

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FOURTEENTH LEGISLATURE,

At its Session, held in January, 1834.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA :

I. BERRY & CO. PRINTERS TO THE STATE.

1834.

the affirmative, then the several provisions of this Act shall be and remain in full force, but not otherwise.

SECT. 7. *Be it further enacted,* That all penalties and forfeitures incurred under the provisions of this Act shall be recovered by indictment or information in the Court of Common Pleas, or by complaint before any Justice of the Peace within and for the County of Kennebec, to the use of said town, or by action of debt in any Court of competent jurisdiction, one half to the use of said town, and the other half to the use of any person who shall sue therefor.

Penalties, fines and forfeitures how recovered.

CHAPTER 494.

AN ACT to incorporate the Orrington Canal and Railway Company.

Approved March 8, 1834.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Samuel Thatcher junior, Timothy George, Nicholas G. Norcross, Joseph Doane with their associates and successors be and they hereby are created a body politic by the name of the Orrington Canal and Railway Company with power to sue and be sued; to have a common seal; to make by-laws for the proper management of their affairs not repugnant to the laws of the State; to take and hold real and personal estate to the amount not exceeding One Hundred Thousand Dollars, and exercise all the powers and privileges incident to similar Corporations.

Names of persons incorporated.

Corporate name.

Powers, privileges, &c.

Amount of real and personal estate.

SECT. 2. *Be it further enacted,* That the Proprietors of said Canal and Railway, shall have power to lay out and make a Canal, locks and dams on the route beginning at or near the foot of the Great Brewer Pond so called, thence extending Northerly to Timothy George's mills in the town of Orrington in the County of Penobscot, and thence from said George's mills to continue said Canal or

Authorized to lay out and make a canal or railway on described route.

Railway on such route as may be deemed most suitable and convenient to the Penobscot River, said Proprietors to use the water from said Ponds for the purpose aforesaid. *Provided*, That said Corporation shall not take water from said Ponds for said Canal to the injury of persons owning water privileges connected therewith. Proviso.

SECT. 3. *Be it further enacted*, That a toll shall be established and granted for the benefit of said Corporation, according to the rates following, to wit: for the passage of pine or other soft wood lumber from the head of said Canal to Timothy George's mills, fifteen cents for each and every thousand feet, board measure; for the passage of ash plank or other hard wood stuff, twenty five cents, for each and every thousand feet board measure; for each ton of pine or other soft wood timber, six cents; for each ton of hard wood timber, ten cents; for each thousand of clapboards, twelve cents; for each thousand of shingles, two cents; for each thousand red oak hogshead staves, twenty cents; for each thousand barrel staves, fourteen cents; for each cord of wood or bark, thirty cents; for all board logs, for every thousand feet board measure, sixteen cents; masts and bowsprits, three tons each and over, twenty cents; masts and bowsprits under three tons each, fifteen cents; for the passage of each boat through said Canal for each ton weight it is capable of carrying, if loaded, twenty five cents, and if unloaded, for each ton, fifteen cents; and so in proportion for all lumber, goods, merchandize and other property transported through said canal, and ten cents for boats, lumber or property as before described for each lock the same may pass in addition to the toll aforesaid. And the following rates of toll are hereby allowed and established on the Railway or Canal to be constructed from George's mills to the Penobscot river as follows; for the passage of pine, or other soft wood lumber, twenty five cents, for each and every thousand feet board measure; for ash plank and other hard wood stuff, thirty seven cents for each and every thousand feet, board measure; for each ton of pine, or other Rates of toll.

soft wood timber, eight cents ; for each ton of hard wood timber, twelve cents ; for each thousand clapboards, eighteen cents ; for each thousand shingles, three cents ; for each thousand red oak hogshead staves, thirty cents ; for each thousand barrel staves, eighteen cents ; for each cord of wood or bark, fifty cents ; for all board logs, for every thousand feet board measure, twenty five cents ; masts and bowsprits, three tons each and over, thirty cents ; masts and bowsprits under three tons each, twenty cents ; and for the passage of each boat through said Canal for each ton weight it is capable of carrying, if loaded, forty cents, if unloaded, for each ton weight, twenty five cents ; and so in proportion for all lumber, goods, merchandize and other property transported through said Canal or Railway ; and for all boats or other property passing through each lock, ten cents in addition to the tolls aforesaid ; which toll shall commence and be payable when any part of said Canal or locks shall be passable for any of the articles aforesaid. And the said Proprietors shall have a lien upon the property which may pass through said locks and Canal or Railway, for the payment of the toll due and payable thereon according to the rates of toll above specified.

Proprietors to have a lien on property passing.

SECT. 4. *Be it further enacted,* That if any person or persons shall wilfully or mischievously destroy or injure said Canal or any part thereof or divert or obstruct the waters of the same, to the damage of the Proprietors thereof, he or they shall pay treble the amount of such damage as the said proprietors may sustain, by reason of said trespass to be recovered before any Court competent to try the same.

Penalty for wilfully &c. injuring property of corporation, diverting water, &c.

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

May erect mills, machinery, &c.

SECT. 6. *Be it further enacted,* That if any person or persons shall have sustained injury by the location and

Proceedings in cases of dam-

construction of said Canals and in case of any disagreement between such person or persons and said Corporation, the subject of the damages shall be submitted to three disinterested persons, and in case said referees should be unable to agree the same to be submitted to the Court of County Commissioners of the County of Penobscot, the decision of either tribunal to be obligatory and final. And the private property of the individuals concerned in the incorporation shall be holden for damages, to an amount equal to their respective interest therein.

age from location or construction of canal.

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

Limitation of this act.

SECT. 8. *Be it further enacted*, That any two of the persons named in this Act are authorized to call the first meeting of the Corporation, by giving fourteen days notice in some newspaper printed in Bangor in said County of Penobscot previous to the time of said meeting.

First meeting, how called.

CHAPTER 495.

AN ACT to incorporate the Union River Canal and Railway Company.

Approved March 8, 1834.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Joseph Otis, James Whiting, Jesse Dutton Junior, Joseph A. Wood, Francis Warner, William W. Chase, Solomon Jordan, John C. Jordan, Charles Peters, Andrew Peters, Jeremiah Jordan, Jesse Dutton and Alfred Langdon, with their associates and successors, be and they hereby are, created a body politic by the name of the Union River Canal and Railway Company, for the purpose of improving the navigation of Union River, and to open an easy communication from the head of the falls on said river to the tide waters on the

Names of persons incorporated.

Corporate name and purposes of incorporation.