

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1843.

AUGUSTA:

WM. R. SMITH & Co., PRINTERS TO THE STATE.



1843.

TWENTY-THIRD LEGISLATURE.

No. 31.]

[HOUSE.

A N A C T

IN RELATION TO THE

KENNEBEC LOG DRIVING COMPANY.

[Wm. R. SMITH & Co....Printers to the State.]

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-THREE.

AN ACT amendatory to an act entitled an act to incorporate the Kennebec Log Driving Company.

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

SECTION 1. The Kennebec Log Driving Company shall drive all logs and other timber belonging to said company, or any of the members thereof, that may be in the Kennebec river for that purpose, commencing at the outlet of said river at Moosehead Lake, to such place of destination on said river, as may be designated by the owners thereof, such place not to be below the Kennebec Bridge at Augusta, at as early a period as practicable. And said company may, for the purposes aforesaid, remove obstructions, break jams, and erect booms, 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.

SEC. 2. The officers of said company shall be a Clerk, Treasurer, and a board of five Directors, three

3 of whom shall be a quorum, to transact business, and
4 a master driver or drivers, and such other officers as
5 may be deemed necessary by the members at their
6 annual meeting, all of whom shall hold their offices
7 until the next annual meeting following their election,
8 and until others be chosen in their stead. And the
9 Clerk and Directors shall be sworn to the faithful
10 performance of their duties. And the Treasurer
11 shall give a good and sufficient bond to be approved
12 by the Directors before entering upon the discharge
13 of his duties. And the Directors shall at their first
14 meeting elect one of their number, who shall be
15 the President of said company, and no member shall
16 hold more than one office in said company at the same
17 time.

SEC. 3. The Clerk and Treasurer of the compa-
2 ny shall at the next annual meeting and at all future
3 annual meetings, lay before the members a full account
4 of the doings of said company for the preceding year,
5 showing the whole amount of receipts and expendi-
6 tures, the source whence all receipts are derived, the
7 amount of all claims against the company, and the
8 nature of them. Also the amount of debts due to
9 said company, and from whom they are due. Also
10 stating the amount due or paid to each officer and
11 agent the preceding year, the nature of the services
12 performed, and the number of days they have each
13 been employed, said accounts to be audited and ap-
14 proved by the Directors and duly sworn to by said

15 Clerk and Treasurer. Said account shall be the
16 first business to be acted upon at the annual meeting
17 after it is organized. And before proceeding to a
18 choice of officers, the compensation of each officer,
19 agent or driver, shall first be fixed by a vote of the
20 meeting. And the compensation, as fixed, shall in-
21 clude all charges to be made by such officer, agent or
22 driver, during his continuance in office. All compen-
23 sation for extra services rendered by any officer, agent
24 or driver, shall be laid before the directors for allow-
25 ance, and shall be reported by them to the next
26 annual meeting. The by-laws of said company
27 shall be laid before the next annual meeting for revi-
28 sion; and the same shall be done at each future
29 annual meeting.

SEC. 4. A committee shall be chosen at each an-
2 nual meeting, who shall be authorized whenever they
3 shall judge the interest of the log owners to require
4 it, to collect and secure all logs and other timber
5 which may drift below the Chops, so called, on said
6 river. And for all expenses incurred by said com-
7 mittee a lien is hereby created upon all logs and other
8 timber so secured, and said committee shall be au-
9 thorized to assess upon all such logs and other timber,
10 a tax sufficient to pay such expense; and if such tax
11 is not paid or secured within thirty days after it is
12 assessed, they shall proceed to sell and dispose of a
13 sufficient quantity of such logs and other timber, to
14 pay said tax, in the same manner as is hereinafter

15 provided for the sale of logs for delinquent assess-
16 ments laid by the Directors for driving expenses.
17 All proceeds of said sales shall be paid into the Trea-
18 sury of said company. The assessments provided
19 for in this section shall be handed to the Treasurer,
20 with a warrant under the hands of said committee in
21 due form. And said Treasurer shall proceed to col-
22 lect the same in the same manner as is provided in
23 the eighth section of this act, all sales of logs under
24 the authority of this section shall be at the office of
25 said company and at public auction.

SEC. 5. All logs or other timber not having thereon
2 some mark designating the owner or owners thereof,
3 shall be the property of said company; and said logs
4 and other timber shall be disposed of in such manner
5 and at such times and places as shall be determined
6 upon at the annual meeting, and at each annual meet-
7 ing, it shall be the duty of the members to prescribe
8 the method to be pursued in the collection and dis-
9 posal of all such logs and other timber the year ensu-
10 ing, the proceeds of all sales of such logs and other
11 timber shall be paid into the treasury of said company
12 to defray expenses. Provided however, nothing in
13 this or the following section shall be construed to im-
14 pair the right of any person to claim any log or other
15 timber which he may have put into said river, with-
16 out such mark of ownership. And any such person
17 upon furnishing reasonable proof of such ownership,
18 shall be entitled to receive all logs which he may so

19 prove to be his, or to receive the proceeds of the sale
20 of the same, provided they have been sold by said
21 company, all such claims to be made and proof to be
22 furnished within one year from the date of the sale of
23 the same by the company.

