

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.

Published agreeably to the Resolbe of June 28, 1820.

AUGUSTA:

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

1836.

SECT. 3. *Be it further enacted*, That said Company shall have the right to purchase hold or convey real and personal estate to the value of five hundred thousand dollars for the purpose of carrying into effect the objects of this Act: and that the stock of said Company shall consist of five thousand shares of one hundred dollars each.

May hold estate to the amount of \$500,000.

Number of shares.

SECT. 4. *Be it further enacted*, That if any person is injured by any powers herein granted, by the flowing of his land, he shall have the same remedy in the same manner, and to the same extent and effect as is provided by the several Acts for the support and regulation of mills.

Persons injured by flowing of his land. &c. may obtain redress.

SECT. 5. *Be it further enacted*, That there shall be allowed to said Company a toll upon all boats, rafts, lumber and other articles transported through said Canal or Canals or any parts thereof to be fixed by said Company, and to be at all times subject to the restrictions and revisions of the Legislature.

May establish toll—subject to revision of the Legislature.

SECT. 6. *Be it further enacted*, That if any person shall wilfully and maliciously injure or destroy the structures and works, or obstruct the rights of said Company, such person shall be punished by a fine to the use of the State, not exceeding five hundred dollars, or by imprisonment not exceeding six months by indictment in any Court of competent jurisdiction; and further pay to the party injured treble the value of such injury to be recovered by action of debt.

Penalty for injuring any of the works.

SECT. 7. *Be it further enacted*, That this Act shall continue in force, subject to the revision of the Legislature.

Chapter 174.

AN ACT to incorporate the Hallowell Steam Mill and Boom Company.

Approved March 29, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Ira Crocker—Nathanial Mitchell—Charles Blanchard—and S. K. Gilman—

Names of Corporators.

Corporate name.

their associates, successors and assigns, be and they are hereby constituted and established a body corporate by the name of the "Hallowell Steam Mill and Boom Company," 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.

Powers and privileges.

Proviso.

SECT. 2. *Be it further enacted*, That said Company be, and hereby is duly authorized and empowered to erect, maintain and keep a Boom or Booms on the Eastern shore of Kennebec River in the Town of Hallowell opposite their own land, lying between the ferry way in said Hallowell, and Hussey's landing so called, or on any part thereof, 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 weekly of all such logs as may be intended for or belonging to any person or persons on the River below said Boom. *Provided*, said owners of said logs shall before said logs have come into said boom, give notice in writing to the Clerk or Agent of said Company, that he does not wish to have his said logs rafted and secured in said Boom, and shall in said notice, sufficiently describe, his said lumber by marks thereupon. And said Boom or Booms shall be so constructed, as not to obstruct the customary and usual navigation of said River, or the rights of "the Hallowell Ferry Company." *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.

SECT. 3. *Be it further enacted*, That said Company 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, and deliver the same to the owner or owners thereof when called for, the said owner or owners first giving reasonable proof of their property in said lumber, and paying before the delivery thereof, to said Company 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 forty cents; for each hundred feet ranging timber, fifteen cents—for each thousand shingles, twelve and half cents; for each thousand clapboards; fifteen cents; for each thousand staves, twenty cents; and for any other kind of lumber, in the same proportion; and one fifth of said toll or boomage shall be paid said Corporation for each and every month after the fifteenth day of October in each year, that 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, appointed by the Selectmen of the Town of Hallowell or Augusta, who shall be sworn to the faithful discharge of the duties of his office; who shall be entitled to receive at the rate of four cents per thousand feet board measure for all logs by him so surveyed, one half of which shall be paid by the owner or owners, and the other by the Corporation; 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, the said Company may by their Clerk, or Agent, advertise for the space of four weeks in a newspaper printed in Hallowell, Augusta, Portland Waterville, Gardiner, Bath Bloomfield or Milburn all such of said lumber as may remain unclaimed as aforesaid, describing the marks thereof and if at the expiration of thirty days no person shall appear to claim the same, then the said Company may by their Clerk or Agent proceed to sell the same at

To take care of, and deliver to the owners, any lumber that may come into their boom.

