

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,
and March 16, 1842.

Augusta:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

1846.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1846.

CHAP. 334. - **SECT. 15.** This act shall take effect from and after its approval by the governor.

[Approved June 30, 1846.]

Chapter 334.

An Act to incorporate the Georges Canal Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Corporators.	SECTION 1. John Miller, Atwood Levensaler, Benjamin Carr, John O'Brien, Rufus C. Counce, Lewis Bachelder, Francis Keating, William Keating, Samuel Atkinson, John C. Knowlton, Gideon Richards, and Daniel McCurdy, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the
Corporate name	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.
Power to construct canals, locks, flood gates and other works.	And the said corporation are hereby authorized and empowered to survey, locate, construct and finally complete, alter and keep in repair, such canals, locks, flood gates, docks, sluices, embankments, basins, piers, dams, wharves and other works, as may be necessary or convenient for the purpose of rendering the Georges river, and the ponds through which it runs, or with which it is connected, navigable for boats from the tide waters below the village in the town of Warren, to Stevens' pond in the town of Liberty, including the waters of Quantebacook pond in the town of Searsmont and the stream connecting the same with Georges river ; and they shall have power to use and employ as much of the water of said river and ponds or of the streams which may be connected therewith, as may be necessary or convenient for the use of said locks and canals, and also to take and use such land along the course of said river, ponds, locks and canals as shall be necessary for the purposes hereinafter expressed, acquiring the same title thereto as is acquired by the public to lands appropriated for public highways, paying a just compensation therefor, and also for all damages caused to any lands by means of flowing occasioned by any of the said canals, locks, dams or other works erected or made by said company, as hereinafter provided.
Location.	
Authorized to take such lands along its course as shall be necessary, by paying a just compensation.	
Liability for damages, caused by flowing lands.	
When the damages cannot be agreed upon, how ascertained and determined.	SECT. 2. When the said corporation cannot agree with any other corporation or individual over or through whose lands any of

the aforesaid works may be constructed or which may be damaged by flowing occasioned by any of said dams, canals, locks or other works, then in that case the district court for the county in which any of such lands lie, upon the application of either party, and on due notice to the adverse party, shall cause the damages to be ascertained by a committee of three disinterested persons to be appointed by said court, whose duty shall be to view the premises, estimate the damages, and make report thereof to said court; and if the same be not objected to, it may be approved, and shall be final as to the matter inquired of by said committee. But if either party is dissatisfied with such report and desires that the damages may be ascertained by the verdict of a jury, said court may on such request submit the question of damages and any other matter of fact which may be raised by the pleadings or brief statements of the parties, to a jury, to be empaneled to try the cause, whose verdict shall be final on all such matters of fact submitted to them; and on such trial the report of the committee shall be *prima facie* evidence of the amount of damages, but may be impeached by other evidence. And the notice to the adverse party herein required shall be by causing him to be served with an attested copy of such application, fourteen days at least prior to the sitting of the court at which such committee is to be moved for; and such application may be filed in vacation in the clerk's office of said court, whose duty shall be to issue an order of notice thereon returnable to the next succeeding term thereof.

SECT. 3. The said corporation may tender, either before or after such application to the court, a reasonable compensation for damages, or tender a default therefor; and if the final determination shall not exceed the amount so tendered or named in such offer, all costs arising, after such tender or offer, shall not bar the party making it from showing that a less amount or no damages at all have arisen or may arise to the party making claim thereto. And the said court shall have power to award execution for the amount of damages when ascertained as aforesaid; and also for costs to the party entitled thereto; *provided also*, that if the party objecting to the report of the committee shall not succeed in obtaining a verdict more favorable to him, he shall pay the costs of such trial to the adverse party.

SECT. 4. If any person or persons shall willfully and maliciously take up, remove or injure any part of said canal, dams, locks, sluices, or other works or appendages thereof, or divert the water from said canal or locks or the streams supplying the same, such person or persons for every such offense shall forfeit and pay to said

Costs, how paid.

Penalty for injuring or removing any part of said canal or works, or for diverting the water from said canal, locks or streams.

CHAP. 334. 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 offense, and on conviction thereof before the district court within the county where such offense may have been committed, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment not exceeding five years.

Toll granted.

Rates.

Articles may be detained until the toll is paid.

Proportional toll may be established on said canal which may be constructed above Seven Tree pond.

SECT. 5. A toll is hereby granted to said corporation according to the rates following, viz: through all the locks and canals which may be necessarily constructed for the purposes heretofore expressed between the head of the Seven Tree pond, in Union, and the head of the tide in Warren, for all plank, boards, joist, or other sawed stuff, in rafts or otherwise, forty cents for every thousand feet, board measure. For clapboards and staves per thousand, forty cents. For shingles per thousand, twenty cents. For hard wood and bark per cord, thirty cents. For spruce, hemlock, and other soft wood, twenty cents per cord. For all timber and masts, thirty cents per ton. For all other lumber, in proportion to the above rates. For all kinds of goods, wares or merchandise in boats or on rafts, fifty cents per ton. For lime casks or other barrels, two cents each. For lime, eight cents per cask. For live stock, to wit: for cattle, twenty cents per head; for sheep, calves or hogs, six cents each. For all passengers in freight boats or passage boats, six cents each. For all boats or rafts, twenty cents in addition to the above. Which toll shall commence and become payable when the said river shall have been made navigable for boats from Seven Tree pond in Union, to the head of the tide in 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 corporation may sue for and recover the same by an action of debt in any court proper to try the same. And said corporation may by their directors, establish and fix the rates of toll for transportation on said canal and through said locks which shall be constructed above said Seven Tree pond and above said town of Union, in accordance with the above rates and not to exceed the same rate for the same number of locks; which when so established shall be recoverable in the same manner as herein provided. And they may also by their directors establish from time to time a less toll than is herein provided, on any article or articles, and apportion the