SEC. 6. It shall not be lawful for any person or
2 corporation, other than the Kennebec Log Driving
3 Company, to mark or cause to be marked, any log
4 or other timber put into said river, or its tributaries,
5 usually called prize logs. And any person or persons,
6 or corporation, other than the Kennebec Log Driv-
7 ing Company, who shall drive his or their own logs
8 down said river, and shall furnish reasonable proof
9 thereof within the year, such logs were driven, to-
10 gether with the number of feet thus driven, to the
11 the Directors of said company, it shall be the duty of
12 said Directors to apportion to such owner or owners
13 a just proportional share of the nett proceeds of all
14 prize logs or other prize timber sold by said company,
15 the year such logs may have been driven. Provided
16 however, nothing in this Act shall be construed to im-
17 pair the exclusive right of said company to control and
18 dispose of all the prize logs and prize timber in said
19 river, or its tributaries. And if any person or cor-
20 poration, except the owner thereof, shall take and
21 carry away or otherwise convert to his or their use,
22 without the consent of said company, any prize log or
23 prize timber, he or they shall be subject to all the lia-
24 bilities provided for similar offences in the laws of the

25 State, which specially provide for securing to owners
26 their property in logs, masts, spars and other timber.

SEC. 7. The number of said company at any
2 time owning logs or timber on said river, or its tribu-
3 taries, or lying on the banks or shores thereof, and
4 intended to be driven down said river, between
5 Moosehead lake and the Augusta Bridge, or any part
6 of that distance, shall on or before the tenth day of
7 June, in that year, file with the Clerk a statement in
8 writing signed by such owner or owners, his or their
9 authorized agent, of all such logs or timber, of the
10 number of feet board measure, of all such logs and
11 other timber, and the mark thereon, and what por-
12 tion thereof has been driven by said company, and
13 the Directors, or one of them, shall require such
14 owner or owners, or agents presenting such statement,
15 to make oath that the same is in his or their judg-
16 ment and belief, true, which oath the Directors, or
17 either of them are hereby empowered to administer.
18 And if any owner shall neglect or refuse to file a
19 statement in the manner herein prescribed, the Direc-
20 tors may assess such delinquent or delinquents for his
21 or their proportion of such expenses, such sum or
22 sums as may be by the Directors considered just and
23 equitable. And the Directors shall give public notice
24 of the time and place of making such assessments by
25 publishing the same in some newspaper printed in
26 Augusta, Bath and Portland, two weeks in succes-
27 sion, the last publication to be before making such

28 assessments. And any assessment or assessments
29 when the owner or owners of any mark of logs or oth-
30 er timber, is unknown to the Directors, may be set
31 to the mark upon such logs or other timber. And
32 the Directors shall keep a record of all assessments
33 made by them which shall at all times be open to all
34 persons interested.

SEC. 8. The directors shall give the treasurer a
2 list of all assessments by them made with a warrant
3 in due form under their hands. And said company
4 shall have a lien on all logs and other timber by them
5 driven for the expenses of driving the same, which
6 may be discharged by sufficient bond being given to
7 the company conditional that all such expenses shall
8 be seasonably paid. And it shall be the duty of the
9 treasurer, within ten days after he shall receive from
10 the directors a list of assessments in due form—to
11 notify in writing all the owners where known, of the
12 amount assessed upon their several marks, and when
13 the owner or owners of any marks of logs or other
14 timber are unknown, he shall within ten days publish
15 a list of all such marks of logs and timber with the
16 amount assessed upon each mark in some newspaper
17 printed in Bath, Portland and Augusta, three weeks
18 successively. And all owners of logs and other tim-
19 ber, shall be required to pay or satisfactorily secure
20 the amount of their several assessments within thirty
21 days from the date of such assessment. And the
22 Treasurer shall have power to take possession of a

23 sufficient quantity of any and all marks of logs upon
24 which the assessment has not been so paid or secured
25 at the end of thirty days from such assessment, and
26 shall retain possession of the same until disposed of as
27 hereinafter provided. And all marks upon which
28 such assessment shall not be thus paid or secured
29 within the time herein specified, shall be advertised
30 two weeks in succession in some newspaper printed
31 in Bath, Augusta and Portland, and if not paid with-
32 in ten days after the last publication, with necessary
33 costs, the Treasurer shall then advertise them for sale
34 at public auction, by posting up in some conspicuous
35 place in Bath, Gardiner, Augusta and Waterville, a
36 notice of such sale, with a list of all the marks, and
37 the amount of assessment upon each mark, ten days be-
38 fore the day of sale, and unless such assessments with
39 all expenses incurred are previously paid, he shall
40 then proceed to sell to the highest bidder, a sufficient
41 quantity of the logs or other timber of the different
42 marks upon the list, to pay such assessments, with all
43 proper costs, selling each mark separately. The
44 place of sale to be at the office of the company, and
45 the proceeds of all sales to be paid into the treasury
46 of the company.

