

MAINE STATE LEGISLATURE

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Wm. F. Hill
DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1856.

PART SECOND.

Augusta:

FULLER & FULLER, PRINTERS TO THE STATE.

1856.

THIRTY-FIFTH LEGISLATURE.

SENATE.

No. 7.

STATE OF MAINE.

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

AN ACT to incorporate the Mattawamkeag Boom
Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION. 1. Richard Libby, Thomas S. Ranney,
2 Joseph Snow, jr., and Joseph Libby, their associates
3 and successors, are hereby constituted a body politic
4 and corporate by the name of the Mattawamkeag
5 Boom Company, for the purpose of erecting and
6 maintaining a boom on the Mattawamkeag river, at a
7 place called Log Eddy, for the purpose of catching,
8 securing and rafting logs and other lumber belonging
9 to persons who may require the same to be there

10 caught, secured and rafted, which request shall be
11 in writing, specifying the marks and the description
12 of lumber to be stopped and rafted, signed by the
13 party requesting, and recorded by the clerk of the
14 corporation in a book kept for that purpose, open to
15 the inspection of all persons interested in lumbering
16 on said river. And said company may purchase and
17 hold any estate, real or personal, necessary for that
18 purpose, and have and enjoy all the rights and privi-
19 leges and be subject to all the duties and requirements
20 incident to similar corporations under the laws of the
21 State ; and for that purpose may take such lands as
22 shall be found necessary, paying to the owner a rea-
23 sonable compensation therefor, and may pass over
24 and across lands of other persons for the purposes
25 connected with said boom, paying therefor a like
26 compensation.

SECT. 2. The said corporation shall have the right
2 and it shall be their duty to catch and secure in their
3 said boom, all logs and lumber which the owners or
4 persons interested therein, having the right so to do,
5 shall as aforesaid request them to have there secured
6 and rafted, and shall faithfully, and so far as consist-
7 ent with the rights of other persons and corpora-

8 tions in the use of the river, seasonably raft with
9 suitable poles, tack-downs, and other proper apparatus
10 and rigging, all logs and lumber so caught and se-
11 cured, in a manner suitable to be run to Oldtown
12 falls, and at proper states of the water over the falls
13 to places below.

SECT. 3. Said corporation shall not be authorized
2 to stop or detain any logs or other lumber excepting
3 such as they shall be requested to stop as aforesaid,
4 nor to place or maintain any pier or other obstruction
5 in the river so constructed as to cause a jam or any
6 unnecessary delay or obstruction to the logs and lum-
7 ber having occasion to pass the same. And for all
8 damages that shall arise by reason of any violation of
9 these prohibitions, the said corporation and the stock-
10 holders thereof shall be liable to the person or parties
11 suffering the same.

SECT. 4. For all logs and lumber, by them so se-
2 cured and rafted, they shall be entitled to demand and
3 receive a toll or boomage at the following rates, to
4 wit: for logs, sixty-two and a half cents per thousand
5 feet, board measure; for clapboard cuts, seventy-five
6 cents per thousand feet, board measure; for juniper
7 timber and for ton timber, fifty cents per ton; for

8 ranging timber, fifty cents per hundred feet, long
9 measure ; for masts and spars, seventy-five cents per
10 thousand feet, board measure ; and for juniper knees,
11 twelve and a half cents each.

SECT. 5. To secure the payment of the toll or
2 boomage, a lien is given upon the logs and lumber,
3 which may be enforced by a sale of so much thereof
4 as shall be necessary for that purpose, including reas-
5 onable costs and expenses ; thirty days notice of the
6 time and place of sale shall be given by publication
7 in two or more public papers printed in Bangor, by
8 inserting three weeks successively before the day of
9 sale an advertisement in which the quantity and
10 marks of the lumber, the amount claimed, the names
11 of the owners or persons interested therein, and the
12 time and place of the sale shall be set forth.

SECT. 6. If the corporation shall not be able to
2 agree with any owner of land necessary to be taken
3 and used for the purposes of the said boom upon the
4 damages to be paid therefor, the amount so to be
5 paid shall be determined by the county commission-
6 ers in the same manner as in case of damages for
7 land taken in laying out highways.

SECT. 7. Any person who shall willfully or mali-

2 ciously injure the boom or its appendages, or any part
3 thereof, or willfully or maliciously interfere with or
4 interrupt the use thereof, shall be liable to pay treble
5 damages therefor in an action of trespass in any court
6 proper to try the same ; *provided*, that this section
7 shall not apply to any person or corporation, or the
8 servants thereof, having occasion to drive logs past
9 said boom, which logs or other lumber may be de-
10 tained or obstructed by said boom or piers or the
11 logs therein, and who shall in good faith, in order
12 to procure or facilitate the passage of said logs or
13 other lumber, cut or remove said boom or piers,
14 such person having given reasonable notice of their
15 desire to use the river for the purpose of driving
16 their logs.* And said corporation shall keep a record
17 of all the logs stopped and rafted by them, with the
18 marks and amount thereof, together with the names
19 of the owners, a copy of which shall be transmitted
20 to the office of the surveyor general of lumber at
21 Bangor, in the month of January annually, for the in-
22 spection of persons interested in lumbering on said
23 river.

SECT. 8. This act shall take effect from the time it
2 is approved.



IN SENATE, February 9, 1856.

ORDERED, That 350 copies of "An Act to incorporate the Mattawamkeag Boom Company," reported by the Joint Standing Committee on Interior Waters, be printed for the use of the Legislature.

WM. G. CLARK, *Secretary*.