the right to construct and maintain such lock and dam on said privilege; and in that case, the corporation shall have the right to the lock and water sufficient for its use together with a tow-

Reservation of certain water-power to Amasa Dingley.

In case said corporation shall not complete the dam within one year, the owners have a right to construct, &c.

path, by reimbursing said owners the necessary expenditures in the construction of such lock, and the corporation shall pay equally with the owners of said privilege, for all damages occasioned by flowage of a dam of such height as shall be necessary, for said corporation, but all damage occasioned by a dam above such height, shall be paid by said owners, *provided*, that if the owners of said privilege shall neglect to construct a suitable dam and lock thereon for the space of one year after the expiration of the year aforesaid then the corporation may proceed to erect and maintain a dam and lock as aforesaid, if after reasonable notice to said owners they shall not proceed to construct and complete the same. And if said corporation shall construct said dam it shall be made of such height as said owners shall direct not exceeding eight feet above the summer pitch of water on said river the expense of erecting said dam to be borne and reimbursed by said owners, and it shall be the duty of said Canal Company or the owners of the Dingley mill privilege near the mouth of the Sebasticook whichever of them shall erect a dam on said privilege to construct and maintain from the twentieth of April to the twentieth of July in each year a good and sufficient passage way up through or over said dam and at the most suitable part thereof so as to render the passage of shad and alewives practicable and easy over said dam into the water above.

Suitable fishway
to be made thro'
the dam.

Chapter 394.

AN ACT to incorporate the Kenduskeag Manufacturing Company.

Approved March 29, 1837.

*Be it enacted by the Senate and House of Representatives,
in Legislature assembled,* That Andrew Scott, Nathaniel
Hatch, James S. Hobart, Lendel G. S. Boyd, Robert Boyd

Corporators.