SEC. 9. Any owner or owners of logs or other
2 timber on said river, or its tributaries, may take and
3 use on his or their logs, or other timber, any mark
4 not before used by any other person on said river, or
5 its tributaries, and such mark shall be left with the

6 Clerk of said company, and shall be by him recorded
7 in a book to be kept by him for that purpose, which
8 shall be at all times open to the inspection of all per-
9 sons interested ; and if any other person or corpora-
10 tion shall use such mark on any logs or other timber
11 on said river, or its arbitraries, after such mark shall
12 be so recorded, such offender or offenders shall forfeit
13 and pay twenty dollars for every such offence, to be
14 recovered by action in any court competent to try the
15 same, to the use of the person prosecuting therefor.

SEC. 10. All persons who shall undertake to
2 drive their own logs or other timber down said river,
3 or any part thereof, shall furnish all necessary men,
4 tools, and other apparatus, for the efficient driving
5 said logs, so as not to interfere with the driving of
6 logs by said company.

SEC. 11. It shall be the duty of the master driver
2 or drivers, to drive all logs or other timber, to the
3 Bridge at Augusta, unless he or they shall be season-
4 ably notified by the owner or owners, of their wish to
5 have them stopped at any place above said bridge.
6 And it shall be the duty of all boom owners or agents,
7 or other persons engaged in stopping, booming, rafting
8 or securing any such logs or other timber, at any place
9 above said bridge, to furnish said driver or drivers,
10 whenever requested, his or their written authority for
11 stopping any such logs or other timber. And when
12 such written authority, or other sufficient proof of his or
13 their authority to stop any such logs or other timber,

14 is not produced, the driver or drivers may proceed to
15 turn out and drive to said bridge at Augusta, all such
16 logs and other timber. And if any boom owner or
17 owners, or agents, or any other person or persons en-
18 gaged in stopping or securing logs or timber, above
19 said bridge, shall stop or detain any logs or other tim-
20 ber, without the consent of the owners thereof, and
21 if they shall detain the same for the space of twenty-
22 four hours or more, said boom owner or agent, or
23 other person, so offending, shall forfeit and pay one
24 dollar for each and every log so stopped or detained,
25 to be recovered in an action of trespass. And it
26 shall be the duty of all said boom owners or agents,
27 or other persons, to turn out all such logs or other
28 timber, as may drift into any such boom or raft, or
29 get into said boom or raft in any way, each day, and
30 as early in the day as practicable.

SEC. 12. Said company shall have no control
2 over any logs or other timber, after they are driven
3 to said bridge. Provided however, nothing in this
4 Act contained, shall be construed to impair their lien
5 upon all logs or timber they may have thus driven for
6 all driving expenses, nor their full and perfect control
7 over all prize logs or prize timber, or their authority
8 as contained in the fourth section of this Act.

SEC. 13. It shall be the duty of the master driv-
2 er to keep a separate and distinct account of all
3 expenses incurred for driving the logs and other
4 timber, between Moosehead lake and the Forks of

5 Kennebec river. And the Directors shall in the
6 manner prescribed in this Act, ascertain the number
7 and ownership of the logs and other timber, between
8 the points aforesaid, and shall assess thereon a dis-
9 tinct and separate tax, sufficient to pay all such ex-
10 penses.

SEC. 14. Any person may become a member of
2 this company, who is an owner or interested in logs
3 or other timber on said river or its tributaries, by
4 leaving with the clerk a written request to that effect,
5 which shall be by him recorded and kept on file.
6 And any person may withdraw from said company
7 by filing with the clerk a request for that purpose,
8 which shall likewise be kept on file and recorded by
9 said clerk; such member first paying or securing all
10 debts and assessments due said company.

SEC. 15. The private property of all individuals
2 of said company shall be holden to pay all debts con-
3 tracted by said company after he became a member
4 thereof, and before his withdrawal from the same, in
5 default of company property whereon execution may
6 be satisfied.

SEC. 16. All Acts and parts of Acts, so far as
2 they relate to driving logs and other timber on said
3 river, or its tributaries, be and the same are hereby
4 repealed; and this Act shall take effect and be in
5 force from the time it shall be approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 14, 1843. }

Laid on the table, and 300 copies ordered to be printed for the
use of the Legislature.

WM. T. JOHNSON, *Clerk.*