

# MAINE STATE LEGISLATURE

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# PRIVATE ACTS

OF THE

# STATE OF MAINE,

PASSED BY THE

# LEGISLATURE,

AT ITS SESSION, JANUARY, 1822.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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PORTLAND :

ABIJAH W. THAYER, PRINTER TO THE STATE,

1822.

CHAPTER CXIV.

AN ACT to incorporate the Hancock Agricultural Society.

SECT. 1. **BE** it enacted by the Senate and House of <sup>Persons incor-</sup>  
*Representatives, in Legislature assembled,* That Eben-<sup>porated.</sup>  
 ezer Poor, Andrew Witham, Samuel M. Pond, Wil-  
 liam Crosby, Josiah Hook, Jun. Moses S. Judkins,  
 Alfred Johnson, Jun. and William White, together  
 with their associates and successors, be, and they are  
 hereby incorporated into a body politic by the name  
 of the Hancock Agricultural Society; with power to  
 sue and be sued; to have a common seal and to <sup>Powers.</sup>  
 change the same at pleasure; to make any by-laws  
 and regulations for the management of their affairs,  
 not repugnant to the laws of the state; to take, hold,  
 and possess any real or personal estate, the yearly in-<sup>May hold es-</sup>  
 come of which shall not exceed three thousand dol-<sup>tate.</sup>  
 lars, to be used exclusively for the promotion and im-  
 provement of agriculture, manufactures, and the me-  
 chanic arts; and to sell and convey, or lease the same,  
 with all the powers and privileges, usually exercised  
 by other incorporated Agricultural Societies in this  
 State.

SECT. 2. *Be it further enacted,* That the powers <sup>Powers may</sup>  
 granted by this Act, may be enlarged, restrained, or <sup>be enlarged,</sup>  
 repealed at the pleasure of the Legislature. <sup>&c.</sup>

SECT. 3. *Be it further enacted,* That any Justice <sup>First meeting.</sup>  
 of the Peace, for the county of Hancock, is hereby  
 authorized to issue his warrant, directed to one of the  
 members aforesaid requiring him to notify and warn  
 the first meeting of said society, to be holden at such  
 time and place as may be appointed in said warrant,  
 seven days at least, before the time of meeting.

[This Act passed February 2, 1822.]

CHAPTER CXV.

AN ACT to establish the Orono Boom Corporation.

SECT. 1. **BE** it enacted by the Senate and House <sup>Persons incor-</sup>  
*of Representatives, in Legislature assembled,* That <sup>porated.</sup>  
 John Bennock, Luther H. Hills, John Peters, Sabin

Pond, Daniel Pilsbury, Samuel White, Ebenezer Webster and George Read, together with such persons as may hereafter associate with them, be, and they hereby are made a corporation for laying and maintaining side and cross booms, upon any part of the Stillwater river, in the town of Orono, between Jameson's falls and the Stillwater ferry, by the name of the Orono Boom Corporation; and by that name may sue and be sued; and do and suffer all such things, and enjoy all such privileges, as are incident by law to similar corporations; and may have a common seal, which they at pleasure may change.

Powers, &c.

Shall their open booms when requested.

SECT. 2. *Be it further enacted,* That if said Corporation shall think proper to erect and maintain any boom or booms across the channel of said River, they shall at all times upon reasonable request, at their own expense, open such booms in some suitable and convenient place, for the passage of any rafts conveyed upon said river, the owners whereof do not choose to suffer the same to remain in such cross boom; *Provided,* the owners of such rafts request the person having the care of such boom to open the same as aforesaid within twenty-four hours after such rafts shall come within, or be stopped by such boom; and if no such request be made within the time aforesaid, such rafts shall be subject to the toll hereinafter established.

Proviso.

Owners of mills may become members.

SECT. 3. *Be it further enacted,* That any persons who are now owners of mills or mill privileges between said ferry and the main Penobscot River, or lands bounded or being on Stillwater river, and below said falls, may become members of said corporation, upon signifying their desire to that effect in writing to either of the persons herein before named, within thirty days next after the first meeting of the same; and any persons who shall thereafter become owners of any mills as aforesaid, shall be entitled to admission as members of said corporation upon payment of their just proportion of the value of the property of said corporation, at the time of their application to be admitted as members of the same.

