

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-EIGHTH LEGISLATURE

OF THE

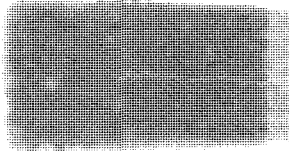
## STATE OF MAINE.

1859.

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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:**  
STEVENS & SAYWARD, PRINTERS TO THE STATE.

1859.



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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1859.

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him the taxes and charges specified in the preceding section with twenty-five per cent. interest per annum thereon, and a reasonable sum for any improvements or betterments on said estate made by said grantee, or person claiming under him, which payment of said sums or tender thereof as aforesaid shall entitle the contestant or person claiming under him to a reconveyance of said estate; and if such grantee, or person claiming under him shall neglect, for the space of sixty days, after such payment or tender, to reconvey such estate by quit-claim deed to such contestant, or person claiming under him, he may commence and maintain a bill in equity against such grantee or person claiming under him to recover such estate.

SECT. 3. This act shall be in force from and after its approval by the governor.

[Approved April 2, 1859.]

### Chapter 352.

An act additional concerning the Kennebec Log Driving Company.

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

SECT. 1. The Kennebec Log Driving Company are authorized to erect and maintain on the Kennebec river, in the town of Farmingdale, a boom with piers, and all the necessary fixtures, for the purpose of taking and securing any logs, masts, spars or other timber floating down said river; said boom to commence on the west bank of said river, in said Farmingdale, near the south line of the Lancaster farm; thence to or near the foot of Brown's island; thence up said island, to the head thereof; thence up said river in a north-westerly direction to the head of the Sweatland boom so called; *provided*, the same shall be so constructed as not to obstruct in any manner, the free navigation of the said river; and for the purpose aforesaid, said company may take and use, any shore, flats or land adjacent, which may be necessary for the erection and occupation of said boom; *provided however*, said company shall pay to the owners of said property so taken a reasonable compensation therefor.

Authorized to erect and maintain boom, &c.

Location.

Proviso.

May take and use any shore, &c.

Proviso.

SECT. 2. If any person shall suffer damage by the exercise of those powers herein granted to said company and the amount cannot be agreed upon by the parties, then the supreme judicial court, for the county of Kennebec, upon application of the party aggrieved, shall cause said damages to be ascertained, by a committee of three disinterested persons whose award shall be returned to said court;

Damages, how adjusted.

CHAP. 353. *provided however*, either party is dissatisfied with the award of said committee, and shall at the term at which said award is presented to said court apply for a trial by jury, the court shall determine the amount of damage by a jury in the same manner as other like cases are determined, and the prevailing party shall be entitled to cost, to be taxed by the court, and the court shall determine the compensation of said committee.

Directors authorized to make assessments, &c.

— lien.

SECT. 3. The directors of said log driving company are authorized to make such assessments from time to time upon the timber coming into said boom as they may deem necessary to build and keep in repair, and defray all necessary expenses pertaining to said boom, for the payment of which they shall have a lien upon the said timber, and all the provisions of an act entitled an act additional concerning the Kennebec Log Driving Company, approved March the twenty-second, eighteen hundred and fifty-six, are hereby made applicable to the boom herein established.

Boomage.

SECT. 4. No boomage shall be charged on rafts of timber or lumber running into the boom by accident or against the wishes of the party floating them, and the boom company shall be held to render reasonable and seasonable aid, free of charge to get such rafts out of their boom.

[Approved April 4, 1858.]

### Chapter 353.

An act to prevent the destruction of pickerel in Lovewell's pond, Kezer pond, Charles' pond, Pleasant pond and Clay pond.

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

Pickerel, destruction of, in certain ponds prohibited.

If any person shall take pickerel from Lovewell's pond, Kezer pond, Charles' pond, Pleasant pond, Clay pond or their tributary streams in Fryeburg, in the county of Oxford, between the first day of December and the first day of May in each year, he shall forfeit and pay a fine of not less than three, nor more than five dollars, for each offence; to be recovered by an action of debt, one half thereof to the use of said town, the other half to the use of the person who may sue for the same.

Penalty.

— how recovered and disposed of.

[Approved April 4, 1859.]