

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

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

Augusta:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

1846.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1846.

Chapter 407.

CHAP. 407.

An Act to incorporate the Penobscot Log Driving Company.

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

SECTION 1. That Ira Wadleigh, Samuel P. Strickland, Hastings Strickland, Isaac Farrar, William Emerson, Amos M. Roberts, Leonard Jones, Franklin Adams, James Jenkins, Aaron Babb and Cyrus S. Clark, their associates and successors, be, and they are hereby made and constituted a body politic and corporate, by the name and style of the Penobscot Log Driving Company, and by that name may sue and be sued, prosecute and defend, to final judgment and execution, both in law and in equity, and may make and adopt all necessary regulations and by-laws not repugnant 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 real and personal estate not exceeding the sum of fifty thousand dollars at any one time and may grant and vote money. And said company may drive all logs and other timber that may be in the west branch of the Penobscot river between the Chesuncook dam and the east branch to any place at or above the Penobscot boom, where logs are usually rafted, at as early a period as practicable. And said company may for the purposes aforesaid clear out and improve the navigation of the river between the points 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.

Corporators.

Corporate name Powers.

Authorized to hold real and personal estate.

May drive all logs and other timber that may be in the west branch of Penobscot river between certain limits.

May clear out and improve the navigation of said river between the points aforesaid.

Powers, privileges and liabilities.

SECT. 2. The officers of said company shall be a moderator, clerk, treasurer, a board of five directors, three of whom shall be a quorum to transact business, and such other officers as may be deemed necessary, all of whom shall hold their offices till the annual meeting next following their election, and till others be chosen in their stead, and the clerk and directors shall be sworn to the faithful discharge of the duties of their respective offices. And the directors shall in writing appoint a master driver and such other officers as they shall judge necessary.

Officers

Tenure of office.

To be sworn.

Directors to appoint a master driver.

SECT. 3. Every owner of logs or other timber which may be in said west branch between said Chesuncook dam and said east branch or which may come therein during the season of driving and intended to be driven down said west branch, shall on or before the fifteenth day of May, 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 meas-

Owners of logs intended to be driven, to file a certificate with clerk.

Contents of certificate.

CHAP. 407.

Certificate to be sworn to.

Duty of directors if certificate is not filed.

Directors to give notice.

When mark is unknown.

Clerk to keep record of assessments.

Directors authorized to make assessments in advance.

Rate.

If a greater amount be assessed than is necessary to pay expenses, to be refunded.

Treasurer to be furnished with a list of assessments. Lien for payment.

Treasurer to notify within ten days where owners are known.

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

ure, of all such logs and other timber, and the marks thereon, 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 Bangor, 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 clerk shall keep a record of all assessments, and of all expenses upon which such assessments are based, which shall at all times be open to all persons interested.

SECT. 4. Said directors are hereby authorized to make the assessment contemplated in the last preceding section, in anticipation of the actual cost and expenses of driving and in any sum not exceeding for each thousand feet, board measure, the sum of sixty-two and one half cents, and so in proportion to the distance which any logs or other timber is to be or may be driven between said Chesuncook dam and the places of destination, to be determined by said directors. And if after said logs or other timber shall have been driven as aforesaid and all expenses actually ascertained, it shall be found that said assessment shall be more than sufficient to pay said expenses, then the balance so remaining shall be refunded to the said owner or owners in proportion to the said sum to them respectively assessed.

SECT. 5. 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 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. 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 and other timber upon which the assessment has not been 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 said Bangor, and if not paid within ten days after the last publication, with necessary costs and expenses, the treasurer shall then advertise them for sale at public auction, by posting up in some conspicuous place in Bangor and Oldtown, notices 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 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 and expenses, 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. And the lien hereby created shall have precedence of all other liens; *provided, however*, if before the sale, it should be ascertained that the logs or other timber of any particular mark or marks had not arrived at their places of destination, but remained back, that in such case said sale may be adjourned from time to time until such logs or other timber shall arrive at said place of destination.

[Approved August 10, 1846.]

CHAP. 408.

Owners to secure payment within thirty days.

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

After thirty days to advertise.

If not paid within ten days after first advertisement, to be offered for sale.

Duty of treasurer prior to sale.

Place of sale.

Lien hereby created to have precedence of all other liens
Proviso.

Chapter 408.

An Act to incorporate the East and South Thomaston Fire and Marine Insurance Company.

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

SECTION 1. That Knott Crockett, Joseph Hewett, William McLoon, George Thorndike, Charles Holmes, Charles Crockett, Iddo K. Kimball, John G. Lovejoy, Alfred H. Kimball, Larkin Snow, William A. Farnsworth, John T. Berry, Gardiner Ludwig, Samuel Pillsbury, Charles W. Snow, Joseph C. Libby, Jonathan

Corporators.