

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

SENATE.

No. 22.

STATE OF MAINE.

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

AN ACT to incorporate the Androscoggin Log Driving Company.

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

SECTION 1. Edward Plummer, Hugh J. Chisholm, and
2 C. D. Brown, with their associates and successors, are
3 hereby made a body corporate under the name of the
4 Androscoggin Log Driving Company, and by that name
5 may sue, and be sued, prosecuted and defend to final
6 judgment and execution, suits both in law and equity,
7 and may adopt by-laws not repugnant to the constitu-
8 tions and laws of this State, and may adopt a common
9 seal, and may purchase and hold real and personal estate
10 necessary for carrying on the business of log driving in
11 the Androscoggin river, and may grant and raise money
12 by loan in said company's name, or by assessment on its
13 members. Said company may drive from any points at

14 or below where said river crosses the line between the
15 States of Maine and New Hampshire, to their destination
16 at any place below the same, at or above tide water in
17 said river, at Brunswick, all such logs, pulp wood, or
18 other timber, as may be placed therein, or floated down
19 thereto, or into the same, between the points named, for
20 the purpose of being driven, by the company or any
21 member thereof. But said company shall be under no
22 obligation to drive any logs, pulp wood, or other timber,
23 which shall not have been floated into, or placed in the
24 Androscoggin river between the points named prior to the
25 first day of June of the year in which the same are in-
26 tended to be driven. And for the purposes aforesaid, said
27 company may improve the navigation of said river, and
28 remove obstructions therefrom, and erect piers, dams, and
29 booms therein, at any points where the same will not
30 interfere with rights already granted to existing corpora-
31 tions holding and improving the same. And for the
32 purpose of making said improvements, said company may
33 take land and materials and may flow contiguous lands,
34 so far as necessary, and if the parties cannot agree upon
35 the damages therefor, which the corporation shall pay
36 the proprietors of the land and materials so taken, the
37 same shall be ascertained and determined by the county
38 commissioners for the county wherein the land and materi-
39 als are so taken, in same manner and under same con-
40 ditions as are by law provided in case of damage by
41 laying out of public highways, and for the flowage of land
42 thereby caused, the damages shall be determined in the
43 manner prescribed in chapter 92 of the Revised Statutes.
44 And said company shall have all the powers, privileges

45 and immunities, and be subject to all the liabilities, inci-
46 dent to corporations of a similar nature.

SECT. 2. Any person, persons, or corporations, or
2 their duly authorized agents, who, at the date of the
3 annual meeting own logs, pulp wood, or other timber,
4 which is to be driven on said river, during that season,
5 between the points named, shall be members of the
6 Androscoggin Log Driving Company, and shall continue
7 to be members of the same for two years, at least, from
8 that date, and shall have all the privileges, and be subject
9 to all the liabilities thereto. And each member shall be
10 entitled to one vote at all meetings of the company.

SECT. 3. The officers of said corporation shall be a
2 clerk, treasurer and board of five directors, three of
3 whom shall constitute a quorum to do business, all of
4 whom are to be chosen by ballot at the annual meeting,
5 and to remain in office until the next annual meeting
6 thereafter, and until their successors are chosen, and
7 qualified. The clerk, treasurer and board of directors
8 shall be sworn to a faithful performance of their duties.
9 The treasurer shall give bonds in such sum as the board
10 of directors may require. The directors shall, at their
11 first meeting of each year, choose one of their number
12 president, who shall hold office for one year, or until his
13 successor is appointed.

SECT. 4. Every member of said company owing logs,
2 pulp wood, or other timber intended to be driven on said
3 river between the points named, shall on or before the
4 first day of April in that year, file with the clerk of said
5 company a statement in writing, signed by a sworn sur-
6 veyor, of all such logs, pulp wood, or other timber,

7 together with the number of feet, board measure, and the
8 marks thereon, with the place of starting and destination
9 of the same. And the owner or his authorized agent,
10 shall make oath to such statement before a justice of the
11 peace. And it shall be the duty of the board of directors
12 to ascertain the number of feet scale, and the owners, so
13 far as possible, of all said log, pulp wood, or other
14 timber, with the marks thereon, the points of starting and
15 destination of each lot, and assess thereon to the owner,
16 if known, or to the marks, if the owner be unknown,
17 assessing ratably to each owner, or to the mark of the
18 owner unknown, as the distance driven by each compares
19 with the whole distance, using their own judgment, as to
20 the relative cost of driving for the different localities, a
21 distinct and separate tax to each, sufficient to pay the
22 expenses of driving, and such further sums, as may be
23 deemed by them to be necessary to pay damages to the
24 works and rigging belonging to said company, and the
25 expenses of improvement, voted by said company. And
26 if any owner, or the agent of any owner, shall refuse or
27 neglect to file the statement herein prescribed, the direc-
28 tors may assess such delinquent, as his portion of said
29 expenses, such sum as shall by them be considered to be
30 just and equitable, and the directors shall have the power
31 whenever they may deem it to be necessary or expedient,
32 to cause a survey of any or all logs driven by said com-
33 pany, and the expenses of said survey shall be assessed
34 on such logs as are surveyed in the same manner as herein
35 provided for assessing the expenses of driving. The
36 assessment for driving expenses and improvements shall
37 be made on or before the first day of August of each year,
38 at the discretion of the directors. And said company

39 shall have a lien on all logs, pulp wood, or other timber,
40 driven by it, whether in its possession or not, for the
41 expenses of driving and the improvements, and the same
42 shall not be discharged until all the assessments have been
43 paid. The directors shall keep a record of the assess-
44 ments in the office of the clerk, which shall, at all times,
45 be open to the inspection of all parties interested.

