

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 705

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*House of Representatives, March 21, 1911.*

*Reported by Messrs. Cyr, Emerson, Kellogg, Lawry, Conners  
from committee on Interior Waters, and new draft ordered  
printed under joint rules.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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

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AN ACT to incorporate the Upper St. John Log Driving  
Company.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. George C. Cutler, Charles A. Milliken, James  
2 W. Parker, Arthur W. Brown, John A. Morrison, John Kil-  
3 burn, Robert J. Potts, William J. Noble, Albert M. Carrier  
4 and Flavian Chouirnard, their associates and successors are  
5 hereby made and constituted a body politic and corporate  
6 by the name of the Upper St. John Log Driving Company,  
7 and by that name may sue and be sued, prosecute and de-  
8 fend to final judgment and execution, both in law and in  
9 equity, and may make and adopt all necessary regulations

10 and by-laws, not repugnant to law and may adopt a common  
11 esal, and may purchase and hold real and personal estate  
12 sufficient for carrying on its business, and may raise money  
13 by loan for all its necessary purposes.

Sect. 2. The said company shall have the right, privilege  
2 and authority each year to drive down the St. John River  
3 from the junction of Baker Branch and South West Branch  
4 of the St. John River, in Township 9, Range 17, in the  
5 county of Somerset, to the mouth of the Allagash River to  
6 a junction with the territory controlled by the Madawaska  
7 Log Driving Company, all logs and other timber coming into  
8 said St. John River between said limits for the purpose of  
9 being driven to market, and said corporation is authorized  
10 to improve the same by removing rocks, ledges, trees and  
11 other obstructions and widening, deepening and otherwise  
12 improving the same for the purpose of making said river  
13 and its tributaries flowing into it within the said limits  
14 floatable, and of facilitating the driving of said logs or lum-  
15 ber down the same. For the above purposes the said cor-  
16 poration may take materials necessary to make such im-  
17 provements and if the interested parties cannot agree upon  
18 the amount of damages the corporation shall pay the pro-  
19 prietors of the land and materials so taken, such damages  
20 as shall be ascertained and determined by the county com-  
21 missioners of the county in which said land or material so  
22 taken are located and under the same conditions and limita-  
23 tions as are by law provided in the case of damages occa-

24 sioned by laying out highways and the damages arising  
25 from the flowing of lands may be recovered in accordance  
26 with the provisions of the statutes for recovering damages  
27 for flowing lands occasioned by raising a head of water for  
28 the working of mills.

Sect. 3. The officers of said company shall be a secretary,  
2 treasurer and a board of five directors, to be chosen by bal-  
3 lot, and such other officers as may be deemed necessary,  
4 who may be appointed by the directors, unless they are  
5 chosen at the annual meeting, all of whom shall hold their  
6 office until the next annual meeting, or until others are  
7 chosen or appointed in their stead. The treasurer shall give  
8 a bond to the acceptance of the Directors. The directors  
9 shall at their first meeting elect one of their number to be  
10 president of the company; they shall also then elect a secre-  
11 tary and a treasurer, and the same person may hold both  
12 offices. No person shall be eligible to the office of director  
13 except he be a member of the corporation. The secretary  
14 or treasurer may be a director. It shall be lawful for any  
15 director to contract for the whole or any part of the driving  
16 or work of the corporation.

Sect. 4. Any person, persons or corporation, or their  
2 agents, owning logs or other timber to be driven on the St.  
3 John River within the limits above specified, at the date of  
4 the annual meeting in each year, shall be members of the  
5 Upper St. John Log Driving Company, and shall so con-  
6 tinue for one year at least from that date, and shall have all

7 the privileges and be subject to all the liabilities thereto.  
8 Each member shall at all meetings have one vote for each  
9 one hundred thousand superficial feet of lumber, so to be  
10 driven.

Sect. 5. The members of said company owning logs or  
2 other timber to be driven shall, at the annual meeting file  
3 with the secretary a sworn statement of all such logs or  
4 timber, of the number of feet, woods, or stumpage scale,  
5 with the mark or marks thereon, together with the place  
6 from which the logs are to be driven and their destination.  
7 Such statement shall be signed by such owner, or his au-  
8 thorized agent. And if any owner or agent shall refuse or  
9 neglect to file such statement in the manner herein pre-  
10 scribed, the directors may assess such delinquent or delin-  
11 quents for his or their proportion of the expenses such sum  
12 or sums as the directors deem just and equitable.

