

# MAINE STATE LEGISLATURE

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# Seventy-first Legislature.

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SENATE.

No. 72

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## STATE OF MAINE.

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

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AN ACT to incorporate the Androscoggin Log Driving  
Company.

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*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. Meicher, Hollis C. Dunton and Waldo Pettin-  
3 giil, their associates and assigns, are hereby incorporated  
4 under 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 village  
6 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 the  
10 points aforesaid as may be designated by the owners of the  
11 same all logs or other lumber belonging to said company or  
12 any other person or corporation represented by any member  
13 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  
19 of 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 corpo-  
22 ration 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,  
2 treasurer, and a board of three or five directors, to be chosen  
3 by ballot, and such other officers as may be deemed neces-  
4 sary, who may be appointed by the directors, unless they  
5 shall be chosen at the annual meeting, all of whom shall hold  
6 their offices until the next annual meeting, or until others  
7 are chosen or appointed in their stead. The clerk, treasurer  
8 and directors shall be sworn to the faithful performance of  
9 their duties. The treasurer shall give a bond to the accept-  
10 ance of the directors. The directors shall, at their first meet-  
11 ing, elect one of their number who shall be the president of  
12 the company. And no person shall be eligible to the office  
13 of director 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  
3 date of the annual meeting in each year, may become mem-

4 bers of the Androscoggin Log Driving Company, and shall  
5 so continue for two years at least, from that date, and shall  
6 have all the privileges and be subject to all the liabilities  
7 thereto. Said members shall be entitled to vote at any meet-  
8 ing of the company as follows: One vote each for any mem-  
9 ber having or representing 100,000 feet of logs or lumber  
10 in the river to be driven, with an additional vote for every  
11 additional 50,000 feet of logs or lumber, the same to be  
12 determined by the amount driven the year before on which  
13 they have paid taxes or dues provided any were so driven  
14 during the previous year.

Sect. 5. The members of said company owning logs or  
2 other lumber to be driven down said rivers, shall, on or  
3 before the first day of May in that year, file with the clerk  
4 of 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  
7 with the place from which the logs are to be driven and their  
8 destination. And it shall be the duty of the directors to keep  
9 a separate and distinct account of all expenses incurred in  
10 driving the logs and other lumber between the New Hamp-  
11 shire line and Rumford Falls, and between Rumford Falls  
12 and each of the following mills, dams or booms, viz: The  
13 boom next below Canton Point, so called, the dam or mill at  
14 Riley, so called, the dam or mill at Jay Bridge, so called, the  
15 dam or mill at Otis Falls, so called, the dam or mills at  
16 Livermore Falls, so called, together with such other point of  
17 destination on said river between the two points first named  
18 and any other intermediate points, and ascertain the number  
19 of feet, full scale, and ownership of said logs and other lum-  
20 ber driven between said points, and assess thereon, to owners  
21 if known, or to owners unknown, making such discount for  
22 logs driven less than the whole distance as in their opinion  
23 may be right and equitable, a distinct and separate tax suffi-

24 cient to pay said expenses, with such further sums as may  
25 be necessary to pay interest on or cost of investment in whole  
26 or in part, expense of maintenance, damages and losses for  
27 piers, booms, buoys, dams and such other expenses as may  
28 be voted by the company or the directors. And the directors  
29 shall have power whenever they may deem it necessary or  
30 expedient, to cause a survey to be made of any or all logs  
31 driven or secured by the company, and the expense of such  
32 survey shall be assessed on such logs in the same manner as  
33 is herein provided for assessing the expenses of driving and  
34 securing the same. If any owner or agent shall refuse or  
35 neglect to file such a statement in the manner herein pre-  
36 scribed, the directors may assess such delinquent or delin-  
37 quents for his or their proportion of expenses, such sum or  
38 sums as may be by the directors considered just and  
39 equitable, and such assessment shall be final; said assessment  
40 to be made at any time after the first day of July at the dis-  
41 cretion of the directors. And said company shall have a lien  
42 on all logs and other lumber by them driven for the expense  
43 of driving, booming and securing, which shall not be dis-  
44 charged until all assessments shall be finally paid. The  
45 directors shall keep a record of the assessments in the office  
46 of the clerk, which shall be open to the inspection of all per-  
47 sons 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  
5 assessments in due form, to notify in writing all the owners,  
6 where known, of the amount assessed upon their several  
7 marks, and all owners of logs and other lumber shall be  
8 required to pay or satisfactorily secure the amount of their  
9 several assessments on demand, and in default of payment  
10 of the whole or any part of any member's assessment, the

