

# MAINE STATE LEGISLATURE

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# Sixty-Eighth Legislature.

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HOUSE.

No. 177.

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## STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND NINETY-SEVEN

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AN ACT to incorporate the Penobscot East Branch Log  
Driving Company.

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

Section 1. Philo A. Strickland, John Morrison, Cornelius  
2 Murphy, C. N. White, James F. Campbell, J. Fred Webster,  
3 Walter E. Palmer, N. C. McCausland, John Ross, Fred-  
4 erick H. Strickland, E. W. Conant, M. L. Jordan, I. A.  
5 Terrill, Ira B. Gardner, John Finch, J. Warren Leslie,  
6 George T. Merrill, Charles H. Dudley, Charles C. Perry,  
7 and W. S. Kellogg, their associates, successors and assigns,  
8 are hereby incorporated under the name of the Penobscot  
9 East Branch Log Driving Company, for the purpose of  
10 clearing out and improving the navigation of the east  
11 branch of the Penobscot river to facilitate the driving of  
12 logs and other lumber between Grand Lake Dam and the

13 west branch of said river at Medway, in the county of  
14 Penobscot, and of driving logs and other lumber down said  
15 east branch to such place of destination on the Penobscot  
16 river as may be designated by the owners thereof. And  
17 said corporation shall have the power to purchase, or other-  
18 wise obtain, such real estate and to purchase and hold such  
19 personal property as may be necessary to carry into effect  
20 the purposes of the corporation, to have and use a common  
21 seal, to grant and vote money, to make and adopt all neces-  
22 sary regulations and by-laws for the management of the  
23 concerns of said corporation not repugnant to the laws of  
24 the State, and to have and enjoy all the powers, rights and  
25 privileges of similar corporations.

Sect. 2. Said corporation shall drive all logs and other  
2 lumber belonging to said corporation, or any of the mem-  
3 bers thereof, that may be in the east branch of the Penob-  
4 scot river for that purpose, between Grand Lake Dam and  
5 the west branch at said Medway, to such place of destina-  
6 tion on the Penobscot river as may be designated by the  
7 owners of such logs and other lumber, or by the directors  
8 of said corporation, such place not to be below the Penob-  
9 scot boom where logs are usually sorted. Provided, how-  
10 ever, said corporation shall be under no obligation to drive  
11 logs or other lumber coming into said east branch, unless  
12 seasonably delivered for that purpose below said Grand  
13 Lake Dam. And said corporation for the purposes afore-  
14 said, may clear out and improve the navigation of the river  
15 between the points aforesaid, remove obstructions, break  
16 jams, build dams and side dams, erect piers and booms, and  
17 make all other necessary improvements.

Sect. 3. Any person, persons or corporations, or their

2 agents, owning logs or other lumber to be driven on said  
3 east branch of the Penobscot river, shall be members of  
4 the Penobscot East Branch Log Driving Company, and  
5 shall so continue for one year at least, and shall have all  
6 the privileges and be subject to all the liabilities pertaining  
7 thereto.

Sect. 4. The officers of said corporation shall be a clerk,  
2 treasurer, and a board of five directors, three of whom shall  
3 be a quorum to transact business, all of whom shall be  
4 chosen by ballot, and a master driver or drivers, and such  
5 other officers as may be deemed necessary, who may be  
6 appointed by the directors unless they shall be chosen at  
7 the annual meeting, all of whom shall hold their respective  
8 offices until the next annual meeting, or until others are  
9 chosen or appointed in their stead. The clerk, treasurer,  
10 and directors shall be sworn to the faithful discharge of  
11 their duties.

The treasurer shall give a bond to the acceptance of the  
13 directors. The directors shall at their first meeting elect  
14 one of their number who shall be the president of the corpo-  
15 ration, and no person shall be eligible to any office unless  
16 he be a member of the corporation.

