

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1838.

EIGHTEENTH LEGISLATURE.

NO. 13.

SENATE.

STATE OF MAINE.

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

AN ACT to regulate Booms on Penobscot River.

SECTION 1. *Be it enacted by the Senate
2 and House of Representatives, in Legislature
3 assembled, That whenever any logs, masts,
4 spars or any other lumber, shall hereafter be
5 taken up and secured by any person or persons
6 on the Penobscot River below Crosby's Nar-
7 rows, in Hampden, the person or persons so
8 taking up and securing such logs and other
9 lumber, shall be entitled to demand and receive
10 of the owner or owners thereof, before the same
11 shall be delivered to such owner or owners, the
12 following toll or boomage, to wit:—for each log
13 and all sufficient to make a thousand feet board*

14 measure, one dollar; for each ton of timber,
15 twenty-five cents; for each thousand of boards
16 and other sawed lumber, (except laths,) fifty
17 cents; for each thousand of shingles, laths, clap-
18 boards and staves, twenty cents:—*Provided*,
19 That no such boom shall be so constructed as in
20 any way to impede the navigation of said river
21 or to infringe upon or impair any right public or
22 private.

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

SECT. 3. *Be it further enacted*, That if
2 any such logs or other lumber shall remain and
3 be in such boom or booms after the fifteenth day
4 of October in each year, without any person or
5 persons appearing to claim the same and pay
6 said toll or boomage, or other expenses accruing

7 as aforesaid, the person or persons so taking up
8 and securing the same, shall be entitled to
9 demand and receive of the owners thereof in
10 addition to the compensation heretofore men-
11 tioned, one fifth part of said toll or boomage for
12 each and every month that such logs or other
13 lumber shall remain in such boom from and after
14 the fifteenth day of October, in each year, until
15 they shall be claimed by the owner or owners
16 thereof, and said toll or boomage and other
17 expenses accruing as aforesaid, shall be paid or
18 tendered, or until they are disposed of as here-
19 after provided; and the person or persons so
20 collecting and securing such logs or other lumber
21 shall have a lien thereon for all toll or boomage
22 or other expenses accruing by virtue of any
23 provision in this Act.

SECT. 4. *Be it further enacted,* That if
2 any such logs or other lumber shall remain
3 unclaimed and paid for as aforesaid, on the
4 first day of April in each year as aforesaid, it
5 shall be the duty of the person or persons so
6 collecting and securing the same, to advertise
7 for the space of sixty days in some public paper
8 printed in Bangor, all such logs and other lum-

9 ber as shall remain unclaimed and unpaid for
10 as aforesaid, and if at the expiration of sixty
11 days no person shall appear to claim and pay
12 the toll or boomage and other expenses accruing
13 by virtue of this Act as aforesaid, then the person
14 or persons so taking up and securing the same
15 as aforesaid, shall proceed to sell the same at
16 public vendue, and the proceeds of such sale
17 after deducting the charge legally arising from
18 the provisions of this Act, and the expense of
19 advertising and selling, shall be deposited by the
20 auctioneer in the treasury of the town in which
21 said boom is situated, from which said lumber
22 was sold, and said sums so deposited shall remain
23 in the hands of such treasurer or his successor in
24 office to be disposed of as is hereafter required.

SECT. 5. *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,
6 masts and other lumber as may from time to
7 time be taken into such booms, except in times
8 of extraordinary freshets.

SECT. 6. *Be it further enacted,* That the

2 toll or boomage provided for in this Act shall
3 be charged and estimated from the bills of some
4 surveyor appointed by the selectmen of the town
5 or towns in which the boom or booms containing
6 such logs, which surveyor or surveyors shall be
7 sworn to the faithful discharge of their duties,
8 and they shall be allowed the following fees,
9 viz :—six cents per thousand feet, board meas-
10 ure, for viewing and measuring the same and
11 giving a certificate thereof, one half of which
12 shall be paid by the owner or owners of such
13 logs or lumber and the other half by the person
14 or persons collecting and securing the same.

SECT. 7. *Be it further enacted*, That in
2 case of sale as aforesaid, it shall be the duty of
3 the auctioneer to make out an inventory of all
4 the marks and quantity of logs or other lumber
5 by him sold, together with the amount of sales
6 and deposit the same with the treasurer of the
7 town where such lumber shall lay, who shall
8 keep an exact record of the same, in a book
9 prepared for that purpose, and all monies so
10 deposited (after deducting all reasonable charges)
11 shall accrue to the use of the town; *provided*,
12 that one year be allowed to any person inter-

13 ested to exhibit and establish his claim to any
14 part or portion of the lumber so sold and not
15 afterwards.

SECT. 8. *Be it further enacted,* That if any
2 person or persons shall wilfully injure or destroy
3 any boom erected, or which may be erected
4 under any law now existing or may hereafter
5 exist for the purpose of securing logs or other
6 lumber, he or they shall forfeit and pay treble
7 the amount of such damage to the owner or
8 owners thereof, to be recovered in any Court of
9 competent jurisdiction, and shall further forfeit
10 and pay a fine of not less than five nor more
11 than fifty dollars to be recovered as aforesaid.

STATE OF MAINE.

IN SENATE, March 8, 1838.

THIS Bill (laid upon the table by Mr. Lake) was read once, and

ORDERED, That 500 copies of the same be printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST: WILLIAM TRAFTON, *Secretary.*