

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

Chapter 419.

An Act to incorporate the Penobscot East Branch Log Driving Company.

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

Sect. 1. Philo A. Strickland, John Morrison, Cornelius Murphy, C. N. White, James F. Campbell, J. Fred Webster, Walter E. Palmer, N. C. McCausland, John Ross, Frederick H. Strickland, E. W. Conant, M. L. Jordan, I. A. Terrill, Ira B. Gardner, John Finch, J. Warren Leslie, George T. Merrill, Charles H. Dudley, Charles C. Perry, and W. S. Kellogg, their associates, successors and assigns, are hereby incorporated under the name of the Penobscot East Branch Log Driving Company, for the purpose of clearing out and improving the navigation of the east branch of the Penobscot river to facilitate the driving of logs and other lumber between Grand Lake dam and the west branch of said river at Medway, in the county of Penobscot, and of driving logs and other lumber down said east branch to such place of destination on the Penobscot river as may be designated by the owners thereof. And said corporation shall have the power to purchase, or otherwise obtain, such real estate and to purchase and hold such personal property as may be necessary to carry into effect the purposes of the corporation, to have and use a common seal, to grant and vote money, to make and adopt all necessary regulations and by-laws for the management of the concerns of said corporation not repugnant to the laws of the state, and to have and enjoy all the powers, rights and privileges of similar corporations.

Corporators.

—corporate name.

—purposes.

—may take real estate.

—seal.

Sect. 2. Said corporation shall drive all logs and other lumber belonging to said corporation, or any of the members thereof, that may be in the east branch of the Penobscot river for that purpose, between Grand Lake dam and the west branch at said Medway, to such place of destination on the Penobscot river as may be designated by the owners of such logs and other lumber, or by the directors of said corporation, such place not to be below the Penobscot boom where logs are usually sorted. Provided, however, said corporation shall be under no obligation to drive logs or other lumber coming into said east branch, unless seasonably delivered for that purpose below said Grand Lake dam. Any owners of logs landed below Grand Lake dam, may drive their own logs landed below said dam. And said corporation for the purposes aforesaid,

Shall drive logs of other corporations.

—proviso.

—may improve navigation of river.

CHAP. 419 may clear out and improve the navigation of the river between the points aforesaid, remove obstructions, break jams, build dams and side dams, erect piers and booms, and make all other necessary improvements.

Who may
be members
of company.

Sect. 3. Any person, persons or corporations, or their agents, owning logs or other lumber to be driven on said east branch of the Penobscot river, shall be members of the Penobscot East Branch 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 pertaining thereto.

Officers.

Sect. 4. The officers of said corporation 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 respective 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 discharge 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 corporation, and no person shall be eligible to any office unless he be a member of the corporation.

—shall be
sworn.

—treasurer
shall give
bond.

Owners
shall file
statement
of logs.

Sect. 5. The members of said corporation owning logs and other lumber to be driven down said east branch between said Grand Lake dam and said west branch, shall on or before the fifteenth day of May in that year file with the clerk a statement in writing, signed by such member or members, his or their authorized agent, of all such logs or other lumber the number of feet, board measure, of all such logs or other lumber, and the marks thereon, together with the place from which the logs are to be driven and their destination, and the directors, or one of them, shall require such owner or owners or agent presenting such statement to make oath that the same is in their judgment and belief true, which oath any one of the directors is hereby authorized and empowered to administer. And after the directors shall have ascertained the amount necessary to defray the cost of driving such logs and other lumber, and to pay other necessary expenses for the season, they shall have the right to assess the same as hereinafter provided, to the owners, if known, or to owner unknown, making such discount for logs

—cost of
driving,
how
assessed.

CHAP. 419

driven less than the whole distance as in their opinion may be right and equitable. And if any such owner or agent shall neglect or refuse to file a statement in the manner herein prescribed, the directors may assess such delinquent or delinquents for his or their proportion of such expenses, such sum or sums as may be by the directors considered just and equitable, and the directors shall give public notice of the time and place of making such assessments, by publishing the same in some newspaper printed in Bangor two weeks in succession, the last publication to be before making such assessments, and any assessment or assessments, when the owner or owners of any mark of logs or other lumber is unknown to the directors, may be set to the mark upon such logs or other lumber. And the clerk shall keep a record of all assessments and of all expenses upon which such assessments are based, which shall be open to the inspection of all persons interested.

—delin-
quents, how
assessed.

—clerk shall
keep record
of all assess-
ments.

Sect. 6. Said directors are hereby authorized to make the assessment contemplated in the last preceding section, in anticipation of the actual cost and expenses of driving, and in any sum not exceeding for each thousand feet, board measure, the sum of one dollar, and so in proportion to the distance which any logs or other lumber is to be or may be driven between said Grand Lake dam and the places of destination to be determined by said directors. And if after said logs or other lumber shall have been driven as aforesaid, and all expenses actually ascertained, it shall be found that said assessment shall be more than sufficient to pay said expenses, then the balance so remaining shall be refunded to the said owner or owners, in proportion to said sum to them respectively assessed.

Assess-
ments shall,
in anticipa-
tion, include
costs.

—overplus
shall be re-
funded.

Sect. 7. 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 corporation shall have a lien on all logs and other lumber by them driven, for the expenses of driving the same, which may be discharged by sufficient bond being given to the corporation conditional that all such expenses shall be seasonably paid. And all owners of logs and other lumber shall be required to pay or satisfactorily secure the amount of their several assessments within thirty days from the date of such assessment. And the treasurer shall have power to take possession of a sufficient quantity of any and all marks of logs and other lumber upon which the assessment has not been paid or secured at the end of thirty days from such assessment, and

Lien on
logs.

—how en-
forced.

CHAP. 419 shall retain possession of the same until disposed of as herein-after provided; and all marks upon which such assessment shall not be thus paid or secured within the time herein specified, shall be advertised two weeks in succession, in some newspaper printed in said Bangor; and if not paid within ten days after the last publication, with necessary costs and expenses, the treasurer shall then advertise them for sale at public auction, by posting up in some conspicuous place in Bangor, Old Town, and the place of destination of such logs and other lumber, notices of such sale, with a list of all the marks, and the amount of assessment upon each mark, ten days before the day of sale; and unless such assessments with expenses incurred are previously paid, he shall then proceed to sell to the highest bidder, sufficient quantity of the logs or other lumber of the different marks upon the list to pay such assessments, with all proper costs and expenses, selling each mark separately. The place of sale to be at the office of the corporation, and the proceeds of all sales to be paid into the treasury of the corporation. And the lien hereby created shall have precedence of all other liens; provided, however, if before the sale it should be ascertained that the logs or other lumber of any particular mark or marks had not arrived at their places of destination, but remained back, that in such case said sale may be adjourned from time to time until such logs or other lumber shall arrive at said place of destination.

Certain rights repealed.

Sect. 8. All that part of chapter four hundred and eighty-two of the private and special laws of eighteen hundred and eighty-nine, approved March first, eighteen hundred and eighty-nine, granting certain rights to the Penobscot River Dam and Improvement Company between the junction of the east and west branches of the Penobscot river at Medway and Grand Lake dam, so called, on said east branch, is hereby repealed.

First meeting, how called.

Sect. 9. The first meeting of said corporation may be called by any two of the above named corporators, giving actual notice in writing to their several associates at least seven days before the time named for such meeting.

Sect. 10. This act shall take effect when approved.

Approved March 10, 1897.