

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 67

In Senate, Feb. 2, 1911.

Introduced in House Feb. 1, 1911, by Mr. Pelletier of Van Buren and on motion of Mr. Theriault of Aroostook was laid on table for printing pending reference.

W. C. HANSON, Secretary.

STATE OF MAINE

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

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

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. Currier
4 and Flavian Chouirnard, their associates and successors are
5 hereby made and constituted a body politic and corporate by
6 the name of the Upper St. John Log Driving Company, and
7 by that name may sue and be sued, prosecute and defend to
8 final judgment and execution, both in law and in equity, and
9 may make and adopt all necessary regulations and by-laws,

10 not repugnant to law and may adopt a common seal, and may
11 purchase and hold real and personal estate sufficient for car-
12 rying on its business, and may raise money by loan for all its
13 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 Allegash 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 build and maintain all necessary dams, side dams, piers
11 and booms therein and to otherwise improve the same by
12 removing rocks, ledges, trees and other obstructions and
13 widening, deepening and otherwise improving the same for
14 the purpose of raising a head of water and of making said
15 River and its tributaries flowing into it within the said limits
16 floatable, and of facilitating the driving of said logs or lum-
17 ber down the same. For the above purposes the said cor-
18 poration may take land and materials necessary to build such
19 dams and improvements and may flow contiguous lands
20 necessary to raise such head of water on such River or its
21 tributaries, and if interested parties cannot agree upon the
22 amount of damages the corporation shall pay the proprietors
23 of the land and materials so taken, such damages as shall be

24 ascertained and determined by the county commissioners of
25 the county in which said land or material so taken are located
26 and under the same conditions and limitations as are by law
27 provided in the case of damages occasioned by laying out
28 highways and the damages arising from the flowing of lands
29 may be recovered in accordance with the provisions of the
30 statutes for recovering damages for flowing lands occasioned
31 by raising a head of water for 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, who
4 may be appointed by the directors, unless they are chosen
5 at the annual meeting, all of whom shall hold their office
6 until the next annual meeting, or until others are chosen or
7 appointed in their stead. The treasurer shall give a bond to
8 the acceptance of the Directors. The directors shall at their
9 first meeting elect one of their number to be president of the
10 company; they shall also then elect a secretary and a treas-
11 urer, and the same person may hold both offices. No person
12 shall be eligible to the office of director except he be a mem-
13 ber of the corporation. The secretary or treasurer may be a
14 director. It shall be lawful for any director to contract for
15 the whole or any part of the driving or work of the cor-
16 poration.

Sect. 4. Any person, persons or corporations, 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
7 all the privileges and be subject to all the liabilities thereto.
8 Each member shall at all meetings have one vote for each one
9 hundred thousand superficial feet of lumber, so to be driven.

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

Sect. 6. The directors may annually contract with any
2 person for the driving of said logs, timber and lumber for the
3 year and fix and determine the prices for driving logs, timber
4 and lumber between the points aforesaid and between inter-
5 mediate points within said upper and lower limits. If the
6 said directors cannot make satisfactory arrangements with
7 any person or persons for the said driving, or if the person
8 contracted with fails to perform his contract therefor, then
9 the said corporation shall, through its directors, do the driv-

ing itself. The cost of driving, however done, together with
the expense of improving the river for that purpose as pro-
vided in Section 2 of this act, or such part thereof as the
directors may annually determine shall be borne by the own-
ers of the lumber driven proportionately to the quantity of
lumber and distance driven, and the amount payable by any
owner may be fixed by the directors, and may be recovered
by the company from the owner in an action of debt in any
court of record in the state, and the certificate of the secre-
tary of the amount fixed by the directors as payable by such
owner shall be sufficient proof thereof. Said company shall
have a lien on all logs and other timber by them driven for all
sums due therefor which shall not be discharged until such
sums so due are finally paid. One-half of the sum to be paid
for driving shall be paid to the treasurer by the person liable
therefor, when the rear of the drive of the logs of such per-
son shall be driven into the limits of the corporation during
the then present driving season, and the balance when such
logs are delivered at the mouth of the Allagash River. All
logs and other lumber must be delivered within the limits of
said corporation on or before the fifteenth of each June, to
entitle the owners thereof to have the same driven by said
corporation during said driving season. All logs delivered
within said corporation limits on or before said June fif-
teenth, shall be driven without unnecessary delay.

Sect. 7. Any person marking, or causing to be marked, any
unmarked log within the limits of said corporation, or defac-

3 ing any mark upon any logs therein, shall forfeit twenty dol-
4 lars, to be recovered by action of debt, one-half to be paid to
5 the treasurer and one-half to the person furnishing the evi-
6 dence thereof, such action to be brought in the name of said
7 corporation before any trial justice in the county where said
8 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 trav-
3 elling expenses. The compensation of all other officers and
4 agents shall be fixed by the directors.

Sect. 9. The first meeting of said company shall be held at
2 Fort Kent and shall be called by notice thereof signed by any
3 two corporators above named and published at least seven
4 days before the date when said meeting is to be held in one
5 newspaper published in each of the following places, at
6 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 be
9 admitted into said corporation.

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

Sect. 11. Said corporation is authorized to impound and
2 restrain the natural flow of said waters only when and in so
3 far as necessary for log-driving purposes, and as limited by

4 this act. No dam authorized by this act shall be used for
5 power purposes.

Sect. 12. All the property, rights and franchises within the
2 state of Maine acquired, erected, owned, held or controlled
3 by the said corporation, or its successors or assigns, at any
4 time after this act shall take effect, under and by virtue of
5 the terms thereof, shall be subject to be taken over by and
6 become the property of the state of Maine, whenever said
7 state shall determine by appropriate legislation that the pub-
8 lic interests require the same to be done. Upon the taking
9 effect of such legislation, the ownership of said property,
10 rights and franchises shall immediately be transferred to, and
11 vest in, said state of Maine, and said state shall pay to said
12 corporation the fair value of all the same, excepting, however,
13 such franchises and rights as are conferred upon said cor-
14 poration under and by virtue of the provisions of this act,
15 which said franchises and rights shall be wholly excluded in
16 the determination of the amount to be paid to said corpora-
17 tion 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 herein-
20 before mentioned shall be determined by agreement between
21 said corporation and such officers and agents of said state as
22 shall be thereunto authorized to act in its behalf by the act
23 which authorizes the taking of said property, rights and fran-
24 chises; and such agreement failing within six months after

25 said act takes effect, then by such fair and impartial tribunal
26 and under such provisions as to the manner of procedure and
27 for full hearing of parties and payment of damages awarded
28 as shall be provided in said act.