

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-THIRD LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A. D. 1843.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.  
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AUGUSTA:

WM. R. SMITH & Co., PRINTERS TO THE STATE.

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1843.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1843.

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**ERRATA:**

**The following leaf is  
inserted because one or more pages  
in this chapter have errors  
noticed and corrected here.**

# STATE OF MAINE.

SECRETARY'S OFFICE,  
Augusta, June 10, 1843. }

I HEREBY CERTIFY, That the acts and resolves contained in this pamphlet, have been compared with the originals deposited in this office, and that they appear to be correctly printed, with the exceptions mentioned in the *errata* hereunto annexed.

PHILIP C. JOHNSON, *Secretary of State.*

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## ERRATA.

### PUBLIC LAWS.

- Page 45, chap. 6, first line, for "hereafter," read "hereinafter"  
47, " 9, second line of sect. 3, for "rail" read "rail road"  
59, " 21, ninth line from top, after "shall" insert "also"  
70, " 31, third line from bottom of sect. 3, after "shall" insert "not"  
73, " 33, fourth line from bottom of sect. 3, before "companies" insert "the"  
74, " 33, sect. 4, sixteenth line, for "military duty" read "duty"

### PRIVATE AND SPECIAL LAWS.

- Page 87, chap. 81, third line of sect. 4, for "low" read "log"  
93, " 83, third line, for "Dolbier" read "Dolliver"  
96, " 88, second line from the top, after "as" insert "the"  
96, " 89, first line, for "James" read "Thomas"  
125, " 113, third line from the bottom of sect. 2, for "advise" read "advice"

### RESOLVES.

- Page 169, chap. 146, sixth line of preamble, for "said" read "such"

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maintenance of said dam and booms : and in case the parties cannot agree on the amount of damage sustained, the same shall be submitted to the county commissioners for the county of Somerset, whose decision thereon shall be final.

Powers and liabilities.

SECT. 3. Said corporation shall have all the rights and powers so far as respects said Dead river and the logs and timber driven down the same, and shall be subject to all the duties and obligations which, prior to the passage of this act, the Kennebec log driving company had or were subject to.

Toll.

SECT. 4. A toll is hereby granted for the use of said corporation, of the following rate, viz : eight cents per thousand feet board measure, for all timber and logs that may be put or driven into said Dead river above said dam ; and said corporation shall have a lien on said timber and logs for the payment of said toll.

Lien for payment.

Damages for injury.

SECT. 5. If any person shall wilfully take up, break down, or otherwise injure the dam or booms erected by said corporation, such person shall forfeit and pay to the corporation, treble the amount of damages thereby sustained, to be recovered in any court of competent jurisdiction.

Act to extend jurisdiction of K. L. D. C. repealed.

SECT. 6. An act entitled an act to extend the jurisdiction of the Kennebec log driving company to Dead river, approved March eighth, eighteen hundred and thirty nine, is hereby repealed.

[Approved March 3, 1843.]

**Chapter 81.**

AN ACT amendatory to an act entitled an act to incorporate the Kennebec log driving company.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

To drive all logs belonging to said corporation or its members.

SECT. 1. The Kennebec log driving company shall drive all logs and other timber belonging to said company, or any of the members thereof, that may be in the Kennebec river for that purpose, commencing at the outlet of said river at Moosehead lake, to such place of destination on said river, as may be designated by the owners thereof, such place not to be below the Kennebec bridge at Augusta, at as early a period as practicable. And said company may, for the purposes 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 nature.

Power to remove obstructions, &c.

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SECT. 2. The officers of said company shall be a clerk, treasurer, and a board of five directors, three of whom shall be a quorum, to transact business, and a master driver or drivers, and such other officers as may be deemed necessary by the members at their annual meeting, all of whom shall hold their offices until the next annual meeting following their election, and until others be chosen in their stead. And the clerk and directors shall be sworn to the faithful performance of their duties. And the treasurer shall give a good and sufficient bond to be approved by the directors before entering upon the discharge of his duties. And the directors shall at their first meeting elect one of their number, who shall be the president of said company, and no member shall hold more than one office in said company at the same time.

Officers.

To be sworn.

Treasurer to give a bond.

Directors to elect a president.

To hold but one office at a time.

