

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

EXTRA SESSION OF THE THIRTY-SECOND LEGISLATURE, 1853,

AND THE

# THIRTY-THIRD LEGISLATURE

OF THE

# STATE OF MAINE,

1854.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1854.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1854.

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CHAP. 316.     SECT. 7. This act shall be in force after its approval by the governor.

[Approved April 8, 1854.]

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### Chapter 316.

An act to incorporate the Machias Log Driving Company.

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

Corporators.

SECT. 1. That William Brown, Nathan Longfellow, George Walker, Clark Perry, Mariner G. Crocker, John Stuart, Charles P. Hovey, Charles W. Vose, William H. Hemenway, Samuel W. Pope, Samuel A. Morse and Samuel A. Morse, junior, their associates and successors, be, and they are hereby made and constituted a body politic and corporate, by the name and style of the Machias Log Driving Company, and by that name may sue and be sued, prosecute and defend to final judgment and execution, both in law and 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 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 Machias river and its tributaries for that purpose, below the Fifth lake to the boom at Whitneyville, 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.

Location.

Authorized to  
remove  
obstructions.

Officers.

SECT. 2. That the officers of said company shall be a moderator, clerk, treasurer, a board of 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 performance 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. The first meeting of said company shall be called by George Walker, Samuel A. Morse and William H. Hemenway, or either of them, to be holden at such time and place as they or either of them may decide, by publishing the time, place and object of holding said meeting in the Machias Union, a newspaper printed in Machias, 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 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 islands thereof in said river and its tributaries below said Fifth lake and above said boom, and not having thereon some mark for the purpose of designating the owner or owners thereof, shall become the property of said company, and the master driver shall from time to time sell the same at public vendue at Machias, at such times as the directors shall appoint; and he shall give public notice of the time and place of sale in such way and at such places as the directors may direct; and the proceeds of such sales, after deducting the expenses thereof, shall be paid by the master driver to the treasurer, to be by the company appropriated towards defraying the expenses of the drives. 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; *provided, however*, this act shall not give said company any authority to interfere with any of the rights that the Machias River Company possesses to control the prize logs in Machias river by their act of incorporation.

SECT. 5. That the members of said company at any time owning logs or other timber on said river or any of its

First meeting.

Prize logs.

—sale of.

—proceeds, how appropriated.

Penalty for carrying away or altering marks on lumber without consent of company.

**CHAP. 316.**

Statement by owner of logs to be driven to be filed with clerk of company.

tributarics, or lying on its banks or shores thereof, and intended to be driven down said river from said Fifth lake to said boom at Whitneyville, or any part of that distance, shall, on or before the first day of June in each year, file with the clerk of said company a statement in writing signed by the 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 the directors or one of them shall require such owner or owners or agent 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 first 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 or 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 distance, difficulty 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 Machias, if there be any, or if not, in any newspaper printed in the county, 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 share 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

Assessment to defray expenses of driving.

Lien for payment of assessment.

—how discharged.

—proceedings in case of neglect to pay assessments.

Notice of apportionment.

Treasurer to be furnished with list of assessments.

—power to collect same.

action of debt in the name of the Machias 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 by the directors, may be set to the mark on such logs or other timber.

Proceedings, when owners are unknown.

SECT. 6. That any owner or owners of logs or 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 kept by him 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 tributaries 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.

Marking logs.

Mark to be left with clerk of company. Same to be recorded.

Same marks used by different persons prohibited.

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 not holden to pay company debts.

SECT. 8. That it shall not be lawful hereafter for any person or corporation to mark or cause to be marked any logs put into the Machias river or its tributaries usually denominated prize logs before the same shall have been sold by the Machias Log Driving Company, and delivered by them to some bona fide purchaser; nor shall it be lawful for any person or persons or corporation to mark or cause to be marked or in any way appropriate to his or their use any such logs or other timber above said boom at Whitneyville and below said Fifth lake; *provided*, that nothing in this act shall be construed so as to impair the exclusive right of the Machias Log Driving Company to control and dispose of all the prize logs in the Machias river and its tributaries, except as is provided in the fourth section of this act.

Prize logs, marking of prior to sale of, prohibited.

Proviso.

SECT. 9. That whenever any person or corporation other than the Machias Log Driving Company shall run his or their logs down the Machias river, and shall seasonably furnish reas-

Other log owners entitled to a share of prize logs.

CHAP. 317. onable 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.

Provisions of chap. 67, sect. 9, of R. S., applicable to this act.

SECT. 10. That this company shall have all the rights and privileges secured to individuals by the ninth section of the sixty-seventh chapter of the Revised Statutes, to recover pay for driving logs, masts, spars and other lumber that are so intermixed with their own that they cannot be conveniently separated.

Membership.

SECT. 11. 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.

Powers granted may be enlarged or restricted.

SECT. 12. That the powers granted by this act may be enlarged, restrained or annulled, or any part thereof, at the pleasure of the legislature.

SECT. 13. This act shall take effect from and after its approval by the governor.

[Approved April 8, 1854.]

## Chapter 317.

An act to incorporate the Bucksport Bank.

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

Corporators.

SECT. 1. John N. Swasey, Enoch Barnard, Henry Darling, Theodore C. Woodman, Schuyler Cobb and Sewall B. Swasey, their associates, successors and assigns, are hereby incorporated into a company by the name of the President, Directors and

Corporate name.

Company of the Bucksport Bank.

Capital stock.

SECT. 2. The capital stock of said bank shall be fifty thousand dollars divided into shares of one hundred dollars each; and said bank shall be located and established in Bucksport in the county of Hancock.

Shares.

Location.

Powers, privileges, &c.

SECT. 3. The said corporators are hereby authorized and empowered to exercise all the rights and privileges conferred