Sect. 5. The members of said corporation owning logs  
2 and other lumber to be driven down said east branch  
3 between said Grand Lake Dam and said west branch, shall  
4 on or before the fifteenth day of May in that year file with  
5 the clerk a statement in writing, signed by such member  
6 or members, his or their authorized agent, of all such logs  
7 or other lumber the number of feet, board measure, of all  
8 such logs or other lumber, and the marks thereon, together  
9 with the place from which the logs are to be driven and

10 their destination, and the directors, or one of them, shall  
11 require such owner or owners or agent presenting such  
12 statement to make oath that the same is in their judgment  
13 and belief true, which oath any one of the directors is here-  
14 by authorized and empowered to administer. And after  
15 the directors shall have ascertained the amount necessary  
16 to defray the cost of driving such logs and other lumber,  
17 and to pay other necessary expenses for the season, they  
18 shall have the right to assess the same as hereinafter pro-  
19 vided, to the owners if known, or to owner unknown, mak-  
20 ing such discount for logs driven less than the whole dis-  
21 tance as in their opinion may be right and equitable. And  
22 if any such owner or agent shall neglect or refuse to file a  
23 statement in the manner herein prescribed, the directors  
24 may assess such delinquent or delinquents for his or their  
25 proportion of such expenses, such sum or sums as may be  
26 by the directors considered just and equitable, and the  
27 directors shall give public notice of the time and place of  
28 making such assessments, by publishing the same in some  
29 newspaper printed in Bangor two weeks in succession, the  
30 last publication to be before making such assessments, and  
31 any assessment or assessments, when the owner or owners  
32 of any mark of logs or other lumber is unknown to the  
33 directors, may be set to the mark upon such logs or other  
34 lumber. And the clerk shall keep a record of all assess-  
35 ments and of all expenses upon which such assessments  
36 are based, which shall be open to the inspection of all per-  
37 sons interested.

Sect. 6. Said directors are hereby authorized to make the  
2 assessment contemplated in the last preceding section, in  
3 anticipation of the actual cost and expenses of driving, and

4 in any sum not exceeding for each thousand feet, board  
5 measure, the sum of one dollar, and so in proportion to the  
6 distance which any logs or other lumber is to be or may be  
7 driven between said Grand Lake Dam and the places of des-  
8 tination to be determined by said directors. And if after  
9 said logs or other lumber shall have been driven as afore-  
10 said, and all expenses actually ascertained, it shall be found  
11 that said assessment shall be more than sufficient to pay  
12 said expenses, then the balance so remaining shall be  
13 refunded to the said owner or owners, in proportion to said  
14 sum to them respectively assessed.

