

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

ELEVENTH LEGISLATURE,

At its Session commencing January 5th, 1831.

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

Portland.

TODD AND HOLDEN.....PRINTERS TO THE STATE.

1831.

tional to an Act to exempt manufactures of cotton, wool, iron and steel from taxation for limited times," passed the fourth day of March, one thousand eight hundred and thirty-one, and also the Act of February seventh one thousand eight hundred and twenty-five, although the sum invested may be less than thirty thousand dollars.

Although less than \$30,000.

Powers reserved.

SECT. 4. *Be it further enacted*, That the powers granted by this Act, may be enlarged, restrained or annulled at the pleasure of the Legislature.

CHAPTER 193.

AN ACT to establish the Kennebec Boom Corporation.

Approved March 30, 1831.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That Seth Paine, Jr., Jediah Morrell, John L. Meserve, Zebulon Sanger, Samuel E. Crocker, Isaac Farrar, Samuel Farrar, Stephen Weston, John W. Weston, Andrew Morse, David Page, Moses Appleton, Lucius Allen, Mason Greenwood, John Dow, Matthias P. Sawyer, and John White, their associates, successors and assigns, be, and they hereby are constituted and established a body corporate by the name of the "Kennebec Boom Corporation" for the term of thirty years. And by that name may sue and be sued; prosecute and be prosecuted; may and shall have a common seal, to be altered by them at pleasure; and for the purposes of their incorporation, may make any by-laws for the management of their concerns, and generally shall be vested with, and enjoy, all powers and privileges, incident to similar corporations, such as may be necessary to the convenient management of the concerns of said corporation.

Persons incorporated.

For term of 30 years.

Powers granted.

SECT. 2. *Be it further enacted,* That said corporation, be, and hereby is duly authorized and empowered to erect, maintain and keep a boom or booms, on the Kennebec river, at the following places, to wit: on the western side of said river, one at Fairfield, and one at Foote's upper eddy so called in the town of Sidney; and on the eastern side of said river, one at Waterville Bay, in the town of Winslow, and one at Brown's Island, so called, in the town of Vassalboro', for the purpose of stopping and securing masts, logs and other lumber, which are or may be drifted, driven, or rafted down said river, which said boom or booms shall be cleared daily of all such logs as may be intended for, or belonging to any person or persons on the river below said boom or booms: *Provided,* Said owners of said logs shall before said logs have come into said boom or booms, give notice in writing to the clerk or agent of said proprietors, that he does not wish to have his said logs rafted and secured in said boom or booms, and shall in said notice, sufficiently describe his said lumber by marks thereupon. And said boom or booms shall be so constructed, as not in any manner to obstruct the customary and usual navigation of said river, between the towns of Augusta and Waterville, whether by boats or otherwise: *Provided also,* That, if the owners of lumber shall suffer any damages by the detention thereof in the booms aforesaid, their claims for damages shall be determined in the manner pointed out in the fourth section of this Act.

Places where booms may be maintained.

Other persons' logs to be turned out daily.

If owners give notice.

Booms not to obstruct usual navigation of the river.

Damages to owners of logs, how determined.

SECT. 3. *Be it further enacted,* That said corporation shall, from time to time, and as soon as such logs, masts and other lumber, can be conveniently secured, take care of and secure all such lumber, as may by any means, come into their said boom or booms, and deliver the same to the owner or owners thereof when called for; the said owner or owners first giving reasonable

Duty of corporation to secure logs, &c.

and to deliver same to owners on proof.

Rates of toll.

proof of their property in said lumber, and paying before the delivery of said lumber, to said corporation, the toll or boomage following, viz: For each log, and all logs sufficient to make a thousand feet board measure forty cents; for each ton of oak timber twenty-five cents; for each ton of pine timber, twenty cents; for each bowsprit sixty cents; for each boom sixty cents; for each hundred ranging timber, fifteen cents; for each thousand shingles, twelve cents; for each thousand clapboards, fifteen cents; for each thousand staves, fifteen cents; and for any other kind of lumber in the same proportion; and one quarter said toll or boomage, shall be paid said corporation, for each and every month, after the first month the same lumber shall remain in the care and possession of said corporation; which said toll or boomage shall be charged and estimated from the bills of some surveyor or surveyors, appointed by the Selectmen of the town or towns in which said boom or booms may be located, who shall be sworn to the faithful discharge of the duties of his office. And if within eight months from the time of so stopping and securing any of the lumber aforesaid, no person or persons shall appear to claim the same, and pay the toll or boomage aforesaid, it shall be the duty of the proprietors, in said corporation, by their clerk or agent, to advertise for the space of sixty days in the towns of Bloomfield, Waterville, Augusta and Bath, or in a newspaper printed in each of the Counties of Lincoln, Kennebec and Somerset, all such of said lumber as may remain unclaimed as aforesaid. And if at the expiration of sixty days, no person shall appear to claim the same, then the said proprietors may by their agent or agents, proceed to sell the same at public vendue. And the proceeds of such sale shall be retained by said corporation, for the space of two years thereafter; and if any person or persons shall, within that time, appear to claim the

Lumber not
claimed in 8
months to be
advertised.

