

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

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

AUGUSTA:
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.
1869.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1869.

CHAP. 215. seven persons at least to constitute a quorum for the transaction of business; and meetings may be directed at other times by the president or the corporation.

Quorum.

SECT. 6. This act shall take effect when approved.

Approved March 5, 1869.

Chapter 215.

An act to make valid the doings of the Methodist Episcopal Church in Monmouth.

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

The doings of
M. E. Church
in Monmouth,
made valid.

SECT. 1. The doings of the society and trustees of the Methodist Episcopal Church in Monmouth, in moving and repairing their church at Monmouth Centre, so called, and in appraising the pews in the same and assessing taxes thereon, are hereby made valid.

SECT. 2. This act shall take effect when approved.

Approved March 5, 1869.

Chapter 216.

An act to amend an act entitled "an act to incorporate the Kennebec Log Driving Company," approved March twentieth, in the year of our Lord one thousand eight hundred and thirty-five.

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

Amended.

SECT. 1. Said act is hereby amended by striking out all of said act after the word "hold," in the fifteenth line of the first section thereof, and by adding after said word "hold," so that said act as amended shall read as follows:

Corporators.

'Sect. 1. That John White, Marshall French, Oliver B. Dorrance, George W. King, David Scribner, Ezra Carter, junior, David Wescott, Alvah Sweetser, John Bradley, E. H. Scribner, Levi M. Pratt, Aaron Capen, Phineas Pratt, Henry Bowman, Benjamin Weston, junior, and Josiah H. Hobbs, their associates and successors be and they are hereby made and constituted a body politic and corporate by the name and style of the Kennebec Log Driving Company, and by that name may sue and be sued, prosecute and defend to final judgment and execution, both in law and in equity, and may make and adopt all necessary regulations and by-laws not repugnant to the constitution and laws of the state,

Corporate name.

Power.

and may adopt a common seal, and the same may alter, break and renew at pleasure, and may hold real and personal estate sufficient for carrying on the business of the Kennebec Log Driving Company, and may grant and vote money. And said company shall drive all logs and other timber belonging to said company, or any of the members thereof, that may be in the east branch Dead river and Kennebec river for that purpose, below the outlet of Moosehead lake at the dam and below the forks of the Dead river, to such place of destination on said Kennebec river as may be designated by the owners of such logs and other timber, or by the directors of said Kennebec Log Driving Company. And said company may for the purposes aforesaid, remove obstructions, erect booms and dams, where the same may be lawfully done, and shall have all the powers and privileges and be subject to all the liabilities incident to corporations of a similar nature.

Logs and lumber in certain branches of Dead and Kennebec rivers, driving of.

Obstructions, erection of booms and dams.

SECT. 2. The officers of said company shall be a clerk, treasurer and a board of five directors, three of whom shall be a quorum to transact business, all of whom shall be chosen by ballot, and a master driver or drivers and such other officers as may be deemed necessary, who may be appointed by the directors, unless they shall be chosen at the annual meeting, all of whom shall hold their offices until the next annual meeting, or until others are chosen or appointed in their stead. The clerk, treasurer and directors shall be sworn to the faithful performance of their duties. The treasurer shall give a bond to the acceptance of the directors. The directors shall at their first meeting elect one of their number who shall be the president of the company. And no person shall be eligible to the office of director except he be a member of the corporation.

Officers.

Quorum for transaction of business.

Tenure of office.

Oath.

Bonds.

President, election of.

SECT. 3. Any person, persons or corporations, or their agents, owning logs or other timber to be driven on said rivers, shall be members of the Kennebec Log Driving Company, and shall so continue for one year at least, and shall have all the privileges and be subject to all the liabilities thereto.

Persons, &c., owning logs to be driven shall be members of corporation and continue so one year.

SECT. 4. The members of said company owning logs or other timber to be driven down said rivers, shall, on or before the tenth of June in that year, file with the clerk a correct statement in writing, signed by such owner or owners, his or their authorized agent, of all such logs or timber, of the number of feet, board measure, and the mark or marks thereon, together with the place from which the logs are to be driven and their destination. And after the directors shall have ascertained the amount expended for driving and securing logs, and other necessary expenses for the season, and shall have ascertained the number of feet of the different marks of logs and timber to be assessed for paying the necessary expenses, they shall have the right to assess the same

Statement of logs or timber, &c., to be filed with clerk.

Assessments to meet expenses.

CHAP. 216.

Refusal or neglect to file statement, proceedings in case of.

Record of assessments to be kept in office of clerk.