11 treasurer shall have power to take possession of a sufficient  
12 quantity of the logs or other lumber of any mark owned or  
13 assessed to said member, and advertise the same for sale at  
14 public auction, by posting up in some conspicuous place in  
15 Rumford Falls in the town of Rumford, also by publication  
16 in some newspaper published in Rumford Falls a notice of  
17 such sale, stating therein the names of the persons taxed,  
18 if known, with the mark or marks assessed, with the amount  
19 of assessment unpaid, ten days at least before the day of the  
20 sale; and unless such assessments, with all expenses incurred,  
21 are previously paid, he may then proceed to sell to the high-  
22 est bidder a sufficient quantity of such logs or other lumber  
23 to pay such assessment, with all proper costs, together with  
24 twelve per cent interest from the date of said assessment;  
25 such sales to be at the office of the company, or where the  
26 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  
5 be disposed of by order of the directors, and the proceeds  
6 paid into the treasury of said company to defray expenses;  
7 provided, however, that nothing in this or the following sec-  
8 tion shall be construed to impair the right of any person to  
9 claim any log or other lumber which he may have put into  
10 said river without such mark of ownership. And any such  
11 person, 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 prove 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  
17 date of sale of the same by the company.

Sect. 8. It shall not be lawful for any person or corpora-

2 tion, other than the Androscoggin Log Driving Company,  
3 to mark, or cause to be marked, any log or other lumber put  
4 into said rivers or their tributaries, usually called prize logs.  
5 And if any person or corporation shall take any, carry away  
6 or otherwise convert to his or their use, without the consent  
7 of said company, any prize log or prize lumber, he or they  
8 shall be subject to all the liabilities provided for similar  
9 offences in the laws of the State, which specially provides  
10 for securing to owners their property in logs, masts, spars  
11 and other lumber.

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

Sect. 10. Whenever the directors of the Androscoggin  
2 Log Driving Company shall judge it for the interest of the  
3 owners of logs and other lumber remaining in the booms or  
4 in any place exposed to loss to collect and deposit them in  
5 suitable and convenient places and properly secure the same,  
6 they are hereby authorized so to collect and deposit such logs

7 and lumber thus situated and to use all reasonable care safely  
8 to keep the same, until removed by the owners thereof or are  
9 otherwise disposed of in the manner provided in this act.

Sect. 11. Upon all logs and other timber thus collected  
2 and deposited, the directors shall assess the expense actually  
3 incurred thereon, with such additional sums as may be  
4 deemed necessary to cover necessary future expenditures  
5 upon them while in charge; and said company shall have a  
6 lien upon the logs and other lumber and may hold the same  
7 and sell as provided in section five for the full payment of  
8 all expenses; or the treasurer may recover such assessments,  
9 and all other assessments made by virtue of this act, in an  
10 action of debt in the name of the Androscoggin Log Driving  
11 Company in any court in the counties of Oxford or Andros-  
12 coggin competent to try the same, to the use of the person  
13 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 suc-  
5 cessively in newspapers printed in the city of Lewiston and  
6 at Rumford Falls notifying all owners of logs and other  
7 lumber deposited under this act, to remove the same within  
8 thirty days from said first day of September; and all logs  
9 not removed before the expiration of thirty days, and upon  
10 which the assessments have not been paid, may be sold at  
11 public auction, and the proceeds therefor, after deducting all  
12 unpaid assessments and necessary expenses of sale, shall be  
13 paid upon demand by the treasurer of the company to the  
14 owners of logs and other lumber then sold; provided, how-  
15 ever, this shall not apply to logs that are in booms the first  
16 day of September or that may come in after that date by  
17 reason of a late drive of such logs.



Sect. 13. For the purpose of carrying out the provisions  
2 of this act, when there are no highways conveniently near  
3 leading to the river, the company may have the right to cross  
4 on foot and with teams the land of private persons or cor-  
5 porations in some place reasonably convenient, and in such  
6 a location calculated to do the least damage to the owner  
7 thereof, and for all damages sustained by any person or cor-  
8 poration under the provisions of this act, unless otherwise  
9 herein provided, they shall be estimated and determined in  
10 the same way 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  
4 the water at any point at or near any mill, dam or boom on  
5 the same, without the written approval of the owner of said  
6 mill, 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 corpo-  
5 ration, after having given reasonable notice in writing of  
6 this said request, and the service for driving the same shall  
7 be determined and secured according to the provisions here-  
8 inbefore stated.

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

Sect. 17. The annual meeting of this corporation until  
2 otherwise provided, shall be held in the town of Rumford,  
3 in the county of Oxford, and the manner, place and time of  
4 calling annual and special meetings of the company and

5 meetings of the directors may be determined by a vote of  
6 the company, at any meeting thereof. The first meeting of  
7 the company for the purpose of the acceptance of this act  
8 and for the organization of the same may be called at Rum-  
9 ford Falls by any associate names herein, on giving at least  
10 seven days notice of the time and place of said meeting.

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





STATE OF MAINE.

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IN SENATE, February 13, 1903.

On motion by Mr. WING of Androscoggin, laid on the table to be printed, pending reference in concurrence to the Committee on Interior Waters.

KENDALL M. DUNBAR, *Secretary*.