

MAINE STATE LEGISLATURE

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PRIVATE
AND
SPECIAL ACTS
OF THE
STATE OF MAINE,
PASSED BY THE
NINETEENTH LEGISLATURE,

JANUARY SESSION, 1839.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

For purchase of books and maps for newly incorporated towns and plantations, five hundred dollars,	500 00
Gun house in Farmington, one hundred dollars,	100 00

Chapter 563.

AN ACT to incorporate the South Paris Aqueduct Company.

Approved March 23, 1839.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That Eleazer Dunham, Anthony Bennett, David Jordan, Cornelius B. Knight, Benjamin Dale, Charles Dale, James Dearing, Jairus S. Cummings, Benjamin B. Sturtevant, William Gallison, Joseph Cummings Jr., and Elias Stowell, their associates, successors and assigns be and hereby are created a corporation by the name of the South Paris Aqueduct Company, with power to hold real and personal estate not exceeding ten thousand dollars, for the purpose of bringing water into South Paris village, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements incident by law to similar corporations.

SEC. 2. *Be it further enacted,* That the private property of each individual stockholder shall be liable and holden for all the debts of said corporation.

Chapter 564.

AN ACT to incorporate the Georges Canal Company.

Approved March 23, 1839.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That John S. Abbot, William R. Keith, William Singer, Joseph Gill-

chrest, Barnabus Webb, Thomas A. Snow, Nathan A. Reed, Albert Robinson, Augustus C. Robbins, George Abbot, Joseph Berry, John Copeland and Lucius H. Chandler, their associates, successors and assigns, be and they hereby are made a body politic and corporate, by the name of the Georges Canal Company; with all the powers and privileges incident to similar corporations, so far as may be necessary to carry into effect all the purposes of this act; to have a common seal and to change the same; and to make any by-laws for the management of their affairs not repugnant to the laws of this State.

Corporate name.

SEC. 2. *Be it further enacted*, That said corporation shall have power to survey, lay out and make such canals, locks, flood gates, docks, sluices, einbankments, basins, piers, dams, wharves and other works, as may be necessary or convenient for the purpose of rendering the St. Georges river navigable for boats from the tide waters below the village in Warren to Atkinson's Mills in Montville; and they shall have power to take and use such land along the course of said canals as shall be necessary for the purposes aforesaid not exceeding ten rods in width.

Powers and privileges.

SEC. 3. *Be it further enacted*, That if any person shall suffer damage by the exercise of the powers herein granted to said corporation, and the amount or the mode of ascertaining the amount, cannot be agreed upon by the parties, the District Court for the County of Lincoln shall, on petition by the party agrieved, which petition shall be served on said corporation thirty days at least before the sitting of said Court by leaving an attested copy thereof with the President, or Secretary of said corporation, cause said damages to be ascertained by a jury, *provided*, that final judgment shall be rendered in no more than one action for damages sustained by the same petitioner, unless it shall appear that the complaints could not have been all joined in the same petition, and *provided further*, that said corporation shall have the right before the petition is served to tender to the party agrieved a reasonable compensation, or after the petition shall have been entered in Court, to

Persons sustaining damage, how to obtain redress.

Corporation may tender compensation to persons agrieved.

tender a default in writing, in the same manner and with the same effect as is now allowed by law in ordinary actions.

SEC. 4. *Be it further enacted,* That if the estate of said company in its corporate capacity, shall not be sufficient to satisfy such damages as may be recovered in accordance with the provisions of the last section, then the several stockholders, each in proportion to his respective number of shares, shall be personally liable for the deficiency.

Private property liable for damages.

SEC. 5. *Be it further enacted,* That if any person or persons shall wilfully and maliciously take up, remove or injure any part of said canal, dams, locks or sluices, or other works or appendages thereof, such person or persons for every such offence shall forfeit and pay to said corporation treble damages, to be sued for in a special action of the case and recovered in any court of competent jurisdiction; and shall be further liable to indictment for such offence and on conviction thereof before the Supreme Judicial Court or District Court, shall be sentenced to fine or imprisonment at the discretion of the Court.

Penalty for injuring any of the Canal, &c.

SEC. 6. *Be it further enacted,* That a toll shall be and hereby is granted to said corporation according to the rates following, viz—through all of the locks and canals which may be necessarily constructed for the purposes heretofore expressed between the head of the Seven Tree Pond, so called, in Union and the head of the tide in Warren, for all plank, boards, joists or other sawed stuff, and for all boards or logs in rafts or otherwise, for every thousand feet board measure forty cents. For clapboards and staves per thousand forty cents. For shingles per thousand twenty cents. For cord wood and bark per cord thirty cents. For all timber and masts thirty cents per ton: For all other lumber in proportion to the above rates. For all kinds of goods or provisions in boats or on rafts per ton thirty five cents. For lime casks and other barrels two cents each. For lime, four cents per cask. For all other goods, and property thirty five cents per ton.

