

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## TWENTY-NINTH LEGISLATURE

OF THE

## STATE OF MAINE,

A. D. 1849.

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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.

1849.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1849.

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**Chapter 290.**

CHAP. 290.

An act to incorporate the Kenduskeag Log Driving Company.

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

SECT. 1. That Aaron A. Wing, Jacob Drummond, Lysander Strickland, George Stetson, Daniel P. McInester, James Dinsmore, Benjamin Dudley, Elhanan Garland, John McDonald and Nathan Pendleton, their associates and successors, be and they are hereby made and constituted a body politic and corporate, by the name and style of the Kenduskeag 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 five thousand dollars at any one time, and may grant and vote money. And said company shall drive all logs and other timber that may be turned into the Kenduskeag river in season for driving below Higgins' mill-pond on the main Kenduskeag, and Western's mill-pond on the south branch of the Kenduskeag, and including said ponds, at as early a period as practicable, to tide water, or the several mills upon the Kenduskeag, where said logs and other timber are to be used. And said company may for the purpose aforesaid clear out and improve the navigation of the Kenduskeag between the points 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.

Corporators.

Corporate name.

Powers and duties.

Real and personal estate.

Power to drive logs and other timber.

May remove obstructions, &c.

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 office until 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.

Clerk and directors to be sworn.

Master driver, how appointed.

SECT. 3. Every owner of logs or other timber which may be in said Kenduskeag between the points before mentioned,

Statement to be filed with clerk, by owners of logs

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or timber intended to be driven.

Contents of certificate.

Liable to assessment for neglect to file such statement.

Notice of time and place to be published.

When owner is unknown.

Record of assessments to be kept by clerk.

Authorized to make assessments in anticipation of actual cost.

When assessments shall be more than sufficient to pay expenses.

List of assessments to be furnished treasurer.

Lien created on logs and timber for expenses of driving.

or which may come therein during the driving season and intended to be driven down said Kenduskeag, shall on or before the first day of April, 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, and the marks thereon, and the directors, or one of them shall require such owner or owners or agent 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 expense 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 the city of Bangor, two weeks in succession, the last publication to be before making such assessments. And any assessment or assessments when the owner or owners or 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 assessments contemplated in the last preceding section, in anticipation of the actual cost and expenses of driving and in any sum not exceeding one dollar for each thousand feet, board measure, and so in proportion to the distance which any logs or timber is to be or may be driven between said mill-ponds and the place of destination, to be determined by the 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

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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 where 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 herein-after 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 said Bangor a notice of such sale, with a list of all the marks and the amount of assessment upon each mark ten days before the time of sale, also advertise the same in some public paper in Bangor at least two weeks; 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 arrive at said place of destination.

SECT. 6. Any obstructions by dams or otherwise in said river may be improved suitable for the running of logs with as little injury to the property of others as may be, and when the

Duty of treasurer to notify owners of amount assessed.

Owners required to pay or give security within 30 days.

Power of treasurer when not so paid or secured.

Notice to be given.  
To be advertised for sale if not paid within ten days.

If not then paid, may be sold to pay such assessments, costs and expenses.

Place of sale.

Lien hereby created to have precedence of all other liens.

Proviso.

May remove obstructions by dam or otherwise.

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Manner of proceeding.

said company shall desire any improvement in dam or dams across said stream they shall make application to the county commissioners of the county of Penobscot by petition in writing and the commissioners shall order notice of the petition to be given by publishing said petition and order three weeks successively in a newspaper printed in Bangor notifying all parties interested to appear before them on a day to be named in said order, and said commissioners after a hearing may authorize said company to make such improvements in said dam or dams, as they may judge necessary, but the owner of the dam or dams shall be allowed a reasonable time to make such improvements to the acceptance of the commissioners, and in default the said company may make them under the direction of said commissioners.

Channel for the passage of logs through mill-ponds to be kept open.

SECT. 7. All persons having logs lying in any mill-pond where said river shall keep them in such position as shall leave open a suitable channel for the passage of logs and other timber through such pond, and in case, at any time, when said corporation shall be ready and wish to pass logs and other timber through such pond, such owners shall refuse or neglect so to do, after having received forty-eight hours notice, said corporation shall have power to remove such logs and other timber from the channel and boom them if practicable, so as to open such passage and shall charge a reasonable sum for the expense of such removal, to be paid by the owner of the logs and other timber so removed, and shall have a lien on such logs and other timber for security therefor to be enforced by sale at auction of so many of said logs as shall be necessary to pay said expenses with cost, within thirty days after the same shall be ascertained by agreement of the parties or by action in any court of competent jurisdiction, of which sale such notice shall be given, as on sales of personal property on execution.

Power of the corporation to remove logs or other timber, after notice.

Expenses, how paid.

Prize logs.

SECT. 8. That all logs usually denominated prize logs, 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 at public auction at Bangor aforesaid, at such time 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 said Bangor, the last publication to be before the day of sale, 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 appro-

To be sold by master driver.

Notice to be given.

Proceeds of sale, how appropriated.

priated towards 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 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.

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Liability of persons converting such logs to their own use.

SECT. 9. 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.

[Approved August 14, 1849.]

### Chapter 291.

An act to dissolve the bonds of matrimony between Olive H. Whitney and Constant H. Whitney.

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

SECT. 1. The bonds of matrimony between Olive H. Whitney and Constant H. Whitney, of Freeman, are hereby dissolved.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor.

[Approved August 14, 1849.]