

# MAINE STATE LEGISLATURE

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**PRIVATE AND SPECIAL ACTS**

OF THE

**STATE OF MAINE,**

PASSED BY THE

**FIFTEENTH LEGISLATURE,**

AT ITS SESSION, HELD IN JANUARY, 1835.

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Published agreeably to the Resolve of June 28, 1820.

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**AUGUSTA:**

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

said Bank, in gold and silver money within twelve months from the passage of this Act.

SECT. 3. *Be it further enacted*, That loans may be made by said Bank, upon said sum of Twenty Five Thousand Dollars, whenever the Directors thereof, or a majority of them, together with the Cashier of said Bank shall have signed, and verified by oath and filed in the office of the Secretary of State a certificate that said sum of Twenty Five Thousand Dollars has been, in manner aforesaid, paid into said Bank and not before; and upon the residue of said additional sum of Fifty Thousand Dollars, whenever the Directors, or a majority of them, together with the Cashier of said Bank shall have signed and verified by oath, and filed in the office of the Secretary of State—a certificate that the residue of said additional capital has been, in manner aforesaid, paid into said Bank, and not before.

When loans may be made on said additional capital.

SECT. 4. *Be it further enacted*, That the Act passed the eighth day of February in the year of our Lord eighteen hundred thirty four, entitled, "An Act to increase the capital stock of the Calais Bank and the number of Directors," be, and the same hereby is repealed.

Part of former act repealed. Laws of 1834, ch. 417, p. 622.

## CHAPTER 590.

AN ACT to incorporate the Kennebec Log Driving Company.

Approved March 20, 1835.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That John White, Marshall French, Oliver B. Dorrance, George W. King, David Scribner, Ezra Carter Junior, David Wescott, Alvah Sweetser, John Bradley, Ebenezer H. Scribner, Levi M. Pratt, Aaron Capen, Phineas Pratt, Henry Bowman, Benjamin Weston Junior, Josiah H. Hobbs, their associates and successors, be, and they are hereby made and constituted, a

Names of persons incorporated.

body politic and corporate, by the name and style of the  
 Corporate name. Kennebec Log Driving Company, and by that name may  
 sue, and be sued, prosecute and defend, to final judgment  
 Powers, privileg- and execution, both in law, and in equity, and may make  
 es, &c. and adopt all necessary regulations and by-laws, not re-  
 pugnant to the Constitution and Laws of this State, and  
 may adopt a common seal, and the same may alter, break,  
 and renew at pleasure, and may hold personal estate, not  
 Mayhold personal exceeding the sum of Five Thousand Dollars at any one  
 estate not exceed- time, and may grant and vote money. And said Company  
 ing, &c. shall drive all logs and other timber belonging to said Com-  
 May drive logs pany or any of the members thereof that may be in the  
 and timber be- Kennebec River for that purpose, below the Forks, to such  
 longing to com- place of destination, on said River, as may be designated  
 pany. by the owner of such logs and other timber, such place  
 not to be below the booms at Gardiner, at as early a peri-  
 od as practicable. And said Company may, for the pur-  
 poses aforesaid, remove obstructions, break jams, and  
 erect booms, where the same may be lawfully done, and  
 shall have all the powers and privileges, and be subject to  
 all the liabilities incident to Corporations of a similar na-  
 ture.

SECT. 2. *Be it further enacted,* That the officers of said  
 Company shall be a Moderator, Clerk, Treasurer, a board  
 Officers of corpo- of five Directors, three of whom shall be a Quorum to  
 tion—tenure of transact business, and such other officers as may be deem-  
 office, &c.—and ed necessary, all of whom shall hold their offices till the  
 when to be cho- annual meeting next following their election, and till others  
 sen. be chosen in their stead, and the Clerk, and Directors shall  
 be sworn to the faithful discharge of the duties of their  
 Clerk and Direc- respective offices. And the Directors shall, in writing,  
 tors to be sworn. appoint a Master Driver, and such other officers as they  
 shall judge necessary.

