

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1836.

AUGUSTA:
SMITH & ROBINSON,.....PRINTERS.

1836.

SIXTEENTH LEGISLATURE.

NO. 58.

HOUSE.

STATE OF MAINE.

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

AN ACT to regulate private Booms on Kenne-
bec River.

SECT. 1. *Be it enacted by the Senate and
2 House of Representatives in Legislature as-
3 ssembled, That* whenever any logs, masts, spars,
4 or other lumber shall hereafter be taken up and
5 secured by any individual or individuals, being
6 owner or owners, proprietor or proprietors of
7 any boom or booms on Kennebec River below
8 Augusta Bridge, the person or persons so tak-
9 ing up and securing such logs, masts, spars, or
10 other lumber, shall be entitled to demand and
11 receive of the owner or owners thereof, before

12 the same shall be delivered to such owner or
 13 owners, the following toll or boomage, viz:—
 14 for each log and all sufficient to make a thous-
 15 and feet board measure, forty cents; for each
 16 ton of oak timber, twenty-five cent; for each ton
 17 of pine, fifteen cents; for each bow-sprit, sixty
 18 cents; for each boom, sixty cents; for each ton
 19 of ranging timber, fifteen cents; for each thous-
 20 and of shingles, twelve cents; for each thousand
 21 of clapboards, fifteen cents; for each thousand of
 22 staves, fifteen cents; and for any other kind of
 23 lumber in the same proportion.

SECT. 2. *Be it further enacted*, That said
 2 individual or individuals shall from time to time
 3 and as soon as such logs, masts, spars or other
 4 lumber can be conveniently secured, take care
 5 of and secure all such lumber as may be taken
 6 into any such boom or booms, and deliver the
 7 same to the owner or owners thereof, when
 8 called for; he or they first paying or tendering
 9 payment of all charges for toll or boomage, or
 10 other expenses accruing by virtue of any provis-
 11 ion of this Act.

SECT. 3. *Be it further enacted*, That if
 2 any such logs, masts, spars, or other lumber shall

3 remain and be in any such boom or booms, after
4 the fifteenth day of October, in each year, with-
5 out any person or persons appearing to claim
6 the same and pay said toll or boomage, or other
7 expenses accruing as aforesaid, the person or
8 persons so taking up and securing the same, shall
9 be entitled to demand and receive of the owner
10 or owners thereof, in addition to the compensa-
11 tion heretofore mentioned, one fifth part of said
12 toll or boomage, for each and every month that
13 such logs, masts, spars or other lumber shall re-
14 main in such boom or booms from and after said
15 fifteenth day of October, in each year, until they
16 shall be claimed by the owner or owners there-
17 of, and said toll or boomage and other expenses
18 accruing as aforesaid, shall be paid or tendered,
19 or until they are disposed of as hereinafter pro-
20 vided; and the person or persons so collecting
21 and securing such logs, masts, spars, or other
22 lumber, shall have a lien thereon for all toll or
23 boomage, or other expenses accruing by virtue
24 of any provision of this Act.

SECT. 4. *Be it further enacted,* That the
2 person or persons so taking up and securing any
3 logs, masts, spars, or other lumber as aforesaid,

4 shall as soon as practicable thereafter, raft and
5 secure such logs or timber, and shall raft into
6 separate rafts, unless otherwise directed by the
7 owner or owners thereof, all the logs or timber
8 of each owner or company of owners, who shall
9 seasonably furnish him or them, their respective
10 marks; and the owner or owners of such logs or
11 other lumber shall make to such person or per-
12 sons, so collecting, securing and rafting the same
13 a reasonable compensation for the warp or rope
14 used for rafting the same; or shall furnish and
15 substitute his or their own warp for that of the
16 person or persons so collecting, securing and
17 rafting the same.

SECT. 5. *Be it further enacted,* That when-
2 ever any person or persons so taking up and se-
3 curing any logs, masts, spars or other lumber as
4 aforesaid, and the owner or owners thereof,
5 which may be boomed or rafted as aforesaid,
6 shall be unable to agree as to the amount of any
7 claim for damages or otherwise, each party shall
8 choose a person as arbitrator: and in case said
9 arbitrators cannot agree, said arbitrators shall
10 make choice of a third person, the decision of
11 whom or a major part of whom, shall be final

12 both as respects the costs of said reference and
 13 all other matters and things which may be sub-
 14 mitted to their decision; reserving, however, to
 15 either party a right to appeal from such decision
 16 and a trial at common law, if claimed by either,
 17 as in other cases. *Provided, however, That*
 18 the provisions of this section shall not be so con-
 19 strued as to prevent any such person or persons
 20 so taking up, securing and rafting such logs,
 21 masts, spars, and other lumber, having recourse
 22 to legal process for collecting toll or boomage or
 23 other expenses, accruing by virtue of the provis-
 24 ions of this Act.

