

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 371

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

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. Charles E. Oak, Edwin Riley, Frank P. Thomas,
2 Richmond L. Melcher, Hollis C. Dunton and Waldo Pettin-
3 gill, their associates and assigns are hereby incorporated un-
4 der the name of the Androscoggin Log Driving Company
5 with all the powers and privileges of similar corporations.

Sect. 2. Said corporation is authorized to build side dams,
2 shear booms, remove rocks, dredge, make embankments and
3 other improvements on the Androscoggin river in the coun-
4 ties of Oxford, Franklin and Androscoggin from the bound-
5 ary line between Maine and New Hampshire to the vil-
6 lage of Livermore Falls in the town of East Livermore in the

7 county of Androscoggin to facilitate the driving of logs and
8 lumber down the same and said company shall drive to such
9 places of destination on said Androscoggin river between
10 the points aforesaid as may be designated by the owners of
11 the same all logs or other lumber belonging to said company
12 or any other person or corporation represented by any mem-
13 ber of said corporation that may be in said river between said
14 points for the purpose of being driven or floated down the
15 same together with such other logs or lumber as is hereinafter
16 provided, and for the purpose of carrying out the intentions
17 herein provided said corporation may purchase and hold real
18 and personal estate sufficient for carrying on the business of
19 the corporation, and may grant and raise by loan or assess-
20 ment for the same such ~~sums~~ of money and in such manner
21 as the directors may from time to time vote. Said corpora-
22 tion may also make and adopt all necessary regulations and
23 by-laws not repugnant to the constitution and laws of the
24 state and adopt a common seal and change or renew the same
25 at pleasure.

Sect. 3. The officers of said company shall be a clerk, treas-
2 urer, and a board of three or five directors, to be chosen by
3 ballot, and such other officers as may be deemed necessary,
4 who may be appointed by the directors, unless they shall be
5 chosen at the annual meeting, all of whom shall hold their
6 offices until the next annual meeting, or until others are
7 chosen or appointed in their stead. The clerk, treasurer and
8 directors shall be sworn to the faithful performance of their
9 duties. The treasurer shall give a bond to the acceptance of
10 the directors. The directors shall, at their first meeting, elect
11 one of their number who shall be the president of the com-
12 pany. And no person shall be eligible to the office of direc-
13 tor except he be a member of the corporation.

Sect. 4. Any person, or corporation, or their agents, own-
2 ing logs or other lumber to be driven on said river at the date

3 of the annual meeting in each year, may become members
4 of the Androscoggin Log Driving Company, and shall so con-
5 tinue for two years at least, from that date, and shall have all
6 the privileges and be subject to all the liabilities thereto.
7 Said members shall be entitled to vote at any meeting of the
8 company as follows: One vote each for any member having
9 or representing 100,000 ft. of logs or lumber in the river
10 to be driven, with an additional vote for every additional
11 5,000 feet of logs or lumber the same to be determined by
12 the amount driven the year before on which they have paid
13 taxes or dues provided any were so driven during the pre-
14 vious year.

Sect. 5. The members of said company owning logs or
2 other lumber to be driven down said rivers, shall, on or be-
3 fore the first day of May in that year, file with the clerk of
4 the company, a correct statement in writing, signed by a
5 sworn surveyor, of all such logs or timber of the number of
6 feet, full scale, with the mark or marks thereon, together with
7 the place from which the logs are to be driven and their des-
8 tination. And it shall be the duty of the directors to keep a
9 separate and distinct account of all expenses incurred for
10 driving the logs and other lumber between the New Hamp-
11 shire line and Rumford Falls, and between Rumford Falls and
12 each of the following mills, dams or booms, viz: The boom
13 next below Canton Point, so called, the dam or mill at Riley,
14 so called, the dam or mill at Jay Bridge, so called, the dam or
15 mill at Otis Falls, so called, the dams or mills at Livermore
16 Falls, so called, together with such other point of destination
17 on said river between the two points first named and any other
18 intermediate points and ascertain the number of feet, full
19 scale, and ownership of said logs and other lumber driven be-
20 tween said points, and assess thereon, to owners if known, or
21 to owners unknown, making such discount for logs driven

