

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1885.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1885.

CHAP. 402

upon such terms and conditions as may be mutually agreed upon.

Capital stock.

SECT. 5. The amount of the capital stock shall be fixed by vote of the corporation, but not to exceed the amount that may from time to time be determined to be necessary for the purposes herein specified; but not to exceed in all the sum of eight thousand dollars, and said corporation may purchase, hold, sell and convey real estate and personal property necessary for the purposes contemplated in this charter.

First meeting,
how called.

SECT. 6. Any one of the corporators named in this act may call the first meeting of this company by mailing a written notice, postage paid, to each of the other corporators, seven days at least before the day of meeting, naming the time, place and purpose of such meeting. And at such meeting, a president, secretary, treasurer and directors may be chosen, by-laws adopted, and any corporate business transacted.

Officers and by-
laws.

SECT. 7. This act shall take effect when approved.

Approved February 16, 1885.

Chapter 402.

An Act to amend the charter of the Kennebec Log Driving Company, approved March five, in the year of our Lord one thousand eight hundred and sixty-nine.

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

Charter of
Kennebec Log
Driving Co.,
amended.

SECT. 1. Said act is hereby amended by striking out all of said act after the word "may" in the thirteenth line of the first section thereof, and by adding after said word "may," so that said act as amended shall read as follows:

Corporators.

SECT. 1. That John White, Marshall French, Oliver B. Dorrance, George W. King, David Scribner, Ezra Carter, junior, David Wescott, Alvah Sweetser, John Bradley, E. H. Scribner, Levi M. Pratt, Aaron Capen, Phineas Pratt, Henry Bowman, Benjamin Weston, junior, and Josiah H. Hobbs, their associates and successors be and they are hereby made and constituted a body politic and corporate by the name and style of the Kennebec 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

Corporate name.

make and adopt all necessary regulations and by-laws not repugnant to the constitution and laws of the state, and may adopt a common seal, and the same may alter, break and renew at pleasure, and may purchase and hold real and personal estate sufficient for carrying on the business of the Kennebec Log Driving Company and may grant and raise money by loan or assessment for the same and for driving, securing, and forming into rafts, under rigging logs of the company. And said company shall drive to such place of destination on said Kennebec river as may be designated by the owners or by the directors of said company and may secure and form into rafts, under rigging all logs and other timber belonging to said company or any member thereof, that may be in the East branch and Kennebec river for that purpose below the outlet of Moosehead lake at the dam. And said company may, for the purposes aforesaid, remove obstructions, erect booms, piers and dams where the same may be lawfully done. Said company shall have all the powers and privileges and be subject to all the liabilities incident to corporations of a similar nature.'

Powers.

Logs and lumber in East branch and Kennebec, driving of.

May remove obstructions, erect booms, piers and dams.

SECT. 2. The officers of said company shall be a clerk, treasurer, and a board of five directors, to be chosen by ballot, and such other officers as may be deemed necessary, who may be appointed by the directors, unless they shall be chosen at the annual meeting, all of whom shall hold their offices until the next annual meeting, or until others are chosen or appointed in their stead. The clerk, treasurer and directors shall be sworn to the faithful performance of their duties. The treasurer shall give a bond to the acceptance of the directors. The directors shall, at their first meeting, elect one of their number who shall be the president of the company. And no person shall be eligible to the office of director except he be a member of the corporation.

Officers.

—tenure of office.

—oath.

Treasurer shall give bond.

President, election of.

SECT. 3. Any person, persons or corporations, or their agents, owning logs or other timber to be driven on said rivers, at the date of the annual meeting in each year, shall be members of the Kennebec Log Driving Company, and shall so continue for two years at least, from that date, and shall have all the privileges and be subject to all the liabilities thereto. Said members shall be entitled to vote at any meeting of the company, as follows, one vote each.

Who may be members.