SECT. 3. *Be it further enacted,* That the first meeting  
 of said Company shall be called by Henry Bowman and  
 Directors may ap- Phineas Pratt, or either of them, to be holden at Gardiner  
 point Master Dri- on the twenty seventh day of March 1835, at ten of the  
 ver. clock in the forenoon, by publishing the place and object  
 First meeting, how called, place and time of, and proceedings.

of holding said meeting, in some newspaper printed in Augusta and Portland, at which meeting or some adjournment thereof, the officers of the Company shall be chosen, and the time of holding the annual meeting fixed, and by-laws adopted.

SECT. 4. *Be it further enacted*, That all logs usually denominated prize logs, that may at any time be in said River or which may have drifted on the banks or islands thereof below said Forks, and above said booms, and not having thereon some mark for the purpose of designating the owner or owners thereof, shall be the property of said Company, and the Master Driver shall, from time to time, sell the same at public vendue, at Gardiner, at such times, as the Directors shall appoint, and he shall give public notice of the time and place of sale, by publishing the same, three weeks successively, in some newspaper printed in Augusta Bath and Portland, the last publication whereof to be before the day of sale, and by posting up a like notice the same term of time before the sale, in some public place, in each of the towns of Gardiner, Augusta, and Waterville. And the proceeds of such sale, after deducting the necessary expenses thereof, shall be paid by the Master Driver to the Treasurer, to be by the Company appropriated toward defraying the expenses of the drive. And if any person or persons shall take and carry away, or otherwise convert to his, or their use, without the consent of said Company, any such logs, or other timber, or shall cut, alter, or destroy any mark put thereon by said Company, or any officer, agent, or servant thereof, he, or they shall be subject to all the liabilities provided for similar offences, in an Act, entitled "An Act to secure to owners their property in Logs, Masts, Spars and other timber" passed April 1, 1831 and said Company shall be entitled to all the remedies in said Act provided. Also of an Act entitled "An Act to secure to owners their property in Logs Masts Spars and other timber in certain cases" approved March 16, 1821. *Provided however*, any owner or owners of logs sold as aforesaid, may within one year from and after the

Prize logs, to be the property of the company.

Same may be sold at public auction.

Notice of time and place of sale.

Proceeds of sale, how appropriated.

Penalty for carrying away or converting such logs, altering marks, &c.

Volume 3, chap. 521, page 409.

Volume 2, chap. 168, page 749.

Proviso.

time of such sale, on proof of his or their property therein, recover of said Company the proceeds of the sale thereof on paying the expenses of driving and sale.

SECT. 5. *Be it further enacted,* That the members of said corporation at any time, owning logs or other timber on said River, or any of its tributary waters, or lying on the banks or shores thereof, and intended to be driven down said River, between said Forks and booms, or any part of that distance, shall on, or before the tenth day of June 1835, file with the clerk of said Company a statement in writing, signed by such owner, or owners, his or their Agent, duly authorized, of all such logs and other timber, of the number of feet board measure of all such logs and other timber and the mark thereon, and what portion thereof has been driven by said Company, and shall on or before the tenth day of June annually afterwards, file a like statement with the Clerk of the Company, and the Directors or one of them shall require such owner, or owners, or agent presenting such statement, to make solemn oath that the same is in his, or their judgment and belief true, which oath the Directors, or either of them are hereby empowered to administer. And said Directors shall, as soon as it can conveniently be done after said tenth day of June annually, make an assessment of such sum, or sums as they shall deem necessary to defray the expenses of driving such logs and other timber, to be apportioned among the owners thereof, in proportion to the amount of such logs and other timber driven to the place of destination as aforesaid, or any part of the distance, short of the point of destination taking into consideration the difficulty, distance, and expense of driving the same. And said Company shall have a lien on all such logs and other timber driven, for the expenses of driving the same, which lien may be discharged by sufficient bond being given to the Company, conditional that such expenses shall be seasonably paid. And if any owner or owners shall neglect or refuse to file a statement in the manner herein prescribed, the Directors may assess such delinquent or delin-

Statement to be filed with Clerk.