May be sold at
public vendue
if not claimed
in 60 days.

Proceeds of
sale, how dis-
posed of.

same, and prove his or their property in said lumber, so as aforesaid sold, he or they shall be entitled to the overplus of such proceeds, after deducting all fees due on the same, and charges for advertising and selling; and if no person shall so appear within said term of two years, then the whole of said proceeds shall become the property of said corporation: *Provided*, That if any owner of logs or other lumber, shall before said logs or other lumber, have come into said boom or booms, give notice in writing to the clerk, or agent of said proprietors, that he does not wish to have his said lumber rafted and secured in said boom or booms, and shall in said notice, sufficiently describe his said lumber by marks thereupon, then said proprietors shall not receive any toll or boomage, for securing or rafting the same, and provided also, that the rates of toll or boomage above established shall at all times, be subject to revision and alteration by the Legislature.

Toll not to be received in certain cases.

Legislature may alter rates of toll.

SECT. 4. *Be it further enacted*, That for the purposes aforesaid the said corporation be and hereby is authorized and empowered to purchase, hold and possess any real estate adjacent to said boom or booms, or convenient thereto, not exceeding in quantity one thousand acres, with all such buildings as may be deemed necessary to the convenient management of the affairs of said corporation; and for the same purposes their agent, and those under their employment are hereby empowered to use and occupy the lands on the shore of said river, so far as may be necessary at the place or places where said boom or booms are erected, and at such other places as may be necessary for rafting and securing logs and other lumber, and to pass and repass on foot to and from said boom or booms, over the lands on both sides of said river, for the purposes of making necessary repairs from time to time, and generally for doing all matters and things necessary and convenient for the full accomplishment of the

Corporation may hold real estate.

Owners of
land entitled
to rent.

Damages, how
ascertained.

Party dissatis-
fied may have
trial by jury.

Costs subse-
quent to ap-
plication for
jury trial.

Persons wil-
fully injuring
booms liable
to treble dam-
ages.

How recover-
ed.

objects of this incorporation, subject however to pay to the owner or owners of such lands a reasonable rent ; and also to pay such damages as may arise thereto, in the prosecution of such objects and purposes. And if the proprietors of said boom or booms, and the owners of lands, so damaged, cannot agree upon the amount of damages thus occasioned, nor upon some suitable person or persons to estimate the same, then upon application of either party, a committee of three disinterested freeholders shall be appointed by the Court of Common Pleas, holden within and for the County, in which such lands may be, to ascertain said damages ; and the report of said committee, made to the next term of said Court, after their appointment, shall be the measure of said damages : *Provided*, That if either party shall be dissatisfied with said report, and shall at the same session of the Court aforesaid, at which said report shall be made, apply to said Court for a trial by Jury, the Court aforesaid shall have power to determine the same by a Jury, in the same manner as other causes are determined.— And if the verdict of the Jury shall not vary from the report of the committee aforesaid in favor of the party applying for said trial, then judgment shall be awarded against the party so applying, for all costs arising subsequent to such application.

SECT. 5. *Be it further enacted*, That if any person or persons shall wilfully and maliciously injure or destroy the said boom or booms or parts thereof, or any work or works connected therewith, he or they shall pay to the proprietors of said corporation, treble the amount of such damage, as they the said proprietors shall before the Court and Jury make to appear to have been sustained by them, in consequence of such injury; which damage may be sued for and recovered in an action of trespass in any Court proper to try the same.

SECT. 6. *Be it further enacted,* That any two persons named in this Act, shall have power to call the first meeting of the proprietors of said corporation, by publishing an advertisement in newspapers printed in the Counties of Lincoln, Kennebec and Somerset, fourteen days before the time of said meeting, stating the time and place, when and where said meeting shall be held.

First meeting,
how notified.

SECT. 7. *Be it further enacted,* That the Legislature may at any time, enlarge, restrain or annul the powers and privileges granted by this Act.

Powers reser-
ved.

CHAPTER 194.

AN ACT additional to an Act to establish the Bucksport and Prospect Ferry Company.

Approved March 31, 1831.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That from and after the passage of this Act, the toll for one person and horse, shall be twenty-five cents; for one horse and chair, sulkey or chaise, with one person, thirty-seven and a half cents; for one horse and waggon or cart, with one person, thirty-seven and a half cents; for one horse and sleigh, with one person, thirty-seven and a half cents; for neat cattle and beasts of burden, exclusive of those rode upon or in carriages, or teams, ten cents each.

Rates of toll.

SECT. 2. *Be it further enacted,* That all Acts, or parts of Acts inconsistent with the provisions of this Act, be, and the same hereby are repealed.

Acts repealed.