Rates of toll.

For all passengers in freight boats or passage boats six cents. For all boats or rafts twenty five cents in addition to the above. Which toll shall commence and become payable when the said river and pond shall have been made navigable for boats from the head of said pond to the head of the tide at Warren. And the said corporation shall have a lien upon the same articles, and shall have the power to detain the same for the toll aforesaid, until the same shall be paid; and at the expiration of ten days from the time said toll shall become due, may raise the same by public or private sale of so much of said articles as will pay the amount due for said toll, and the expenses for collecting the same; or the said corporation may sue for and recover the same by an action of debt in any court proper to try the same.

Toll—when to commence.

Proprietors to have a lien upon all articles for toll.

Canal to be made within 2 years.

SEC. 7. *Be it further enacted*, That if said corporation shall not make and complete said canal, and locks and dams, so that the said pond and river shall be navigable for boats from the head of said Seven Tree Pond to the head of the tide in Warren within two years from the passage of this act, then this act shall be void.

Proprietors may navigate said pond with boats and rafts.

SEC. 8. *Be it further enacted*, That said corporation may build, or purchase and hold or sell, such boats and rafts as they may judge best—to be propelled by steam or other power, for the purpose of navigating said pond and river, and of conveying goods, merchandize, and other property and passengers in the same; and for performing such services, they shall have the right to sue for and recover such sums as may have been agreed on by the parties or as may be just and reasonable.

Capital Stock, \$20,000.

SEC. 9. *Be it further enacted*, That for the purpose of completing and rendering navigable the first section of the river heretofore described, and of constructing and purchasing boats as aforesaid, the capital stock of said corporation shall consist of twenty thousand dollars—to be divided into two hundred shares of one hundred dollars each.

SEC. 10. *Be it further enacted*, That the property and affairs of said company shall be managed by a Board of Directors comprising not less than three nor more than five—who shall hold their offices one year and until others are chosen in their room, and be elected on the first Monday in January annually; on such notice of the place and time as the by-laws of the company may require; which election shall be held by ballot. And in all meetings of the Stockholders, one vote shall be allowed to every share, and absent Stockholders may vote by proxy, but no Stockholder shall be entitled to more than ten votes. And the Stockholders may designate, elect and prescribe the duties of any other officers that they may judge useful to the company.

Property, &c. to be managed by a Board of Directors.

Stockholders to have one vote to each share.

SEC. 11. *Be it further enacted*, That every person who shall subscribe for the capital stock in said company, shall be holden by such subscription to pay to the Directors or Treasurer of said company twenty five dollars on every share subscribed for at such time or times as the Directors may order. And thereafterwards further instalments or assessments may be laid and the payment of the same collected by sale of the shares on which such instalment or assessments shall remain unpaid, in accordance with the provisions of the by-laws of the company, and in no other way.

Assessments, &c. may be collected by sale of shares.

SEC. 12. *Be it further enacted*, That after the first section of said river and pond shall have been made navigable as aforesaid, such progress shall be made in rendering said river further navigable as the stockholders, by vote of the holders of four fifths of the stock may at a regular meeting determine. And for the purpose of accomplishing the same may increase the capital stock by creating such number of additional shares, as they may judge best not exceeding one thousand shares; and shall establish further toll proportionable to the foregoing rates. *Provided*, That the corporation shall not have power to proceed beyond the first section already described, and this charter as to all but said first section of said river and pond, shall be

Capital Stock may be increased, with increase of toll.

Proviso.

void, unless the company shall determine to proceed with and complete another section within five years from the passage of this act.

First meeting—
how called.

SEC. 13. *Be it further enacted*, That any three of the persons named in this act may call the first meeting of those incorporated, by causing notice to be given of the time, place and purpose thereof, in any newspaper printed in Thomaston, ten days at least before said meeting. And at said meeting they may proceed to organize said company; may adopt by-laws—and transact any other business which may regularly come before them.

SEC. 14. *Be it further enacted*, That this act, in all legal proceedings shall be taken and deemed to be a public act.

SEC. 15. *Be it further enacted*, That this act may be altered or amended at the pleasure of the Legislature.

Chapter 565.

AN ACT additional to an act to incorporate the city of Bangor.

Approved March 23, 1839.

Salary of Judge,
\$400.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That from and after the first day of April next the salary of the Judge of the Municipal Court for the city of Bangor shall be four hundred dollars, instead of the salary now provided by law, to be paid in the same manner as provided in the act to which this is additional.

Fees.

SEC. 2. *Be it further enacted*, That the fees for a blank writ of attachment and summons thereon, or original summons, returnable to said Municipal Court shall be four cents, instead of the fees now allowed by law—and all other fees, in all cases civil and criminal, shall be the same as are taxable by Justices of the Peace instead of the fees allowed by the act establishing said Court.