

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. 20.

SENATE.

STATE OF MAINE.

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

AN ACT to authorize the Penobscot Mill Dam
Company to erect Side Booms.

SECT. 1. *Be it enacted by the Senate and*
2 *House of Representatives in Legislature as-*
3 *sembled,* That the Penobscot Mill Dam Com-
4 pany shall have power, within the term of three
5 years from this Act, to erect, maintain, and
6 keep up such Side Booms as they may find nec-
7 essary, on the East side of the Penobscot Riv-
8 er, any where between the head of McMahon's
9 Falls and a Point opposite the Northerly line
10 of John Reed's farm, which he now lives on,

11 for the purpose of stopping and securing masts,
 12 logs, and other lumber, which are or may be
 13 drifted or rafted down said River ; also grant-
 14 ing said Corporation leave to erect such Piers,
 15 as may be necessary, for the safety and conven-
 16 ience of stopping and securing such logs, and
 17 other lumber as may come into said Booms.
 18 And said Booms and Piers shall be so construct-
 19 ed as not to obstruct the free passage of rafts
 20 and boats.

SECT. 2. *Be it further enacted,* That if any
 2 person shall suffer any damage, by means of
 3 erecting or hanging the said Boom or Booms, or
 4 any other works connected therewith, and the
 5 parties can agree upon three disinterested free-
 6 holders for the purpose of estimating said dam-
 7 age, they shall have power to do so, and the
 8 amount ascertained by said freeholders, after
 9 giving due notice and hearing said parties, shall
 10 be binding. But if said parties cannot agree
 11 on such persons, the same shall be determined
 12 by the County Commissioners for said County
 13 of Penobscot, on the application of the party
 14 thus claiming damages, whose opinions shall be
 15 binding—and which may be recovered by the

16 party, against the Corporation, by an action of
17 debt, in any Court proper to try the same.

SECT. 3. *Be it further enacted,* That a toll
2 or boomage be allowed to said Corporation upon
3 lumber thus boomed, rafted, and secured, of the
4 rates following, viz :—For board logs, fifty cents
5 per thousand feet, board measure. And a rea-
6 sonable sum for finding wharfs, and rafting and
7 booming all timber, clapboards bolts, and other
8 lumber in proportion to board logs—but any
9 owner seasonably furnishing his own wharf for
10 that purpose, shall pay toll only, of forty-four
11 cents per thousand feet. The Corporation shall
12 have a lien on all logs thus boomed, for the
13 boomage and other expenses.

SECT. 4. *Be it further enacted,* That if any
2 logs shall be boomed, rafted and secured as afore-
3 said, and no person should appear to claim the
4 same and pay the toll thereof, it shall be lawful
5 for the Corporation, after advertising the same
6 sixty days in the towns of Bangor and Orono,
7 with the marks thereon, if any there be, to dis-
8 pose of the same, to the best advantage if no
9 owner appears to claim the same;—and the
10 owner, at any time within two years from said

11 sale, shall be entitled to receive the avails there-
12 of, after deducting the tolls, expenses, and neces-
13 sary charges. But if not claimed within said
14 two years, the proceeds shall be vested in said
15 Corporation for their own use.

SECT. 5. *Be it further enacted* for the pur-
2 poses aforesaid, that said Corporation is author-
3 ized to purchase, and hold any real estate adja-
4 cent to said Booms, or convenient thereto, with
5 leave to erect such buildings as may be deemed
6 necessary for the convenient management of the
7 affairs of said Corporation, and for the same
8 purpose, their agents are empowered to use and
9 occupy the shores of said river, at the places
10 where said Booms are erected, and at such places
11 as may be necessary for the purpose of rafting
12 and securing Logs and other lumber, and to pass
13 on foot, to and from said Booms, on the land
14 within said limits on the banks of the river, for
15 the purpose of making repairs, from time to time,
16 and generally for doing all matters and things
17 necessary for the full accomplishment of the ob-
18 ject of said Booms ; subject, however, to pay
19 such damages as may arise in the prosecution of

20 said objects or purposes—the damage to be as-
21 certained as in the second section of this Act.

SECT. 6. *Be it further enacted,* That all
2 logs rafted out of said Booms or its branches,
3 shall be measured and their quantity ascertained
4 by a person to be appointed by the Surveyor
5 General of Lumber of the town of Bangor, or
6 some one legally authorized as Surveyor.

STATE OF MAINE.

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

AN ACT in addition to “ An Act to incorporate
the Penobscot Mill Dam Company.”

Be it enacted by the Senate and House of
2 *Representatives in Legislature assembled,*
3 That the Penobscot Mill Dam Company be,
4 and hereby are authorized, at any time within
5 one year from the passing of this Act, to extend
6 the Mill Dam now by them partially erected, so
7 far up the Penobscot River as to include the
8 whole of McMahon's Falls and to a Point op-
9 posite to the Northerly line of Samuel W. Mc-
10 Mahon's lot on the Easterly side of said River :
11 *Provided*, however, that said Corporation shall
12 within one year from the passing of this Act,
13 remove all the rolling dam or other dams which
14 project from the upper wing dam in an easterly
15 direction, being about ninety feet in length, so
16 that the said dam or dams shall cease to obstruct

17 the current of the said River; and that said Cor-
18 poration shall be subject to the same restrictions
19 and liabilities in regard to the navigation of said
20 River as is provided in the Act incorporating
21 the Penobscot Mill Dam Company, Approved
22 the twelfth day of February, in the year of our
23 Lord, one thousand eight hundred and twenty-
24 eight. And provided further, that nothing in
25 this Act shall be so construed as to effect, in any
26 manner, any suit or indictment now pending
27 against said Corporation in the Supreme Judi-
28 cial Court in the County of Penobscot.

STATE OF MAINE.

IN SENATE, February, 1834.

Ordered, that four hundred copies of the foregoing Bill be printed
for the use of the Legislature.

(Extract from the Journal.)

Attest, WILLIAM TRAFTON, *Secretary.*