22 less than the whole distance as in their opinion may be right
23 and equitable, a distinct and separate tax sufficient to pay said
24 expenses, with such further sums as may be necessary to pay
25 interest on or cost of investment in whole or in part, expense
26 of maintenance, damages and losses for piers, booms, buoys,
27 dams and such other expenses as may be voted by the com-
28 pany or the directors. And the directors shall have power
29 whenever they may deem it necessary or expedient, to cause
30 a survey to be made of any or all logs driven or secured by the
31 company, and the expense of such survey shall be assessed
32 on such logs in the same manner as is herein provided for as-
33 sessing the expenses of driving and securing the same. If
34 any owner or agent shall refuse or neglect to file such a state-
35 ment in the manner herein prescribed, the directors may assess
36 such delinquent or delinquents for his or their proportion of
37 expenses, such sum or sums as may be by the directors con-
38 sidered just and equitable, and such assessment shall be final ;
39 said assessment to be made at any time after the first day of
40 July at the discretion of the directors. And said company
41 shall have a lien on all logs and other lumber by them driven
42 for the expense of driving, booming and securing, which shall
43 not be discharged until all assessments shall be finally paid.
44 The directors shall keep a record of the assessments in the
45 office of the clerk, which shall be open to the inspection of all
46 persons interested.

Sect. 6. The directors shall give the treasurer a list of all
2 assessments by them made, with a warrant in due form under
3 their hands. And it shall be the duty of the treasurer imme-
4 diately after he shall receive from the directors a list of assess-
5 ments in due form, to notify in writing all the owners, where
6 known, of the amount assessed upon their several marks, and
7 all owners of logs and other lumber shall be required to
8 pay or satisfactorily secure the amount of their several assess-

9 ments on demand, and in default of payment of the whole or
10 any part of any member's assessment, the treasurer shall have
11 power to take possession of a sufficient quantity of the logs or
12 other lumber of any mark owned or assessed to said member,
13 and advertise the same for sale at public auction, by posting
14 up in some conspicuous place in Rumford Falls in the town of
15 Rumford, also by publication in some newspaper published in
16 Rumford Falls a notice of such sale, stating therein the names
17 of the persons taxed, if known, with the mark or marks
18 assessed, with the amount of assessment unpaid, ten days at
19 least before the day of the sale; and unless such assessments,
20 with all expenses incurred, are previously paid, he may then
21 proceed to sell to the highest bidder a sufficient quantity of
22 such logs or other lumber to pay such assessment, with all
23 proper costs, together with twelve per cent, interest from the
24 date of said assessment; such sales to be at the office of the
25 company, or where the logs are situated.

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

Sect. 8. It shall not be lawful for any person or corporation, other than the Androscoggin Log Driving Company, to mark, or cause to be marked, any log or other lumber put into said rivers or their tributaries, usually called prize logs. And if any person or corporation shall take any, carry away or otherwise convert to his or their use, without the consent of said company, any prize log or prize lumber, he or they shall be subject to all the liabilities provided for similar offences in the laws of the state, which specially provides for securing to owners their property in logs, masts, spars and other lumber.

Sect. 9. Any owner or owners of logs or other lumber on said rivers or their tributaries may take and use on his or their logs or other lumber any mark not in use by any other person on said river or tributaries, and such mark shall be left with the clerk of said company and shall be by him recorded in a book kept for that purpose, which shall be at all times open to the inspection of all persons interested; and if any other person or corporation shall use such mark on any logs or other lumber on said river or its tributaries after such mark shall be recorded, or any mark so closely resembling such other mark already recorded and in use, as to be calculated to mislead or require more than ordinary care to identify and select such logs or other lumber in the usual course of handling the same, such offender or offenders shall forfeit and pay the sum of two dollars for every log so marked, to be recovered in action of debt in any court of competent jurisdiction, to the use of the person or corporation injured thereby.

