

# MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTYEIGHTH LEGISLATURE,

At its Session, held in January, 1836.

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Published agreeably to the Resolve of June 28, 1820.

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AUGUSTA:

SMITH AND ROBINSON,.....PRINTERS TO THE STATE.

1836.

## Chapter 150.

AN ACT to incorporate the Fairfield Boom Corporation.

Approved March 23, 1836.

Names of Corporators.      **SECT. 1.** *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Jonas Chase, John Kendall, Columbus Burrill, Orrison Burrill, Francis Page, Milton Philbrook, Charles Emerson, David Wing, and William H. Bodfish, their associates, successors, and assigns, be and they hereby are constituted and established

Corporate name.      a body corporate, by the name of the Fairfield Boom Corporation, and for the purposes of their incorporation, may make any by laws for the management of their concerns, not repugnant to the laws and constitution of this State, 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, and especially to an "Act concerning Corporations" passed February sixteenth one thousand eight hundred and thirty six.

Powers, &c.      **SECT. 2.** *Be it further enacted,* That said Corporation be and hereby is duly authorized and empowered to erect, maintain and keep a side boom or booms on the Kennebec River between Kendall's Mills in Fairfield and Skowhegan Great Eddy, for the purpose of stopping and securing their own logs, masts, spars and other lumber, that may drift down said River and such other logs, masts and other lumber as they may be requested so to do by the owners thereof from time to time—*Provided however,* That no boom or booms shall be so constructed as to impede the free passage of any logs, masts or other lumber not authorized to be stopped by said Corporation and if any, logs, masts, or other lumber shall by accident or otherwise run into said boom or booms, it shall be the duty of said Corporation in every twenty four hours to clear said booms of all such logs, masts and other lumber. *Provided also,* that said Corporation shall in nowise impede or injure the full use and enjoyment of that part of Osborn Eddy

Proviso.     

Proviso.

so called now owned and occupied by David Page and Henry Tucker in the same manner as the same is now enjoyed and used by them; nor shall said Corporation infringe upon or injure any right, which the said Henry Tucker now holds or enjoys in an Island, situate nearly opposite said Osborn Eddy.

SECT. 3. *Be it further enacted,* That said Corporation shall from time to time, and as often as said Corporation shall have rafted out of said boom said logs separately, accordingly as they are owned, shall notify the owners thereof to take the same from said boom or booms—and unless the said owners shall take the delivery of the same within three days from said notice, and pay to said Corporation the toll or boomage of the same, said Corporation shall not be accountable for such logs after such time, but shall be entitled to said boomage of the owners thereof, which may be recovered in any Court competent to try the same—said owners first furnishing said Corporation with walks, suitable and sufficient to raft and secure said logs.

SECT. 4. *Be it further enacted,* That the said Corporation shall be entitled to the following rates of toll or boomage, to wit: for each and all logs, sufficient to make a thousand feet of board measure, thirty seven and half cents, and for any other kind of lumber in the same proportion, 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.

SECT. 5. *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 for the convenient management of the affairs of said Corporation, and for the same purposes their agents, and those

May occupy land upon the shores of the river.

To pay a reasonable rent, and damages, to owners of land upon the shores.

Manner of recovery.

Proviso.

Penalty for injuring Boom, &c.

under their employment are hereby empowered to use and occupy the lands on the shores 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 the river for the purpose 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 objects of this incorporation, subject however to pay the owner or owners of such land 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 land 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 situated, to ascertain said damages, and the report of said Committee made at the next term of said Court after their appointment, shall be the measure of damage,—*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 cases 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. 6. *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 connected therewith, he or they shall pay to the proprietors of said

incorporation, treble the amount of such damage as 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. 7. *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 the Kennebec Journal and Skowhegan Sentinel fourteen days before the time of said meeting, stating the time and place, when and where said meeting shall be holden.

Manner of calling first meeting.

## Chapter 151.

AN ACT to incorporate the Salt Water Falls Company.

Approved March 24, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That William Freeman, Robert Foster 2d, and Isaac Gage, their associates, successors and assigns be incorporated into a body politic by the name of the Salt Water Falls Company, and by that name may transact all business and enjoy all privileges, to which similar Corporations are entitled by an Act concerning Corporations passed the sixteenth day of February in the year of our Lord one thousand eight hundred and thirty six.

Names of Corporators.

Corporate name.

SECT. 2. *Be it further enacted*, That the capital stock of said Company shall consist of two hundred thousand dollars to be divided into and held by shares of one hundred dollars each.

Capital Stock.

SECT. 3. *Be it further enacted*, That said Company be and they hereby are authorized to build, maintain, repair and rebuild a dam and bridge either separately or connected, as may be thought necessary across the Nar-

Powers, &c.