CHAP. 402

SECT. 4. The members of said company owning logs or other timber to be driven down said rivers, shall, on or before the first day of May in that year, file with the clerk of the company a correct statement in writing, signed by a sworn surveyor, of all such logs or timber of the number of feet, full scale, with the mark or marks thereon, together with the place from which the logs are to be driven and their destination. And it shall be the duty of the directors to keep a separate and distinct account of all expenses incurred for driving the logs and other timber between Moosehead lake and the forks of the Kennebec river, and between said forks of the Kennebec river and the point of destination on the Kennebec river, and ascertain the number of feet, full scale, and ownership of said logs and other timber driven between said points, and assess thereon, to owners if known, or to owners unknown, making such discount for logs driven less than the whole distance as in their opinion may be right and equitable, a distinct and separate tax sufficient to pay said expenses, with such further sums as may be necessary to pay damages and losses for piers, booms, buoys, dams and other expenses as may be voted by the company or the directors. And the directors shall have power whenever they may deem it necessary or expedient, to cause a survey to be made of any or all logs driven, secured or rafted by the company, and the expense of such survey shall be assessed on such logs in the same manner as is herein provided for assessing the expenses of driving, securing and rafting the same. If any owner or agent shall refuse or neglect to file such a statement in the manner herein prescribed, the directors may assess such delinquent or delinquents for his or their proportion of expenses, such sum or sums as may be by the directors considered just and equitable, and such assessment shall be final; said assessment to be made at any time after the first day of July at the discretion of the directors. And said company shall have a lien on all logs and other timber by them driven for the expense of driving, booming and securing, which shall not be discharged until all assessments shall be finally paid. The directors shall keep a record of the assessments in the office of the clerk, which shall be open to the inspection of all persons interested.

Statement of amount of logs and timber, driven, to be filed with clerk.

Assessments to meet expenses.

Proceedings in case of refusal or neglect to file statement.

Lien.

Record of assessments to be kept in office of clerk.

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 it shall be the duty of the treasurer immediately 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 all owners of logs and other timber shall be required to pay or satisfactorily secure the amount of their several assessments on demand, and in default of payment of the whole or any part of any member's assessment, the treasurer shall have power to take possession of a sufficient quantity of the logs or other timber of any mark owned or assessed to said member, and advertise the same for sale at public auction, by posting up in some conspicuous place in Gardiner and Augusta, a notice of such sale, stating therein the names of the persons taxed, if known, with the mark or marks assessed, with the amount of assessment unpaid, ten days at least before the day of the sale; and unless such assessments, with all expenses incurred, are previously paid, he may then proceed to sell to the highest bidder a sufficient quantity of such logs or other timber to pay such assessment, with all proper costs, together with twelve per cent interest from the date of said assessment; such sales to be at the office of the company, or where the logs are situated.

List of assessments to be furnished treasurer.

—notice to owners.

—payment to be made on demand.

—proceedings in case of default of payment.

SECT. 6. All logs or other timber, after coming within the limits of the corporation, and not having thereon some mark designating the owner or owners thereof, shall be the property of said company; and said logs or other timber shall be disposed of by order of the directors, and the proceeds paid into the treasury of said company to defray expenses; *provided, however,* that nothing in this or the following section shall be construed to impair the right of any person to claim any log or other timber which he may have put into said river without such mark of ownership. And any such person, upon furnishing reasonable proof of such ownership, shall be entitled to receive all logs which, at any time before the sale thereof he may so prove to be his, or to receive the proceeds of the sale of the same, *provided,* they have been sold by said company; all such claims to be made and proof to be furnished within one year from the date of the sale of the same by the company.

Unmarked lumber, how disposed of.

—proviso.

—proof of ownership.

CHAP. 402

Marks, prize logs,
&c.

SECT. 7. It shall not be lawful for any person or corporation, other than the Kennebec Log Driving Company, to mark, or cause to be marked, any log or other timber put into said rivers or their tributaries, usually called prize logs. And if any person or corporation shall take and carry away or otherwise convert to his or their use, without the consent of said company, any prize log or prize timber, he or they shall be subject to all the liabilities provided for similar offenses in the laws of the state, which specially provide for securing to owners their property in logs, masts, spars and other timber.

Marks to be
recorded by
clerk.

SECT. 8. Any owner or owners of logs or other timber on said rivers or their tributaries, may take and use on his or their logs, or other timber any mark not in use by any other person, on said rivers or tributaries, and such mark shall be left with the clerk of said company and shall be by him recorded in a book kept for that purpose, which shall be at all times open to the inspection of all persons interested; and if any other person or corporation shall use such mark on any logs or other timber on said river or its tributaries after such mark shall be recorded, such offender or offenders shall forfeit and pay twenty dollars for every such offense, to be recovered by action of debt in any court competent to try the same, to the use of the person prosecuting therefor.

—penalty for
using, by others
after record of.

