

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

Published by the Secretary of State, agreeably to Resolves of
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

CHAP. 258

Chapter 258.

An Act to incorporate the Upper St. John Log Driving Company.

Be it enacted by the People of the State of Maine, as follows:

Corporators.

Section 1. George C. Cutler, Charles A. Milliken, James W. Parker, Arthur W. Brown, John A. Morrison, John Kilburn, Robert J. Potts, William J. Noble, Albert M. Currier and Flavian Chourinard, their associates and successors are hereby made and constituted a body politic and corporate by the name of the Upper St. John 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 law and may adopt a common seal, and may purchase and hold real and personal estate sufficient for carrying on its business, and may raise money by loan for all its necessary purposes.

—corporate name.

—by-laws.

—real.

Authority to drive logs on St. John river.

—limits of drive.

—may improve river to facilitate log driving.

—may take necessary materials.

—damages occasioned by taking land, how determined if parties cannot agree.

Section 2. The said company shall have the right, privilege and authority each year to drive down the St. John river from the junction of Baker branch and Southwest branch of the St. John river, in township nine, range seventeen, in the county of Somerset, to the mouth of the Allagash river to a junction with the territory controlled by the Madawaska Log Driving Company, all logs and other timber coming into said St. John river between said limits for the purpose of being driven to market, and said corporation is authorized to improve the same by removing rocks, ledges, trees and other obstructions and widening, deepening and otherwise improving the same for the purpose of making said river and its tributaries flowing into it within the said limits floatable, and of facilitating the driving of said logs or lumber down the same. For the above purposes the said corporation may take materials necessary to make such improvements and if the interested parties cannot agree upon the amount of damages the corporation shall pay the proprietors of the land and materials so taken, such damages as shall be ascertained and determined by the county commissioners of the county in which said land or material so taken are located and under the same conditions and limitations as are by law provided in the case of damages occasioned by laying out highways and the damages arising from the flowing of lands may be recovered in accordance with the provisions of the statutes for recovering damages for flowing lands occasioned by raising a head of water for the working of mills.

Officers and board of directors.

Section 3. The officers of said company shall be a secretary, treasurer and a board of five directors, to be chosen by ballot, and such other officers as may be deemed necessary, who may

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be appointed by the directors, unless they are chosen at the annual meeting, all of whom shall hold their office until the next annual meeting, or until others are chosen or appointed in their stead. The treasurer shall give a bond to the acceptance of the directors. The directors shall at their first meeting elect one of their number to be president of the company; they shall also then elect a secretary and a treasurer, and the same person may hold both offices. No person shall be eligible to the office of director except he be a member of the corporation. The secretary or treasurer may be a director. It shall be lawful for any director to contract for the whole or any part of the driving or work of the corporation.

—treasurer shall give bond.

—directors shall elect president of company.

—director must be member of corporation.

Section 4. Any person, persons or corporations, or their agents, owning logs or other timber to be driven on the St. John river within the limits above specified, at the date of the annual meeting in each year, shall be members of the Upper St. John Log Driving Company, and shall so continue for one year at least from that date, and shall have all the privileges and be subject to all the liabilities thereto. Each member shall at all meetings have one vote for each one hundred thousand superficial feet of lumber, so to be driven.

Owners of logs to be driven shall be members of company, for one year at least.

—voting power.

Section 5. The members of said company owning logs or other timber to be driven shall, at the annual meeting file with the secretary a sworn statement of all such logs or timber, of the number of feet, woods, or stumpage scale, with the mark or marks thereon, together with the place from which the logs are to be driven and their destination. Such statement shall be signed by such owner, or his authorized agent. And if any owner or agent shall refuse or neglect to file such statement in the manner herein prescribed, the directors may assess such delinquent or delinquents for his or their proportion of the expenses such sum or sums as the directors deem just and equitable.

Owners of logs shall file statements with secretary.

—owners may be assessed for neglect to file statement.

