

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.

PORTLAND :

ABIJAH W. THAYER, PRINTER TO THE STATE,

1822.

CHAPTER CXX.

AN ACT to establish the Calais Boom Corporation.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That ^{Persons incor-} Jones Dyer, Jun. Ebenezer Reding, Salmon Gates, Robert Pike and Jonas Rice, together with such persons as may hereafter associate with them, be, and they are hereby made a corporation for laying and maintaining side or cross boom or booms to connect with any boom or booms that now are or may be constructed on the British side of the river Schoodiac in the town of Calais, between the upper line of said town, and the mill-dam in the same, by the name of the Calais 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.}

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 ^{Booms to be} own expense open such booms in some suitable and ^{opened upon} 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; ^{Pro-} ^{Proviso.} *vided,* the owners of such raft or rafts request the person having the care of said boom to open the same as aforesaid, within twenty four hours after such rafts shall come within, or be stopped by such booms; and if no such request be made within the time aforesaid, such rafts shall be subject to the tolls hereafter established.

SECT. 3. *Be it further enacted,* That any persons ^{Owners of} who are now or shall be hereafter owners of mills or ^{mills may be-} mill privileges between the head of the tide, and the ^{come mem-} upper line of said town, 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 person who shall thereafterwards 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.

First meeting. SECT. 4. *Be it further enacted,* That any two persons named in this act, may, by posting up advertisements in two conspicuous places in said Calais, call the first meeting of said corporation 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 a major part of those present, 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 impose any reasonable fines and penalties for the breach of such by-laws, not exceeding ten dollars; and may recover the same before any Justice of the Peace in the County of Washington.

Officers to be chosen;

their powers and meetings.

Lands, &c. may be entered upon to fasten the boom, upon paying a reasonable compensation &c.

Committee to be appointed in case of disagreement.

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 fasten any of the booms aforesaid, paying to the owners of said land a reasonable compensation for all damages occasioned by the same; and if the owners and the agents of said corporation cannot agree upon the amount of such compensation, then the Circuit Court of Common Pleas for the County of Washington, may upon application of either party appoint a Committee of three disinterested men 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 said committee.

SECT. 6. *Be it further enacted,* That if any 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 an action of trespass in any Court proper to try the same. Penalty for the injuring of the booms.

SECT. 7. *Be it further enacted,* That a toll, be, and hereby is granted and established for the benefit of said corporation, subject hereafter to be altered by the Legislature, at the following rates, viz. for each board log, six cents; each mast, eighteen cents; each ton of timber, six cents; each spar, six cents; each thousand of boards, plank or scantling, board measure, fifteen cents, for stopping and securing the same; and said corporation may detain all said articles, subject to toll as aforesaid, and until the same be paid; and if within thirty days next after stopping said 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 ten days notice of such sale by posting up notifications thereof in said town of Calais, and at St. Stephens, in two public places in each, describing the articles and marks, if any, thereon, as nearly as may be; and out of the proceeds of said 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 said surplus within a year next after said sale, the same shall become the property of said corporation. Toll established. Rates. Articles may be detained until the toll be paid.

SECT. 8. *Be it further enacted,* That if any person who is now the owner of piers, 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; and if said persons and said corporation cannot agree upon the value of such piers, Owners of piers, &c. allowed to furnish them at a just value. In case of disagreement, committee to be appointed.

boomsticks, or iron-work, 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.

Privileges granted by this act, may be altered.

SECT. 9. *Be it further enacted*, That the Legislature shall have power at all times to alter, restrain, or annul the privileges hereby granted, as justice may require.

[This Act passed February 5, 1822.]

CHAPTER CXXI.

AN ACT to incorporate the town of Cooper, in the county of Washington.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That the plantation heretofore called number fifteen, in the county of Washington, be, and hereby is incorporated into a town by the name of Cooper, and bounded as follows, viz. easterly by Meddybemps Lake and Denny's River; northerly by township numbered sixteen; westerly by townships numbered nineteen and twenty, and southerly by township numbered fourteen; and the inhabitants of said town are hereby vested with all the powers, privileges and immunities, which the inhabitants of towns in this State, do or may enjoy.

SECT. 2. *Be it further enacted*, That any Justice of the Peace in said county, is hereby empowered to issue a warrant to one of the inhabitants of said town, requiring him to notify the inhabitants to meet at such time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law empowered and required to choose at their annual meetings.

[This Act passed February 6, 1822.]