

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIRST LEGISLATURE
OF THE
STATE OF MAINE
1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

Chapter 173.

An Act to amend Chapter four hundred seven of the Private and Special Laws of eighteen hundred and forty-six, entitled "An Act to incorporate the Penobscot Log Driving Company."

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

Section 1. Section one of chapter four hundred seven of the private and special laws of eighteen hundred and forty-six, entitled "An Act to incorporate the Penobscot Log Driving Company," as amended by chapter two hundred forty-three of the private and special laws of eighteen hundred forty-nine is hereby further amended by striking out of said section everything between the period in the thirteenth line and the period in the eighteenth line, and inserting in place thereof the following: 'Said company shall drive all logs and other timber that may be in the West branch of the Penobscot river for that purpose between the head of Shad pond and the East branch of said river to such place of destination on said river as may be designated by the owners of such logs and other timber or by the directors of said company, such place not to be below the Penobscot boom where logs are usually sorted and rafted,' so that said section as amended, shall read as follows:

Section 1 of chapter 407, special laws of 1846, as amended by chapter 243 of special laws of 1849, further amended.

'Section 1. That Ira Wadleigh, Samuel P. Strickland, Hastings Strickland, Isaac Farrar, William Emerson, Amos M. Roberts, Leonard Jones, Franklin Adams, James Jenkins, Aaron Babb and Cyrus S. Clark, their associates, and successors, be, and they are hereby made and constituted a body politic and corporate, by the name and style of the Penobscot 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. Said company shall drive all logs and other timber that may be in the West branch of the Penobscot river for that purpose between the head of Shad pond and the East branch of said river to such place of destination on said river as may be designated by the owners of such logs and other timber or by the directors of said company, such place not to be below the Penobscot boom where logs are usually sorted and rafted. And said company may for the purposes aforesaid clear out and improve the navigation of the river between the points aforesaid, remove obstructions, break jams and erect

Corporators.

—corporate name.

—shall drive all logs in West branch of Penobscot.

—may clear out and improve navigation.

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booms, 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.'

Section 3 of
chapter 407,
amended.

Section 2. Section three of said chapter four hundred seven is hereby amended by striking out in the second and third lines of said section the words "between said Chesuncook dam and said East branch," and by inserting after the word "Branch" in the fourth line the words 'below Shad pond,' so that said section as amended, shall read as follows:

Statement of
logs to be
driven shall
be filed by
owner.

'Section 3. Every owner of logs or other timber which may be in said West branch or which may come therein during the season of driving and intended to be driven down said West branch below Shad pond, shall on or before the fifteenth 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, of the number of feet, board measure, of all such logs and other timber, and the marks thereon, and the directors, or one of them, shall 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.'

—shall make
oath to
statement.

—assessment
of delin-
quents.

—public
notice of
assessments.

Chapter 407,
further
amended.

Section 3. Said chapter four hundred and seven is further amended by striking out all of section five and inserting in place thereof the following section:

Assessments
shall be
secured or
paid within
30 days.

'Section 5. The directors annually shall give the treasurer a list of the assessments made by them, and 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 said company shall have a lien on all logs and other timber by it driven for the expense of driving the same and for the other expenses of the company, which lien

—lien on logs
and lumber.

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shall have precedence of all other claims, except laborers' liens, and shall continue for ninety days after the logs or other timber shall arrive at their place of destination for sale or manufacture and may be enforced by attachment, but such lien may be discharged by a bond with sufficient sureties given to the company conditional that all such expenses shall be seasonably paid.'

--lien shall
have
precedence.

Section 4. Said chapter four hundred and seven is hereby further amended by adding thereto the following section:

Chapter 407,
further
amended.

'Section 6. Every person or corporation owning timber lands on the west branch of the Penobscot river, or its tributaries, and every owner of logs or other timber cut upon said West branch, or its tributaries, and intended to be driven down said river below Shad pond, shall be members of this company. Every such timberland owner shall be entitled to one vote, and every such owner of logs or other timber shall be entitled to one vote for every one hundred thousand feet of logs or other timber intended to be driven to any point on said river between Shad pond and the Penobscot boom.'

Owners of
timber lands
shall be
members of
this company

--voting
powers.

Section 5. All acts or parts of acts, inconsistent herewith are hereby repealed.

Section 6. This act shall take effect when approved.

Approved March 13, 1903.

Chapter 174.

An Act to Incorporate the West Branch Driving and Reservoir Dam Company.

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

Section 1. Frederick H. Appleton, J. Fred Webster, Fred A. Gilbert, J. Sanford Barnes, Jr., Payne Whitney, R. Somers Hayes and Garret Schenck, their associates, successors and assigns, are hereby created a body politic and corporate by the name of the West Branch Driving and Reservoir Dam Company.

Corporators.

--corporate
name.

Section 2. The capital stock of said company shall be fixed by said company and shall not be less than two hundred thousand dollars, and may be increased from time to time by a vote representing a majority of the capital stock issued.

Capital stock.

Section 3. When this charter shall have been accepted by the corporators and said company shall have been organized and subscriptions to the capital stock thereof to an amount at least of two hundred thousand dollars shall have been made in good faith, and fifty thousand dollars at least on such subscriptions

Eminent
domain, when
and to what
extent it may
be exercised.