

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1885.

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**Chapter 430.**

An Act to amend an act entitled "An Act to incorporate Pond's Sheer Boom Company."

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

SECT. 1. In addition to the powers contained in section three of said act hereby amended, the said Pond's Sheer Boom Company may lease to the said Sheer Boom Improvement Company mentioned in said third section, and their successors and assigns, all the franchises and powers given by the said act hereby amended, to the said Pond's Sheer Boom Company, and upon such lease being made, the said Sheer Boom Improvement Company, their successors and assigns, shall have all the powers, rights and duties as far as the same may be given by the lease that but for the lease would, under said act hereby amended and this act inure to, belong to or vest in the said Pond's Sheer Boom Company. *Provided, always,* that all the powers, rights and privileges granted by this act shall be in force, with power also in the Pond's Sheer Boom Company to make the lease or leases referred to in this section of this act, and in section three of the amended act, notwithstanding the tolls on the Saint John river and Aroostook river may be increased by the legislature of the Province of New Brunswick to the rates following, namely: For all timber, logs and lumber driven down the Saint John river, and which have passed over, through or by any of the booms of the said The Sheer Boom Improvement Company, on said Saint John river, as follows: five cents per thousand feet, board measure, on all such timber, logs and lumber, as may come into the Saint John river from the Maduxnekeag river, and from any point or place on the Saint John river below the mouth of the Maduxnekeag river and above the Macnaquack stream at the upper limits of the Fredericton Boom Company; eight cents per thousand feet, board measure, on all such timber, logs and lumber as may come into the Saint John river from the Presque Isle stream, and from any point or place on the Saint John river below said Presque Isle stream and above the said Maduxnekeag river; ten cents per thousand feet, board measure, on all such timber, logs and lumber as may come into the Saint John river at Little river, near the

Pond's Sheer Boom Co. may lease property to Sheer Boom Improvement Co.

Successors to have all powers, etc., of corporation.

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Tolls, may be increased, where.

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Grand Falls, and from any point or place on the Saint John river below the said Little river and above the said Presque Isle Stream; thirteen cents per thousand feet, board measure, on all such timber, logs and lumber as may come into the Saint John river from Grand river, and from any point or place on the Saint John river below the said Grand river and above the said Little river; sixteen cents per thousand feet, board measure, on all such timber, logs and lumber as may come into the Saint John river from the Madawaska river, and from any point or place on the Saint John river below the Madawaska river and above the Grand river; eighteen cents per thousand feet, board measure, on all such timber, logs and lumber as may come into the Saint John river from Fish river, and from any point or place on the Saint John river below Fish river and above the Madawaska river, and twenty-one cents per thousand feet, board measure, on all such timber, logs and lumber as may come into the Saint John river at any point or place above Fish river, and seventeen cents per thousand feet, board measure, on all the logs, timber and lumber that may be driven down the Aroostook river and Saint John river to the mouth of the said Macnaquack stream, and which may pass over, by or through any booms of the Sheer Boom Improvement Company on the Aroostook river and Saint John river, and come into the Aroostook river at or below the Presque Isle stream which flows into the Aroostook river, and twenty cents per thousand feet, board measure, on all the logs, timber and lumber driven down the Aroostook river and the Saint John river to the mouth of the said Macnaquack stream, and which may pass over, through or by any of the said hereinbefore last mentioned booms on the Aroostook river and Saint John river, and that come into the Aroostook river above the said Presque Isle stream. And the said third section of said amended act is hereby further amended, so that the lease in said section referred to may be made to the successors and assigns of said Sheer Boom Improvement Company as well as to the said hereinbefore last mentioned company alone.

Tolls, how increased.

SECT. 2. The tolls mentioned in said act hereby amended are and shall be hereby increased in manner following, namely: on all unrafted logs, timber and lumber that may come into the Aroostook river from the Presque Isle stream, and

from any point or place between the Presque Isle stream and the boundary line between the state of Maine and the province of New Brunswick, the said tolls shall be seventeen cents per thousand superficial feet, board measure, from said Presque Isle stream and point or place to the mouth of said Macnaquack stream, and on all logs, timber and lumber that may come into the Aroostook river above the said Presque Isle stream, the said tolls shall be the sum of twenty cents per thousand superficial feet, board measure, from above said Presque Isle stream to the mouth of said Macnaquack stream.

