

MAINE STATE LEGISLATURE

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PRIVATE ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FIFTH LEGISLATURE

AT ITS SESSION, HELD IN JANUARY, 1825.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28TH OF JUNE, 1820.

Portland :

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1825.

town of Saco or Biddeford, to enter upon the shoals, or beds, in and about the bay at the mouth of Saco river, and about Winter Harbor, for the purpose of taking or carrying away lobsters from such shoals or beds, and if any person or persons, not inhabitants of those towns, shall, contrary to the provisions of this act, so take and carry away such shell fish, he or they shall forfeit and pay to the use of those towns, a sum not less than ten dollars, nor exceeding twenty dollars, for every such offence, to be recovered by action of debt, by the selectmen of those towns, before any tribunal proper to try the same.

SECT. 2. *Be it further enacted*, That it shall not be construed to be a violation of this act, if any person or persons, not inhabitants of the towns of Saco or Biddeford, shall take such fish, upon shoals, beds, or grounds, where cod or scale fish are usually taken; or if any person or persons, employed on board coasting or other vessels, belonging to this State, that may harbor in said bay, shall take or carry away such fish.

[*This Act passed February 26, 1825.*]

CHAPTER CCCLVI.

AN ACT to establish the Penobscot Boom Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That Samuel Silsbee, Samuel Dudley, Andrew Godfrey, Daniel White, Amos Roberts, S. C. Burrill, Joseph Treat, John Benoch, George Read, John P. Davis, Amos Bailey, Budd Parsons, George Ring, David Ring, Retire Frees, John Benoch, jun. Ira Wadleigh and Ebenezer Webster, their associates, successors and assigns, be, and they are hereby established a corporation, by the name of the Penobscot Boom Corporation; and by that name may sue and be sued; prosecute and be prosecuted; shall have a common seal, which they may alter at pleasure; and shall enjoy all the privileges and powers, and do and suffer, all such matters and things as are incident to similar corporations.

SECT. 2. *Be it further enacted,* That said corporation, be, and hereby are empowered, within the term of five years from the passing of this act, to erect, maintain and keep a boom across the Penobscot river at Costagans Island, or at such other place as may be deemed most safe and convenient between Sunkhaze and Hemlock Island, so called, for the purpose of stopping and securing masts, logs and other lumber, which are or may be drifted or rafted down said river; also granting said corporation leave to erect such piers, side or branch booms, as may be necessary for the safety and convenience of stopping and securing such logs and other lumber, as may come into said boom; and said boom shall be so constructed, as to admit the passage of rafts and boats.

Location of the boom, &c.

SECT. 3. *Be it further enacted,* That if any person or persons shall suffer any damage by means of building or hanging the said boom or booms, or any other works connected therewith, and the parties cannot agree upon the amount of damages thus occasioned, nor upon some suitable person or persons to estimate the same, then, in such case, a disinterested committee of three freeholders shall be appointed by the Court of Common Pleas, holden in and for the county of Penobscot, to ascertain the damages; and the determination of the committee, so appointed, shall be the measure of damages: *Provided,* That if either party shall be dissatisfied with the report of the said committee, and shall at the same session of the Court aforesaid, at which such report shall be made, apply to said court for a trial by jury, in the manner other like causes are determined, the court aforesaid shall have power to determine the same by a jury as aforesaid: And if the verdict of the Jury shall not give the party applying a greater sum in damages than the said committee shall have awarded as aforesaid, the court shall award costs against the applicants; but if the decision shall be more favorable to the party applying, than the report of said committee, the said court shall render judgment accordingly, with costs, and issue execution in either case.

In case of disagreement as to damages, committee, to be appointed.

Either party dissatisfied, may have trial by jury;

restrictions as to costs.

SECT. 4. *Be it further enacted*, That if any person or persons, shall wilfully or mischievously injure or destroy the said boom or booms, or any other works therewith connected, or parts thereof, he or they shall pay treble the value of such damage, as the proprietors of said corporation, shall, before the court and jury, before whom trial shall be had, make to appear they have sustained by means of said trespass; to be sued for and recovered in any court proper to try the same.

Persons injuring booms, liable to treble damages, &c.

SECT. 5. *Be it further enacted*, That a toll or boomage be, and is hereby granted and established for the benefit of said proprietors, their successors and assigns, according to the rates following, viz. : for each mast, twenty five cents; each ton of timber, ten cents; each spar or board log, ten cents; each thousand of clapboards and staves, boards, plank or scantling, (board measure,) twenty cents; each thousand of shingles, five cents; and the same ratio for an equal quantity of any other articles of wood or lumber, for stopping and securing the several articles aforesaid; and the same toll or boomage, for each and every month the same shall lay secured within said boom or booms; and the said proprietors or their agent shall have power to detain the several articles aforesaid, until the said toll or boomage is paid: And if within eight months from the time of stopping and securing any of the articles aforesaid, no person or persons shall appear to claim the same and pay the toll or boomage as aforesaid, it shall be the duty of said proprietors, by their agent as aforesaid, to advertise, for the space of twenty days, in the towns of Bangor, Orono and Sunkhaze, or in a newspaper printed in the county of Penobscot, all such of the said articles as may remain unclaimed as aforesaid, describing the same as nearly as may be, with the marks thereon; and if at the expiration of said twenty days, no person shall appear to claim the same, the said proprietors, by their agent as aforesaid, shall proceed to sell the same at public auction, for the most that can be obtained; and the proceeds of such sale shall be retained by said corpora-

Toll established.

Articles may be detained until toll shall be paid, &c.

tion for the space of two years thereafter. And if any person or persons within that time shall appear and prove his or their property in the articles sold as aforesaid, he or they shall be entitled to the overplus of such proceeds after deducting the respective fees due for stopping and securing the same, and reasonable charges for advertising and selling the same: And if no person shall appear within the said two years to claim and receive the said overplus, the same shall then become the property of said corporation: *Provided*, That the Legislature shall have power at any time to lessen the rate of tolls, as to the Legislature may appear just and reasonable.

Toll may be altered.

SECT. 6. *Be it further enacted*, That any two of the persons named in this act, shall have power to call the first meeting of the proprietors of said corporation, by publishing an advertisement, stating the time and place of such meeting, in the Bangor Register, fourteen days at least before the same shall be held; and said proprietors when met as aforesaid, may agree upon the method of calling future meetings, elect officers, and establish such by-laws for the regulation of said corporation, as they may deem necessary, not repugnant to the constitution and laws of this State.

First meeting by whom and how called.

[*This Act passed February 26, 1825.*]

CHAPTER CCCLVII.

AN ACT to incorporate the Thomaston Temperate Society.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That Knott Crockett, John Spear, Iddo Kimball, Fremant Harding, Oliver Fales, David Crockett and Elkanah Spear, with their associates, be, and they hereby are incorporated into a body politic for the purpose of promoting temperance and sobriety, by the name of the Thomaston Temperate Society; with power to make such contracts, and to establish such rules and regulations as may be necessary for the promotion of the objects of said society; and by that name

Persons incorporated.