SECT. 3. The clerk and treasurer of the company shall at the next annual meeting, and at all future annual meetings, lay before the members a full account of the doings of said company for the preceding year, showing the whole amount of receipts and expenditures, the source whence all receipts are derived, the amount of all claims against the company, and the nature of them. Also the amount of debts due to said company, and from whom they are due. Also stating the amount due or paid to each officer and agent the preceding year, the nature of the services performed, and the number of days they have each been employed; said accounts to be audited and approved by the directors and duly sworn to by said clerk and treasurer. Said account shall be the first business to be acted upon at the annual meeting after it is organized. And before proceeding to a choice of officers, the compensation of each officer, agent or driver, shall first be fixed by a vote of the meeting. And the compensation, as fixed, shall include all charges to be made by such officer, agent or driver, during his continuance in office. All compensation for extra services rendered by any officer, agent or driver, shall be laid before the directors for allowance, and shall be reported by them to the next annual meeting. The by laws of said company shall be laid before the next annual meeting for revision; and the same shall be done at each future annual meeting.

Annual exhibit.

Accounts to be audited, &amp;c.

Compensation to officers to be fixed before election.

Extra services.

By-laws to be revised annually.

SECT. 4. A committee shall be chosen at each annual meeting, who shall be authorized whenever they shall judge the interest of the low owners to require it, to collect and secure all logs and other timber which may drift below the chops, so called, on said river. And for all expenses incurred by said committee, a lien is hereby created upon all logs and other timber so secured, and said committee shall be authorized to assess upon all such logs and other timber, a tax sufficient to pay such expense: and if such tax is not paid or

Committee.

Their duty.

Expenses, how paid.

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Prize logs to be sold in certain cases.

Proceeds to be paid into treasury.  
Assessments.

Treasurer to collect same.

Logs without mark, property of the company.

How sold.

Proceeds.

Proviso.

Exclusive right of K. L. D. C. to control prize logs.

To account for such logs equitably.

Proviso.

secured within thirty days after it is assessed, they shall proceed to sell and dispose of a sufficient quantity of such logs and other timber, to pay said tax, in the same manner as is hereinafter provided for the sale of logs for delinquent assessments laid by the directors for driving expenses. All proceeds of said sales shall be paid into the treasury of said company. The assessments provided for in this section shall be handed to the treasurer, with a warrant under the hands of said committee in due form. And said treasurer shall proceed to collect the same in the same manner as is provided in the eighth section of this act, all sales of logs under the authority of this section shall be at the office of said company and at public auction.

SECT. 5. All logs or other timber not having thereon some mark designating the owner or owners thereof, shall be the property of said company; and said logs and other timber shall be disposed of in such manner, and at such times and places as shall be determined upon at the annual meeting, and at each annual meeting, it shall be the duty of the members to prescribe the method to be pursued in the collection and disposal of all such logs and other timber the year ensuing, the proceeds of all sales of such logs and other timber shall be paid into the treasury of said company to defray expenses. *Provided, however,* nothing in this or the following section, shall be construed to impair the right of any person to claim any log or other timber, which he may have put into said river, without such mark of ownership. And any such person upon furnishing reasonable proof of such ownership, shall be entitled to receive all logs which he may so prove to be his, or to receive the proceeds of the sale of the same, provided they have been sold by said company, all such claims to be made and proof to be furnished, within one year from the date of the sale of the same by the company.

SECT. 6. It shall not be lawful for any person or corporation, other than the Kennebec log driving company, to mark or cause to be marked, any log or other timber put into said river, or its tributaries, usually called prize logs. And any person or persons, or corporation, other than the Kennebec log driving company, who shall drive his or their own logs down said river, and shall furnish reasonable proof thereof, within the year such logs were driven, together with the number of feet thus driven, to the directors of said company, it shall be the duty of said directors to apportion to such owner or owners, a just proportional share of the nett proceeds of all prize logs or other prize timber, sold by said company, the year such logs may have been driven. *Provided, however,* nothing



in this act shall be construed to impair the exclusive right of said company to control and dispose of all the prize logs and prize timber in said river, or its tributaries. And if any person or corporation, except the owner thereof, shall take and carry way or otherwise convert to his or their use, without the consent of said company, any prize log or prize timber, he or they shall be subject to all the liabilities provided for similar offences in the laws of the State, which specially provide for securing to owners their property in logs, masts, spars and other timber.

Penalty if any person shall infringe the rights of the K. L. D. C. in regard to prize logs.