SECT. 6. *Be it further enacted, That* if any
 2 such logs, masts, spars or other lumber shall re-
 3 main and be in any such boom or booms, un-
 4 claimed and paid for as aforesaid on the first day
 5 of May in each year as aforesaid, it shall be the
 6 duty of the person or persons so collecting and
 7 securing the same, to advertise for the space of
 8 sixty days, in the towns of Bloomfield, Water-
 9 ville, Augusta, Brunswick, Gardiner and Bath,
 10 or in a newspaper printed in each of the Coun-
 11 ties of Lincoln, Kennebec, Cumberland and
 12 Somerset, all such logs, masts, spars and other

13 lumber as shall remain unclaimed and unpaid for
14 as aforesaid. And if at the expiration of sixty
15 days no person shall appear to claim and pay the
16 toll or boomage and other expenses accruing by
17 virtue of this Act, as aforesaid, then the person
18 or persons so taking up and securing the same as
19 aforesaid, shall proceed to sell the same at pub-
20 lic vendue. And the proceeds of such sale, after
21 deducting the charges legally arising from the
22 provisions of this Act, and the expense of adver-
23 tising and selling, shall be deposited by the Auc-
24 tioneer in the hands of the Treasurer of the
25 Kennebec Log Driving Company, and said sum
26 so deposited, shall remain in the hands of such
27 Treasurer or his successor in office, to be disposed
28 of by said Company agreeably to the Act regulat-
29 ing the same.

SECT. 7. *Be it further enacted,* That all
2 persons claiming to receive toll or boomage by
3 or under the provisions of this Act, shall be
4 bound to keep and maintain good and sufficient
5 booms for the safe keeping of all such logs, mast,
6 spars or other lumber as may from time to time
7 be taken into such booms except in times of ex-
8 traordinary freshets.

SECT. 8. *Be it further enacted,* That the
2 toll or boomage provided for by this Act, shall
3 be charged and estimated from the bills of some
4 surveyor or surveyors, appointed by the Select-
5 men of the town or towns in which the boom
6 or booms containing such logs or other lumber,
7 which surveyor or surveyors shall be duly sworn
8 to the faithful discharge of their duties; unless
9 the person or persons so taking up securing and
10 rafting such logs or other lumber, and the own-
11 er or owners thereof shall otherwise agree, and
12 for their services such surveyors shall be allow-
13 ed and paid the following fees, viz: four cents
14 per thousand feet board measure for viewing
15 and measuring the same and giving a certificate
16 thereof; one half of which shall be paid by the
17 owner or owners of such logs or other lumber,
18 and the other half by the person or persons so
19 collecting, securing and rafting the same.

SECT. 9. *Be it further enacted,* That if
2 any person or persons shall wilfully injure or
3 destroy any boom erected on the Kennebec riv-
4 er for the purpose of booming and securing logs
5 and other lumber, or any works connected there-
6 with, he or they shall forfeit and pay treble the

7 amount of such damage to the owner or owners
8 thereof, to be recovered in any Court of compe-
9 tent jurisdiction; and shall further forfeit and
10 pay a fine of not less than ten nor more than fif-
11 ty dollars, to be recovered by indictment in the
12 Supreme Judicial Court or Court of Common
13 Pleas, to the use of the State.

SECT. 10. *Be it further enacted, That*
2 no owner or owners of any logs, masts, spars,
3 or other lumber shall be holden or obliged to
4 pay any toll or boomage, or any other expense
5 arising under the provisions of this Act to any
6 owner or owners, proprietor or proprietors of
7 any such boom or booms, provided, said owner
8 or owners of such logs, or other lumber shall
9 before such logs or other lumber have come in-
10 to said boom or booms given notice to said own-
11 er or owners, proprietor or proprietors of any
12 such boom or booms, that he or they does not
13 wish to have his or their logs or other lumber
14 taken into and secured in such boom or booms,
15 and said notice shall be in writing and sufficient-
16 ly describe such logs or other lumber by the
17 marks thereon.

SECT. 11. *Be it further enacted*, That the
2 provisions of this Act shall not be so construed
3 as in any way to contravene the operation of
4 any law now in force, to prevent the illegal tak-
5 ing and conversion of any logs, masts, spars or
6 other lumber from the rivers, streams, bays or
7 inlets in this State.

STATE OF MAINE.

**HOUSE OF REPRESENTATIVES, }
MARCH 14, 1836. }**

**Read twice and, Friday next assigned for third reading, and
300 copies ordered to be printed for the use of the members.**

[Extract from the Journal.]

ATTEST: JAMES L. CHILD, Clerk.