

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1847.

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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:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

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1847.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1847.

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## Chapter 85.

An act to incorporate the Saint Croix Log Driving Company.

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

Corporators.

SECT. 1. That Lendal Tyler, Thomas J. Copeland, James S. Hall, William L. McAllister, E. C. Gates, Samuel Furlong, William Brooks, William Duren, Ephraim Whitney, Jonathan P. Dutch, John P. McAllister, S. Murphy, their associates and successors, be and they are hereby made and constituted a body politic and corporate, by the name and style of the St. Croix 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 personal estate not exceeding five thousand dollars at any one time, and may grant and vote money. And said company shall drive all logs and other timber belonging to said company, or any of the members thereof, that may be in the St. Croix river for that purpose, below Louis and Chiputnetecook lakes, to the booms at Baring, at as early a period as practicable. And said company, may for the purpose aforesaid, remove obstructions, break jams, and erect booms and dams, 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.

Corporate name.

Powers, privileges, &c.

Officers.

SECT. 2. That the officers of said company be a moderator, clerk, treasurer, a board of fire 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 are 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.

Tenure of office.

Clerk and directors to be sworn.

Master driver.

First meeting.

SECT. 3. That the first meeting of said company shall be called by Lendal Tyler, Thomas J. Copeland, and James S. Hall, or either of them, to be holden at the counting room of Thomas J. Copeland in Calais, on the first day of September, in the year of our Lord one thousand eight hundred and forty seven, at two o'clock in the afternoon, by publishing the place and object of holding said meeting in some newspaper printed in Calais, at which meeting, or some adjournment thereof, the officers of the company shall be

chosen, and the time of holding the annual meetings fixed, and CHAP. 85.  
by-laws adopted.

SECT. 4. 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 island thereof, below said outlets of Louis and Chiputnetecook lakes 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 Baring, 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 Calais, the last publication whereof to be before the day of sale, and by posting up like notices the same term of time before the sale, in some public place in each of the villages of Calais and Baring, 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 towards defraying the expense 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 offenses, in an act entitled "an act to secure to owners their property in logs, masts, spars, and other timber," passed April first, eighteen hundred and thirty-one. 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 sixteenth, eighteen hundred and twenty-one.

Prize logs in said river, to be the property of said company.

To be held by master driver.

Notice to be given.

Proceeds of sale, how appropriated.

Liability of persons converting such logs to their own use, &c., without consent of said company.

SECT. 5. 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 outlets before named, and the booms at Baring or any part of that distance, shall on or before the tenth day of June 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

Members owning logs in said river intended to be driven, to file certificate with clerk,

—before 10th of June.  
Contents of certificate.

Oath required that such statement is true.

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Power of directors to administer such oath.

Annual assessments to defray expenses.

Lien created on timber driven for payment thereof.

If any owner shall neglect to file a statement, &c.

Notice to be given of the time and place of making assessments.

List to be furnished the treasurer.

Power of treasurer to collect such assessments.

When owners are unknown.

Right of owners to take and use marks on their logs.

Such mark may be left with the clerk, to be by him recorded.

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 or 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 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 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 apportionment, by publishing the same in some newspaper printed in Calais 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 proceedings as is by law prescribed to collectors of towns making distress of personal property, or the treasurer may recover such assessment in an action of debt in the name of the St. Croix 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. 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 knowingly 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 such offense, 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.

Penalty for knowingly using the mark of another, after being so recorded.

SECT. 7. 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.

Private property holden for company debts.

SECT. 8. That it shall not be lawful hereafter for any person or corporation to mark or caused to be marked, any logs put into the St. Croix river or its tributaries, usually denominated prize logs, before the same shall have been sold by the St. Croix Log Driving Company, or their assigns and scaled in the customary manner; to some bona fide purchaser, nor shall it be lawful for any person or corporation to mark or cause to be marked or in any way appropriate to his or their own use any such log or logs above the booms in Baring and below the outlet of Louis and Chiputnetecook lakes; *provided*, that nothing in this act shall be construed so as to impair the exclusive right of the St. Croix Log Driving Company to control and dispose of all the prize logs in the St. Croix river.

Not lawful to mark prize logs put into said river or its tributaries.

—or to mark or appropriate any such log between certain limits.

Proviso.

SECT. 9. That whenever any person or corporation other than the St. Croix Log Driving Company, shall run his or their logs down the St. Croix river, and shall seasonably furnish reasonable proof thereof, 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 and equal share of the proceeds of all prize logs sold by said company, the year such logs may be driven as aforesaid.

When other persons are entitled to a share of such logs.

SECT. 10. That any person may become a member of this company by leaving a request for that purpose in writing by him signed, with the clerk, which shall be by the clerk recorded and kept on file; and any person may withdraw from said company by filing with the clerk a request for that purpose, and paying all assessments and debts due from him to said company.

Membership.

Withdrawal.

SECT. 11. That the powers granted by this act may be enlarged, restrained or annulled, or any part thereof, at the pleasure of the legislature.

[Approved July 31, 1847.]