

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SEVENTEENTH LEGISLATURE,

JANUARY SESSION, 1837.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 23, 1820.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1837.

SECT. 6. *Be it further enacted,* That it shall be the duty of the Agent or Agents of the State land, or of any person or persons whom they may appoint, to see that all obstructions to the passage of the young fish or fry in returning down the river or its branches, are removed on any of the State's land.

Agent of State's Land to cause obstructions to be removed on any of State's Land.

SECT. 7. *Be it further enacted,* That the penalties imposed in this Act may be sued for and recovered, by action of debt in any Court proper to try the same, by any one of the Fish Committee or persons aforesaid; and the amount recovered shall be appropriated one half to the prosecutor, and the other to the poor of the town or plantation where the offence may be committed; and when any nets may be seized as liable to forfeiture, the same proceedings shall be had as directed in an Act prescribing the mode of recovering forfeitures of personal property liable thereto by law.

Penalties how to be recovered.

Penalties how appropriated.

When nets are seized what proceedings to be had.

[Approved by the Governor March 28, 1837.]

Chapter 284.

AN ACT to regulate the running of Lumber in the Medomak River.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That any two or more persons with their associates and successors, who now are, or may hereafter become, owners of logs or other lumber, intended to be transported or rafted on the Medomak river, shall have a right to associate for the purpose of running said lumber, on said river; of erecting booms, and piers; breaking jams and clearing any obstructions which may prevent the running of lumber in, and, of building sluices by or over any of the dams on said river; and may take a corporate

Owners of logs on Medomak River authorized to incorporate themselves for running logs, &c.

—erecting booms and piers.
—clearing obstructions.
—building sluices &c. &c.

name and may make any by-laws not repugnant to the laws of the State, and have all other privileges usually granted to corporate bodies for the convenient management of their affairs, agreeable to an Act regulating corporations, passed February sixteenth, one thousand eight hundred and thirty-six.

Persons not members of said incorporation in certain cases to pay the expense of driving their logs, &c.

SECT. 2. *Be it further enacted,* That if any person or persons shall put or cause to be put into the river aforesaid logs, or any other lumber, and thereby obstruct the navigation of said river, and make no provision for driving the same he or they shall be liable to pay their just proportion of the expense of driving or transporting said logs or other lumber to any person or persons owning lumber impeded by said obstructions, and who shall drive and transport the same. *Provided however,* That this Act, or any provisions thereof, shall not be so construed as to debar any owners of logs in the aforesaid river which do not obstruct the navigation thereof, from driving the same at any time when their interest or convenience may require it. *Provided also,* That when any logs or other lumber shall have been stopped by any pier or boom constructed on said river, it shall be the duty of the owners of such piers or booms to turn out all logs or other lumber when notified by the owners thereof. And no person or association shall be allowed to erect any pier or boom to obstruct the navigation of said river without being subject to the above requirements or to pay the damages that may accrue in consequence of lumber being stopped by said piers or booms.

Owners of Piers and booms to turn out lumber stopped by them.

No erection to be allowed which shall impede the navigation of the river, &c.

Company may improve such part of river as may be necessary for the running and protection of lumber, &c.

SECT. 3. *Be it further enacted,* That it shall be lawful for any Company formed under this Act, or other persons, for the purposes herein named, to enter upon and improve such parts of said river, as are necessary for the running and the protection of lumber by building sluices, erecting booms and clearing obstructions, and for prosecuting the business of running and protecting lumber in said river.

Provided, That no sluice ways, any other structure or work belonging thereto shall be laid upon any person's uplands, or within the limits of any public highway, or on the shore of the river fronting any person's landing, without the consent of the proprietors first had and obtained; and if any person or persons shall suffer damage by any of the powers granted in this Act, and the amount of such damage cannot be agreed upon by the parties, or some other suitable persons mutually chosen to estimate the same, the Court of Common Pleas for the County of Lincoln shall on the application of the party aggrieved cause such damage to be estimated by three disinterested freeholders of the same County.

Proviso.

How damages are to be estimated.

Provided however, That if either party be dissatisfied with the award of said Committee, such person shall be entitled to a trial by Jury in the same manner as the other cases are determined.

Trial by jury in certain cases.

SECT. 4. *Be it further enacted*, That any Company formed under this Act may from time to time make and establish such rules and regulations for the convenient transporting and navigating their own lumber and such other lumber, as they shall contract to drive on the aforesaid river, as shall not interfere with the rights of individuals nor be repugnant to the laws of the State, and shall also have a right to assess equitably together with the expenses of driving the lumber, costs not exceeding twenty per centum of the expenses incurred by them of building sluices, clearing obstructions and erecting booms and piers on all lumber that may be transported in any one year on said river until they shall have received the amount and interest of said expenses, after which said improvements shall be public property, and they shall have a lien upon all logs or other lumber driven or transported as aforesaid until the amount assessed upon the same shall be paid, *provided*, that the said Company shall not

Company may establish rules &c.

May make assessment to pay for improvement on the river for a certain period.

Lien upon logs in certain cases.

—§250 only authorized to be expended.

be authorized by this Act to expend more than Two Hundred and Fifty Dollars on said river.

Penalty for injuring the erections of the Company.

SECT. 5. *Be it further enacted,* That if any person or persons shall wilfully and maliciously injure or destroy any of the booms, piers or sluices or any part thereof, or any work connected therewith, he or they shall pay to the proprietors of said booms, piers or sluices treble the amount of such damages as the said proprietors, shall before the Court and Jury make to appear to have been sustained, which damage may be sued for and recovered in an action of trespass in any Court proper to try the same.

[Approved by the Governor March 28, 1837.]

Chapter 285.

AN ACT additional to the "Act regulating Judicial Process and Proceedings."

When goods of persons not belonging to the State, are attached in any civil action, any Judge of the Court may in vacation direct how notice shall be given.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That when the goods and estate of any person, not being an inhabitant of, or resident in, this State, and having no tenant, agent or attorney within the same, are attached in any civil action, any Justice of the Court to which the writ is returnable may, in vacation, enter his order on the back thereof, directing in what manner such person shall be notified of such suit, and such order shall be equally valid as if made in open Court after entry of such action, as is now required by the first section of said Act:—And such order being complied with the defendant shall be held to answer to such action as in cases of service in common form.

[Approved by the Governor March 29, 1837.]