Rates of toll.

Lumber remaining unclaimed, to be advertised.

Lumber not claimed may be sold.

Proceeds, when
not called for,
how disposed of.

public vendue—And the proceeds of such sale, shall be retained by said Corporation for the space of one year thereafter; and if any person or persons, shall, within that time appear to claim the 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 surveying and selling; and if no person shall so appear within said term of one year, then the whole of said proceeds shall be paid to the Treasurer of the Kennebec Log Driving Company, to be appropriated towards defraying the expenses of the drive. *Provided*—That if any owner of logs or other lumber shall before said logs, or other lumber shall have come into said Boom, give notice in writing to the Clerk or Agent of said Company, that he does not wish to have his said lumber rafted and secured in said Boom, and shall in said notice sufficiently describe his said lumber by marks thereupon, then said Company shall not receive any toll or boomage, but shall turn all such logs and timber out of their Boom into the Stream.

Proviso.

May hold land,
&c. to amount of
600 acres.

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 convenient thereto, not exceeding in quantity six hundred 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 pass and repass on foot to and from the Ferry way to said Boom over the lands of individuals upon the shore, for the purposes of attending to any of the business of the said Company, until a road upon the bank of the river leading from the present ferry road to Hussey's landing so called, shall be laid out and made, subject however to pay annually 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 said Compa-

May pass over
land of individ-
uals.

To pay all dam-
ages, &c.

ny and the owners of lands so passed over or damaged, cannot agree upon the amount such person or persons shall receive as rent, or for damages sustained, nor, upon some person or persons to estimate the rent or damage thus occasioned, then upon application of either party, a Committee of three disinterested freeholders shall be appointed by the Judge of the Court of Common Pleas holden within and for the County of Kennebec, and the report of said Committee made at 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, 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. *And provided further*, that the Corporation by their Clerk, Agent or any other person, may annually tender to the owners or any one of them, where there shall be tenants in common, over whose lands they may pass, what they may deem a reasonable sum for the use or damage sustained by such owner or owners, and if said Committee or Jury shall not award a greater sum than is so tendered, then the owner shall not be allowed any costs but the Company shall be entitled to execution for their costs against such owner or owners.

SECT. 5. *Be it further enacted*, That if any person or persons shall wilfully and maliciously injure or destroy any part or parts of the property of said Company 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 the said proprietors shall before the Court and Jury make to appear to have been sustained 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.

—how obtained.

Proviso.

Proviso.

Penalty for injuring said property.

May erect steam-mills, &c.

SECT. 6. *Be it further enacted,* That said Corporation may erect Steam Mills upon their own land for the manufacture of any article from wood, iron or other metal, and for this purpose shall have power to take and hold real and personal property not exceeding in value one hundred thousand dollars.

First meeting.

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 a notice in the paper of the printer to the State, or by giving personal notice to each member of said company.

To use all due diligence to secure logs and timber.

SECT. 8. *Be it further enacted,* That said Corporation be required whenever any logs or timber shall be running in the Kennebec River, to use all reasonable exertion, care and diligence, to tow into and secure in their Boom, all such logs or timber as the said Corporation are by this Act authorized to stop and secure, and shall as soon as practicable thereafter raft and secure such logs or timber, and shall raft in separate rafts, unless otherwise directed by the owners thereof, the logs or timber of each owner or company of owners, who shall seasonably furnish the Agent or Boommaster of said Corporation with his or their respective marks; and the owner or owners of such logs or timber shall make said Corporation a reasonable compensation for the warp or rope used for rafting the same; or shall furnish and substitute his or their own warp for that of the said Corporation.

Owners to find warp or rope.

Chapter 175.

AN ACT to incorporate the Central Market House Company.

Approved March 29, 1836.

Names of corporators.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Samuel Hudson, Andrew W. Hasey, John R. Greenough, John Ham, Henry Little, John Hodgdon, William Emerson, Jonathan Farrar,