SECT. 3. All tolls granted and made payable by the said act hereby amended, and by this act, shall be a lien upon the logs, timber and lumber that may pass any boom or booms of the said Pond's Sheer Boom Company, or any boom or booms of the said Sheer Boom Improvement Company. *Provided,* always, that before the said Sheer Boom Improvement Company shall have a claim for such tolls, or any of them, or any part thereof, the lease or leases referred to in said act hereby amended and this act, shall be made, executed and delivered, and upon the lease or leases hereby referred to being executed and delivered, such lien may inure to the benefit of the said Sheer Boom Improvement Company, its successors or assigns, to the same extent and in the same manner as under the act hereby amended and this act, said lien could be used and enforced by the said Pond's Sheer Boom Company had no lease been made, and such lien may be enforced if any such lease be made in the province of New Brunswick by the said Sheer Boom Improvement Company, to the same extent and in a similar manner to what the Sheer Boom Improvement Company may enforce any lien given it by the legislature of New Brunswick.

SECT. 4. That notwithstanding certain duties imposed by legislative authority on the said Pond's Sheer Boom Company may not be performed, the said last hereinbefore mentioned companies' powers and rights shall not in consequence thereof in any respect be interfered with, lessened or curtailed. *Provided always, however,* that the said hereinbefore last mentioned company shall, on being required so to do by any person or persons, or body corporate having power in the premises, or by any person or persons interested in the affairs of the said company hereinbefore last mentioned, pro-

Tolls shall be  
lien on logs.

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Lien, how en-  
forced.

Failure to perform  
duties, shall not  
affect rights of  
successors.

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ceed with all reasonable speed, and within six months from being so required so far as the said Pond's Sheer Boom Company may be able to do so, to perform said unperformed duties.

Certain tolls may be collected in New Brunswick.

SECT. 5. That the tolls earned by the said The Sheer Boom Improvement Company on certain logs, timber and lumber that were driven down the Aroostook river during the season of the year of our Lord one thousand eight hundred and eighty-four, from the state of Maine, may be collected in the province of New Brunswick to the same extent in every particular, including a lien thereon, as if the lease referred to in the act hereby amended had been made, executed and delivered.

Tolls may be collected at once, on logs left below Grand Falls, and before reaching Fredericton boom.

SECT. 6. All of such logs, timber and lumber as may float into the Saint John river from the state of Maine, at some point above the Grand Falls and from the Aroostook river, but which, after reaching the Saint John river, and being below the Grand Falls, may not be driven to the said upper limits of the Fredericton Boom Company, but may be left for further driving at some subsequent time, shall be liable at once for all the tolls that would be upon the same if driven all the way to said upper limits, less ten cents per thousand feet thereof, board measure, and if any of the logs, timber and lumber referred to in the said amended act and in this act should be rafted by the owners thereof, or person or persons legally entitled to the possession thereof, at any point or place above the said upper limits of the Fredericton Boom Company, then and in such case all tolls given and granted by the said amended act and this act shall be and become due and payable in the same way and manner, and to the same extent as if driven without being rafted, to said upper limits of said Fredericton Boom Company.

Powers which may be granted to successors by legislature of New Brunswick, to apply to logs that come into St. John river from Maine.