toll among the several locks or sections of said canal or waters ; **CHAP. 334.**
 and also establish a proportional toll on every article not herein
Toll on articles not enumerated.
 enumerated.

SECT. 6. If said corporation shall not make and complete said
 canal, locks and dams, so that the said waters shall be navigable
 for boats from said Seven Tree pond to the head of the tide in
 Warren, within three years from the passage of this act, then this
 act shall be void.
If not completed within three years, this act to be void.

SECT. 7. Said corporation may build or purchase and hold or
 sell such boats and rafts as they judge best—to be propelled by
 steam or other power, for the purpose of navigating said ponds and
 river, and of conveying goods, merchandise and other property and
 passengers in the same ; and for performing such services, they
 shall have the right to demand and receive such sums as may have
 been agreed on by the parties, or as may be just and reasonable,
 and may establish such wharves, depots, and warehouses as may be
 necessary for the convenient management of their business afore-
 said. But any person may place and use any boat belonging to
 himself, or hired by him, except steamboats, on said canal, subject
 to all the regulations and rates of toll prescribed by the company.
Authorized to purchase and control boats and rafts, for conveying goods and passengers.
—to construct wharves, depots and warehouses.

SECT. 8. The capital stock of said corporation shall consist of
 not less than fifty thousand nor more than one hundred thousand
 dollars, to be divided into shares of fifty dollars each. And the
 immediate government and direction of the affairs of said corpora-
 tion shall be vested in five, seven, nine or eleven directors, who
 shall be chosen by the members of said corporation in the manner
 hereinafter provided, and shall hold their offices until others shall
 have been duly elected and qualified to take their places, a majority
 of whom shall form a quorum for the transaction of business ; and
 they shall elect one of their number to be president of the board,
 who shall also be the president of the corporation ; and said stock-
 holders shall have authority to choose a clerk, who shall be sworn
 to the faithful discharge of his duty, and shall record the proceed-
 ings at all meetings of the directors and of the stockholders ; and
 also a treasurer who shall give bonds to the corporation, with sure-
 ties, to the satisfaction of the directors, for the faithful discharge of
 his trust. Any three of the persons named in the first section of
 this act may call the first meeting of said corporation, by giving
 notice in any newspaper printed in Thomaston, of the time, place,
 and purposes of such meeting, at least ten days before the time
 mentioned in such notice, at which meeting a board of directors
 shall be chosen. The annual meeting of the members of said cor-
 poration shall be holden on the second Monday in January, or such
Stock to be divided into shares of \$50 each.
Directors.
Quorum.
President.
Clerk.
Treasurer.
First meeting, how called.
Annual meeting.

CHAP. 335.

other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint, at which meeting, the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares, *provided, however*, no person shall be entitled to more than twenty votes, and the directors are hereby authorized to call special meetings of the stockholders, whenever they deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

No proprietor entitled to more than twenty votes.

Special meetings.

Subscriptions to capital stock, when to be paid.

SECT. 9. Every person who shall have subscribed for the capital stock in said company shall be holden by such subscription to pay to the directors or treasurer of said company a sum not exceeding fifteen dollars as the first instalment on every share subscribed for, at such time or times as the directors may order, and thereafterwards further instalments or assessments may be laid to an amount not exceeding in the aggregate on each share said sum of fifty dollars.

Subject to laws regulating salmon, shad and alewife fisheries, on Georges river.

SECT. 10. Said corporation shall be subject to the laws now existing, and such as hereafter shall be made, regulating the salmon, shad, and alewife fisheries on Georges river.

SECT. 11. This act shall be in force from and after its approval.

[Approved July 2, 1846.]

Chapter 335.

An Act to incorporate the Hayesville Cotton Manufacturing Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Corporators.

SECTION 1. Dennis Hayes, James Woodbury, Samuel Small, jr., Samuel H. Tewksbury, George Gould, and their associates and successors, are constituted and made a body politic and corporate by the name of the "Hayesville Cotton Manufacturing Company," with power to sue and be sued, to have a common seal, to make such by-laws for the due regulation of said company as may be deemed necessary, *provided* they be not repugnant to the laws of the state; and to have all the powers and privileges and subject to all the duties and liabilities provided in the laws of this state concerning manufacturing corporations; and are authorized to purchase and hold real and personal estate not exceeding in value at any one time, the sum of one hundred thousand dollars; and the same may improve, lease and convey as any other proprietors of

Corporate name.

Powers and liabilities.

Authorized to hold and control real and personal estate.