

MAINE STATE LEGISLATURE

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FORTY-EIGHTH LEGISLATURE.

SENATE.

No. 19.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

AN ACT to amend the charter of the Kennebec Log Driving Company, approved March twenty, eighteen hundred and thirty-five.

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

SECTION 1. John White, Marshall French, Oliver
2 B. Dorrance, George W. King, David Scribner, Ezra
3 Carter junior, David Wescott, Alvah Sweetser, John
4 Bradley, E. H. Scribner, Levi M. Pratt, Aaron Caper,
5 Phineas Pratt, Henry Bowman, Benjamin Weston
6 junior, and Josiah H. Hobbs, their associates and suc-
7 cessors be and they are hereby made and constituted a
8 body politic and corporate by the name and style of
9 the Kennebec Log Driving Company, and by that
10 name may sue and be sued, prosecute and defend to
11 final judgment and execution, both in law and in

12 equity, and may make and adopt all necessary regula-
13 tions and by-laws not repugnant to the constitution
14 and laws of the state, and may adopt a common seal,
15 and the same alter, break and renew at pleasure, and
16 may hold real and personal estate sufficient for carry-
17 ing on the business of the Kennebec Log Driving
18 Company, and may grant and vote money. And said
19 company shall drive all logs and other timber belong
20 ing to said company, or any of the members thereof,
21 that may be in the east branch Dead river and Ken-
22 nebec river for that purpose, below the outlet of
23 Moosehead lake at the dam and below the forks of the
24 Dead river, to such place of destination on said Ken-
25 nebec river as may be designated by the owners of
26 such logs and other timber, or by the directors of said
27 Kennebec Log Driving Company. And said company
28 may for the purposes aforesaid, remove obstructions,
29 erect booms and dams, where the same may be lawfully
30 done, and shall have all the powers and privileges and
31 be subject to all the liabilities incident to corporations
32 of a similar nature.

SECT. 2. The officers of said company shall be a
2 clerk, treasurer and a board of five directors, three of
3 whom shall be a quorum to transact business, all of
4 whom shall be chosen by ballot, and a master driver
5 or drivers and such other officers as may be deemed

6 necessary, who may be appointed by the directors, un-
7 less they shall be chosen at the annual meeting, all of
8 whom shall hold their offices until the next annual
9 meeting, or until others are chosen or appointed in
10 their stead. The clerk, treasurer and directors shall
11 be sworn to the faithful performance of their duties.
12 The treasurer shall give a bond to the acceptance of
13 the directors. The directors shall at their first meet-
14 ing elect one of their number who shall be the presi-
15 dent of the company. And no person shall be eligible
16 to the office of director except he be a member of the
17 corporation.

SECT. 3. Any person, persons or corporations, or
2 their agents, owning logs or other timber to be driven
3 on said rivers, shall be members of the Kennebec Log
4 Driving Company, and shall have all the privileges
5 and be subject to all the liabilities thereto.

SECT. 4. The members of said company owning
2 logs or other timber to be driven down said rivers,
3 shall, on or before the tenth of June in that year, file
4 with the clerk a statement in writing, signed by such
5 owner or owners, his or their authorized agent, of all
6 such logs or timber, of the number of feet board
7 measure, and the mark or marks thereon, together
8 with the place from which the logs are to be driven
9 and their destination. And after the directors shall

10 have ascertained the amount expended for driving and
11 receiving logs, and other necessary expenses for the
12 season, and shall have ascertained the number of feet
13 of the different marks of logs and timber to be as-
14 sessed for paying the necessary expenses, they shall
15 have the right to assess the same to the owners if
16 known, or to "owner unknown," making such dis-
17 count for logs driven less than the whole distance as in
18 their opinion may be right and equitable. And if any
19 owner or agent shall refuse or neglect to file a state-
20 ment in the manner herein prescribed, the directors
21 may assess such delinquent or delinquents for his or
22 their proportion of expenses, such sum or sums as
23 may be by the directors considered just and equitable,
24 and such assessment shall be final, and said assess-
25 ment to be made on or before the first day of Septem-
26 ber. The directors shall keep a record of the assess-
27 ments in the office of the clerk, which shall be open
28 to the inspection of all persons interested.

SECT. 5. The directors shall give the treasurer a list
2 of all assessments by them made, with a warrant in
3 due form under their hands. And said company shall
4 have a lien on all logs and other timber by them
5 driven for the expenses of driving and securing the
6 same, which shall not be discharged until said assess-
7 ments shall be finally paid. And it shall be the duty

8 of the treasurer within ten days after he shall receive
9 from the directors a list of assessments in due form,
10 to notify in writing all the owners, where known, of
11 the amount assessed upon their several marks. And
12 all owners of logs and other timber shall be required
13 to pay or satisfactorily secure the amount of their
14 several assessments within thirty days from the date
15 of such assessment; and at the end of said thirty
16 days, should the whole or any part of any member's
17 assessment remain unpaid, the treasurer shall have
18 power to take possession of the logs or other timber
19 of any mark which has been assessed to said member,
20 and advertise the same for sale at public auction, by
21 posting up in some conspicuous place in Gardiner,
22 a notice of such sale, stating therein the names of
23 the persons taxed, if known, with the mark or marks
24 assessed, with the amount of assessment unpaid, ten
25 days at least before the day of sale, and unless such
26 assessments, with all expenses incurred, are previous-
27 ly paid, he may then proceed to sell to the highest
28 bidder a sufficient quantity of such logs or other tim-
29 ber to pay such assessments, with all proper costs,
30 together with twelve per cent. interest from the first
31 day of October of the year in which said assessment
32 is made, and such sales to be at the office of the
33 company.

