

# MAINE STATE LEGISLATURE

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**PRIVATE AND SPECIAL**

**ACTS**

OF THE

**STATE OF MAINE,**

PASSED BY THE

**TWELFTH LEGISLATURE,**

AT ITS SESSION COMMENCING JANUARY 4, 1832.

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PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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**AUGUSTA:**

**I. BERRY & CO., PRINTERS TO THE STATE.**

**1832.**

STAGE COMPANY.—BOOM CORPORATION.

CHAPTER 235.

AN ACT to incorporate the Gray, Standish, Hollis and Alfred Stage Company.

Approved February 11, 1832.

Names of persons incorporated.

For what purpose.

Powers, privileges, &c.

Proviso.

First meeting—by whom and how to be called.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Samuel Dennett, Titus O. Brown, Lewis Howe, Abijah Usher Jr, James Ford, Benjamin Chadbourn, Benjamin Poland, James Hasty Jr. and William Hasty, with their associates and successors, be and hereby are created a corporation by the name of the Gray, Standish, Hollis and Alfred Stage Company, for the purpose of establishing a line of stages from Gray in the County of Cumberland through Standish to Alfred, in the County of York, with power to prosecute and defend suits at law, have a common seal, make by-laws for the management of their concerns, not repugnant to the laws of the State, take hold and convey estate real and personal not exceeding five thousand dollars at any one time, and enjoy all the rights and privileges pertaining to similar corporations. *Provided,* that the powers aforesaid may be enlarged, restricted or annulled, at the pleasure of the Legislature.

SECT. 2. *Be it further enacted,* That Benjamin Chadbourn above named may call the first meeting of said corporation, giving ten days previous notice thereof in some newspaper printed in Portland.

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CHAPTER 236.

AN ACT to incorporate the Penobscot Boom Corporation.

Approved February 13, 1832.

Names of persons incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Rufus Dwinal, his associates and successors, be and hereby are constituted a body corporate, by the name of the Penobscot Boom

Corporation, and shall so continue for the term of thirty years—and by that name may sue and be sued ; have a common seal, make by-laws not repugnant to the laws of this State for the management of their corporate concerns, and have and enjoy all the rights and powers of similar corporations.

Corporation shall continue 30 years.

Privileges, &c.

SECT. 2. *Be it further enacted,* That said corporation may erect and maintain a Boom across the Stillwater branch of Penobscot river between Birch stream and Eber's Point, for the purpose of stopping and securing logs, masts, spars and other lumber, floating upon said river, and may erect piers, and side or branch booms, where they may think it necessary, between Hemlock Island and Orson Island, between Birch stream and Pushaw Falls, and between Peacove and the Outlet of the thorough fare between Orson and Marsh Islands—*Provided,* that said booms be so constructed as to admit the safe passage of rafts and boats and preserve the navigation of the river and the branches thereof—and *Provided also* that all persons shall have the same privilege of landing rafts of logs, boards and other lumber, and fastening the same as they have heretofore enjoyed, and that said corporation shall construct, and at all times keep and maintain, their piers and booms, sufficiently strong to secure all the lumber contained therein—but no person shall be allowed at any time to encumber said booms with rafts, either of logs, boards or other lumber.

May erect a Boom across the Stillwater branch of Penobscot river for the purpose of, &c.

Proviso.

SECT. 3. *Be it further enacted,* That if any person or persons shall suffer damage by the exercise of the powers herein granted to said corporation, and the amount thereof cannot be agreed upon by the parties, nor some suitable person or persons agreed upon to estimate the same, the Court of Common Pleas for the County of Penobscot shall, on application of the party aggrieved, cause said damages to be ascertained by a committee of three disinterested freeholders of the same County—*Provided, however,* that if either party be dissatisfied with the award of said Committee, and shall, at the term when said award is presented, apply to said Court for a trial by jury in the

Damages—how estimated.

Proviso.

manner other like cases are determined, the Court shall, by jury, determine the amount of such damage accordingly—and if the verdict do not give to the party applying for the jury greater damages than were awarded by the committee, judgment for cost shall be rendered against the applicants—and if the verdict be more favorable to the party applying for a jury than was awarded by the committee, the applicant shall recover costs, and execution shall in either case issue upon the judgment.

**SECT. 4.** *Be it further enacted,* That if any person or persons shall wilfully or maliciously injure or destroy any of such booms, piers or other works, connected therewith, he or they shall pay treble the amount of the damage to the corporation, to be recovered by action of trespass, and further be liable to indictment and prosecution before the Supreme Judicial Court, or Court of Common Pleas, for a high handed misdemeanor, and, on conviction, to suffer such penalty or imprisonment as the said Court shall direct and order.