Sect. 6. The directors may annually contract with any  
2 person for the driving of said logs, timber and lumber for  
3 the year and fix and determine the prices for driving logs,  
4 timber and lumber between points aforesaid and between  
5 intermediate points within said upper and lower limits. If  
6 the said directors cannot make satisfactory arrangements  
7 with any person or persons for the said driving, or if the  
8 person contracted with fails to perform his contract there-  
9 for, then the said corporation shall, through its directors,  
10 do the driving itself. The cost of driving, however done,  
11 together with the expense of improving the river for that

12 purpose as provided in section 2 of this act, or such part  
13 thereof as the directors may annually determine shall be  
14 borne by the owners of the lumber driven proportionately to  
15 the quantity of lumber and distance driven, and the amount  
16 payable by any owner may be fixed by the directors, and  
17 may be recovered by the company from the owner in an  
18 action of debt in any court of record in the state, and the  
19 certificate of the secretary of the amount fixed by the di-  
20 rectors as payable by such owner shall be sufficient proof  
21 thereof. Said company shall have a lien on all logs and  
22 other timber by them driven for all sums due therefor  
23 which shall not be discharged until such sums so due are  
24 finally paid. One-half of the sum to be paid for driving  
25 shall be paid to the treasurer by the person liable therefor,  
26 when the rear of the drive of the logs of such person shall be  
27 driven into the limits of the corporation during the then pres-  
28 ent driving season, and the balance when such logs are de-  
29 livered at the mouth of the Allagash river. All logs and  
30 other lumber must be delivered within the limits of said  
31 corporation on or before the fifteenth of each June, or on  
32 the first drivable waters of each spring to entitle the own-  
33 ers thereof to have the same driven by said corporation dur-  
34 ing said driving season. All logs delivered within said cor-  
35 poration limits on or before said June fifteenth, or on the  
36 first drivable waters of each spring shall be driven without  
37 unnecessary delay.

Sect. 7. Any person marking, or causing to be marked,

2 any unmarked log within the limits of said corporation,  
3 or defacing any mark upon any logs therein, shall forfeit  
4 twenty dollars, to be recovered by action of debt, one-half  
5 to be paid to the treasurer and one-half to the person  
6 furnishing the evidence thereof, such action to be brought  
7 in the name of said corporation before any trial justice in  
8 the county where said log was so marked or defaced.

Sect. 8. The president and directors shall receive no pay  
2 for their services but they may be paid their necessary  
3 traveling expenses. The compensation of all other officers  
4 and agents shall be fixed by the directors.

Sect. 9. The first meeting of said company shall be held  
2 at Fort Kent and shall be called by notice thereof signed by  
3 any two corporators above named and published at least  
4 seven days before the date when said meeting is to be held  
5 in one newspaper published in each of the following places;  
6 at Presque Isle in the state of Maine and at Frederickton in  
7 the Province of New Brunswick. At such meeting all per-  
8 sons entitled to be members as defined in section four, shall  
9 be admitted into said corporation.

Sect. 10. The manner, place and time of calling annual  
2 and special meetings of the company, and meetings of the  
3 directors, may be regulated by vote of the company at any  
4 meeting thereof.

Sect. 11. All the property, rights and franchises within  
2 the state of Maine acquired, erected, owned, held or con-  
3 trolled by the said corporation, or its successors or assigns,

4 at any time after this act shall take effect, under and by  
5 virtue of the terms thereof, shall be subject to be taken  
6 over by and become the property of the state of Maine,  
7 whenever said state shall determine by appropriate legis-  
8 lation that the public interests require the same to be done.  
9 Upon the taking effect of such legislation, the ownership of  
10 said property, rights and franchises shall immediately be  
11 transferred to, and vested in, said state of Maine, and said  
12 state shall pay to said corporation the fair value of all the  
13 same, excepting, however, such franchises and rights as are  
14 conferred upon said corporation under and by virtue of the  
15 provisions of this act, which said franchises and rights shall  
16 be wholly excluded in the determination of the amount to be  
17 paid to said corporation by said state of Maine.

The fair value of the property, rights and franchises so  
19 taken by the state of Maine, subject to the exceptions here-  
20 inbefore mentioned shall be determined by agreement be-  
21 tween said corporation and such officers and agents of said  
22 state as shall be thereunto authorized to act in its behalf by  
23 the act which authorizes the taking of said property, rights  
24 and franchises, and such agreement failing within six months  
25 after said act takes effect, then by such fair and impartial  
26 tribunal and under such provisions as to the manner of pro-  
27 cedure and for full hearing of parties and payment of dam-  
28 ages awarded as shall be provided in said act.