Logs not to be
detained without
consent of owner.

SECT. 9. If any person or persons shall stop or detain any logs or other timber at any point above Six Miles Falls, so called, in Vassalboro, without the consent of the owners thereof, or said company, and shall detain the same for the space of seventy-two hours or more, or shall detain any logs or other timber between Augusta dam and said falls, for more than six days after the first day of October of each year, without consent aforesaid, said person or persons, so offending, shall forfeit and pay twice the amount of damage sustained by said owners or Log Driving Company to be recovered by action of debt to the use of the prosecutor.

—penalty.

Care of logs
exposed to loss.

SECT. 10. Whenever the directors of the Kennebec Log Driving Company shall judge it for the interest of the owners of logs and other timber remaining in the booms or in any place exposed to loss, to collect and deposit in suitable and convenient places and properly secure the same, they are hereby authorized so to collect and deposit such logs and

timber thus situated and to use all reasonable care safely to keep the same, until removed by the owners thereof, or are otherwise disposed of in the manner provided in this act.

SECT. 11. Upon all logs and other timber thus collected and deposited, the directors shall assess the expense actually incurred thereon, with such additional sums as may be deemed necessary to cover necessary future expenditures upon them while in their charge; and said company shall have a lien upon the logs and other timber and may hold the same and sell as provided in section five for the full payment of all expenses; or the treasurer may recover such assessments, and all other assessments made by virtue of this act, in an action of debt in the name of the Kennebec Log Driving Company in any court competent to try the same, to the use of the person prosecuting therefor.

SECT. 12. If any logs or other timber shall remain in the depositories upon the first day of September next ensuing, upon which the assessments have not been paid, the directors may immediately thereafter advertise for three weeks successively in newspapers printed in the cities of Gardiner and Augusta, notifying all owners of logs and other timber deposited under this act, to remove the same within thirty days from said first day of September; and all logs not removed before the expiration of thirty days, and upon which the assessments have not been paid, may be sold at public auction, and the proceeds therefor, after deducting all unpaid assessments and necessary expenses of sale, shall be paid upon demand by the treasurer of the company to the owners of logs and other timber thus sold; *provided, however,* this shall not apply to logs that are in booms the first day of September or that may come in after that date by reason of a late drive of such logs.

SECT. 13. Whenever the company shall judge it for the interest of the log owners, they may collect and secure all logs and other timber which may drift below the Sand's boom on said river, and for all expenses incurred by said company upon all logs and other timber so secured, said company shall be authorized to assess thereon a tax sufficient to pay such expense; and if such tax is not paid or secured, and the logs removed prior to the first day of September, they may proceed to sell at public auction all such logs and other timber

—expense of,
assessed on
owners.

—lien for
payment.

Notice to log
owners who have
not paid assess-
ments, how given.

—sale of at
auction.

—proviso.

May collect logs
drifting below
Sand's boom.

—expense of,
how assessed and
collected.

CHAP. 402

not previously removed, and the assessments thereon paid. Prior to proceeding to such sale, notice of the time and place of sale shall be published, three weeks successively in newspapers printed in the cities of Gardiner and Augusta; and the proceeds of such sales, after deducting all necessary charges, shall be paid by the treasurer of said company, on demand, to the owners of such logs and other timbers thus sold.

Expense of booms, how assessed and collected.

SECT. 14. The Riverside boom in Vassalboro, Hallowell boom in Chelsea, Brown's Island boom in Farmingdale, Sand's boom in Pittston, and any other deposit or shear boom owned or operated by the company shall be managed and the cost and expenses for the same assessed and collected as may be determined by vote of the directors.

Annual and special meetings, how regulated.

SECT. 15. The manner, place and time of calling annual and special meetings of the company, and meetings of the directors, may be regulated by vote of the company at any meeting thereof.

Private property, liable for debts of company.

SECT. 16. The private property of each member of said company shall be holden to pay all debts contracted by said company after he became a member thereof, and before his withdrawal from the same, in default of company property whereon execution may be satisfied, and when property of a member is so taken, he shall have a remedy by contribution against each and all other members of the company.

Inconsistent acts repealed.—exceptions.

SECT. 17. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, excepting chapter one hundred and seventy-one of the laws of eighteen hundred and seventy-nine, approved February twenty-seven, eighteen hundred and seventy-nine.

SECT. 18. This act shall take effect when approved.

Approved February 16, 1885.