Penalty for injuring said Booms, piers, &c.  
How recovered.

**SECT. 5.** *Be it further enacted,* That it shall be the duty of the corporation to cause the passage ways, or open spaces, in said booms, to be carefully guarded day and night, so that no lumber be permitted to escape,—to raft all lumber in said booms securely and faithfully, with suitable warps and wedges for rafting, and secure the same below said booms ten days, if the number of logs belonging to any one man, or company of men, does not exceed one hundred;—if the number be over one hundred, and does not exceed three hundred, five days;—and if the owner, at the expiration of the time aforesaid, have not removed the same, the corporation may remove them to some safe and convenient place, and the owners shall pay such expenses as may arise in the removal and securing of the same.—And should any person or persons suffer any loss in consequence of the neglect or carelessness of the corporation, then said corporation shall be accountable for such loss.—The said corporation shall cause the logs to be rafted without any unnecessary delay, and in season for running them to Stillwater or Oldtown, making the rafts straight

Duty of said Corporation.  
Corporation shall be accountable for losses.

or square at one end, so that two rafts may be united more conveniently—The owner of the lumber shall drive it as near the main body of the logs, or as near the place where they are rafted, as may be.

SECT. 6. *Be it further enacted,* That there be allowed to the corporation a toll or boomage upon the lumber thus boomed, rafted and secured, including the warps and wedges by which they are rafted, viz. thirty eight cents per thousand feet, board measure, for board logs, and a reasonable sum for finding warp rafting and booming all timber, clapboard bolts and other lumber, in proportion to board logs—but any owner seasonably furnishing his own warp for that purpose shall pay a toll only of thirty two cents per thousand—and, at the expiration of ten years from the passing of this Act, said tolls shall be subject to the further regulations of the Legislature—The corporation shall have a lien on all logs thus boomed for the payment of boomage and other expenses.

Rates of toll or Boomage.

Tolls to be regulated in ten years.

Corporation shall have a lien on logs for Boomage.

SECT. 7. *Be it further enacted,* That if any logs shall be boomed, rafted and secured as aforesaid, and no person should appear to claim the same and pay the tolls thereof, it shall be lawful for the corporation, after advertising the same sixty days, in the town of Bangor and Orono, with the marks thereon, if any there be, to dispose of the same to the best advantage, if no owner appear to claim the same;—and the owner, at any time within two years from said sale, shall be entitled to receive the avails thereof, after deducting the tolls, expenses and necessary charges—but if not claimed within said two years the proceeds shall be vested in the corporation for their own use.

When no owner appears to pay the Tolls on any logs, they may, after notice be sold,

Owner may receive net proceeds within two years,

SECT. 8. *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, with leave to build 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 in their employment, are hereby empowered to use and occupy the lands on the shore of said river,

Corporation may hold real estate, &c.

so far as may be necessary at the place or places where said booms are erected, and at such other place or 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 purpose of making repairs from time to time, and generally for doing all matters and things, necessary for the full accomplishment of the object of this corporation; subject however, to pay such damages as may arise in the prosecution of such objects, or purposes—the damage to be ascertained as in the third section of this Act.

Logs rafted out of such Booms shall be measured.

SECT. 9. *Be it further enacted,* That all logs, rafted out of said booms, or its branches, shall be measured, and their quantity ascertained, by a person to be appointed by the Surveyor General of lumber of the town of Bangor, should such a surveyor be appointed, otherwise by a surveyor appointed by the Selectmen of said town.

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## CHAPTER 237.

AN ACT to incorporate the Commercial Bank.

Approved February 16, 1832.

Names of persons incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Jacob Robinson, Jere Robinson, Gilbert Trufant, Zina Hyde, William D. Sewall, Freeman Clark, William M. Rogers, Joseph Sewall, John Smith, Oliver Moses, Daniel Larrabee, Samuel G. Bowman, Davis Hatch, Parsons Smith, Charles Crooker, Alpheus W. Boynton, Michael F. Gannett, James H. McLellan, George Shepard, Richard Nutter, Aaron Tyler, Nathaniel Weld, Benjamin F. Emery, Benjamin Randall, Ammi R. Mitchell, Charles Sewall, William Potter, William D. Crooker, Eleanor Kittridge, Nathaniel Groton, Joshua Sewall, Hannah Allen and their associates successors and assigns be and hereby are created a corporation by the name of the President, Directors and Company of