

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1845.

---

*AUGUSTA:*

WM. T. JOHNSON, PRINTER TO THE STATE.

1845.

---

---

# TWENTY-FIFTH LEGISLATURE.

---

No. 18.]

[HOUSE.

---

## STATE OF MAINE.

---

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

---

AN ACT additional to an act incorporating the Bangor  
Boom Company, approved March 22d, 1843.

---

*Be it enacted by the Senate and House of Represent-  
2 atives in Legislature assembled—as follows :*

3 SECTION 1. The corporation created by the act to  
4 which this act is additional, shall have the right to  
5 take and use land on the shores of the Penobscot  
6 river, on each side thereof, for the purposes author-  
7 ized by said act, but not for a greater distance than  
8 one mile above the foot of Treat's falls, near Bangor.  
9 And may also take and use all necessary rights of way  
10 over other lands contiguous to said shores, for the  
11 purposes of access thereto.

SEC. 2. Any person whose land or rights therein  
2 shall be so taken by said corporation may make his  
3 complaint for damages therefor to the district court  
4 for the eastern district, at any term thereof, holden

5 within and for the county of Penobscot, and a com-  
6 mittee of three disinterested persons shall thereupon be  
7 appointed by said court, after due notice to the cor-  
8 poration, to ascertain the damages suffered by the  
9 complainant, and to estimate such other compensation  
10 as is herein provided. Such committee shall be re-  
11 quired to be duly sworn, and to give notice of their  
12 proceedings as provided in the case of commissioners  
13 appointed by the supreme court to make partition of  
14 lands. They shall ascertain all the damage suffered  
15 by the complainant from the time his land was so  
16 taken to the time of making their report, and shall  
17 also estimate the annual value to such complainant of  
18 his land aforesaid, for and during such time after the  
19 date of said report as the same may be taken and  
20 used by the corporation. And said committee shall  
21 make return of their report of such damages and an-  
22 nual value to the district court aforesaid.

SEC. 3. If either party shall be dissatisfied with the  
2 report of the committee, and shall demand a trial by  
3 jury, the court shall allow and direct such trial, upon  
4 a proper issue, as in cases at common law. If the  
5 amount reported by the committee shall be increased  
6 by the verdict of the jury, the complainant shall re-  
7 cover costs of such trial, and if the amount be  
8 diminished, the corporation shall recover such costs,  
9 but costs on the complaint and report shall in all cases  
10 be paid by the corporation.

SEC. 4. If a trial by jury is not demanded, the court

2 shall render judgment on the report of the committee,  
3 or, in case of trial by jury, shall render judgment on  
4 the verdict, and no appeal shall be allowed from such  
5 judgment, and execution shall issue thereon for the  
6 amount of damages so ascertained, and for all taxable  
7 costs. If such execution shall not be satisfied within  
8 sixty days from the rendition of judgment, or if the  
9 corporation shall not, on or before the first day of  
10 August, in each year, pay to the complainant the sum  
11 ascertained by such judgment, as the annual value of  
12 his land aforesaid; then, in either case, the corpo-  
13 ration shall have no benefit of any of the powers or  
14 privileges granted by this act, but the same shall be  
15 wholly vacated and annulled.

SEC 5. Any two or more persons entitled to the  
2 remedies and compensation provided by this act, may  
3 unite in making complaint, as herein provided, and  
4 upon such joint complaint, the proceedings shall have  
5 the same course as upon the complaint of one; but  
6 in such case, joint costs and not several shall be re-  
7 coverable by or against such joint complainants, and  
8 if only one or a part of such joint complainants shall  
9 demand a trial by jury, judgment upon the report of  
10 the committee shall be rendered, as to the rest. And  
11 in all cases of joint complaint, as herein provided, the  
12 court may, in its discretion issue separate executions  
13 thereon.

SEC. 6. The fifth section of the act, to which this  
2 act is additional, and all acts and parts of acts incon-

3 sistent with the provisions of this act, are hereby re-  
4 pealed ; and this act shall take effect from and after  
5 its approval by the governor.

---

STATE OF MAINE.

---

HOUSE OF REPRESENTATIVES, }  
February 21, 1845. }

Laid on the table, and 350 copies ordered to be printed for the  
use of the Legislature.

SAMUEL BELCHER, *Clerk.*