Sect. 10. Whenever the directors of the Androscoggin Log Driving Company shall judge it for the interest of the owners of logs and other lumber remaining in the booms or in any place exposed to loss to collect and deposit them in suitable and convenient places and properly secure the same, they are hereby authorized so to collect and deposit such logs and lumber thus situated and to use all reasonable care safely to keep

8 the same, until removed by the owners thereof or are other-
9 wise disposed of in the manner provided in this act.

Sect. 11. Upon all logs and other timber thus collected and
2 deposited, the directors shall assess the expense actually
3 incurred thereon, with such additional sums as may be deemed
4 necessary to cover necessary future expenditures upon them
5 while in charge; and said company shall have a lien upon the
6 logs and other lumber and may hold the same and sell as pro-
7 vided in section five for the full payment of all expenses; or
8 the treasurer may recover such assessments, and all other
9 assessments made by virtue of this act, in an action of debt in
10 the name of the Androscoggin Log Driving Company in any
11 court in the counties of Oxford or Androscoggin competent
12 to try the same, to the use of the person prosecuting therefor.

Sect. 12. If any logs or other lumber shall remain in the
2 depositories upon the first day of September next ensuing,
3 upon which the assessments have not been paid, the directors
4 may immediately thereafter advertise for three weeks succes-
5 sively in newspapers printed in the city of Lewiston and at
6 Rumford Falls notifying all owners of logs and other lumber
7 deposited under this act, to remove the same within thirty
8 days from said first day of September; and all logs not
9 removed before the expiration of thirty days, and upon which
10 the assessments have not been paid, may be sold at public auc-
11 tion, and the proceeds therefor, after deducting all unpaid
12 assessments and necessary expenses of sale, shall be paid upon
13 demand by the treasurer of the company to the owners of logs
14 and other lumber then sold; provided, however, this shall not
15 apply to logs that are in booms the first day of September or
16 that may come in after that date by reason of a late drive of
17 such logs.

Sect. 13. For the purpose of carrying out the provisions of
2 this act, when there are no high-ways conveniently near lead-

3 ing to the river, the company may have the right to cross on
4 foot and with teams the land of private persons or corpora-
5 tions in some place reasonably convenient, and in such a loca-
6 tion calculated to do the least damage to the owner thereof,
7 and for all damages sustained by any person or corporation
8 under the provisions of this act unless otherwise herein pro-
9 vided, they shall be estimated and determined in the same way
10 as damages for the laying out of highways.

Sect. 14. This corporation is not authorized to make any
2 change in the river bed or in any dam now existing in said
3 river, or put any obstructions that will change the flow of the
4 water at any point at or near any mill, dam or boom on the
5 same, without the written approval of the owner of said mill,
6 dam or boom.

Sect. 15. Any other person or corporation having logs or
2 lumber to be driven on said river, and not desirous of becom-
3 ing a member of this corporation, may have the same driven
4 to their place of destination within the limits of this corpora-
5 tion, after having given reasonable notice in writing of this
6 said request, and the service for driving the same shall be
7 determined and secured according to the provisions herein-
8 before stated.

Sect. 16. In case of any disagreement as to the rights of
2 owners hereunder the same shall forthwith be determined by
3 referees agreed upon by the parties or after notice and hearing
4 appointed by any judge of the supreme judicial court sitting
5 in term time or vacation in either of the counties of Oxford,
6 Androscoggin or Cumberland.

Sect. 17. The annual meeting of this corporation until
2 otherwise provided, shall be held in the town of Rumford, in
3 the county of Oxford, and the manner, place and time of call-
4 ing annual and special meetings of the company and meetings
5 of the directors may be determined by a vote of the company,

6 at any meeting thereof. The first meeting of the company
7 for the purpose of the acceptance of this act and for the organ-
8 ization of the same may be called at Rumford Falls by any
9 associate names herein, on giving at least seven days notice of
10 the time and place of said meeting.

Sect. 18. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 13, 1903.

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

W. S. COTTON, *Clerk.*