

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-FIRST LEGISLATURE

OF THE

## STATE OF MAINE,

A. D. 1852.

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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.

1852.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1852.

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An act to regulate private booms on Kennebec river.

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

SECT. 1. 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 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, or directors of the log driving company or their agent shall be entitled to take such logs from the possession of such person or persons, and all persons guilty of running logs from Bath and above, for the purpose of additional boomage as above, shall be liable to a fine not less than ten or more than fifty dollars, for each and every offense, to be recovered in action of debt, for the benefit of the log driving company, any thing in this act to the contrary notwithstanding.

SECT. 2. The person or persons so taking up and securing any logs, masts, and 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

Toll granted to owners of private booms.

Proviso.

Further proviso.

Booms below Bath may have additional toll.

Penalty for turning logs adrift, &c.

Drift logs to be rafted and secured.

shall make 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; and the person or persons so collecting, securing and rafting such logs, masts or spars, shall have a lien thereon for all toll or boomage accruing by virtue of any provision of this act. *Provided, however,* that if the owner or owners of any such boom or booms aforesaid, shall neglect or refuse to raft said logs or timber whenever requested by the owner or owners of said logs, or the persons collecting the same, may raft out said logs; and three cents for each stick to be deducted from the boomage of the same; and all logs rafted out by the owners, which are not put afloat at ordinary high water, may be taken out free of boomage.

SECT. 3. All persons claiming to receive toll or boomage 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.

SECT. 4. The toll or boomage 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 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.

SECT. 5. If any person or persons shall willfully 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 or

## CHAP. 535.

Compensation  
for warp used  
in rafting.

Lien created  
for payment of  
toll.

Proviso.

Booms to be  
kept in repair,  
&c.

Toll, how es-  
timated.

Duty paid to  
surveyors.

Penalty for  
destroying  
booms and ob-  
structing pas-  
sage of lumber.

CHAP. 535. 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.

Toll not to be taken in certain cases.

SECT. 6. 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 said logs, shall before such logs have come into said boom or booms, give notice to said owner or owners, proprietor or proprietors of any such boom or booms that he or they do not wish to have his or their logs taken into and secured in such boom or booms, and said notice shall be in writing sufficiently describing such logs by the marks thereon.

Act, how construed.

SECT. 7. 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 the state.

Logs, &c., not to be stopped in certain cases.

SECT. 8. 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 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.

Kennebec Log Driving Co. to provide boom, &c.

SECT. 9. Whenever the Kennebec Log Driving Company shall provide a boom to deposit logs for safe keeping during the winter, all logs which may remain in the booms aforesaid, on the fifteenth day of October each year that in the opinion of the directors of the Kennebec Log Driving Company, will not be safe during the winter, the owner or owners of such boom or booms shall on being requested by said directors raft out the logs that remain in such boom or booms aforesaid, and deliver said logs into a boom provided by the Kennebec Log Driving Company as aforesaid, the person or persons delivering the same shall be entitled to receive from said Kennebec Log Driving Company, seven cents per stick for all sticks delivered as aforesaid, the number of sticks to be determined by the person having charge of said boom, and if the owners of such boom or

To pay toll.

booms, shall neglect to deliver said logs as aforesaid, on or before the first day of November of each year, the owner or owners, or directors of the Kennebec Log Driving Company may enter such boom or booms and take all logs remaining in such boom or booms as aforesaid, after the first day of November of each year, by paying to such boom owner or person or persons having charge of the same, four cents per stick.

CHAP. 536.

Logs not delivered, how disposed of.

SECT. 10. An act to regulate private booms on the Kennebec river approved April second, eighteen hundred thirty-six, is hereby repealed.

Act of April 2, 1836, repealed.

[Approved March 27, 1852.]

### Chapter 536.

An act giving further time to redeem lands taken on execution against the Buckfield Branch Railroad Company.

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

SECT. 1. Any person whose lands have been taken and set off on execution, issued upon any judgment against the Buckfield Branch Railroad Company, a corporation created by the laws of this state, may redeem the same at any time within three years after the levy, by paying or tendering to the creditor the sum at which said lands were appraised, and interest thereon from the time of the levy, after deducting the rents and profits, if any, received by the creditor, and the creditor shall thereupon, by deed, prepared at the expense of the debtor, within ten days next following, release to said debtor all his right, title and interest in and to said lands so levied on; and if the creditor shall fail or neglect to execute said deed as aforesaid, he shall forfeit forever all claim to said lands by virtue of said levy.

Time to redeem land taken on execution extended.

Creditor shall reconvey.

Penalty for failure.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 27, 1852.]