

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1853.

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

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

1853.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1853.

SECT. 5. The corporation hereby constituted shall, upon the acceptance of this act, cause its property to be divided into shares, as will justly and suitably represent the value in money of the several shares, in proportion to the value of the whole property, and shall distribute and assign the said shares to the individual shareholders and members according to their several interests in the property. The property of said corporation, both real and personal, shall not at any one time exceed the sum of one hundred thousand dollars; and the said corporation may at any time create and dispose of new shares, for the purpose of increasing the capital stock to the amount hereby authorized, but the shares shall not be liable to further assessments beyond the par value established as aforesaid.

Shares.

—how disposed of.

Property not to exceed \$100,000.

New shares.

SECT. 6. This act may be accepted by a majority of the members present at a meeting of the present proprietors of Central Wharf. Such meeting shall be called by the person now acting as clerk of said proprietors, by delivering a written notice thereof to each one of said proprietors, or leaving such notice at their last and usual place of abode, fourteen days in either case before the day of such meeting. Such notice shall state the object of said meeting, and if any proprietor shall not then reside nor be within this state, it shall be sufficient to direct a written notice to him by mail, within the time aforesaid, and for the purpose of calling and holding such meeting.

Act, how accepted, &c.

Meeting, how called, &c.

SECT. 7. This act shall take effect upon its approval by the governor.

[Approved March 18, 1853.]

Chapter 91.

An act to incorporate the Mattawamkeag Log Driving Company.

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

SECT. 1. That J. B. Foster, Rufus Dwinal, Daniel White, Jonathan Eddy, Joab W. Palmer, Franklin Adams, Samuel F. Hersey, Waldo T. Pierce, John T. K. Hayward, Orlando W. Gilman, Walter Brown, Seth Paine, Eben Blunt, Davis R. Stockwell, Benjamin F. Brown, Benjamin Johnson, George W. Smith, C. D. Jameson, Ebenezer Webster, Henry Spencer, Eliphalet Gullifer, A. C. Buffum, Charles Buffum, Nathaniel H. Allen, and Ephraim Paulk, their associates and successors, be and they are

Corporators.

CHAP. 91.

Corporate
name.Powers,
privileges, &c.

By-laws.

Seal.

May hold
personal and
real estate.May drive
logs.May improve
river and its
branches, &c.May erect
side booms, &c.Powers,
privileges, &c.

Officers.

Master driver.

Owners of
logs, &c.,
duties of.Statement of
owners to be
filed with
clerk.

hereby made and constituted a body politic and corporate by the name and style of the Mattawamkeag 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 Mattawamkeag river, between the forks of the Mattawamkeag, so called, (being the point of junction of the East branch, or Skitticook, with the main Mattawamkeag river,) and Mattawamkeag point to 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 and its branches, remove obstructions, break jams, build dams, and erect booms, where the same may be lawfully done; and may erect side booms upon the Penobscot river between the mouth of the Mattawamkeag and the Penobscot boom, across coves and run-rounds, for the purpose of keeping logs out of such places and preventing jams; and shall have all the powers and privileges and be subject to all the liabilities incident to corporations of a similar nature.

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.

SECT. 3. Every owner of logs or other timber, which may be in said Mattawamkeag river, between said forks and said point, or which may come therein during the season of driving, and intended to be driven down said Mattawamkeag river, shall, on or before the first 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, the number of feet, board measure, of all such logs or other timber, and the

marks thereon, and the directors, or one of them, may 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.

Delinquent owners, proceedings in case of.

Appraisement, notice to be given.

Assessment, &c., record of to be kept.

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 seventy-five cents, and so in proportion to the distance which any logs or other timber is to be or may be driven between said forks 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, and the sum which shall be assessed as is hereinafter provided for a contingent fund, then the balance so remaining shall be refunded to the said owner or owners in proportion to the said sum to them respectively assessed.

Assessments in anticipation, &c.

—not to exceed 75 cents per M feet.

Excess of assessments, how disposed of.

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 for the assessments which shall be made upon the same, which may be discharged by sufficient bond being given to the company, conditional that all such assessments 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,

Lien created, and how discharged.

Assessments, notice of to be given to owners in writing.

CHAP. 91.

List of marks
to be
published.

Assessments,
payment of to
be secured.

In case of
neglect,
proceedings in.

Place of sale.

Proviso.

Contingent
fund.

Proviso.

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 assessments; 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, thirty days before the day of sale, and unless such assessments with the expenses incurred, are previously paid, he shall then proceed to sell, to the highest bidder, 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; *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.

SECT. 6. Said directors, in their said annual assessment, are authorized to include a sum, not exceeding two cents per thousand feet, board measure, to be by them reserved as a private fund for contingent expenses, and as such to be accounted for, and to secure the payment of which the lien hereinbefore mentioned shall also attach; *provided, however*, that said fund shall never exceed the sum of two thousand dollars.

[Approved March 19, 1853.]