SECT. 7. The members of said company at any time owning logs or timber on said river, or its tributaries, or lying on the banks or shores thereof, and intended to be driven down said river, between Moosehead lake and the Augusta bridge, or any part of that distance, shall on or before the tenth day of June, in that year, file with the clerk a 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, of all such logs and other timber, and the mark thereon, and what portion thereof has been driven by said company, and the directors, or one of them, shall require such owner or owners, or agents presenting such statement, to make 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 if any owner shall neglect or refuse to file a statement in the manner herein prescribed, the directors may assess such delinquent or delinquents 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 assessments, by publishing the same in some newspaper printed in Augusta, Bath and Portland, two weeks in succession, the last publication to be before making such assessments. And any assessment or assessments when the owner or owners of any mark of logs or other timber, is unknown to the directors, may be set to the mark upon such logs or other timber. And the directors shall keep a record of all assessments made by them, which shall at all times be open to all persons interested.

Every member of said company owning logs to file certificate with clerk.

Contents of certificate.

Certificate to be sworn to.

Duty of directors if certificate is not filed.

Directors to give notice.

When mark is unknown.

Directors to keep record of assessments.

SECT. 8. The directors shall give the treasurer a list of all assessments by them made, with a warrant in due form under their hands. And said company shall have a lien on all logs and other timber by them driven, for the expenses of driving the same, which may be discharged by sufficient bond being given to the company conditional that all such expenses shall be seasonably paid. And it shall be the duty of the treasurer within ten days after he shall

Treasurer to be furnished with a list of assessments.

Lien for payment.

Treasurer to notify within ten days where owners are known.

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receive from the directors a list of assessments in due form, to notify in writing all the owners where known, of the amount assessed upon their several marks, and when the owner or owners of any marks of logs or other timber are unknown, he shall within ten days publish a list of all such marks of logs and timber with the amount assessed upon each mark in some newspaper printed in Bath, Portland and Augusta, three weeks successively. And all owners of logs and other timber, shall be required to pay or satisfactorily secure the amount of their several assessments, within thirty days from the date of such assessment. And the treasurer shall have power to take possession of a sufficient quantity of any and all marks of logs, upon which the assessment has not been so paid or secured at the end of thirty days from such assessment, and shall retain possession of the same until disposed of as hereinafter provided. And all marks upon which such assessment shall not be thus paid or secured within the time herein specified, shall be advertised two weeks in succession in some newspaper printed in Bath, Augusta and Portland, and if not paid within ten days after the last publication, with necessary costs, the treasurer shall then advertise them for sale at public auction, by posting up in some conspicuous place in Bath, Gardiner, Augusta and Waterville, a notice of such sale, with a list of all the marks, and the amount of assessment upon each mark, ten days before the day of sale, and unless such assessments with all expenses incurred are previously paid, he shall then proceed to sell, to the highest bidder, a sufficient quantity of the logs or other timber of the different marks upon the list, to pay such assessments with all proper costs, selling each mark separately. The place of sale to be at the office of the company, and the proceeds of all sales to be paid into the treasury of the company.

**SECT. 9.** Any owner or owners of logs or other timber on said river, or its tributaries, 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 its tributaries, and such mark shall be left with the clerk of said company, and shall be by him recorded in a book to be kept by him for that purpose, which shall be at all times open to the inspection of all persons interested; and if any other person or corporation shall use such mark on any logs or other timber on said river, or its tributaries, after such mark shall be recorded, such offender or offenders shall forfeit and pay twenty dollars for every such offence, to be recovered by action in any court competent to try the same, to the use of the person prosecuting therefor.

**SECT. 10.** All persons who shall undertake to drive their own logs or other timber down said river, or any part thereof, shall furn-

*When owners are unknown to publish a list of marks within ten days.*

*Owners to secure payment in thirty days.*

*Power of treasurer if such owner neglect to secure payment.*

*After thirty days to advertise.*

*If assessment is not paid after first advertisement to be offered for sale.*

*Duty of treasurer prior to sale.*

*Place of sale.*

*Proceeds.*

*Clerk to record all marks.*

*Books of record to be kept public.*

*Penalty for using another's mark.*

*How recovered.*

*Persons driving their own logs to furnish necessary assistance, and materials.*

ish all necessary men, tools, and other apparatus for the efficient driving said logs, so as not to interfere with the driving of logs by said company.