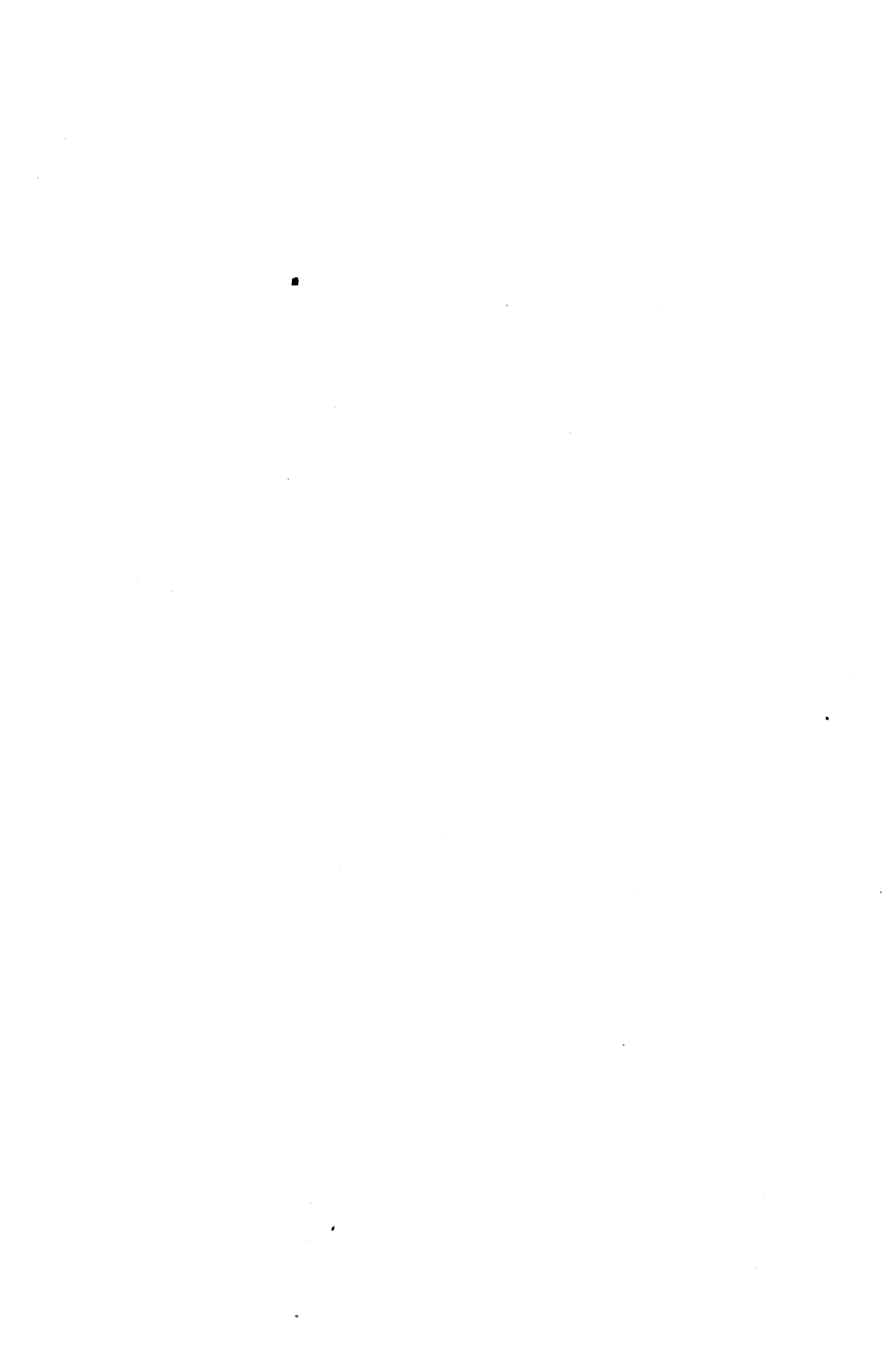
Sect. 7. The directors shall give the treasurer a list of all  
2 assessments by them made, with a warrant in due form  
3 under their hands; and said corporation shall have a lien on  
4 all logs and other lumber by them driven, for the expenses  
5 of driving the same, which may be discharged by sufficient  
6 bond being given to the corporation conditional that all such  
7 expenses shall be seasonably paid. And all owners of logs  
8 and other lumber shall be required to pay or satisfactorily  
9 secure the amount of their several assessments within thirty  
10 days from the date of such assessment. And the treasurer  
11 shall have power to take possession of a sufficient quantity  
12 of any and all marks of logs and other lumber upon which  
13 the assessment has not been paid or secured at the end of  
14 thirty days from such assessment, and shall retain posses-  
15 sion of the same until disposed of as hereinafter provided;  
16 and all marks upon which such assessment shall not be thus  
17 paid or secured within the time herein specified, shall be  
18 advertised two weeks in succession, in some newspaper  
19 printed in said Bangor; and if not paid within ten days after  
20 the last publication, with necessary costs and expenses, the  
21 treasurer shall then advertise them for sale at public auction,  
22 by posting up in some conspicuous place in Bangor, Old

23 Town, and the place of destination of such logs and other  
24 lumber, notices of such sale, with a list of all the marks, and  
25 the amount of assessment upon each mark, ten days before  
26 the day of sale; and unless such assessments with expenses  
27 incurred are previously paid, he shall then proceed to sell to  
28 the highest bidder, sufficient quantity of the logs or other  
29 lumber of the different marks upon the list to pay such  
30 assessments, with all proper costs and expenses, selling each  
31 mark separately. The place of sale to be at the office of the  
32 corporation, and the proceeds of all sales to be paid into the  
33 treasury of the corporation. And the lien hereby created  
34 shall have precedence of all other liens; provided however,  
35 if before the sale, it should be ascertained that the logs or  
36 other lumber of any particular mark or marks had not  
37 arrived at their places of destination, but remained back,  
38 that in such case said sale may be adjourned from time to  
39 time until such logs or other lumber shall arrive at said  
40 place of destination.

Sect. 8. All that part of chapter four hundred and eighty-  
2 two of the Private and Special Laws of eighteen hundred  
3 and eighty-nine, approved March first, eighteen hundred  
4 and eighty-nine, granting certain rights to the Penobscot  
5 River Dam and Improvement Company between the junc-  
6 tion of the east and west branches of the Penobscot river at  
7 Medway and Grand Lake dam, so called, on said east  
8 branch, is hereby repealed.

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

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





STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

February 26, 1897.

Reported by Mr. JONES of Lincoln, from Committee on Interior  
Waters, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*