

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.

SECT. 5. The municipal court aforesaid may discharge from the house of reformation any child sentenced thereto, as herein provided, whenever the directors shall make application for that purpose.

CHAP. 364.

Any child may be discharged therefrom upon application of the directors to said court.

SECT. 6. This act shall take effect from and after its approval by the governor.

[Approved July 30, 1846.]

Chapter 364.

An Act to incorporate the Saint Croix River Canal Company.

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

SECTION 1. George Downes, Nehemiah Marks, Anson G. Chandler, William Porter, Seth Emerson, George M. Porter, William P. Trott, Noah Smith, jr., Levi L. Lowell, Ferdinand Tinker, Japheth H. McAllister, William Todd, jr., Abner Hill, Daniel Hill, Gilman D. King, Ninian Lindsay, David Upton, William Eaton, William Pike, Frederick A. Pike, John Stickney, Abner Sawyer, Ephraim C. Gates, Elijah D. Green, William H. C. Stearns, Francis Swan, Jeremiah Bradbury, James S. Pike, Edward Clough, Ansel Dailey, Columbus Bacon, Rendol Whidden, their associates, successors and assigns, are hereby declared to be a body politic and corporate, by the name of the Saint Croix River Canal Company, with all the rights, liabilities, powers and privileges incident to corporations by the common law and by the seventy-sixth chapter of the laws of Maine, for the purpose of opening and perfecting a water communication by means of a canal and other improvements, from such points on the head waters or streams of said river, and also of the western branch thereof, as said company may deem advisable; and thence down along said river and the western branch thereof, and their lakes, to the tide way at the lower bridge across the same.

Corporators.

Corporate name.

Powers, privileges and liabilities.

SECT. 2. Said company shall have the right, privilege and power to improve said river, western branch, streams and lakes, within the points named, by flowage and by removing obstructions, by making excavations and embankments thereon; and to make, excavate, build, construct and erect a canal and sections of slack-water therein and upon their borders; and for this purpose may make all necessary excavations, embankments, locks, gates, dams, pathways, booms, piers, inclined planes, wharves, sluices, and all other things which they may deem necessary and expedient for the

Right to improve said river by flowage, &c.

—to construct a canal.

CHAP. 364.

convenient attainment of their object—for drifting or floating thereon, logs, timber or other lumber, and for passing up and down merchandise and other things, with greater facility than can now be done, and for making the same boatable,—and may and shall, for all said purposes, control said river and canal and all their works, in such way and manner as said company shall deem proper; and said company may diverge with said canal, from said river, western branch, lakes and streams, and again connect it with the same at such places as they may deem expedient.

Capital stock.

SECT. 3. The capital stock of said company shall consist of two hundred thousand dollars and be divided into such number of shares of such amount as said company shall direct. Ten per cent. of said capital stock shall be paid in within three years from the passage of this act, and the residue at such times and in such sums as said company shall from time to time direct. In the management of the affairs of said company, every stockholder shall have as many votes as he may possess shares.

Lien created on boats and lumber for toll.

SECT. 4. The company shall, in addition to the provisions herein made for the collection of toll, have a lien therefor, on all boats, lumber, or other things subject to toll, passing through or over said canal or improvements.

Penalty for injuring any of the rights or property of said company.

SECT. 5. If any person shall willfully or maliciously destroy, injure, impair or obstruct any of the rights, privileges or property of said company, such person shall forfeit and pay to said company treble damages, with cost of suit, to be recovered by action of trespass, in any court of competent jurisdiction; and if any person shall by boat, raft, lumber, or otherwise, willfully or unnecessarily delay or obstruct the approaching, entering, passing or re-passing of any lock, wasteway, inclined plane, sluice, or other avenue or passageway, or do any other act or thing whereby the operations of said company, or the transportation, floating or passage of any lumber, merchandise or other thing, in, over or upon said canal or any of their improvements shall be hindered, obstructed or delayed, he shall, for every such offense, forfeit and pay double damages, with costs of suit; to be recovered in an action on the case, in any court of competent jurisdiction.

—how recovered.

First meeting, how called.

SECT. 6. The first meeting of said company shall be called in the mode prescribed in section seventh of chapter seventy-six of the revised statutes of Maine, but the notice therein named shall be signed by seven at least, of the persons herein named.

No right to keep back or divert the water of said river, streams, &c., to the detriment of any mill or machinery erected thereon.

SECT. 7. Said company shall have no right to retain, keep back or divert the water of said river, western branch, streams or lakes, to the detriment of any mills or machinery now erected, or which

may hereafter be erected thereon; and every owner of land used or interfered with by said company or their works, by virtue of this act, may still use the same in the same way and manner he ever could, he leaving the works of said company in as good condition as they were before.

SECT. 8. Every person shall have the right, under the direction and control of said company, or its agents, to use the said works and improvements for the purpose for which they were erected and designed, at all proper and suitable times, according to the regulations of said company, upon paying therefor the usual and legal toll or compensation.

Any person may have the right to use the works of said company, according to their regulations.