SECT. 7. If the legislature of the province of New Brunswick shall at any time hereafter grant unto the said The Sheer Boom Improvement Company, either by that name or any amended name, log driving powers on the river Saint John, in said province; between the Grand Falls, on said river, and the boundary line on the Aroostook river, between the state of Maine and the province of New Brunswick, and the upper limits of the Fredericton Boom Company at Macnaquack stream, then, and in such case, all such log driving powers

and duties shall appertain to, and apply to all logs, timber and lumber that may come into the said Saint John river from any point or place in the state of Maine, to the same extent and manner in all particulars as if such logs, timber and lumber had come into said Saint John river from any point or place in the province of New Brunswick or the province of Quebec. *Provided, always,* that so far as any logs, timber and lumber that may come into the Saint John river from the state of Maine are concerned, if such log driving powers should be granted as aforesaid, then, and in such case, the Sheer Boom tolls, granted and provided for in this act, below the head of the Grand Falls, and below the boundary line on the Aroostook river, shall, during the continuance of such log driving powers, be, and remain in abeyance. *Provided, however,* also that the log driving tolls shall not exceed the following rates, namely: twenty-five cents per thousand feet, board measure, from said boundary line on the Aroostook river, or from the head of said Grand Falls, and above the mouth of the Tobique river to said upper limits of the said Fredericton Boom Company; twenty cents per thousand feet, board measure, from the mouth of said Tobique river and above the mouth of the Presque Isle stream to said upper limits of the Fredericton Boom Company; eighteen cents per thousand feet, board measure, from said Presque Isle stream and above the mouth of the Maduxnekeag stream to said upper limits of the Fredericton Boom Company, and fifteen cents per thousand feet, board measure, from the mouth of the Maduxnekeag stream to the said upper limits of the Fredericton Boom Company; and *provided, also,* that if such log driving powers should be granted as aforesaid, the Sheer Boom tolls, hereinbefore provided for by this act, above the said boundary line on the Aroostook river, and above the said Grand Falls, shall be reduced in each case by the sum of ten cents. And *provided, also,* that if such log driving powers should be granted as aforesaid, then and in such case all Sheer Boom tolls, that may lawfully be chargeable under this act, or said amended act, or any act passed or to be passed by the legislature of the province of New Brunswick, upon logs, timber and lumber cut and procured in the state of Maine, shall, so far as the tolls may relate to logs, timber and lumber coming down the Saint John river from above and to the

Proviso.

Rate of tolls in certain waters, fixed.

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—when due.

Grand Falls, and from above and to said boundary line on the Aroostook river, become due and payable on such logs, timber and lumber so soon as the same shall reach the Grand Falls, and said boundary line respectively.

Tolls on logs in Aroostook river.

SECT. 8. That if said log driving powers should be granted as aforesaid, then and in such case the Sheer Boom tolls granted on logs, timber and lumber coming down the Aroostook river from the mouth of the Presque Isle stream to the boundary line aforesaid, shall be the sum of seven cents per thousand superficial feet, board measure; and from above the Presque Isle stream on said Aroostook river, ten cents per thousand superficial feet, board measure.

Duty to maintain booms on Aroostook and St. John rivers.

SECT. 9. It shall be the duty of the said Sheer Boom Improvement Company, in the years of our Lord one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, either in its present name, or any amended name that it may hereafter have or get, to put, place, maintain and operate upon the said Aroostook river, two thousand feet of booms, and upon the Saint John river, above the Grand Falls, two thousand feet of booms, in addition to the length of booms now operated by said company on the said Aroostook river and the said Saint John river respectively, and in like manner after the said year of our Lord one thousand eight hundred and eighty-six, to maintain and operate such additional booms.

Duty of Sheer Boom Improvement Co., to maintain booms, etc.

SECT. 10. It shall be the duty of the said Sheer Boom Improvement Company, either in its present name or any amended name it may have or get, to maintain on the Aroostook river, and on the Saint John river above the Grand Falls, respectively, the booms that it has been accustomed to keep and maintain in said rivers, and in the respective places on said rivers where it has so maintained and kept the same hitherto, and in addition thereto it shall also be its duty to put, place, maintain and keep the additional two thousand feet of booms hereinbefore provided for, on each of said rivers at the said last mentioned places as the exigencies of the business may require, and it shall also be the duty of the said company to drive all logs, timber and lumber that may come to any of the places referred to in this section of this act past such places with all reasonable dispatch.

Approved February 23, 1885.