

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 346

In Senate, Feb. 19, 1913.

Reported by Senator Colby from committee on Interior Waters, and ordered printed.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to incorporate the Fish River Log Driving Company.

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

Section 1. A. A. Burleigh, Preston N. Burleigh, Rodney A.
2 Holmes, C. G. Ferguson and Byron Boyd, their associates
3 and successors are hereby made and constituted a body
4 politic and corporate by the name of the Fish River Log
5 Driving Company, and by that name may sue and be sued,
6 prosecute and defend to final judgment and execution, both
7 in law and in equity, and may make and adopt all necessary
8 regulations and by-laws, not repugnant to law and may
9 adopt a common seal, and may purchase and hold real and
10 personal estate sufficient for carrying on its business, and
11 may raise money by loan for all its necessary purposes.

Section 2. The said company shall have the right, privilege
2 and authority each year to drive down the Fish river from
3 Fish lake to Poolage lake, all logs and other timber coming
4 into said St. John river between said limits for the purpose
5 of being driven to market, and said corporation is authorized
6 to improve the same by removing rocks, ledges, trees and
7 other obstructions and widening, deepening and otherwise
8 improving the same for the purpose of making said river
9 and its tributaries flowing into it within the said limits
10 floatable, and of facilitating the driving of said logs or lum-
11 ber down the same. For the above purposes the said cor-
12 poration may take materials necessary to make such im-
13 provements and if the interested parties cannot agree upon
14 the amount of damages the corporation shall pay the pro-
15 prietors of the land and materials so taken, such damages
16 as shall be ascertained and determined by the county com-
17 missioners of the county in which said land or material so
18 taken are located and under the same conditions and limita-
19 tions as are by law provided in the case of damages occa-
20 sioned by laying out highways and the damages arising
21 from the flowing of lands may be recovered in accordance
22 with the provisions of the statutes for recovering damages
23 for flowing lands occasioned by raising a head of water for
24 the working of mills.

Section 3. The officers of said company shall be secretary,
2 treasurer and board of five directors, to be chosen by ballot,
3 and such other officers as may be deemed necessary, who

4 may be appointed by the directors, unless they are chosen at
5 the annual meeting, all of whom shall hold their office until
6 the next annual meeting, or until others are chosen or ap-
7 pointed 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
10 the company; they shall also then elect a secretary and a
11 treasurer, and the same person may hold both offices. No
12 person shall be eligible to the office of director except he be
13 a member of the corporation. The secretary or treasurer
14 may be a director. It shall be lawful for any director to
15 contract for the whole or any part of the driving or work
16 of the corporation.

Section 4. Any person, persons or corporations, or their
2 agents, owning logs or other timber to be driven on the Fish
3 river within the limits above specified, at the date of the
4 annual meeting in each year, shall be members of the Fish
5 River Log Driving Company, and shall so continue for one
6 year at least from that date, and shall have all the privileges
7 and be subject to all the liabilities thereto. Each member
8 shall at all meetings have one vote for each one hundred
9 thousand superficial feet of lumber, so to be driven.

Section 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
8 authorized agent. And if any owner or agent shall refuse
9 or neglect to file such statement in the manner herein pre-
10 scribed, the directors may assess such delinquent or
11 delinquents for his or their proportion of the expenses such
12 sum 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 two 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
15 to the quantity of lumber and distance driven, and the
16 amount payable by any owner may be fixed by the directors,
17 and may be recovered by the company from the owner in
18 an action of debt in any court of record in the state, and
19 the certificate of the secretary of the amount fixed by the
20 directors 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 which
23 shall not be discharged until such sums so due are finally
24 paid. One-half of the sum to be paid for driving shall be
25 paid to the treasurer by the person liable therefor, when
26 the rear of the drive of the logs of such person shall be
27 driven into the limits of the corporation during the then
28 present driving season, and the balance when such logs are
29 delivered 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 owners
33 thereof to have the same driven by said corporation during
34 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, or
3 defacing any mark upon any logs therein, shall forfeit twen-
4 ty dollars, to be recovered by action of debt, one-half to be
5 paid to the treasurer and one-half to the person furnishing
6 the evidence thereof, such action to be brought in the name
7 of said corporation before any trial justice in the county
8 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 Houlton 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 the following place: at Houl-
6 ton in the state of Maine. At such meeting all persons en-
7 titled to be members as defined in section four, shall be
8 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 said corporation, or its successors or assigns, at
4 any time after this act shall take effect, under and by virtue
5 of the terms thereof, shall be subject to be taken over by
6 and become the property of the state of Maine, whenever
7 said state shall determine by appropriate legislation that the
8 public interests require the same to be done. Upon the
9 taking effect of such legislation, the ownership of said prop-
10 erty, rights and franchises shall immediately be transferred
11 to, and vested in, said state of Maine, and said state shall
12 pay to said corporation the fair value of all the same, ex-
13 cepting, however, such franchises and rights as are con-

14 ferred 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
17 be 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
25 months after said act takes effect, then by such fair and
26 impartial tribunal and under such provisions as to the man-
27 ner of procedure and for full hearing of parties and pay-
28 ment of damages awarded as shall be provided in said act.