

MAINE STATE LEGISLATURE

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PRIVATE

AND

SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SEVENTEENTH LEGISLATURE,

JANUARY SESSION, 1837.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA :
SMITH & ROBINSON, PRINTERS TO THE STATE.

1837.

Chapter 391.

AN ACT to incorporate the Farewell's Island Side Boom Company.

Approved March 29, 1837.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Samuel Homans, Samuel Cole, John Hastings, Willard Bailey, William Conner and Asa Smiley, with their associates, successors and assigns be, and they are hereby created a body corporate by the name of Farewell's Island Side Boom Company, for the purpose of constructing and maintaining side booms, piers and other works for securing their own logs and other lumber in the Kennebec River: And said company shall have power to construct and maintain such side booms and other works and piers at and near Brown's Island, otherwise called Farewell's Island, in Vassalboro', in the County of Kennebec, beginning at the eastern shore at the head of Bacon's Rips, running on a strait line to Farewell's Island—thence up the river from the head of said Island to a point forty rods below Brown's landing on the eastern shore, and extending from said shore into the river not exceeding twenty rods nor within ten rods of the eastern part of the main channel of the river, nor so as to obstruct the navigation of the river; the consent of the owners of the land, being in all cases first obtained. And said company shall have power to purchase, hold and dispose of estate, real and personal, to an amount, not exceeding, at any one time, one hundred thousand dollars; and shall have and enjoy all the rights and privileges to similar corporate bodies incident, and be subject to all the duties and liabilities contained in an Act concerning corporations passed February sixteenth, eighteen hundred and thirty-six. *Provided* that no pier, shall be erected for the boom upon the western side of the river before named until after the Kennebec Dam shall be completed.

SECT. 2. *Be it further enacted,* That said company shall not receive into their boom or booms, or detain in

Corporators.

Corporate name.

Powers and privileges.

Capital Stock,—
\$100,000.

Proviso.

Company shall
not receive any

lumber into their booms unless requested so to do.

their passage any logs, rafts, spars or other lumber unless requested by the owners thereof, so to do. And if said company shall receive into said boom or booms any such logs or other lumber against the consent of the owners thereof, and if they shall detain the same for the space of twenty-four hours or more, said company shall forfeit to said owner or owners, three times the damage sustained, to be recovered by action of trespass. And it shall be the duty of said company to turn out all such logs and other lumber from said booms each day, and in the day time, and as early as is practicable.

Corporation shall notify the owners of lumber who have requested the same to be boomed.

SECT. 3. *Be it further enacted*, That it shall be lawful for said company to receive into their booms aforesaid, all logs, masts, spars and other lumber, which the owners thereof may, from time to time, request them so to receive and secure. And said company shall, from time to time, as they raft from their booms such logs and other lumber, notify the owners thereof to receive the same. And unless such owners shall take the delivery of the same within ten days of such notice and pay said company the boomage of the same, said company shall not be held accountable for such logs and lumber after that time, but shall be entitled to said boomage thereon.

Owners of lumber to furnish warps, &c.

Rates of boomage

SECT. 4. *Be it further enacted*, That said company shall be entitled to the following rates of toll or boomage upon all logs, masts, spars and other lumber, received at the request of the owners thereof, for booming and rafting out the same, (said owners furnishing, or paying for suitable and sufficient warps to secure the same) viz: for logs sufficient to make one thousand feet, board measure, forty cents; and for any other kind of timber measured by the ton, fifteen cents per ton. And said company shall have a lien on all such logs and lumber for the boomage thereof, and may sell sufficient to pay such boomage and expenses, at public sales after having given the owner or owners ten days notice in writing of the time and place of sale.

SECT. 5. *Be it further enacted*, That if any person shall wilfully or maliciously injure or destroy said booms

or any parts or appendage thereof, the person or persons so offending shall forfeit to the owners thereof, a penalty three times the amount of the damage or injury, done as aforesaid, to be recovered by action of trespass in any Court of competent jurisdiction, and shall further be subject to indictment and punishment at the discretion of the Court of Common Pleas in the County where said offence is committed.

Penalty for injuries.

Chapter 392.

AN ACT respecting lumber in the Kenduskeag Stream.

Approved March 29, 1837.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That no person shall put into the Kenduskeag Stream in the County of Penobscot for the purpose of being driven to any mill, or market, any log, mast, spar, or other timber exceeding thirty-two feet in length. And any person or persons so offending against the provisions aforesaid, shall forfeit and pay a fine of ten dollars for each log, mast, spar or other timber of the length aforesaid, by him or them put into the Stream aforesaid, to be recovered by complaint before a Justice of the Peace, one half to the complainant and the other half to the use of the State,—*Provided* that this Act shall not take effect till sixty days after the passage thereof.

No lumber to be run over 32 ft. in length.

Penalty for a violation of this Act.