SECT. 4. *Be it further enacted,* That at all meetings of said corporation every member thereof may vote by proxy duly appointed under his hand and seal. And any three of the persons named in this act, may by an advertisement in the newspaper printed in Bangor, call the first meeting of said corporation in the town of Bangor, at such time and place as shall be therein expressed, giving at least twenty days notice of said meeting. And the said corporation being so met, may by vote of the major part present or represented at said meeting choose a Clerk, Treasurer, and such other officers as they may think proper, who shall be sworn to the faithful discharge of their respective trusts; and at the same time may agree on the method of calling future meetings of said corporation. And they may also make any by-laws for the management of their business, not repugnant to the laws of this State, and may assess and recover in any Court proper to take jurisdiction thereof, any reasonable fines and penalties for breach of such by-laws, not exceeding ten dollars.

Meetings regulated.

Manner of calling the first meeting.

Officers to be chosen.

May make by-laws, &c.

SECT. 5. *Be it further enacted,* That for the purposes aforesaid, it shall and may be lawful for said corporation to enter upon any lands on the banks of said river, or any islands or rocks therein, and thereunto to connect and fasten any of the booms aforesaid, paying to the owners of such lands a reasonable compensation for all damages occasioned by the same. And if such owners and the agents of said corporation cannot agree upon the amount of such compensation, then the Court of Common Pleas for the County of Penobscot may upon application of either party, appoint a committee of three freeholders within the County to assess the same; the report of the major part of whom shall be final, and the Court may enter up judgment and award execution thereon; and may upon petition and due notice to the adverse party award further execution from time to time for the annual damages, if any, awarded by such committee. *Provided,* That either party dissatisfied with the report of such committee, may, upon application to the Court at the same term at which such report is made,

May enter upon lands, islands, &c. to fasten booms by paying reasonable damages.

Proviso.

have the damages aforesaid assessed, and estimated by a jury, and if the jury shall not assess or estimate a different sum in damages than was reported by the committee, such difference being in favor of the party applying for a Jury, such applicant shall pay to the adverse party his cost arising subsequent to the report of the Committee, and the Court shall enter judgment and award execution accordingly, unless the Court shall certify that there was reasonable cause for such application.

Penalty for the person or persons shall wilfully in any manner destroy or injure said booms, or any of their appendages, or the means of using and improving the same, such person or persons shall be liable to pay treble damages therefor with costs of suit, to be recovered by action of trespass or action of the case, in any Court proper to try the same.

Rates of toll. SECT. 7. *Be it further enacted,* That a toll be, and is hereby granted and established for the benefit of said corporation at the following rates, subject to be altered hereafter at the pleasure of the Legislature, viz : for each board log, six cents ; each mast, eighteen cents ; each ton of timber, six cents ; each spar six cents ; each thousand of clapboards, plank or scantling, board measure, fifteen cents ; each thousand of shingles three cents, and the same ratio for an equal quantity of any other articles of wood or lumber, for stopping and securing the same ; and the same toll for each and every month the same shall lie secured within said booms ; excepting however all logs which at the time of stopping the same shall belong to the owners or occupants of saw mills, which are or may be built between said ferry and the main branch of said Penobscot river, or shall at the time of stopping the same be engaged by said owners or occupants to be sawed in such mills ; which logs so excepted may lie secured in such booms from the time of stopping the same until the twenty-fifth day of October, in the same year, without any additional toll after the first month, as aforesaid. And said corporation may detain all articles subject to toll as aforesaid until the

Certain logs excepted.

Articles may be detained until toll is paid.

same be paid. And if within three months next after stopping such articles as aforesaid, no person shall appear to claim the same, and pay the toll thereon, said corporation shall proceed to sell the same at public vendue to the highest bidder, first giving twenty days notice of such sale, by posting up notifications thereof in some public place in Orono and in Bangor, and by advertising the same in some newspaper printed in the same County, if any there be, describing the articles and the marks, if any thereon, as nearly as may be; and out of the proceeds of such sale to pay the toll aforesaid and all necessary incidental charges, and to pay over the surplus to the owners of the articles so sold, on demand. But if no person shall demand such surplus within a year next after such sale, the same shall become the property of the corporation.

SECT. 8. *Be it further enacted*, That either of the persons named in the first section of this act, who are now the owners of piers, rocks, boomsticks, or iron-work, which have heretofore been used for the erection and maintenance of booms upon the waters aforesaid, shall have the privilege of furnishing the same to said corporation at its just value, to be used in the erection and maintenance of the booms authorized to be kept by this act; *Provided*, such piers and rocks are in such places as that they can be profitably employed by the corporation for such purpose; and if such persons and said corporation cannot agree on the value of such piers, rocks, boom-sticks or iron-works, the same may be appraised by a committee or estimated by a Jury in the same manner as is provided in the fifth section of this act.

[This Act passed February 4, 1822.]

## CHAPTER CXVI.

AN ACT authorizing the Executor of the last Will and Testament of Benjamin Cole to sell certain lands.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Elliot G. Vaughan,