

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1834.

FOURTEENTH LEGISLATURE.

NO. 23.

SENATE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED
AND THIRTY-FOUR.

AN ACT to incorporate the Orrington Canal and
Railway Company.

SECT. 1. *Be it enacted by the Senate and*
2 House of Representatives in Legislature as-
3 sembled, That Samuel Thatcher junior, Tim-
4 othy George, Nicholas G. Norcross, Joseph
5 Doane with their associates and successors, be
6 and they hereby are created a body politic by
7 the name of the Orrington Canal and Railway
8 Company with power to sue and be sued; to
9 have a common seal; to make by-laws for the
10 proper management of their affairs not repugnant

11 to the laws of the State; to take and hold real
 12 and personal estate to an amount not exceeding
 13 one hundred thousand Dollars; and to exercise
 14 all the powers and privileges incident to similar
 15 Corporations.

SECT. 2. *Be it further enacted,* That the
 2 Proprietors of said Canal and Railway shall
 3 have power to lay out and make a Canal, locks,
 4 and dams, on the route beginning at the foot of
 5 a pond at or near Timothy George's Mills,
 6 thence extending southerly to the Great Brewer
 7 Pond so called, in the town of Orrington in the
 8 County of Penobscot, and thence continuing
 9 said Canal or Railway on such route as may
 10 be deemed most suitable and convenient to the
 11 Penobscot River, said Proprietors to use the
 12 waters of said Ponds for the purpose aforesaid.
 13 *Provided,* That said Corporation shall not take
 14 water from said Ponds for said Canal to the in-
 15 jury of persons owning water privileges connect-
 16 ed therewith.

SECT. 3. *Be it further enacted,* That a
 2 toll shall be established and granted for the ben-
 3 efit of said Corporation, according to the rates
 4 following, to wit, for the passage of pine, hem-

5 lock or spruce lumber from the head of said
6 Canal to the Great Brewer Pond, thirty cents,
7 for each and every thousand feet, board measure;
8 for the passage of ash plank or other hard wood
9 stuff, fifty cents for each and every thousand
10 feet board measure; for each ton of pine, hem-
11 lock or spruce timber, ten cents; for each ton of
12 hard wood timber fourteen cents; for each thous-
13 and of clapboards, twenty cents; for each thous-
14 and of shingles, three cents; for each thousand
15 of red oak hogshead staves, thirty five cents;
16 for each thousand of barrel staves, twenty cents;
17 for each cord of wood or bark, thirty cents;
18 for all board logs, for every thousand feet board
19 measure, twenty five cents; masts and bowsprits,
20 three tons each and over, thirty cents; masts
21 and bowsprits under three tons each, twenty
22 five cents; for the passage of each boat through
23 said Canal, for each ton weight it is capable of
24 carrying, if loaded, forty cents, and if unloaded,
25 for each ton, twenty five cents; and so in pro-
26 portion for all lumber, goods, merchandize and
27 other property transported through said Canal;
28 and ten cents for all boats, lumber or property
29 as before described, for each lock the same may

30 pass, in addition to the toll aforesaid. And
31 the following rates of toll are hereby allowed
32 and established on the Railway or Canal to be
33 constructed from George's Mills to the Penob-
34 scot River as follows : for the passage of pine,
35 hemlock or spruce lumber, fifty cents for each
36 and every thousand feet board measure; for ash
37 plank and other hard wood stuff, seventy five
38 cents for each and every thousand, board meas-
39 ure; for each ton of pine timber, twelve cents;
40 for each ton of hard wood timber, seventeen
41 cents; for each thousand of clapboards, thirty
42 cents; for each thousand of shingles, three
43 cents; for each thousand of red oak hogshead
44 staves, forty cents; for each thousand barrel
45 staves, twenty five cents; for each cord of
46 wood or bark, fifty cents; for all board logs, for
47 every thousand feet board measure, thirty five
48 cents; masts and bowsprits, three tons each and
49 over, fifty cents; masts and bowsprits under
50 three tons each, thirty five cents; and for the
51 passage of each boat through said Canal, for
52 each ton of weight it is capable of carrying, if
53 loaded, sixty cents, if unloaded, for each ton,
54 thirty five cents; and so in proportion for all
55 lumber, goods, merchandize, and other proper-

56 ty transported through said Canal; and for all
 57 boats, or other property passing through each
 58 lock, ten cents, in addition to the tolls aforesaid;
 59 which tolls shall commence and be payable when
 60 any part of said Canal or locks shall be passa-
 61 ble for any of the articles aforesaid. And the
 62 said Proprietors shall have a lien upon the prop-
 63 erty which may pass through said locks and Ca-
 64 nals, for the payment of the toll due and paya-
 65 ble thereon according to the rates of toll above
 66 specified.

SECT. 4. *Be it further enacted,* That if
 2 any person or persons shall wilfully or mis-
 3 chievously destroy or injure said Canal or any
 4 part thereof, or divert or obstruct the waters of
 5 the same, to the damage of the Proprietors
 6 thereof, he or they shall pay treble the amount
 7 of such damage as the said Proprietors may
 8 sustain, by reason of said trespass, to be recov-
 9 ered before any Court competent to try the
 10 same.

SECT. 5. *Be it further enacted,* That the
 2 said Corporation be and hereby are empowered
 3 to erect any mills or machinery on any part of
 4 said Canal below George's Mills aforesaid, and
 5 at or near such dams as they may construct for
 6 the use of said Canals.

SECT. 6. *Be it further enacted,* That if
2 any person or persons shall have sustained inju-
3 ry by the location and construction of said Ca-
4 nals, and in case of any disagreement between
5 such person or persons and said Corporation,
6 the subject of the damages shall be submitted
7 to three disinterested persons; and in case said
8 referees should be unable to agree, the same to
9 be submitted to the Court of County Commis-
10 sioners of the County of Penobscot; the decis-
11 ion of either tribunal to be obligatory and final.

SECT. 7. *Be it further enacted,* That if
2 the said Proprietors shall neglect or refuse, for
3 the space of six years after the passing of this
4 Act, to open and complete said Canal, then this
5 Act shall be void.

SECT. 8. *Be it further enacted,* That any
2 two of the persons named in this Act are au-
3 thorized to call the first meeting of the Corpo-
4 ration, by giving fourteen days notice in some
5 newspaper printed in said County of Penobscot
6 previous to the time of said meeting.

STATE OF MAINE.

IN SENATE, February 11, 1834.

ORDERED, That two hundred and fifty copies be printed for the use of the Legislature.

(Extract from the Journal.)

Attest, WILLIAM TRAFTON, *Secretary*.

I. BERRY & CO., PRINTERS TO THE STATE.