SECT. 6. All logs or other timber, after coming
2 within the limits of the corporation, and not having
3 thereon some mark designating the owner or owners
4 thereof, shall be the property of said company; and
5 said logs or other timber shall be disposed of by order
6 of the directors, and the proceeds paid into the treas-
7 ury of said company to defray expenses; *provided*
8 *however*, that nothing in this or the following section
9 shall be construed to impair the right of any person
10 to claim any log or other timber which he may have
11 put into said river without such mark of ownership.
12 And any such person, upon furnishing reasonable
13 proof of such ownership, shall be entitled to receive
14 all logs which at any time before the sale thereof he
15 may so prove to be his, or to receive the proceeds of
16 the sale of the same, provided they have been sold by
17 said company; all such claims to be made and proof
18 to be furnished within one year from the date of the
19 sale of the same by the company.

SECT. 7. 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 or
4 other timber put into said rivers or their tributaries,
5 usually called prize logs. And if any person or corpo-
6 ration shall take and carry away or otherwise convert
7 to his or their use, without the consent of said com-

8 pany, any prize log or prize timber, he or they shall
9 be subject to all the liabilities provided for similar
10 offences in the laws of the state, which specially pro-
11 vides for securing to owners their property in logs,
12 masts, spars, and other timber.

SECT. 8. Any owner or owners of logs or other tim-
2 ber on said rivers or its tributaries, may take and use
3 on his or their logs, or other timber, any mark not
4 before used by any other person on said rivers or tribu-
5 taries, and such mark shall be left with the clerk of
6 said company, and shall be by him recorded in a book
7 kept for that purpose, which shall be at all times open
8 to the inspection of all persons interested; and if any
9 other person or corporation shall use such mark on
10 any logs or other timber on said river or its tributa-
11 ries after such mark shall be recorded, such offender
12 or offenders shall forfeit and pay twenty dollars for
13 every such offence, to be recovered by action in any
14 court competent to try the same, to use of the person
15 prosecuting therefor.

SECT. 9. If any boom-owner or owners, or agents
2 or any other person or persons, engaged in stopping
3 or securing logs or timber above Augusta dam, shall
4 stop or detain any logs or other timber without the
5 consent of the owners thereof, or said company, and
6 they shall detain the same for the space of twenty-four

7 hours or more, said boom-owner or agent, or other
8 person, so offending, shall forfeit and pay twice the
9 amount of damage sustained before any court compe-
10 tent to try the same.

SECT. 10. It shall be the duty of the directors to
2 keep a separate and distinct account of all expenses
3 incurred for driving the logs and other timber between
4 Moosehead lake and the forks of the Kennebec river,
5 and between the forks on Dead river and said forks of
6 the Kennebec river, and between said forks of the
7 Kennebec river and the point of destination on the
8 Kennebec river, and ascertain the number of feet and
9 ownership of said logs and other timber driven between
10 said points, and assess thereon a distinct and separate
11 tax sufficient to pay said expenses.

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

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.

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

14 sale, shall be paid upon demand by the treasurer of
15 the company to the owners of logs and other timber
16 thus sold.

SECT. 14. Whenever the company shall judge it for
2 the interest of the log owners, they may collect and
3 secure all logs and other timber which may drift below
4 the Sands boom on said river, and for all expenses
5 incurred by said company upon all logs and other
6 timber so secured, said company shall be authorized to
7 assess upon such logs and timber a tax sufficient to
8 pay such expense; and if such tax is not paid or
9 secured and the logs removed prior to the first day of
10 September, they may proceed to sell at public auction
11 all such logs and other timber not previously re-
12 moved, and the assessments thereon paid; and prior
13 to proceeding to such sale, notice thereof shall be pub-
14 lished three weeks successively in some newspaper
15 printed in the city of Gardiner; and the proceeds of
16 such sales, after deducting all necessary charges, shall
17 be paid by the treasurer of said company, on demand,
18 to the owners of such logs and other timber thus sold.

SECT. 15. The private property of each member of
2 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.

STATE OF MAINE.

In SENATE, February 10, 1869.

Reported by Mr. CUSHING from the Committee on Interior Waters, and on motion of the same Senator, laid on the table and ordered to be printed.

THOMAS P. CLEAVES, *Secretary.*