

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## TWENTY-EIGHTH LEGISLATURE

OF THE

# STATE OF MAINE,

A. D. 1848.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.

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**Augusta:**

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1848.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1848.

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**Chapter 129.**

**CHAP. 129.**

An act to incorporate the Baring Boom Company.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECT. 1. That John Stickney, R. C. Stickney, Thomas Skolfield, Albert Stimson, George Wills, E. McDougal, George Pierce, Reuben Smith, Robert Hasley, Ansel Daily, Horatio N. Hill, John Porter, Daniel K. Chase, Samuel T. King, Charles Hamilton, their associates, successors and assigns, who may be log or mill owners, are hereby constituted and declared to be a body corporate and politic, by the name of the Baring Boom Company, with all the rights, powers, privileges and liabilities incident to such corporations; with the power, right and privilege of erecting, laying, securing and keeping in repair, piers, cross-booms, side, eddy and other booms and other erections, structures and fixtures, in and upon the Saint Croix river, within the State of Maine, between the main dam extending crosswise of it from Saint Stephen and direct to the Baring shore and the head of Marpoles Island, including the piers and booms between those points and excluding all dams; for the purpose of better securing, controlling, stopping and managing logs, masts, spars, timber and other lumber and materials floated down the Saint Croix river.

Corporators.]

Corporate name.

Right to erect booms, &c.

SECT. 2. Said company may enter upon, occupy, and use any rocks, islands or other lands which at any time have been covered by the water of the Saint Croix river; the banks thereof and the land adjoining, necessary for the purposes aforesaid, between said dam and the head of Marpoles Island, for the purposes aforesaid; and may also use the same for passing and repassing on foot, by the members of said company, their servants and agents in the care, use and management of the works aforesaid and for stopping, controlling, securing, managing and disposing of the logs, masts, spars, timber and other lumber and materials aforesaid; and may take, keep and use the piers, cross-booms, side, eddy and other booms and the erections and fixtures used in connection therewith, now existing between the dam aforesaid and the head of Marpoles Island, and shall therefor, and also for the rocks, islands, banks of the river and land near thereto aforesaid, make the owners thereof, or the persons entitled to it, a reasonable compensation, to be by the parties agreed upon, or fixed and determined by three persons by said parties to be mutually chosen and selected therefor; or if not done by either of these modes, it may be

May enter upon and use certain rocks, lands, &c.

May take and use certain booms, &c.

Compensation to owners.

CHAP. 129. determined by three persons to be appointed by the justice of the district court for the eastern district, on application therefor in writing in term time, by either party; or under the direction of said justice, by a jury of the county of Washington in said court, on such application in term time, by either party.

Logs and lumber to be used below the mills at Baring, to be turned out with all convenient dispatch.

SECT. 3. All logs, masts, spars, timber and other lumber and materials, which shall be floated into or stopped by said booms or other works of said company and to be used and manufactured below the mills at said Baring, shall be by said company turned out of and from said booms and other works of said company, with all convenient and reasonable dispatch, and at said company's expense, so they may pass down said river and over the dam at Baring and Saint Stephen opposite thereto; and for any and all unreasonable delay therein, and for all damages to any person by or in consequence of such delay, said company shall be responsible and make compensation therefor, to the person or persons so delayed or damaged, to be recovered in an action on the case before any court of competent jurisdiction, to try the same; and said company shall be responsible for and pay all damages happening to any person or persons by any unreasonable neglect or omission to keep all their said works in repair or suitably attended by a sufficient number of competent men, to stop and take care of, properly control, manage and dispose of, all said logs, masts, spars, timber and other lumber and materials which may be drifted into or against their said works and which should be stopped by them, to be recovered as last aforesaid.

Liabie for damage or unreasonable delay.

Said works to be kept in repair and suitably attended.

Penalty for injuring the works of said company.

SECT. 4. Any person injuring any of the works aforesaid of said company, shall pay treble damages therefor, to be recovered in any court of competent jurisdiction to try the same; and any person wilfully injuring said works may also be proceeded against on complaint before any justice of the peace for the county of Washington, when the single civil damages would not exceed twenty dollars, and on conviction may be fined by said justice, not exceeding twenty dollars, or imprisoned in the county jail not exceeding thirty days; and in other cases, on indictment before the district court for said county, and on conviction may be fined by said court not exceeding one thousand dollars, or be imprisoned in the county jail or state prison, for a term not exceeding two years, or may be both fined and imprisoned, as is aforesaid according to the aggravation of the offense.