How said sums are to be apportioned.

Company to have lien on logs, &c. driven for expenses.

Proceedings in case proprietor refuses to file statement.

quents for his, or their proportion of such expenses, such sum, or sums as may be by the Directors considered just and equitable. And the Directors shall give public notice of the time and place of making such apportionment, by publishing the same in some newspaper printed in Augusta, Bath and Portland two weeks successively, the last publication to be before the day of making such apportionment. And the Directors shall give the Treasurer a list of all such assessments under their hands, with a warrant in due form under their hands. And the Treasurer shall have power to collect such assessments by distress of the logs and other timber driven as aforesaid, and shall have the same powers, and pursue the same course of proceeding, as is by law prescribed to collectors of towns making distress of personal property; or the Treasurer may recover such assessments in an action of debt, in the name of the Kennebec Log Driving Company, in any Court competent to try the same, and no action shall abate by reason of all the owners not being joined as defendants. And any assessment or assessments, when the owner or owners of any logs or other timber shall not be known to the Directors may be set to the mark on such logs or other timber. And the Directors shall keep a record of all assessments which shall at all times be open to the inspection of all persons interested.

SECT. 6. *Be it further enacted,* That any owner or owners of logs and other timber, on said River, or any of its tributary waters, may take and use on his or their logs, or other timber, any mark, not before used by any other person on said River, or any of its tributary waters, and such mark may be left with the Clerk of said Company, and shall be by him recorded in a book, to be by him kept for that purpose; which shall at all times be open to the inspection of all persons interested. And if any other person, or persons, shall use such mark on any logs or other timber on said River, or any of its tributary waters, after such mark shall have been so recorded, such offender or offenders shall forfeit and pay Twenty Dollars for every

Directors to give notice of time and place of making apportionment.

—and give lists of assessments to Treasurer.

Treasurer to collect the same by distraining logs;

—or by action of debt in name of corporation.

Assessments may be set to mark on timber.

Directors to keep record of assessments.

Owners may take and use any mark &c. and have the same recorded.

Penalty for using mark so appropriated.

such offence to be recovered by action, in any Court competent to try the same, one half to the use of the person prosecuting, and the other half to the use of the Company.

Private property of individuals holden to pay company debts.

SECT. 7. *Be it further enacted*, That the private property of individuals of the Company shall be holden to pay the debts contracted by the Company, in default of Company property, whereon execution may be satisfied.

Former Acts repealed.

SECT. 8. *Be it further enacted*, That all Acts and parts of Acts so far as the same relate to driving logs and other timber on Kennebec River be and the same are hereby repealed, and this Act shall take effect from the time the same shall be approved.

## CHAPTER 591.

AN ADDITIONAL ACT establishing the Kennebec Boom Corporation.

Approved March 21, 1835.

Extension of powers of Kennebec Boom Corporation.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That the Kennebec Boom Corporation shall have power in addition to the places now authorized by the several Acts to construct and maintain Booms, to construct and maintain side Booms near Brown's Island (so called) in the town of Hallowell and also near the small Island above the village in said town—*Provided however*, That the free navigation of the Kennebec River shall not be interrupted or impaired thereby.

Proviso.

Booms to be constructed prior to first day of May, 1836.

SECT. 2. *Be it further enacted*, That said Corporation shall be prohibited from constructing Booms in any place above tide waters, where it shall neglect to construct a Boom or Booms prior to the first day of May one thousand eight hundred and thirty six.

Duty of corporation as to logs and timber running in Kennebec River

SECT. 3. *Be it further enacted*, That said Corporation be required whenever any logs or timber shall be running in the Kennebec River to use all reasonable exertion, care and diligence, to tow into and secure in their several Booms situated in tide waters, all such logs or timber as the said Corporation are by law authorized to stop and secure,