

MAINE STATE LEGISLATURE

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FORTY-EIGHTH LEGISLATURE.

SENATE.

No. 8.

STATE OF MAINE.

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

AN ACT for the extension of the Bangor Boom Company.

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

SECTION 1. The act of incorporation granted Thomas
2 M. Moody, his associates and successors, to erect and
3 maintain side booms, with sufficient piers, in the Pe-
4 nobscot river, near Treat's falls, approved March
5 twenty-second, in the year of our Lord one thousand
6 eight hundred and forty-three, entitled "An act to
7 incorporate the Bangor Boom Company," shall con-
8 tinue and remain in force until the twenty-first day of
9 March, in the year of our Lord one thousand eight
10 hundred and ninety, with all the powers and privileges
11 granted to said company, and under all the duties and
12 responsibilities imposed upon them by said act of in-
13 corporation; but the erections of said company shall
14 not occupy more than one-third of said river, leaving

15 open and vacant the center of it, so as not to impede
16 or injure the reasonable navigation thereof. And all
17 the powers, rights and privileges hereby granted are
18 subject and subordinate to the rights, powers and
19 privileges of any company incorporated in this state
20 to build a dam or dams across said Penobscot river at
21 or near said Treat's falls.

SECT. 2. It shall be the duty of said company to
2 provide with ordinary care and diligence a sufficient
3 boom or booms, to secure all logs and lumber passing
4 into the same, and promptly raft the same out, and to
5 provide all suitable warp, rigging, wedges and other
6 material for the rafting of the logs and lumber, and
7 as a compensation for such service, the said corpora-
8 tion, instead of the toll now provided, shall be entitled
9 to demand and receive for such booming and rafting
10 seventy cents for each thousand feet, board measure,
11 full scale, and a lien is hereby created upon all logs
12 and lumber to secure the payment of said seventy
13 cents toll for such boomage and rafting, but the logs
14 of any particular mark shall only be liable and holden
15 to pay the toll for the boomage and rafting of such
16 mark; and if no owner or owners of the logs and
17 lumber pays such toll within ten days after his or their
18 logs are rafted out of said boom, the said corporation
19 may sell at public auction in Bangor so many thou-

20 sand feet, board measure, full scale, to be ascertained
21 by some competent scale of said logs and lumber, as
22 may be necessary to pay the said toll, and other rea-
23 sonable and necessary charges for advertising and sell-
24 ing the same, the said corporation, by their treasurer,
25 first giving notice of the time and place of sale, de-
26 scribing the mark of said logs and lumber as near as
27 may be, in some daily newspaper published in Ban-
28 gor, twelve days at least before the day of sale ;
29 and if all of said logs are not sold, the remainder
30 shall, with ordinary care and diligence, be kept by
31 said corporation for the space of thirty days longer,
32 and if no owner or owners appear and pay the reason-
33 able charges of said company for securing and keep-
34 ing said logs, all of such remaining logs shall be sold
35 in Bangor at public auction, by the thousand feet,
36 board measure, full scale, to be ascertained by some
37 competent scaler, the corporation first giving the same
38 notice required in case of selling for the non-payment
39 of toll, and the proceeds shall be retained by the said
40 corporation for the owner for the space of two years,
41 and no longer ; and after the lapse of two years, it
42 shall then be the duty of said corporation to expend
43 said proceeds in improving the navigation of the Pe-
44 nobscot river for logs between the said boom and
45 Oldtown falls.

SECT. 3. And the said corporation may take and
2 use the shores of the Penobscot river contiguous to
3 their boom, for the purposes of booming and securing
4 all logs and lumber, hanging their boom or booms and
5 operating the same; *provided however*, the said cor-
6 poration shall pay to the proprietor or proprietors of
7 such shore or shores so taken, used or occupied, such
8 annual rent or yearly damages as may be agreed upon
9 by the parties; and if the parties cannot agree, the
10 proprietor or proprietors of such shore or shores may
11 obtain such annual rent or yearly damages in the same
12 mode and manner as is provided in chapter ninety-two
13 of the revised statutes for damages where land is
14 flowed by the erection of mills and dams. And the
15 yearly damages or annual rent now fixed shall con-
16 tinue at the same rate until the proprietor or proprie-
17 tors of such shore or shores shall make application
18 within one year, in the mode and manner aforesaid,
19 for an increase of yearly damages or annual rent.

SECT. 4. All acts or parts of acts inconsistent with
2 the provisions of this act, are hereby repealed.

STATE OF MAINE.

In SENATE, February 1, 1869.

Read twice, and on motion of Mr. HERSEY, laid on the table and ordered to be
printed.

THOMAS P. CLEAVES, *Secretary*.