

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1848.

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Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

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1849.

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# TWENTY-EIGHTH LEGISLATURE.

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No. 14.

HOUSE.

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## STATE OF MAINE.

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

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AN ACT additional to an act to incorporate the Vassal-  
borough Boom Company.

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*Be it enacted by the Senate and House of Representa-  
tives in Legislature assembled, as follows:—*

SECTION 1. The limits of the boom are enlarged ;  
2 not however to extend above Hoyt's brook nor below  
3 the Seven Mile brook. No part of the boom, except  
4 the upper portion of it, shall extend westwardly be-  
5 yond the center of the river. The point of its north-  
6 ern extremity shall not be within one hundred feet  
7 from the western shore. And from said northern  
8 extremity the boom shall pass diagonally down the

9 stream to said center, at a slope no greater than shall  
10 be reasonably necessary to sheer the logs to the east  
11 half of the river. The boom, with its piers and con-  
12 nected works, shall be constructed in a strong and  
13 faithful manner and kept in constant repair, but not  
14 so located as to prevent the ready passage of boats  
15 across the river at Lovejoy's ferry.

SEC. 2. If any person shall willfully or maliciously  
2 injure or destroy the boom of said company or any  
3 necessary works connected therewith, or prevent any  
4 log from going into the boom, he shall forfeit and pay  
5 to the company treble the amount of the damage, to  
6 be recovered by action of trespass ; and also be liable  
7 to indictment for a misdemeanor.

SEC. 3. For exercising the powers granted to said  
2 company they are authorized to purchase, hold and  
3 possess any real estate adjacent to said boom, and  
4 may use the lands on the shores of the river at  
5 the places where said boom or booms may be erected  
6 and such other places as may be necessary for rafting,  
7 booming and securing the lumber, and to effectuate  
8 the objects of said corporation ; also to pass and  
9 repass on foot to and from the boom for the purpose

10 of making repairs and doing all things necessary for  
 11 accomplishing the said objects, subject however to  
 12 pay a reasonable rent and also all damage which may  
 13 arise in said business. And if the proprietors shall  
 14 not agree with the company upon the amount thereof  
 15 the same shall be ascertained and recovered as pre-  
 16 scribed in relation to the flowage of land by mill  
 17 dams, with all the rights, incidents and liabilities  
 18 pertaining to that mode of proceeding.

SEC. 4. The company may take up and raft all  
 2 such lumber as may be floating, unrafted, down the  
 3 river, and receive toll therefor, unless the owner  
 4 thereof shall have given notice in writing to some  
 5 officer or agent of the company, that he does not wish  
 6 his lumber detained there, describing the same by the  
 7 marks thereof. And it shall be the duty of the com-  
 8 pany to turn out all such lumber from said boom each  
 9 day and in the day time and as early as practicable,  
 10 and also all rafts which may by accident be drawn into  
 11 said boom. And if the company neglect said duty  
 12 they shall be bound to pay all the damage sustained  
 13 thereby.

SEC. 5. After the logs of any person shall have

2 been rafted, the company shall use all reasonable dil-  
3 igence and care to keep them safely and in readiness  
4 for the owner for thirty days after notice to the owner  
5 of such readiness. The notice may be given by  
6 advertising such readiness, with the marks of the logs  
7 in some newspaper printed in each of the counties of  
8 Somerset, Kennebec and Lincoln. At the end of  
9 said thirty days the liability of the company for the  
10 safety of said logs shall cease. But the right to the  
11 boomage and the lien therefor shall continue. The  
12 company shall cause all the lumber, which they shall  
13 have detained and secured, to be scaled by some of  
14 the surveyors provided for in the original charter,  
15 and shall keep an accurate account of the number and  
16 marks of the same, and shall exhibit said account  
17 whenever requested by any person interested in said  
18 lumber.

SEC. 6. If the owner of any lumber detained at the  
2 boom shall prefer to have the same delivered in tide  
3 waters below the dam and shall give to the company  
4 reasonable notice thereof, the company shall be bound,  
5 (whether by rafting the same through the lock or  
6 running it over the dam and catching it below,) to

7 deliver the same well rafted and secured in such tide  
8 waters, upon shores belonging to the company, in a  
9 place and condition convenient to the owners, the  
10 company being permitted to use the same rigging  
11 therefor. And for so bringing, rafting and securing  
12 the same in tide waters, an additional toll shall be  
13 allowed to the company of sixteen cents per thousand  
14 for logs, and on other lumber in proportion. *Pro-*  
15 *vided however,* that the company shall not be bound  
16 for the safe keeping of the logs for more than four  
17 days after they shall have been thus rafted, and ready  
18 for delivery in tide waters.

SEC. 7. Whenever there shall be a pressure for the  
2 use of the lock, all boats and all rafts of manufac-  
3 tured lumber, and all rafts of logs or other lumber,  
4 brought down in a rafted state from above Vassalbo-  
5 rough, shall have priority of right to pass the the lock,  
6 in preference to any lumber taken and brought down  
7 from the boom by the company. And the dam com-  
8 pany, by their agents, shall be bound to carry out  
9 that priority of right to its fullest extent.