Logs and lumber intended for use

SECT. 5. Said company shall, without any unreasonable

delay, but with all reasonable dispatch and so far as they can be and as fast as they may be wanted, turn out of their main or back boom or booms, all the logs, masts, spars, timber and other lumber or materials, which may come into them and which are to be used or manufactured at Baring, or Saint Stephen opposite thereto; and put them into the side or eddy boom of said company if need be, and when wanted at the mills shall without unnecessary delay, raft and run them to the mills where needed; but those intended for the mills called the Canal and the Hiram mill, are to be considered as delivered and run to them, when turned into the boom under the toll bridge at Baring, as heretofore; and for all logs, masts, spars, timber and other lumber or materials so turned out, rafted and run to mills at said Baring and Saint Stephen opposite thereto, said company shall be entitled to collect, demand and receive of and from any owner or owners thereof, as toll, twenty cents for every thousand feet, board measure; and said company shall have a lien on each and all of said logs, masts, spars, timber and other lumber to be used at or manufactured in said mills last named, for the toll on all the logs of the same mark, and other materials above named; and may detain all the same under their control until the toll on the logs and materials of that mark is paid; and in case of a refusal to pay said toll or of a neglect to do so for the space of ten days after demanded by said company, said company may sell at public vendue so many and much of said logs and materials as will raise the amount due and demanded and all the cost and expense incurred concerning the same, after posting written notice thereof in two open and conspicuous places in the village of Baring and of Saint Stephen opposite thereto, at least seven days, Sundays included, before the day of said sale, stating the marks of the logs and other materials to be sold, the amount claimed, and the place, day and hour of sale; and if the person of whom the same may be demandable be not a resident in said Baring or Saint Stephen, nor in Calais or Baileyville, or be unknown to the agents of said company therefor, said sale may be on the notice aforesaid without demand—or said toll may be recovered by said company after said demand, as is aforesaid, where the persons to pay are known to said agents and resident in either of the places last named, or, if not so resident, as is aforesaid, after posting notices for the time and in the places as is before named, of the marks of the logs and other materials, and the amount due and claimed, in an action on the case

CHAP. 129.  
at Baring or St. Stephen.

—for the Canal and Hiram mill.

Rate of toll on logs and other lumber to be used at Baring and St. Stephen.  
Lien created for toll on such lumber.

Proceedings in case the owners neglect to pay said toll for the space of ten days.

**CHAP. 130.** against any person liable therefor, in any court of competent jurisdiction to try the same.

**Capital stock.** **SECT. 6.** The capital stock of said company shall be six thousand dollars and shall be divided into shares of one hundred dollars each. Notice of the place, day and hour of receiving subscription for said stock shall be given by posting notices thereof, signed by three of the persons named herein, to be designated by those named herein at their first meeting, in two open and conspicuous places in the village in Baring and the village of Saint Stephen opposite thereto, and also in Milltown, in Calais, at least six days before the day set for receiving the same; and no person shall, until forty-eight hours from the opening the books for said subscriptions, subscribe for more than three shares.

Notice of time and place of receiving subscriptions.

**First meeting.** **SECT. 7.** The first meeting of the persons named herein may be called by any three of the persons herein named, posting two written notices, signed by them, in open and conspicuous places in each of the three villages named in the last section, at least six days, Sundays included, before the day set for said meeting, stating the place, day, hour and purposes thereof; and at this said first meeting, may determine the mode of calling the first meeting of the subscribers for said stock.

**Records.** **SECT. 8.** The books and records of said company shall be kept in the town of Baring, and the treasurer of said company shall, annually, on the first day of January, make return to the secretary of state of the amount of income and receipts of said company from the tolls aforesaid, and of its expenditures in transacting the business thereof.

Annual return.

**Prize logs.** **SECT. 9.** Said company may sell one half of the prize logs which may be taken in said boom and appropriate the proceeds thereof to defray the expenses of said company.

[Approved July 26, 1848.]

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### Chapter 130.

An act to set off a part of the town of Otisfield and annex the same to the town of Naples.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Description of territory set off.

**SECT. 1.** All that part of the town of Otisfield bounded as