

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1853.

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

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1853.

CHAP. 25.

Business, how managed.

Officers, powers of, &c.

Conveyances, how made.

SECT. 2. The business of said company shall be managed by a board of directors, and in the absence of a majority of said board, by the president and treasurer. And said board of directors or president and treasurer, shall have power to create and discharge, in the name of the company, notes, bills and other evidences of debt, for the use and purposes of said company.

SECT. 3. All conveyances of real estate shall be made to the president and treasurer of said company; and all conveyances of real estate from said company shall be made by said president and treasurer, who shall have power to execute and deliver all deeds of conveyance for the estate, real or personal, of said company.

SECT. 4. This act shall be in force from and after its approval by the governor.

[Approved February 26, 1853.]

Chapter 25.

An act authorizing the extension of the charter of the Bangor Boom Company.

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

Act of March 22, 1843, to continue in force to March 21, 1858.

SECT. 1. That the act of incorporation granted to Thomas M. Moody, his associates and successors, to erect and maintain a boom on each side of the Penobscot river, near the foot of Treat's falls, approved March twenty-second, one thousand eight hundred and forty-three, entitled "An act to incorporate the Bangor Boom Company," shall continue and remain in force until the twenty-first day of March, one thousand eight hundred and fifty-eight, with all the rights and privileges, and all the responsibilities acquired under said act.

Right to use shores, &c.

SECT. 2. Said corporation shall have the right to use the shores contiguous to their boom, for the purposes contemplated in their charter, by paying a fair shore rent to the owners thereof; and in case the said shore owners and said corporators do not agree upon the amount of rent to be paid as before provided for, either party shall have the right to apply by petition to the court of county commissioners for the county of Penobscot, for an appraisal of the annual rent to be paid by said corporation; and the adjudication and decision of said court, when made, shall be final and conclusive between the parties.

Rent, how determined.

SECT. 3. Any two or more persons, entitled to the remedies and compensation provided by this act, may unite in making application as aforesaid, and upon such joint complaint, the proceedings shall have the same course as upon the complaint of one; but in such case joint costs and not several shall be recoverable by or against such joint complainants. And the said corporation shall in like manner have the right of uniting any number of said shore owners in any application to said court, as herein provided, and the same regulation of costs and damages shall be observed. And in all cases of joint complaint, as herein provided, the court may, in its discretion, render separate judgments for damages or costs against either party, as the case may be.

Two or more persons may join in complaint.

Corporation may unite two or more persons in application, &c.

SECT. 4. Upon any application made to the court as aforesaid, the said corporation may, at any stage of the proceedings, offer, in writing, to be defaulted, and that judgment may be rendered against them for a specified sum as yearly rent, and such offer shall be equivalent to, and have the effect of, a tender; and if accepted, shall be considered by the court as fixing the amount of rent as against the person accepting the same. And if not accepted, and if no greater sum as yearly rent shall be fixed by said court, the party so refusing shall recover no costs against the incorporation accruing after said offer, but costs thereafter shall be recovered by said incorporation.

Corporation may offer to be defaulted, &c.

SECT. 5. The court of county commissioners for the county of Penobscot shall have the power to hear and determine the matter; to fix the amount of rent, and the time when the same shall be annually paid; and to issue their warrant for the amount due up to the time of the decision, with the costs. And if the corporation shall neglect to pay such sums for sixty days after they shall have become due and payable, they shall have no benefit of any of the powers or privileges granted by this act, but the same shall become wholly vacated and annulled.

Rent, &c., how determined.

Neglect to pay rent, &c.

SECT. 6. The fifth section of an act entitled "An act to incorporate the Bangor Boom Company," approved March twenty-second, one thousand eight hundred and forty-three; also the act additional, approved March twenty-first, one thousand eight hundred and forty-five, and all other acts and parts of acts inconsistent with this act are hereby repealed.

Certain acts repealed.

[Approved February 26, 1853.]