SEC. 8. The governor and council are hereby au-  
2 thorized to appoint, immediately after the passage of

3 this act, two commissioners whose duty it shall be to  
4 examine the localities and decide what shall be the  
5 materials, size, number, location of, and mode of con-  
6 structure of the several piers and buoys, the size and  
7 character of the boom sticks and the modes of fast-  
8 ening—and generally concerning all the other works  
9 connected with said boom. To which decision the  
10 corporation shall, in all respects, conform in the build-  
11 ing of said boom and works.

SEC. 9. Annually in January the governor and  
2 council shall appoint two commissioners whose duty  
3 it shall be to view the booms, piers and works of said  
4 corporation and the situation of all the lumber therein,  
5 and to determine and prescribe what shall be done by  
6 said corporation, for the security of said property and  
7 for the prompt rafting and delivering of said lumber,  
8 and for preventing any loss, damage or delay which  
9 might arise, and for the proper guarding of the pass-  
10 age-ways and open spaces in said booms, so that no  
11 lumber rightfully detained in said boom shall be per-  
12 mitted to escape, and also for preserving the suitable  
13 navigation of the river.

SEC. 10. The said corporation shall forthwith do



2 and perform whatever said committee or a major part  
3 of them shall or may determine and prescribe for the  
4 purposes aforesaid: and in case of any unreasonable  
5 neglect or delay on the part of such corporation to  
6 do or perform such matters and things as said com-  
7 mittee may determine and prescribe in the premises,  
8 then and in such case the said committee shall be  
9 authorized and required to do or cause the same to  
10 be done in such way or manner as they may think  
11 proper, and the said committee shall, for this purpose,  
12 have power to take possession of the property of said  
13 corporation; and all the expenses of said committee  
14 and of their doings in the premises shall be paid by  
15 said corporation on demand. And the said committee  
16 shall have and retain a lien on all the tolls of said  
17 corporation until they shall be fully reimbursed for  
18 their expenditures and paid for all their services; and  
19 the private property of the individual stockholders of  
20 said corporation shall be liable for any loss, damage  
21 or expense which may arise from any unreasonable  
22 neglect or delay on the part of said corporation in  
23 complying with and performing the directions of said  
24 committee in the premises: *provided however*, that

25 neither the corporation nor the individual property of  
26 said stockholders shall be liable for any damage arising  
27 from the misdoings, misjudgment or fault of said  
28 committee.

SEC. 11. It shall be the duty of said committee,  
2 from time to time, to visit and thoroughly examine  
3 said booms, piers, fastenings, and other works of said  
4 corporation and the property within the limits afore-  
5 said, particularly on or about the twentieth day of  
6 March annually and in the season for running logs,  
7 and whenever they be requested by five or more  
8 persons interested in lumber on said river, and to  
9 determine and prescribe what shall be done for the  
10 purposes aforesaid. And the said committee shall  
11 keep a record of their doings and from time to time  
12 enter therein their determination and directions  
13 touching the premises; and also their judgment res-  
14 pecting the safety of said works; and file a copy thereof  
15 with the clerk of said corporation.

SEC. 12. Said committee shall appoint an agent,  
2 who shall be paid by said corporation, to remain at  
3 said boom during the season for running lumber,  
4 whose duty it shall be to superintend and assist in the

5 delivery of logs from said boom, and to cause the  
6 same to be properly secured in the eddies below, and  
7 to keep a record of the number and marks of said  
8 logs and of the delivery thereof to the respective  
9 owners or their agents; and after such logs shall have  
10 been thus run down and secured in said eddies, in a  
11 manner which he may consider safe, the said corpo-  
12 ration shall not be liable for any future loss or damage :  
13 *provided*, said corporation shall take such care thereof  
14 as a prudent person would take of his property in a  
15 like situation.

SEC. 13. The said corporation shall not be required  
2 to keep any logs more than thirty days after the same  
3 shall have been rafted and secured; and unless the  
4 owner or his agent shall remove them within that  
5 period the said corporation shall have the right to  
6 remove them at the expense of the owners; and if  
7 said agent shall direct any logs to be removed within  
8 said period the expense of such removal shall be  
9 charged to said owners.

SEC. 14. The said corporation shall have a general  
2 lien on all logs of the same mark, in the boom, until  
3 all the tolls and expenses on those rafted out and

4 delivered shall have been paid, and said lien shall con-  
5 tinue upon all logs hereafter taken away after the  
6 same shall have been taken away and delivered ;  
7 *provided*, there are not sufficient logs of that mark  
8 remaining in the boom to pay the boomage of such  
9 mark.

SEC. 15. The fourth section of the act to which  
2 this is additional and all other parts of said act, which  
3 are inconsistent with the provisions of this act are  
4 hereby repealed.



# STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, June 30, 1848.

ORDERED, That 600 copies of the foregoing Bill, (reported from the committee on interior waters) be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*

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