Section 6. The directors may annually contract with any person for the driving of said logs, timber and lumber for the year and fix and determine the prices for driving logs, timber and lumber between points aforesaid and between intermediate points within said upper and lower limits. If the said directors cannot make satisfactory arrangements with any person or persons for the said driving, or if the person contracted with fails to perform his contract therefor, then the said corporation shall, through its directors, do the driving itself. The cost of driving, however done, together with the expense of improving the river for that purpose as provided in section two of this act, or such part thereof as the directors may annually determine shall be

Directors may contract for driving logs.

—cost of driving, how borne.

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borne by the owners of the lumber driven proportionately to the quantity of lumber and distance driven, and the amount payable by any owner may be fixed by the directors, and may be recovered by the company from the owner in an action of debt in any court of record in the state, and the certificate of the secretary of the amount fixed by the directors as payable by such owner shall be sufficient proof thereof. Said company shall have a lien on all logs and other timber by them driven for all sums due therefor which shall not be discharged until such sums so due are finally paid. One-half of the sum to be paid for driving shall be paid to the treasurer by the person liable therefor, when the rear of the drive of the logs of such person shall be driven into the limits of the corporation during the then present driving season, and the balance when such logs are delivered at the month of the Allagash river. All logs and other lumber must be delivered within the limits of said corporation on or before the fifteenth of each June, or on the first drivable waters of each spring to entitle the owners thereof to have the same driven by said corporation during said driving season. All logs delivered within said corporation limits on or before said June fifteenth, or on the first drivable waters of each spring shall be driven without unnecessary delay.

—Lien on logs.

—when cost of driving shall be paid.

—logs must be within limits of corporation by June 15th, to entitle same to be driven.

Penalty for marking or defacing marks.

Section 7. Any person marking, or causing to be marked, any unmarked log within the limits of said corporation, or defacing any mark upon any logs therein, shall forfeit twenty dollars, to be recovered by action of debt, one-half to be paid to the treasurer and one-half to the person furnishing the evidence thereof, such action to be brought in the name of said corporation before any trial justice in the county where said log was so marked or defaced.

President and directors may be paid traveling expenses.

Section 8. The president and directors shall receive no pay for their services but they may be paid their necessary traveling expenses. The compensation of all other officers and agents shall be fixed by the directors.

First meeting, where held and how called.

Section 9. The first meeting of said company shall be held at Fort Kent and shall be called by notice thereof signed by any two corporators above named and published at least seven days before the date when said meeting is to be held in one newspaper published in each of the following places: at Presque Isle in the state of Maine and at Frederickton in the Province of New Brunswick. At such meeting all persons entitled to be members as defined in section four, shall be admitted into said corporation.

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Section 10. 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.

Provision for annual and special meetings.

Section 11. All the property, rights and franchises within the state of Maine acquired, erected, owned, held or controlled by the said corporation, or its successors or assigns, at any time after this act shall take effect, under and by virtue of the terms thereof, shall be subject to be taken over by and become the property of the state of Maine, whenever said state shall determine by appropriate legislation that the public interests require the same to be done. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to, and vested in, said state of Maine, and said state shall pay to said corporation the fair value of all the same, excepting, however, such franchises and rights as are conferred upon said corporation under and by virtue of the provisions of this act, which said franchises and rights shall be wholly excluded in the determination of the amount to be paid to said corporation by said state of Maine.

Property, franchises, etc., subject to be taken over by the state.

—state shall pay fair value.

The fair value of the property, rights and franchises so taken by the state of Maine, subject to the exceptions hereinbefore mentioned shall be determined by agreement between said corporation and such officers and agents of said state as shall be thereunto authorized to act in its behalf by the act which authorizes the taking of said property, rights and franchises; and such agreement failing within six months after said act takes effect, then by such fair and impartial tribunal and under such provisions as to the manner of procedure and for full hearing of parties and payment of damages awarded as shall be provided in said act.

—how value shall be determined.

Approved March 30, 1911.

Chapter 259.

An Act to incorporate the Island Light and Water Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Silas B. Adams, George W. Brown, Charles F. Flagg, Leroy F. Tobie and Walter S. Trefethen, their associates, successors and assigns, are hereby constituted a body corporate and politic, to be known as the Island Light and Water Company, for the purpose of making, generating, selling, distributing and supplying electricity and gas for lighting, heating, manu-

Corporators.

—corporate name.
—purposes.