

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

1857.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26, 1840,
and March 16, 1842.

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1857.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1857.

CHAP. 104.

Chapter 104.

An act to incorporate the East Branch Boom Company.

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

Corporators.

SECT. 1. William B. Hayford, Thomas A. Taylor, George C. Pickering, William H. Taylor, Arvida Hayford, their associates and successors, are hereby constituted a body politic and corporate, by

Corporate name.

the name of the East Branch Boom Company, with power to erect and maintain a boom, at or near the mouth of the east branch of the Penobscot river, for the purpose of stopping, securing and rafting logs and other lumber; and may purchase and hold any estate, real or personal, necessary for that purpose, and have and enjoy all the rights and privileges, and be subject to all the duties and requirements, incident to similar corporations under the laws of the state; and for that purpose may take such lands as shall be found necessary, paying to the owner a reasonable compensation therefor, and may pass over and across lands of other persons for the purposes connected with said boom, paying therefor a like compensation.

May hold real or personal estate. Rights, privileges, &c.

Right, and duties.

SECT. 2. The said corporation shall have the right, and it shall be their duty, to stop and secure in their said boom all logs and lumber which the owners request to have stopped and rafted, and shall faithfully, and as far as consistently with the rights of other persons in the use of the river can be done, seasonably raft with suitable poles, lock-downs, and other proper apparatus and rigging, all logs and lumber so stopped, in a manner suitable to be run to Oldtown falls, and at proper states of the water, over the falls to places below.

Further duties.

SECT. 3. Said corporation shall not stop or detain any logs or other lumber, excepting such as they shall be directed by the owner in writing to stop. They shall not place or maintain in the river any pier or other structure so constructed as to cause a jam, any unreasonable delay or obstruction to the passing of logs or lumber, rafts or boats. For all damages to any persons by reason of the violation of these provisions, the corporation, and the stockholders thereof personally, shall be liable in any proper action.

Damages.

Toll authorized.

SECT. 4. For all logs and lumber so stopped and rafted, the corporation shall be entitled to demand and receive a toll or boomage, at the following rates, to wit: for logs, sixty-two cents per thousand feet, board measure; for juniper timber and ton timber, forty cents per ton; for ranging timber, forty cents per hundred feet, long measure; for masts and spars, sixty-two cents per thousand feet, board measure; for juniper knees, ten cents each.

Rates of toll.

SECT. 5. To secure the payment of the toll or boomage, a lien is given upon the logs and lumber, which may be enforced by a sale of so much thereof as shall be necessary for that purpose, including reasonable costs and expenses; thirty days notice of the time and place of sale shall be given by publication in two or more public papers, printed in the city of Bangor, by inserting three weeks successively before the day of sale an advertisement, in which the quantity and marks of the lumber, the amount claimed, the names of the owners, and the time and place of sale shall be set forth.

Lien to secure toll.

Notice of sale.

SECT. 6. The corporation shall stop no logs or lumber, except that of owners who shall, in writing signed by them, in which the marks of the lumber are described, request the same to be there stopped and rafted. All such written requests shall be kept on file, by the clerk of the corporation, and recorded by him in a book kept for this purpose; and the files and book shall at all times be open to inspection and examination of all persons interested in lumbering on the river. The boom shall be so constructed as to provide at all times for the free and convenient passing of all logs, rafts, lumber and boats, without obstruction. All logs and lumber found therein not of the marks directed by the owners to be stopped and rafted therein, shall without charge to the owner be turned out of the boom, as often as once in every twenty-four hours. The boom shall be taken in on or before the first day of June, in each year.

What logs may be stopped, &c.

Boom, how constructed.

—certain logs to be turned out.

—when to be taken in.

SECT. 7. If the corporation shall not be able to agree with the owner of land necessary to be taken and used for the purposes in this act provided for, upon the damages to be paid therefor, the amount so to be paid shall be determined by the county commissioners, in the same manner as in case of damages for land taken in laying out highways.

Land taken.

—damages, how determined.

SECT. 8. Any person who shall willfully or maliciously injure the boom or its appendages, or willfully or maliciously interfere with or interrupt the use thereof, shall be liable to pay treble damages therefor, in an action of trespass, in any court proper to try the same. *Provided*, that this section shall not apply to any person or corporation, or the servants thereof, having lawful right to use the river with logs, rafts, lumber or boats, unreasonably obstructed in such use by the boom or its appendages, and who, in good faith, to procure the passage of such logs, lumber, rafts or boats, find it necessary to cut away or otherwise remove the boom or pier, or other appendages, such persons or corporations having given reasonable notice of their desire to use the river for such purposes.

Willfully, &c., injure boom, &c.

Damages, &c., how recovered.

Proviso.

SECT. 9. The corporation shall keep a record of all logs and lumber stopped and rafted by them, with the marks, the amount

To keep record, &c.

CHAP. 105. thereof, the names of the owners, amount of toll or boorage, a copy of which shall be deposited in the office of the surveyor general of lumber, at Bangor, in the month of January, annually, for the inspection of all persons interested in lumbering on the Penobscot river.

SECT. 10. This act shall take effect from the time of its approval.

[Approved April 14, 1857.]

Chapter 105.

An act to incorporate the Achorn Lime Rock Company.

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

SECT. 1. Lucinda Duncan, Lucy Crockett, Frances B. Orbeton, Lucretia Adams, Catharine H. Nichols, Sophronia Allen, Clara B. Collins, Olive Gregory, Margaret E. Tilson, Almira A. Kimball, John E. Achorn, Margery Achorn, Michael J. Achorn, and Girard Achorn, being joint owners in full of a certain quarry of lime rock, situated in the city of Rockland, known as the Achorn quarry, together with their successors and assigns, are hereby made a body corporate by the name of the Achorn Lime Rock Company.

SECT. 2. The object of said corporation shall be for the better and more convenient management of said property, to wit: for the removal of the water from said quarry, for the digging and removing of the rock therein, and for the manufacture of the same into lime.

SECT. 3. The said property of said corporators shall be capitalized at the sum of twenty-four thousand dollars, to be divided into two hundred and forty shares of one hundred dollars each, and certificates of stock shall issue to each of said corporators, in such proportion as the present interest of such corporators may be in said property.

SECT. 4. The capital stock of said coporation may be further increased to a sum not exceeding thirty thousand dollars, by the purchase of real or personal property to be used for the above named purposes for which said corporation is created.

SECT. 5. Said corporation may also, if necessary, lay or construct their drain from the said quarry, beneath the public highway in said city, subject to such restrictions for the security and convenience of the public as the authorities of said city may impose.

Corporators.
Corporate name.
Objects.
Capital \$24,000.
Shares.
Capital stock may be increased to \$30,000.