

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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. 361.

Chapter 361.

An Act to promote the improvement of the navigation of the Penobscot river.

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

Corporators,

Authorized to improve the navigation of Penobscot river.

—to erect dams, locks, &c.

—to construct canals or rail road.

—to take and hold lands.

May take and use the gravel, stone, and earth. Damages for real estate.

—for flowage.

Application for damages to be made within two years.

Certain conditions to be complied with.

Sole right of navigating said river above Oldtown, by steamboats, granted for 30 years.

SECTION 1. William Moor and Daniel Moor, junior, their associates and assigns, are hereby authorized to improve the navigation of the Penobscot river above Oldtown,—and for this purpose are authorized to deepen the channel thereof,—to cut down and remove any gravel or ledge bars, rocks or other obstructions in the bed thereof—to erect in the bed, upon the shore or bank of said river, suitable dams and locks with booms, piers, abutments, breakwaters and other erections to protect the same—to build upon the shore or bank of said river any canal or canals to connect the navigable parts of said river, or (in case it should be deemed the preferable mode of improvement) any rail road for the like purpose.

SECT. 2. They are authorized to take and hold so much land along the bank and shore of said river or in the bed thereof, as may be necessary for the location, construction, and repair of their aforesaid improvements, and to take and use the gravel, stone and earth upon the land so taken,—and the damages for the real estate so taken, when not agreed upon by the parties, shall be ascertained and determined by the county commissioners of Penobscot county, under the same limitations and restrictions as are by law provided in case of damages by laying out highways; and the damage for flowage created by any dam erected for the above specified purpose, shall be ascertained and determined in the same manner as is provided in the one hundred and twenty-sixth chapter of the revised statutes, for flowage created by mill dams:—*provided*, that no claims for damages shall be sustained unless made and prosecuted within two years from the time of the alleged injury.

SECT. 3. The above grant is upon the condition, that the said William Moor and Daniel Moor, junior, their associates and assigns, shall within seven years from the date hereof, improve the navigation of said river from Oldtown to Piscataquis falls, and from Piscataquis falls to the foot of the Five island rips, and shall build and run over said route a steamboat; and shall within said seven years build a canal and lock round said falls, or a rail road to connect the route above with the route below said falls.

SECT. 4. If said William Moor and Daniel Moor, junior, their associates and assigns shall perform the conditions of this grant as contained in the last preceding section, the sole right of navigating said river by boats propelled by steam, from said Oldtown as far up as they shall render the same navigable is hereby granted to them

for the term of twenty years from and after the completion of the improvement, as provided in the third section of this act, *provided, however,* that the said William Moor and Daniel Moor, junior, their associates and assigns, in the exercise of said right of navigation, or in the erection of works they may make to promote the same, shall not obstruct the running of any logs, rafts or lumber down said river, which are usually driven or floated therein. And *provided also,* that all boats not propelled by steam, which may be used for transportation on said river, shall be allowed to pass the locks and other improvements created in pursuance of this act, by paying reasonable rates of toll, which may be fixed by the legislature after said improvements are completed as provided in section third.

Not to obstruct the running of logs or rafts of lumber.

Boats not propelled by steam allowed to pass by payment of toll.

Toll, how fixed.

SECT. 5. The said William Moor and Daniel Moor, junior, their associates and assigns, are hereby created a body corporate, by the name of the Penobscot River Navigation Company, with the powers incident to corporations described and defined in the seventy-sixth chapter of the revised statutes, and at common law, *provided,* that they shall at any time during the continuance of the above grant, elect by the vote of a majority in interest, and proceed to organize under and according to the provisions of said chapter of the revised statutes.

Corporate name.

General powers.

Proviso.

[Approved July 30, 1846.]

Chapter 362.

An Act to repeal an act entitled "an act to incorporate the Montville and Searsmont Canal," approved January twenty-first, eighteen hundred and twenty three.

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

An act entitled "an act to incorporate the Montville and Searsmont Canal," be, and the same is hereby repealed.

Act to incorporate the Montville and Searsmont canal, repealed.

[Approved July 30, 1846.]