SECT. 5. The directors shall cause the clerk to give the
2 treasurer a list of all assessments by them made with a
3 warrant, in proper form, signed by a majority of them.
4 And it shall be the duty of the treasurer, upon the receipt
5 of said list, in due form, to notify all of the owners in
6 writing within five days, if they are known, of the amounts
7 assessed upon their several marks; and all of the owners
8 of said logs, pulp wood, or other timber, shall be required
9 to pay, or satisfactorily secure the amount of their
10 respective assessments, on demand of said treasurer; and
11 in default of payment of the whole or any part thereof
12 by any one of said owners, it shall be the duty of the
13 treasurer to take possession of a sufficient quantity of the
14 logs pulp wood, or other timber, or any mark assessed
15 to said owner, and to advertise the same for sale by pub-
16 lishing a notice containing the name of the person assessed,
17 with the mark or marks thereon, with the amount of the
18 assessment unpaid, and the time and place of sale, for
19 three weeks successively before the time of said sale, in
20 some newspaper published in Lewiston; and unless such
21 assessment, with all the expenses incurred are previously
22 paid, he may proceed to sell to the highest bidder a suffi-
23 cient quantity of such logs, pulp wood, or other timber,
24 to pay such assessment, with all costs of advertising and
25 sale, together with interest thereon at ten per cent from

26 the date of said assessment; and the said sale shall be at
27 the office of the treasurer, or at the place where the logs
28 are located, in accordance with the terms of the notice
29 given. And if the owner is unknown, then it shall be the
30 duty of the treasurer to take possession of a sufficient
31 quantity of each separate mark to pay the assessment
32 made thereon, and to advertise and to sell the same in the
33 manner above set forth for those of delinquent owners,
34 when known.

SECT. 6. All logs, pulp wood, or other timber, after
2 coming within the limits of the corporation, and not
3 having thereon some log mark for the purpose of identifi-
4 cation, shall be the property of said company; and the
5 same shall be disposed of by the board of directors, and
6 the proceeds thereof shall be paid into the treasury of
7 said company, to defray expenses; *provided, however,*
8 that this shall not be construed to limit in any way the
9 right of any person, or persons, or corporations, to claim
10 any logs, pulp wood, or other timber, which he may have
11 put into the Androscoggin river for the purpose of being
12 driven without bearing any log mark; and any such per-
13 son, persons, or corporations, upon furnishing reasonable
14 proof of ownership, with a description of the same, for
15 identification, shall be entitled to receive all logs, pulp
16 wood, or other timber, at any time before the sale thereof,
17 which he may so prove to be his; *provided, however,* that
18 if the same have been sold by said company, such claim
19 shall be made in writing, and left with the clerk of said
20 company within three months after the sale of the same
21 by said company.

SECT. 7. It shall not be lawful for any person, persons,
2 or corporations, other than the Androscoggin Log Driving

3 Company, to mark, or cause to be marked, any log, pulp
4 wood, or other timber, after the same has come into the
5 possession of said company. And the preceding section
6 shall not be construed to apply to prize logs, and if any
7 person, persons, or corporations shall take and carry
8 away, or otherwise convert to his or their use, without
9 the consent of said company first obtained, any prize logs,
10 he or they shall be subject to all the liabilities provided
11 for similar offences, under the law of this State, which
12 specifically provides for securing to owners their property
13 in logs, masts, spars, and other timber.

SECT. 8. Any owner of logs, pulp wood, or other
2 timber, to be driven down said river, between the limits
3 covered by this charter, may take and use on his or their
4 logs, pulp wood, or other timber, any mark not in use by
5 any other person, persons or corporations, on the
6 Androscoggin river, and such marks shall be left with the
7 clerk of said company, and shall be by him recorded in a
8 book kept for that purpose, which shall be at all times
9 open to the inspection of all interested persons; and if
10 any person, persons, or corporations, shall, after the
11 same is recorded, use such mark on any log, pulp wood,
12 or other timber which is to be driven on said river,
13 within the limits named, or shall use any mark so nearly
14 resembling such mark already recorded, and in use, as to
15 be reasonably calculated to mislead, or require more than
16 ordinary care, to identify and select in the usual course
17 of driving, sorting or booming, such person, persons, or
18 corporations, so offending, shall forfeit and pay the sum
19 of ten dollars for every stick so marked, to be recovered
20 in an action of debt, in any court of competent

21 jurisdiction to the use of the person, persons, or
22 corporations thereby injured.

SECT. 9. For the purpose of organization, any one of
2 the incorporators within named may notify his associates
3 by letter, setting forth the time, place, and purpose of the
4 first meeting, mailed within seven days, at least, before
5 the date of said meeting.

SECT. 10. The private property of each member of the
2 company shall be holden to pay all debts contracted by
3 said company after he shall become a member thereof, and
4 before his withdrawal from the same, and in default of
5 company property, whereon execution may be satisfied,
6 and when property of a member is so taken, he shall have
7 a remedy for contribution against each and all other mem-
8 bers of the company.

SECT. 11. The annual meeting of the company shall be
2 held on the first Monday of March of each year, and the
3 clerk shall notify each member of said company for the
4 preceding year, by placing a notice, setting forth the
5 time and place of said meeting in the post office, postage
6 paid, addressed to said member, at least fourteen days
7 before the date of said meeting, and notice of said
8 meeting shall also be published for two weeks successively
9 in some newspaper published in Lewiston, before the
10 date of said meeting.

SECT. 12. This Act shall take effect when approved.

STATE OF MAINE.

IN SENATE, January 23, 1889.

On motion by Mr. RAND, pending reference to Committee on Interior
Waters, in concurrence, laid on table to be printed.

C. W. TILDEN, *Secretary.*