SECT. 9. Said company may occupy and use any lands necessary to be occupied and used for the accomplishment of their purpose, but not until they shall have paid to the owner thereof, his damages or a full compensation therefor, to be ascertained by agreement of said owner and company, or by such arbitration as they may agree upon, if they choose so to settle it; and in default of either of these modes, by petition, stating the cause of claim and the amount claimed, to the district court in the county where the land lies; and the amount of damages or compensation, if any, shall be determined by the jury, on the denial of said company of said petitioner's right to recover, or of his right to the amount claimed. Said company shall pay for all earth, sand, gravel, stone or wood they may take in their natural state, from the lands adjoining their work, which they are hereby authorized so to take, so far as may be necessary for their said purposes, they first giving the owner written notice of their intention, not injuring, interfering with or impeding the access to any house, doing as little damage as may be, and repairing all breaches they may make in any enclosure. Said company shall pay for all damages they may occasion to any lands by flowage, or otherwise than is above named, the amount in all cases herein named, to be determined in the manner above in this section named. The claimant shall in all cases where he recovers any damages or compensation, recover also his full cost. The jury shall on petition for damages for flowage, settle the amount to be paid in each future year, as well as what has already arisen, to the rendition of the verdict, which amount for each future year, if not paid on or before the last day of July in each year, may be recovered of said company by an action on the case, before any court of competent jurisdiction. Either party may from time to time, petition said court for an increase or diminution of said yearly sums, so determined by the jury to be paid in future, which shall be heard and tried as above specified, and the cost

Said company may occupy any lands.

Damages, how ascertained.

May take any earth, gravel, &c. from lands adjoining.

Liable for all damages to lands by flowage or otherwise.

Costs.

Damages for flowage for each future year, how settled.

Either party may petition for an increase or diminution of said yearly sums.

CHAP. 364.

Cost thereon to follow the verdict in the case.

thereon shall follow the verdict in the case; said petition in any case herein named, may be served before entry by leaving a copy attested as a true copy by the officer, with the adverse party, as other copies are left with like adverse parties.

Toll granted.

SECT. 10. Said company by its officers, servants or agents, may demand and receive of and from the owner or owners, or any person or persons having the charge or direction of any boat, craft or other vessel, timber, wood, logs, bark, shingles, staves, lathwood, boards, plank, deals, scantling, goods, wares or merchandise, live or dead stock, or other things whatsoever, passing through said canal or part thereof, the rates of toll which shall be established by said company, and the said company may bring suit for the said toll, against the owner, shipper, supercargo, captain, controler or director of such vessel or other said article before any competent tribunal.

Rates.

Property may be detained whenever said toll shall not be paid.

SECT. 11. Any collector of said toll may stop or prevent the passage of any person or property of any kind, for or in respect of which toll ought to be paid, whenever said toll shall not be paid as it should be, and may seize and detain said property; and in case said toll shall not be paid, together with the expense of seizure, detaining and advertising the same, within the space of five days, said collector may and shall sell the same, or so much thereof as may be necessary, tendering the residue and overplus of the proceeds of said sale, if any, after deducting the cost and expense of seizing, detaining, advertising and selling such property, to the owner or owners thereof, which the owner shall receive at the place where said collector has it. *Provided*, that as free and easy a passage, as now exists, shall be preserved for board logs, ranging timber, shingle and clapboard cuts, and all other products of the forest now floated down said river, or that such toll only shall be taken on the above described articles as may be established by the county commissioners of the county of Washington until the legislature shall have established said toll.

If not paid within five days, may sell the same.

Proviso.

Said company to build a bridge or causeway over said canal where it crosses any public way.

SECT. 12. Said company shall so make said canal, as not to obstruct or impede the use and passage of any public way or road which may cross the same; and where said canal shall interfere with or cross any such road, or any which may hereafter be located, it shall be the duty of the company to make a good and sufficient causeway or bridge over said canal, and the same to keep in good repair; and if said company shall neglect to make said bridge as soon as practicable, or when made to keep the same in repair, the person, town or other corporation, on whom would, but for this section, devolve the making or repairing the same, may make and

Penalty for neglect or refusal.

erect said bridge, or make said repairs, and after notice to said company of the expense thereof and demand on said company therefor, and their refusal or neglect to pay double the cost thereof, may sue for and recover of said company, said double cost, in an action of the case in any court of competent jurisdiction.

SECT. 13. The owner of any land through which said canal may pass, or on which any improvements may be made, shall not be prevented from making bridges over the same for their use and convenience, nor shall such person be requested so to erect bridges as to accommodate boats with masts.

SECT. 14. Said company shall complete their works for the floating or driving down said river and western branch and streams and lakes, logs, timber and other lumber, without boats, within four years from the passage of this act, or all authority by this act for that purpose shall cease; and said company shall complete their said work for all other purposes, within eight years from the passing of this act, or all authority by this act, for all the said other purposes, shall cease and become void.

[Approved July 30, 1846.]

CHAP. 365.

How recovered.

Right of owners of land through which said canal may pass, to erect bridges.

To be completed for the driving of lumber, without boats within four years.

—for all other purposes within eight years.

Chapter 365.

An Act authorizing the county commissioners of the county of Waldo to lay out a road over tide waters in the town of Belfast.

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

The county commissioners of the county of Waldo, are authorized and empowered to lay out and establish a road over Fish creek, in the town of Belfast, if public convenience requires it.

[Approved July 30, 1846.]

County commissioners of Waldo authorized to lay out a road over tide waters in Belfast.

Chapter 366.

An Act to set off a part of Madison and annex it to Norridgewock.

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

From and after the passage of this act, all that part of the farm of John Wood, lying in Madison, is hereby set off from that town and annexed to the town of Norridgewock.

[Approved July 30, 1846.]

Land set off,