

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.

nomination than five dollars and increasing only by five or ten dollars to the higher denominations.

SECT. 5. *Be it further enacted,* That the first meeting of said Corporation, may be called by any three of the persons named, by publishing the time and place thereof, fourteen days previously in any newspaper printed in Belfast; and at said meeting a Board of Directors may be chosen, and any other Corporation business transacted.

First meeting &c.

Chapter 230.

AN ACT to regulate Private Booms on Kennebec River.

Approved April 2, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That whenever any logs, masts or spars, shall hereafter be taken up and secured by any individual or individuals, being owner or owners, proprietor or proprietors of any boom or booms on Kennebec River below Augusta Bridge, the person or persons so taking up and securing such logs, masts or spars, shall be entitled to demand and receive of the owner or owners thereof, before the same shall be delivered to such owner or owners, the following toll or boomage—viz., for each log and all sufficient to make a thousand feet board measure, forty cents; for each ton of pine timber, fifteen cents; *Provided,* That no such private boom shall be so constructed as in any way to impede the navigation of said river, or to infringe upon, or impair any right, public or private, *Provided further,* That the owners of private booms established, or which may hereafter be established, on said River below the town of Bath, shall be entitled to such additional price for boomage as shall be just and reasonable not to exceed fifty per cent. additional on the rates hereby established; but such additional boomage shall not accrue for any logs run down the river from above in rafts. And if any person or persons shall, for the purpose of

Toll or boomage.

Proviso.

Owners of private booms, below Bath, entitled to additional boomage.

claiming any such additional boomage, turn any logs adrift from any part of the River in the town of Bath, or above Bath, or shall run any logs down said River for such purpose, then all claim for boomage, or picking up such logs shall be forfeited, and the owner or owners of such logs, shall be entitled to take such logs from the possession of such person or persons, any thing in this Act to the contrary notwithstanding.

Shall take care of all logs, &c. and deliver same to owner, when called for.

SECT. 2. *Be it further enacted,* That said individual or individuals shall from time to time, and as soon as such logs, masts or spars, can be conveniently secured, take care of and secure all such lumber as may be taken into any such boom or booms and deliver the same to the owner or owners thereof when called for; he or they first paying or tendering payment of all charges for toll or boomage, or other expenses accruing by virtue of any provision of this Act.

* Entitled to additional boomage, in certain cases.

SECT. 3. *Be it further enacted,* That if any such logs, masts or spars, shall remain and be in such boom or booms after the fifteenth day of October in each year, without any person or persons appearing to claim the same and pay said toll or boomage, or other expenses accruing as aforesaid, the person or persons so taking up and securing the same, shall be entitled to demand and receive of the owner or owners thereof, in addition to the compensation heretofore mentioned, one fifth part of said toll or boomage for each and every month that such logs, masts, or spars, shall remain in such boom or booms from and after said fifteenth day of October, in each year, until they shall be claimed by the owner or owners thereof, and said toll or boomage and other expenses accruing as aforesaid shall be paid or tendered, or until they are disposed of as hereafter provided; and the person or persons so collecting and securing such logs, masts, or spars, shall have a lien thereon for all toll or boomage, or other expenses accruing by virtue of any provision of this Act.

SECT. 4. *Be it further enacted,* That the person or persons so taking up and securing any logs, masts, or spars,

as aforesaid shall as soon as practicable thereafter raft and secure such logs or timber, and shall raft into separate rafts, unless otherwise directed by the owner or owners thereof all the logs or timber of each owner or Company of owners, who shall seasonably furnish him or them, their respective marks; and the owner or owners of such logs shall make to such person or persons so collecting, securing and rafting the same, 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 person or persons so collecting, securing and rafting the same.

Shall raft and secure all logs, &c.

Owners shall pay a reasonable compensation for rafting.

SECT. 5. *Be it further enacted*, That whenever the person or persons so taking up and securing any logs, masts, or spars, as aforesaid, and the owner or owners thereof, which may be boomed or rafted as aforesaid, shall be unable to agree as to the amount of any claim for damages or otherwise, each party shall choose a person as arbitrator, and in case such arbitrators cannot agree, said arbitrators shall make choice of a third person, the decision of whom or a major part of whom, shall be final both as respects the costs of said reference, and all other matters and things which may be submitted to their decision; reserving however to either party a right to appeal from such decision—and a trial at common law, if claimed by either as in other cases—*Provided however*, that the provisions of this section shall not be so construed as to prevent any such person or persons, so taking up, securing and rafting such logs, masts, or spars, having recourse to legal process for collecting toll or boomage or other expenses, accruing by virtue of the provisions of this Act.

Procedure when parties cannot agree as to the amount of claims, &c.

Proviso.