List of assessments to be furnished treasurer.

Lien.

Notice to owners of assessments.

Payment to be made in 30 days or security furnished.

Proceedings in case of failure.

Unmarked lumber, how disposed of.

Proviso

to the owners if known, or to owner unknown, making such discount for logs driven less than the whole distance as in their opinion may be right and equitable. And if any owner or agent shall refuse or neglect to file such a statement in the manner herein prescribed, the directors may assess such delinquent or delinquents for his or their proportion of expenses, such sum or sums as may be by the directors considered just and equitable, and such assessment shall be final; and said assessment to be made on or before the first day of September. The directors shall keep a record of the assessments in the office of the clerk, which shall be open to the inspection of all persons interested.

SECT. 5. The directors shall give the treasurer a list of all assessments by them made, with a warrant in due form under their hands. And said company shall have a lien on all logs and other timber by them driven for the expenses of driving and securing the same, which shall not be discharged until said assessments shall be finally paid. And it shall be the duty of the treasurer within ten days after he shall receive from the directors a list of assessments in due form, to notify in writing all the owners, where known, of the amount assessed upon their several marks. And all owners of logs and other timber shall be required to pay or satisfactorily secure the amount of their several assessments within thirty days from the date of such assessment; and at the end of said thirty days, should the whole or any part of any member's assessment remain unpaid, the treasurer shall have power to take possession of a sufficient quantity of the logs or other timber of any mark which has been assessed to said member, and advertise the same for sale at public auction, by posting up in some conspicuous place in Gardiner, a notice of such sale, stating therein the names of the persons taxed, if known, with the mark or marks assessed, with the amount of assessment unpaid, ten days at least before the day of sale, and unless such assessments, with all expenses incurred, are previously paid, he may then proceed to sell to the highest bidder a sufficient quantity of such logs or other timber to pay such assessment, with all proper costs, together with twelve per cent. interest from the first day of October of the year in which said assessment is made, and such sales to be at the office of the company.

SECT. 6. All logs or other timber, after coming within the limits of the corporation, and not having thereon some mark designating the owner or owners thereof, shall be the property of said company; and said logs or other timber shall be disposed of by order of the directors, and the proceeds paid into the treasury of said company to defray expenses; *provided, however*, that nothing in this or the following section shall be construed to impair the right of any person to claim any log or other timber which he may

have put into said river without such mark of ownership. And any such person, upon furnishing reasonable proof of such ownership, shall be entitled to receive all logs which at any time before the sale thereof he may so prove to be his, or to receive the proceeds of the sale of the same; *provided* they have been sold by said company; all such claims to be made and proof to be furnished within one year from the date of the sale of the same by the company.

CHAP. 216.

Ownership, proof of, how and when made.

SECT. 7. It shall not be lawful for any person or corporation, other than the Kennebec Log Driving Company, to mark, or cause to be marked, any log or other timber put into said rivers or their tributaries, usually called prize logs. And if any person or corporation shall take and carry away or otherwise convert to his or their use, without the consent of said company, any prize log or prize timber, he or they shall be subject to all the liabilities provided for similar offences in the laws of the state, which specially provides for securing to owners their property in logs, masts, spars and other timber.

Marks, prize logs, &c.

SECT. 8. Any owner or owners of logs or other timber on said rivers or their tributaries, may take and use on his or their logs, or other timber, any mark not before used by any other person on said rivers or tributaries, and such mark shall be left with the clerk of said company, and shall be by him recorded in a book kept for that purpose, which shall be at all times open to the inspection of all persons interested; and if any other person or corporation shall use such mark on any logs or other timber on said river or its tributaries after such mark shall be recorded, such offender or offenders shall forfeit and pay twenty dollars for every such offence, to be recovered by action in any court competent to try the same, to the use of the person prosecuting therefor.

Mark to be recorded by clerk.

SECT. 9. If any person or persons shall stop or detain any logs or other timber above Six Miles Falls, so called, in Vassalboro', without the consent of the owners thereof, or said company, and shall detain the same for the space of twenty-four hours or more, or shall detain any logs or other timber between Augusta dam and said falls, after the first day of October of each year, without consent as aforesaid, said person or persons, so offending, shall forfeit and pay twice the amount of damage sustained by said owners or log driving company, before any court competent to try the same.

Logs not to be detained without consent of owner.

SECT. 10. It shall be the duty of the directors to keep a separate and distinct account of all expenses incurred for driving the logs and other timber between Moosehead lake and the forks of the Kennebec river, and between the forks on Dead river and said forks of the Kennebec river, and between said forks of the Kennebec river and the point of destination on the Kennebec river,

Expenses, account of, to be kept by directors.

