

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 968

H. P. 1818

House of Representatives, April 2, 1937.

Reported by Mr. Payson from Committee on Legal Affairs and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Incorporate Black Stream Log Driving Company.

Sec. 1. Incorporation of Black Stream Log Driving Company. Clifton S. Humphreys, Oscar H. Clark and Philip C. Humphreys, all in the state of Maine, their associates, successors and assigns, are hereby made a body corporate under the name of Black Stream Log Driving Company, with all the rights, powers and privileges of log driving corporations.

Sec. 2. Capital stock. Said corporation may issue its capital stock to an amount not exceeding \$10,000 to be divided into shares of \$100 each.

Sec. 3. May improve Black Stream and its tributaries and construct dams, etc. Said corporation is hereby authorized and empowered to improve Black Stream, so-called, located in the county of Somerset, from the source and tributaries of said stream to its mouth where it joins the east branch of the Kennebec river, for the purpose of driving logs, lumber and pulpwood, by widening, deepening and removing obstructions from said stream by the construction of dams, side dams and sluice ways therein, and by the erection of booms, side booms and piers, and by making or causing to be made such changes in existing dams as may be necessary or proper therein, if any, to facilitate the floating of logs, lumber and pulpwood, from the source and head waters of said stream, in the county of Somerset to its mouth where it joins the east branch of the Kennebec river.

Sec. 4. Eminent domain. Said company for the purposes aforesaid, may take all necessary lands and materials for building said dams, side dams, bunters, piers, booms, rack-booms, shore-holds, and fastenings and for making said improvements, and may flow contiguous lands so far as is necessary to raise suitable heads of water and may attach its booms, dams and other improvements and fixtures to land adjacent to said stream, and may, with its servants, agents and teams, pass and repass over and along its shores and to and from the same for the purposes aforesaid, making compensation therefor as provided in case of damages for lands taken in laying out highways; and for the injuries arising from flowing lands. Said company shall not be liable in an action at law, but those injured shall have remedy by complaint for flowage in which the same proceedings shall be had as in a complaint under the statutes of Maine for the recovery of damages for flowing lands by a mill dam, provided, however, that the powers granted in this charter shall not authorize the taking by eminent domain of any riparian lands or rights upon the east branch of the Kennebec river, nor any lands or rights between the east bank of said east branch of the Kennebec river and a line, parallel therewith and 1000 feet east thereof.

Sec. 5. Tolls. Said company may demand and receive tolls for the passage of logs, pulpwood and other lumber over and through said stream as follows: 25c per cord of 4-foot wood, 50c per thousand feet of logs and lumber; whether said logs and lumber are driven by this company or by the owner of logs or lumber, driven by said owner. Any owner shall have the right to make an independent drive in said Black Stream by paying the tolls provided for herein at any time when such drive will not interfere with the use of said stream by this company. The owners of logs to be driven down said river shall on or before the 1st day of May in each year file with the clerk a correct statement in writing, signed by such owner or owners, his or their authorized agent, of all such logs or timber of the number of feet, board measure, full scale, and the marks thereon, together with the place from which said logs are to be driven, and after the directors shall have ascertained the amount expended for driving and securing said logs and other expenses for the season, and shall have ascertained the number of feet of the different marks of logs and timber to be assessed for paying said expenses, they shall have the right to assess the same to owners, if known or to owners unknown; making such discount for logs driven less than the whole distance, as in their opinion may be right and equitable. And if any owner or agent shall refuse or neglect to file such statement in the manner herein prescribed, the directors may assess such delinquent or

delinquents for his or their proportion of the expenses such sum, or sums. The tolls, charges, liens and assessments authorized by this charter shall be effective only after this company has provided the improvements and facilities contemplated by this charter for driving logs, lumber and pulpwood, and while the same are reasonably maintained.

Sec. 6. Auction of logs to amount sufficient to pay assessment and costs.

The directors shall give to the treasurer a list of all assessments by them made, with a warrant in due form, under their hands, directing him to collect the same, and it shall be the duty of the treasurer immediately after receiving such lists, to notify in writing all persons therein assessed, the amount of tax upon their several marks. And all owners of logs and other timber shall be required to pay the amount of their several assessments, within 15 days of the date of said assessment, and at the end of said 15 days, should the whole or any part of any owner's assessment remain unpaid, the treasurer shall have the power to take possession of a sufficient quantity of the logs or other timber of any mark which has been assessed to said owner, and advertise the same for sale at a public auction, by posting up in some conspicuous place in Waterville, a notice of such sale, stating therein the names of the persons taxed, with the marks assessed, and amount of assessment unpaid, 10 days at least before the day of sale, and unless such assessment with all expenses incurred, are previously paid, he may proceed to sell to the highest bidder, a sufficient quantity of such logs or other timber, to pay such assessment, with all proper costs and interest, from the date of such assessment, said sale to be in the city of Waterville or at any other place where said logs or other timber may be found.

Sec. 7. Tolls to be regulated. When said company shall have received from tolls its outlays authorized by this act, and for repairs made up to that time, with 6% interest thereon, the tolls shall be altered to a sum sufficient to pay the expenses of maintenance including keeping the works in repair and if, from time to time thereafter it shall be necessary to make additional improvements, to carry out the purposes of this charter, said company may increase the toll to and maintain it at, a sum sufficient to include such outlays, with 6% interest thereon. The county commissioners of said county shall audit the accounts of said company for the aforesaid purpose to determine the costs of dams, booms and other improvements, maintenance and repairs.

Sec. 8. Private property may be holden. The private property of each member of said company shall be holden to pay all debts contracted by said

company, in default of company property, whereon execution may be satisfied.

Sec. 9. Notice of meetings. The first meeting of said company may be called by any one of the corporators named in this act, by written notice to each member. Annual meetings shall be called by the clerk on the 1st Monday of January in each year, or at such times as the company may vote by giving 7 days' notice in some newspaper published in Somerset or Kennebec counties; special meetings may be called by order of the directors without notice.