

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 91

In Senate, Feb. 2, 1917.

Referred to Committee on Legal Affairs and five hundred copies ordered printed. Sent down for concurrence.

W. E. LAWRY, Secretary.

Presented by Mr. Ames of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT to Incorporate the Narraguagus Boom Association.

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

Section 1. Fred W. Ayer, George G. Freeman, Jasper
2 Wyman, Charles A. Stewart and Frank H. Stewart, their
3 associates and assigns, are hereby constituted a body cor-
4 porate and politic, to be known as the Narraguagus Boom
5 Association, for the purpose of erecting, repairing, improv-
6 ing and maintaining booms on the Narraguagus river and
7 its branches in Cherryfield, county of Washington, state
8 of Maine, for the purpose of driving, sorting, rafting and

9 holding logs, lumber, pulpwood and other wood, with all
10 the powers, rights and privileges of similar corporations.

Sect. 2. Said corporation may erect and maintain a boom
2 or booms in, upon and across said river and its branches
3 north of or above Stillwater dam, near the location of exist-
4 ing booms formerly of the Cherryfield Boom Company, such
5 as may be necessary and convenient for the purpose of
6 driving, rafting, sorting and holding logs, timber, pulpwood
7 and other wood for the purpose of sale and manufacture,
8 and to erect and maintain piers and abutments to which to
9 attach the same.

Provided that said booms are so constructed as to admit
2 the safe passage of rafts and boats and preserve the navi-
3 gation of the river and its branches, and provided further
4 that all persons shall have the privilege of landing rafts or
5 logs, boards or other lumber or timber, and fastening the
6 same as they have heretofore enjoyed and done, and that
7 said corporation shall construct and at all times keep and
8 maintain its piers and booms sufficiently strong to secure
9 all lumber contained therein, but no person shall be allowed
10 at any time to encumber said booms with rafts, either of
11 logs, boards or other lumber.

Sect. 3. Said corporation may take, hold and use land
2 and shores on said Narraguagus river and its branches nec-
3 essary to the building, maintaining and operating said booms,
4 piers and abutments.

Sect. 4. If any one suffers damage in his property rights

2 by acts of said corporation and the person, persons, or party
3 so suffering damage, or the owners of said land and shores
4 so taken and the corporation cannot agree upon damages,
5 then the damages shall be estimated and determined by
6 the county commissioners for said county of Washington,
7 in the same mode and manner as is now provided in case
8 of damages for land taken for highways.

Sect. 5. The office of said corporation shall be located at
2 Cherryfield in said county of Washington and the first meet-
3 ing of said corporation may be called by notice therefor in
4 writing signed by one of the incorporators herein named
5 and served upon each incorporator, by giving him the same
6 in hand or leaving the same at his last and usual place of
7 abode, at least five days before the date named for said
8 meeting.

Sect. 6. Any person, persons or corporation, or their
2 agents, owning timber lands on the Narraguagus river and
3 its branches, and any person, persons or corporation, or
4 their agents, cutting logs or any lumber thereon may be-
5 come a member of the Narraguagus Boom Association on
6 application in writing therefor, and shall continue as a
7 member for one year at least, having all the privileges and
8 being subject to all the liabilities pertaining thereto.

Sect. 7. The officers of said corporation shall be a clerk,
2 treasurer and a board of five directors, three of whom shall
3 constitute a quorum to transact business, all of whom shall

4 be chosen by written ballot, and all to be sworn to the faithful discharge of their duties.

No person shall be eligible to any office unless he be a member of the corporation. All other necessary officers shall be appointed by the directors, unless they be chosen at the annual meeting, all of whom shall hold their respective offices until the next annual meeting or until other are chosen or appointed in their stead.

The treasurer shall give bond to the acceptance of the directors. The directors shall at their first meeting elect one of their number who shall be the president of said corporation.

Sect. 8. Said corporation shall have the right to take over and acquire all the property, rights, privileges and franchises of the Cherryfield Lumber Company in and to all the booms, piers, their attachments and belongings now in and upon said river, the same formerly owned by the Cherryfield Boom Company, at such price as may be agreed upon by said Cherryfield Lumber Company and said Narraguagus Boom Association. In case they fail to agree upon a price then the amount to be paid therefor shall be determined by three disinterested persons, one to be chosen by each of said corporations and the third to be chosen by the two so selected; with the right of appeal from the decision thereof to the Supreme Judicial Court in and for said County of Washington at the term thereof next to be held after the expiration of thirty days from the announcement of said decision.

Sect. 9. Said corporation shall have the power to hire
2 money to be used for any of the purposes hereinbefore
3 enumerated.

Sect. 10. In order to meet all payments and expenses of
2 every character due from the corporation, they shall have
3 power, and it shall be their duty to make and enforce assess-
4 ments therefor, either after the payments or expenses, or in
5 anticipation of the same, which assessments shall be pro rata
6 upon every thousand feet of lumber to be ascertained or esti-
7 mated as the by-laws of said corporation may prescribe.

For all assessments a lien shall be created upon the lumber
2 and in addition to said lien the corporation shall have remedy
3 by an action of assumpsit against the owner of said lumber,
4 or any person to whom the lumber, so assessed, may have
5 been transferred by mortgage, pledge, or other ways of
6 security.

If the assessments collected shall exceed the amount paid
2 for all actual and lawful expenses, the surplus shall be re-
3 funded pro rata to those from whom it was received in man-
4 ner prescribed in the by-laws.

Provided, however, that said corporation shall have the
2 right to retain all surplus until the indebtedness incident to
3 the purchase of the aforesaid interest of the Cherryfield
4 Lumber Company, the actual outlay for improvements on
5 same, and the expense of the organization are paid in full,
6 and that it may retain in the treasury at all times a sum for
7 incidental expenses not exceeding two hundred dollars.

Sect. 11. The rate to be charged for sorting, booming and
2 rafting logs shall be as follows, viz. :

3 Logs, one and six-tenths cents per log.

4 Cedar and stave wood, seven-tenths of one cent per
5 piece.

6 Box logs, one and three-tenths cents per piece.

7 Pulpwood and other wood, a proportional rate or charge
8 to be fixed by the directors.

9 The logs, timber or wood of any kind without private or dis-
10 tinguishing marks, commonly called prize logs, shall be
11 sorted, rafted and held until such time as the same may be
12 sold at auction and the proceeds after deducting charges, be
13 equally divided in proportion to the logs or lumber that each
14 one owns on the river.

Sect. 12. A set of by-laws not inconsistent with the laws
2 of the State of Maine shall be adopted at the first meeting
3 of said corporation.

Sect. 13. It shall be the duty of the log owners to trans-
2 mit to the treasurer of the corporation on or before the
3 twentieth day of April, annually, or before the corporation
4 rafts them out, a schedule of the mark or marks of logs or
5 lumber claimed by him or them and said corporation may
6 raft as strays those logs or lumber the marks of which are
7 not thus furnished, and all having no known or identifying
8 marks.

Sect. 14. It shall be the duty of said corporation to keep
2 an accurate account of all its receipts and expenditures,

3 specifying for what each item is received or paid, which
4 account shall be made upon the first day of January, annu-
5 ally, and be kept by the treasurer for the inspection of all
6 persons interested therein, together with a true statement of
7 the number and quantity of logs or lumber rafted at the
8 booms the preceding year.