

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)

ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1852.

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

Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1852.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1852.

CHAP. 638.

Chapter 638.

An act additional to an act, approved August sixth, eighteen hundred and forty-six, relating to the Kennebec Log Driving Company, providing a deposit boom by the Kennebec Log Driving Company.

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

Authorized to erect a deposit boom, &c.

SECT. 1. The Kennebec Log Driving Company, are hereby authorized and empowered, to erect and maintain, at the Sands "so called" in the town of Pittston on the Kennebec river, a deposit boom with piers and all necessary fixtures for the purpose of taking and securing logs, masts, spars, or ship timbers, or any kind of lumber floating down the said river, and for the purpose aforesaid, the Kennebec Log Driving Company be and are hereby authorized and empowered to purchase, hold and possess any real estate adjacent to said boom ; and are hereby authorized to occupy the Sands island, so called, and shore on the main land together with the Sands, so called, so far as the said company may deem it necessary to effect the object, with the right to pass and repass, to and from said boom, across land adjacent to said boom, and also for the purpose of building and making the necessary repairs, from time to time, and generally for doing all things necessary and convenient, for the full accomplishment of the objects of this boom, *provided, however,* the said Kennebec Log Driving Company pay to the persons occupant, a reasonable compensation for their booms, fixtures and right of shore on said premises.

May hold real estate.

Rights and liabilities.

Proviso.

Agent to be kept at the boom, duties of, &c.

SECT. 2. The said Kennebec Log Driving Company shall keep some suitable person or persons at said boom from the fifteenth day of October, to the first day of November of each year, to receive and count all logs, masts, spars, or sticks of timber that may be delivered into said boom by private boom owners or other persons agreeable to a provision, in the private boom act, whereby, private boom owners are authorized to deliver logs, masts, spars, or other timber into said boom between the fifteenth day of October and the first day of November of each year, and such person or persons having charge of said boom as aforesaid, may give a certificate to the persons delivering logs, masts, spars, or other lumber stating the number of sticks thus delivered, which shall entitle them to the compensation specified in said acts.

Damages, &c., how determined.

SECT. 3. If any person or persons suffer damage by the exercise of the powers herein granted to said company, and the amount thereof cannot be agreed upon by the parties, nor some

suitable person or persons agreed upon, to estimate the same, the district court for the county of Kennebec shall on application of the party aggrieved, cause said damages to be ascertained by a committee of three disinterested free-holders of the same county, *provided, however*, that if either party be dissatisfied with the award of said committee, and shall at the term where said award is presented apply to said court for trial by jury in the manner as other like cases are determined, the court shall by jury determine the amount of said damage accordingly, and if the verdict does not give to the party applying for the jury greater damages than were awarded by the committee, judgment for costs shall be rendered against the applicants, and if the verdict be more favorable to the party applying for a jury, than was awarded by the committee, the applicant shall recover costs and execution in either case shall be issued upon the judgment.

Proviso—proceedings in case parties be dissatisfied with award, &c.

SECT. 4. All logs, masts, spars or other timber deposited in said boom shall be under all the restrictions and subject to all the provisions contained in the first, second and third sections of an act relating to the Kennebec Log Driving Company, approved August sixth, eighteen hundred forty-six, excepting that portion of section third relating to advertising and selling, which shall be in the month of June instead of May, and sixty days notice shall be given instead of three weeks.

Restrictions, &c., secs. 1, 2 and 3 of act of Aug. 6, 1846.

Sale of lumber, time of, &c.

SECT. 5. The directors of the Log Driving Company are hereby authorized and empowered to make such assessments from time to time upon logs, masts, spars or other timber coming into said boom as said directors may deem necessary, to build, keep in repair and defray all necessary expenditures pertaining to said boom and said directors shall have the control and supervision of all things pertaining to said boom.

Assessments on lumber for repair of booms, &c.

SECT. 6. If any person or persons shall willfully or maliciously injure or destroy any of such booms, piers or other works, connected therewith he or they shall pay treble damage done, to the Kennebec Log Driving Company, to be recovered by action of trespass, and further be liable to indictment and prosecution before the supreme judicial or district courts, for a high handed misdemeanor, and on conviction, such penalty or imprisonment as the court shall direct and order.

Penalty for injuring boom, and how recovered.

[Approved April 24, 1852.]