SECT. 11. It shall be the duty of the master driver or drivers, to drive all logs or other timber, to the bridge at Augusta, unless he or they shall be seasonably notified by the owner or owners of their wish to have them stopped at any place above said bridge. And it shall be the duty of all boom owners or agents, or other persons engaged in stopping, booming, rafting or securing any such logs or other timber, at any place above said bridge, to furnish said driver or drivers, whenever requested, his or their written authority for stopping any such logs or other timber. And when such written authority, or other sufficient proof of his or their authority to stop any such logs or other timber, is not produced, the driver or drivers may proceed to turn out and drive to said bridge at Augusta, all such logs and other timber. And if any boom owner or owners, or agents, or any other person or persons engaged in stopping or securing logs or timber, above said bridge, shall stop or detain any logs [or] other timber, without the consent of the owners thereof, and if they shall detain the same for the space of twenty four hours or more, said boom owner or agent, or other person so offending shall forfeit and pay twice the amount of damage sustained, before any court competent to try the same.

Duty of master drivers.

Duty of boom owners.

Boom owners and others not to take logs without consent.

Penalty.

SECT. 12. Said company shall have no control over any logs or other timber, after they are driven to said bridge. *Provided, however,* nothing in this act contained, shall be construed to impair their lien upon all logs or timber they may have thus driven, for all driving expenses, nor their full and perfect control over all prize logs or prize timber, or their authority as contained in the fourth section of this act.

When control of company over logs ceases. Proviso.

SECT. 13. It shall be the duty of the master driver to keep a separate and distinct account, of all expenses incurred for driving the logs and other timber, between Moosehead lake and the Forks of Kennebec river. And the directors shall in the manner prescribed in this act, ascertain the number and ownership of the logs and other timber, between the points aforesaid, and shall assess thereon a distinct and separate tax, sufficient to pay all such expenses.

Master driver to keep distinct accounts.

Directors to assess a separate tax for all expenses.

SECT. 14. Any person may become a member of this company, who is an owner or interested in logs or other timber on said river or its tributaries, by leaving with the clerk a written request to that effect, which shall be by him recorded and kept on file. And any person may withdraw from said company, by filing with the clerk

Membership, how obtained.

Withdrawal, how effected.

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a request for that purpose, which shall likewise be kept on file and recorded by said clerk ; such member first paying or securing all debts and assessments due said company.

Private property holden for debts.

SECT. 15. The private property of all individuals of said company, shall be holden to pay all debts contracted by said company, after he became a member thereof, and before his withdrawal from the same, in default of company property whereon execution may be satisfied.

All acts of similar character relating to said river, &c., repealed.

SECT. 16. All acts and parts of acts, so far as they relate to driving logs and other timber on said river, or its tributaries, be and the same are hereby repealed ; and this act shall take effect and be in force from the time it shall be approved.

[Approved March 3, 1843.]

### Chapter 82.

AN ACT additional to an act to incorporate the Kennebec locks and canals company.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Toll granted.

SECT. 1. Said company are hereby authorized to ask, demand and receive the following rates of toll, for the passage through the lock of said corporation, of boats, steam boats and other craft, and the several articles of property hereinafter enumerated. The tolls to be received under the direction of a trustee or agent, to be appointed by the Governor, who shall be paid for his services from the proceeds of the tolls, such compensation as the Governor may deem proper ; whose duty it shall be to appropriate the net proceeds of the amount of tolls received in managing and attending the lock, and facilitating the passage of lumber, boats and other craft through the lock, and securing and maintaining the lock and dam ; and said trustee, or agent, shall render to the governor on or before the first of January annually, a certified abstract, of all receipts and expenditures for the year next preceding.

Tolls, how receivable.

Agent, how appointed, how paid.

Duty of agent in appropriating proceeds.

To return to governor and council a certified abstract of receipts and expenditures before the first of January, annually.

Rates of toll.

SECT. 2. The following are the rates of toll hereby granted to said company, viz : for every ton in weight of goods, wares, merchandise, or other property, excepting lumber, passing up the river through said lock, twelve cents—if down, six cents ; for every thousand feet of boards and other long lumber carried in boats and vessels, five cents ; for clapboards, five cents per thousand ; for shingles and laths, one cent per thousand ; for hoop poles, two cents per thousand ; for wood and bark, five cents per cord ; for