CHAP. 216.

Loss of lumber.

and ascertain the number of feet and ownership of said logs and other timber driven between said points, and assess thereon a distinct and separate tax sufficient to pay said expenses.

SECT. 11. Whenever the directors of the Kennebec Log Driving Company shall judge it for the interest of the owners of logs and other timber remaining in the booms or in any place exposed to loss, after the first day of October in any year, to collect and deposit in suitable and convenient places and properly secure the same, they are hereby authorized so to collect and deposit such logs and timber thus situated, and to use all reasonable care safely to keep the same, until removed by the owners thereof, or are otherwise disposed of in the manner provided in this act.

May assess sums to cover necessary expenses, &c., and have a lien for payment of same.

SECT. 12. Upon all logs and other timber thus collected and deposited, the directors shall assess the expense actually incurred thereon, with such additional sums as may be deemed necessary to cover necessary future expenditures upon them while in their charge; and said company shall have a lien upon the logs and other timber for the full payment of all expenses; or the treasurer may recover such assessments and all other assessments made by virtue of this act, in an action of debt in the name of the Kennebec Log Driving Company, in any court competent to try the same; and no action shall abate by reason of all the owners not being joined as defendants.

How recovered.

Notice to log owners who have not paid all assessments, &c.

SECT. 13. If any logs or other timber shall remain in the depositories upon the first day of September next ensuing, upon which the assessments have not been paid, the directors may immediately thereafter advertise for three weeks successively, in some newspaper printed in the city of Gardiner, notifying all owners of logs and other timber, deposited under this act, to remove the same within thirty days from said first day of September; and all logs not removed before the expiration of thirty days, and upon which the assessments have not been paid, may be sold at public auction, and the proceeds thereof, after deducting all unpaid assessments and necessary expenses of sale, shall be paid upon demand by the treasurer of the company to the owners of logs and other timber thus sold.

Sale, how made, &c.

May secure logs, &c., drifting below Sands boom.

Expense, how taxed and collected.

SECT. 14. Whenever the company shall judge it for the interest of the log owners, they may collect and secure all logs and other timber which may drift below the Sands boom on said river, and for all expenses incurred by said company upon all logs and other timber so secured, said company shall be authorized to assess upon such logs and timber a tax sufficient to pay such expense; and if such tax is not paid or secured and the logs removed prior to the first day of September, they may proceed to sell at public auction all such logs and other timber not previously removed, and the assessments thereon paid; and prior to proceeding to such

sale, notice of the time and place of sale shall be published three weeks successively in some newspaper printed in the city of Gardiner; and the proceeds of such sales, after deducting all necessary charges, shall be paid by the treasurer of said company, on demand, to the owners of such logs and other timber thus sold.

SECT. 15. The private property of each member of said company shall be holden to pay all debts contracted by said company after he became a member thereof, and before his withdrawal from the same, in default of company property whereon execution may be satisfied.'

Private property liable for debts of company.

SECT. 16. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 17. This act shall take effect when approved.

Approved March 5, 1869.

Chapter 217.

An act authorizing Ticonic Village Corporation of Waterville, in the county of Kennebec, to raise and expend a certain amount of money for certain purposes.

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

SECT. 1. The Ticonic Village Corporation, in order to promote the benefit and welfare of its citizens and to aid in securing the improvement of water power on the Kennebec river within the limits of said corporation, is authorized to raise and expend the sum of fifty thousand dollars, or so much thereof as may be necessary, in purchasing or in contributing to the purchase of such property and estate and improving said property and water power as may, in the judgment of two-thirds of the legal voters present and voting at any meeting of said corporation, legally called, conduce to the full development of said water power; or for the purposes aforesaid to raise and loan to any incorporated company or companies which may hereafter be established within said limits, any part or all of said sum on such time or times and in such sums as said two-thirds may determine; or to invest said sum or any part thereof in the capital stock of any such company or companies, if said two-thirds so determine; and any property so purchased by said corporation, it may transfer and convey, or cause to be conveyed, on such terms and to such persons or corporations as said voters may determine.

Purpose.

Amount.

How applied.

Conveyance.

SECT. 2. This act shall take effect when it shall have been accepted by Ticonic Village Corporation, by a vote of the legal voters thereof in corporation meeting, voting by ballot, yea or nay, on the question submitted; and an affirmative vote of at least two-

Acceptance of act.