SECT. 6. *Be it further enacted*, That if any such logs, masts, or spars, shall remain and be in any such boom or booms, unclaimed, and paid for as aforesaid, on the first day of May in each year as aforesaid, it shall be the duty of the person or persons so collecting and securing the same, to advertise for the space of sixty days, in the Towns of Bloomfield, Waterville, Augusta, Brunswick, Gardiner and Bath, or in a newspaper printed in each of

To advertise logs, &c. taken up, when not claimed in certain time.

the Counties of Lincoln, Kennebec, Cumberland and Somerset, all such logs, masts, or spars, as shall remain unclaimed and unpaid for as aforesaid. And if at the expiration of sixty days no person shall appear to claim and pay the toll or boorage and other expenses accruing by virtue of this Act as aforesaid, then the person or persons so taking up and securing the same as aforesaid, shall proceed to sell the same at public vendue. And the proceeds of such sale, after deducting the charges legally arising from the provisions of this Act, and the expense of advertising and selling shall be deposited by the Auctioneer in the hands of the Treasurer of the Kennebec Log Driving Company, and said sum so deposited, shall remain in the hands of such Treasurer or his successor in office to be disposed of by said Company agreeably to the Act regulating the same.

To sell at vendue.

Proceeds, how disposed of.

Shall keep good and sufficient boom.

SECT. 7. *Be it further enacted,* That all persons claiming to receive toll or boorage by or under the provisions of this Act, shall be bound to keep and maintain good and sufficient booms for the safe keeping of all such logs, masts, or spars, as may from time to time be taken into such booms except in times of extraordinary freshets.

Toll, how estimated.

SECT. 8. *Be it further enacted,* That the toll or boorage provided for by this Act shall be charged and estimated from the bills of some surveyor or surveyors, appointed by the Selectmen of the Town or Towns in which the boom or booms containing such logs which surveyor or surveyors shall be sworn to the faithful discharge of their duties; unless the person or persons so taking up securing and rafting such logs, and the owner or owners thereof shall otherwise agree, and for their services such surveyor shall be allowed and paid the following fees—viz. four cents per thousand feet board measure for viewing and measuring the same and giving a certificate thereof, one half of which shall be paid by the owner or owners of such logs, and the other half by the person or persons so collecting, securing and rafting the same.

Surveyor's fees:

SECT. 9. *Be it further enacted,* That if any person or persons shall wilfully injure or destroy any boom erected, or which may be erected under any law now existing, on Kennebec River for the purpose of booming and securing logs, or any works connected therewith, or shall in any manner obstruct the passage of logs, timber or other lumber into any boom erected, or which may be erected under any law as aforesaid, he or they shall forfeit and pay treble the amount of such damage to the owner or owners thereof to be recovered in any Court of competent jurisdiction; and shall further forfeit and pay a fine of not less than ten nor more than fifty dollars, to be recovered by indictment in the Supreme Judicial Court or Court of Common Pleas to the use of the State.

Penalty for injury &c.

Offenders shall pay a fine.

SECT. 10. *Be it further enacted,* That no owner or owners of any logs, masts or spars, shall be holden or obliged to pay any toll or boomage, or any other expense arising under the provisions of this Act to any owner or owners, proprietor or proprietors of any such boom or booms; *Provided,* said owner or owners of such logs, shall before such logs have come into said boom or booms given notice to said owner or owners, proprietor or proprietors of any such boom or booms, that he or they does not wish to have his or their logs taken into and secured in such boom or booms and said notice shall be in writing and sufficiently describe such logs by the marks thereon.

Owners of lumber who do not wish to have the same boomed, to give notice to owners of booms.

SECT. 11. *Be it further enacted,* That the provisions of this Act shall not be so construed as in any way to contravene the operation of any law now in force, to prevent the illegal taking and conversion of any logs, masts, or spars, from the rivers, streams, bays, or inlets in this State.

SECT. 12. *Be it further enacted,* That nothing contained in this Act shall authorize any person to stop logs, timber or other lumber, the owner or owners of which, shall have given notice in a newspaper, printed in Augusta, Hallowell or Gardiner, three weeks successively, the last publication to be prior to the time in which logs usually commence

Owners of booms not authorized to stop logs, &c. when the owner of logs shall have given notice that he does not wish them boomed.

running on said river, that he or they do not wish to have their logs, timber or lumber stopped in any of the booms, which may be erected by virtue of this Act, and in said notice shall describe the marks upon said logs, timber or lumber.

Chapter 231.

AN ACT to incorporate the Proprietors of "Smith's Block" in Bangor.

Approved April 2, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That Samuel Smith and Edward Smith, their associates and successors and assigns, proprietors of the following described real estate situate on the West side of Kenduskeag Stream in the City of Bangor in the County of Penobscot, and described as follows, to wit, situate between the old Kenduskeag Bridge and Smith's bridge so called, fronting on West Market place and known as "Smith's Block,"—be and they are hereby made a body corporate by the name of "Smith's Proprietary," for the purpose of erecting, finishing, altering, repairing, improving, enlarging and furnishing such buildings on the premises above described, and to be used for such purposes, as the Proprietors may deem expedient, subject however to the rules and regulations of the authorities of the city of Bangor.

SECT. 2. *Be it further enacted,* That said Proprietors may have and hold real and personal estate, not exceeding three hundred thousand dollars, and shall have all the powers necessary for the convenient management of said property, and are hereby authorized to make by laws, subject nevertheless to the duties and requirements and entitled to all the privileges of an Act entitled an Act concerning corporations, passed February sixteenth eighteen hundred and thirty six, and an Act additional thereto

Names of Corporators.

Location and boundaries.

Corporate name.

May hold estate to the amount of \$300,000.