

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FIFTEENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1835.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

poration, by advertisement of the time and place and purposes thereof in some newspaper printed in Bangor, seven days at least before the time appointed for the holding of said Meeting.

CHAPTER 606.

AN ACT to incorporate the West Branch Boom Company.

Approved March 24, 1835.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Robert Gibson, Ellis B. Usher, Stephen Cummings, Alpheus Shaw, and Enoch Paine their associates and successors, be, and hereby are incorporated and constituted a body corporate, by the name of the West Branch Boom Company, 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.

Names of persons incorporated.

Corporate name.

Powers, privileges, &c.

SECT. 2. *Be it further enacted,* That said Corporation may erect and maintain a Boom across the West Branch of Penobscot River at the head of the Umbagogus Lake 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 the same may be necessary at or near the head of said Lake as aforesaid. *Provided,* That said booms shall be so constructed as to admit the safe passage of rafts, preserving the navigation of said River in as good condition as it now is—and shall be constructed in a strong and faithful manner, and constantly kept in repair so as to secure all the logs and lumber contained therein, and shall be so guarded as to prevent the escape of the same, and should any person or persons suffer any loss in consequence of the neglect or carelessness of said Corporation, they shall have a right of action against it for the same.

May erect and maintain Boom piers, side booms, &c.

Proviso, as to construction of booms, &c.

Persons suffering loss may have an action against the Corporation.

Proceedings in case the amount of damages occasioned by any proceedings of Corporation cannot be agreed on.

Party dissatisfied may have a trial by jury.

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 by any person or persons agreed upon by them 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—And if either party shall 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 manner other like causes are determined, the Court shall by Jury determine the amount of such damage accordingly—and if the verdict be not more favorable to the party applying for the Jury than was awarded by the Committee, judgment for costs shall be rendered against such applicant, but if the verdict be more favorable to the party so applying, than was awarded by the Committee, the applicant shall receive costs; and execution shall, in either case issue upon judgment rendered thereon.

Penalty for wilfully injuring the property of Corporation.

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 forfeit and pay treble the amount of the damages to the Corporation, to be recovered by action of trespass; and further be liable to indictment in the Supreme Judicial Court, or Court of Common Pleas, for a misdemeanor, and on conviction, to suffer such penalty or imprisonment as the Court shall order.

Rates of toll.

SECT. 5. *Be it further enacted,* That there shall be allowed to said Corporation a toll or boomage of one and an half cents for each stick in said booms secured.

Proceedings when logs are not claimed and toll is not paid within ten days.

SECT. 6. *Be it further enacted,* That when any logs shall be boomed and secured as aforesaid between the fifteenth day of April and the fifteenth day of June in any year, and the owner or owners shall not appear to claim the same and pay the toll thereon within ten days from

the time said logs were first boomed, it shall be lawful for said Corporation after the expiration of said ten days to mark the same with the letters W B C and to raft, and drive said logs to market, and to sell the same at public auction first giving notice of the time and place of sale in the State Paper and one other Paper printed in the County of Penobscot at least thirty days before such time of sale. And the owner of said logs at any time within one year from such sale shall be entitled to demand and receive of said Corporation, the avails thereof, after deducting the tolls, expenses of rafting and driving said logs, and other necessary charges—*Provided however*, That the whole expenses shall in no case exceed one dollar per thousand feet. But if not claimed within that time, the proceeds shall be vested in said Corporation for their own use. And no owner, or other person shall take any logs after they are within said booms, or after they are taken therefrom by said Corporation, until all tolls and necessary expenses are paid—And said Corporation shall scale all such logs and timber and keep an accurate account of the number and marks of the same and the number of feet, board measure, in each log or stick of timber so scaled, and shall exhibit at all times when any person shall request it, the account aforesaid and be accountable for such logs and timber to the owners thereof.

Owners may demand proceeds after deducting expenses within one year.

Proviso.

Corporation to scale logs and timber and keep account.

SECT. 7. *Be it further enacted*, That for the purposes aforesaid, the said Corporation be, and hereby is authorized and empowered to purchase, hold and possess real estate adjacent to said Boom or Booms or convenient thereto, with leave to build all such buildings as may be deemed necessary and convenient for the 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, as far as may be necessary at the place or places, where said booms are erected, for rafting and securing logs and other lumber adjacent thereto; and to pass and repass on foot, to and from said boom or booms over the

Corporation may hold and purchase real estate, erect buildings, &c.

—and use and occupy lands adjacent the places where their booms are erected:

—and pass over the same for the purpose of keep-

ing their booms
in repair, &c.

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 objects of this Corporation; subject however to pay to the owner or owners of the land such damages as may arise in the prosecution of such objects or purposes—said damages to be ascertained as in the third section of this Act.

Liable to owners
for damages.

CHAPTER 607.

AN ACT to incorporate the Brunswick High School.

Approved March 24, 1835.

Names of persons
incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Isaac Lincoln, David Dunlap, A. B. Thompson, R. T. Dunlap, Geo. E. Adams, their associates and successors, be, and they hereby are constituted a body politic and corporate by the name of the Brunswick High School; and by that name shall have power to prosecute and defend suits at law; to have and use a common seal; to take and hold for the objects of their association any estate real or personal, to an amount not exceeding Twelve Thousand Dollars, and the same to use and dispose of at their pleasure: to make and execute any by laws for the convenient management of their affairs not repugnant to the laws of the State; and generally to have and enjoy all the powers and privileges incident to corporations instituted for literary and scientific purposes.

Corporate name,
and powers, priv-
ileges, & amount
of property.

May erect and
maintain suitable
buildings, &c.

SECT. 2. *Be it further enacted,* That it shall be lawful for said Corporation, to erect, maintain and keep in repair, suitable buildings for the accommodation of one or more schools, and for the repository of such books, philosophical and other apparatus as the Corporation may deem necessary or proper.

Amount of Capital
Stock—to be
divided into
shares.

SECT. 3. *Be it further enacted,* That the Capital Stock of said Corporation shall be divided into shares of Fifty Dollars each; and the number of votes to which each