

# 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)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1847.

---

*AUGUSTA:*

Wm. T. JOHNSON,.....PRINTER TO THE STATE

1848.

---

---

# TWENTY-SEVENTH LEGISLATURE.

---

No. 23.]

[HOUSE.

---

---

## STATE OF MAINE.

---

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FORTY-SEVEN.

---

AN ACT to incorporate the Allegash and East Branch  
Log Driving Company.

---

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

SECTION 1. John H. Pillsbury, Dudley F. Leavitt,  
2 William H. Smith, Daniel M. Howard, Warren  
3 Brown, Henry R. Soper, William F. Leavitt, Cyrus  
4 S. Clark, Cyrus Moore, and their associates and  
5 successors, be, and they are hereby constituted a  
6 body politic and corporate, by the name of the  
7 Allegash and East Branch Log Driving Company,  
8 and by that name may sue and be sued, prosecute

9 and defend to final judgment and execution, both in  
10 law and equity, and may make and adopt all neces-  
11 sary regulations and by-laws not repugnant to the  
12 laws of this state ; may adopt a common seal, and the  
13 same may break, alter, or renew at pleasure ; and  
14 may hold real or personal estate not exceeding the  
15 sum of fifty thousand dollars at any one time ; and  
16 may grant and vote money. And said company may  
17 drive all logs and other timber belonging to said  
18 company or any member of the same, and also all  
19 logs and other timber belonging to individuals not  
20 members of the company, when requested so to do  
21 by such individuals, that may be in the east branch  
22 of the Penobscot River in and between the Telos  
23 Lake and the Grand Falls, on the said east branch  
24 of Penobscot River, to any place at or above the  
25 Penobscot boom, where logs are usually rafted, at as  
26 early a period as practicable. And said company  
27 may, for the purposes aforesaid, clear out and im-  
28 prove the navigation of the river between the points  
29 aforesaid, remove obstructions, break jams, and erect  
30 booms, where the same may be lawfully done ; and  
31 shall have all the powers and privileges, and be sub-  
32 ject to all the liabilities, of similar corporations.

SEC. 2. The officers of said corporation shall be  
2 a moderator, clerk, treasurer, a board of five di-  
3 rectors, three of whom shall be a quorum to transact  
4 business, and such other officers as may be deemed  
5 necessary, all of whom shall hold their respective  
6 offices till the annual meeting next following their  
7 election, and till others are chosen in their stead;  
8 and the clerk and directors shall be sworn to the faith-  
9 ful discharge of the duties of their respective offices;  
10 and the directors shall, in writing, appoint a master  
11 driver, and such other officers as may be necessary.

SEC. 3. Every owner of logs or other timber which  
2 may be in said East Branch, in and between said  
3 Telos Lake and the said Grand Falls, or which may  
4 come therein during the driving season, and intended  
5 to be driven down the said east branch, by said com-  
6 pany, shall on or before the fifteenth day of May, in  
7 that year, file with the clerk of said corporation, a  
8 statement in writing, signed by such owner or own-  
9 ers, or his or their authorized agent, of all such logs  
10 or timber, of the number of feet board measure, of  
11 all such logs and other timber, and the marks there-  
12 on; and the directors, or one of them, shall require  
13 such owner, owners, or agent, presenting such state-

14 ment, to make oath that the same is in his or their  
15 belief true, which oath the directors or either of them  
16 are hereby empowered to administer. And if any  
17 member of said company, or any owner of logs on  
18 said river, not a member, but intending to have his  
19 logs driven by the company, shall neglect or refuse  
20 to file a statement in the manner herein prescribed,  
21 the directors may assess such delinquent or delin-  
22 quents, for his or their proportion of such expenses,  
23 such sum or sums, as may be by the directors con-  
24 sidered just and equitable. And the directors shall  
25 give public notice of the time and place of making all  
26 assessments, by publishing the same in some news-  
27 paper printed in the city of Bangor, two weeks in  
28 succession, the last publication to be before making  
29 such assessments. And any assessment or assess-  
30 ments, when the owner or owners of any mark of  
31 logs or other timber is unknown to the directors, may  
32 be set to the mark upon such logs or other timber ;  
33 and the clerk shall keep a record of all assessments,  
34 and of all expenses upon which said assessments are  
35 based, which shall be open at all times to all persons  
36 interested therein.

SEC. 4. Said directors are hereby authorized to

2 make the assessments contemplated in the last pre-  
3 ceding section, in anticipation of the actual cost and  
4 expenses of driving, and in any sum not exceeding  
5 for each thousand feet board measure, the sum of  
6 sixty-two and a half cents, and so in proportion to the  
7 distance which any logs or other timber is to be, or  
8 may be driven between said Telos Lake and the  
9 place of destination, to be determined by said direc-  
10 tors,—and if after said logs or other timber shall have  
11 been driven as aforesaid, and all expenses actually  
12 ascertained, it shall be found that said assessments  
13 were more than sufficient to pay said expenses, the  
14 balance shall be refunded to the owner or owners in  
15 proportion to the sum to them respectively assessed.

SEC. 5. The directors shall give to the treasurer a  
2 list of all assessments, by them made with a warrant  
3 in due form under their hand, and said company shall  
4 have a lien upon all logs and other timber by them  
5 driven, for the expenses of driving the same, not ex-  
6 ceeding the sum of sixty-two and a half cents for each  
7 and every thousand feet board measure, so driven, as  
8 aforesaid, which may be discharged by sufficient bond  
9 being given to the company, conditioned that all said

10 expenses shall be seasonably paid. And it shall be  
11 the duty of the treasurer within ten days after he shall  
12 receive from the directors a list of assessments in due  
13 form, to notify in writing, all the owners where known  
14 of the amounts assessed upon their several marks,  
15 and when the owner or owners of any marks of logs  
16 or other timber are unknown, he shall, within ten  
17 days, publish a list of all such marks of logs or other  
18 timber, within the amounts therein assessed. And all  
19 owners of logs or other timber shall be required to  
20 pay or satisfactorily secure the amount of their sev-  
21 eral assessments within thirty days from the date of  
22 such assessment. And the treasurer shall have power  
23 to take and hold possession of a sufficient quantity of  
24 any and all marks of logs and other timber upon which  
25 the assessments have not been paid or secured at the  
26 end of thirty days from the date of such assessments ;  
27 and shall retain possession of them until disposed of  
28 as hereinafter provided, and all marks upon which  
29 such assessments shall not be thus paid or secured  
30 within the time herein specified, shall be advertised  
31 two weeks in succession in some newspaper printed  
32 in the city of Bangor, and if not paid within ten days  
33 after the last publication, with all necessary cost and



34 expenses, the treasurer shall then advertise them for  
35 sale at public auction, by posting up in some con-  
36 spicuous places in Bangor and Oldtown, notices of  
37 such sale, with a list of all the marks and the amount  
38 of assessment upon each mark, at least ten days be-  
39 fore the day of sale. And unless such assessment  
40 with expenses incurred are previously paid, he shall  
41 then proceed to sell to the highest bidder, a sufficient  
42 quantity of said logs or other timber of the different  
43 marks upon the list, to pay such assessments, with all  
44 proper costs and expenses, selling each mark sepa-  
45 rately. The place of sale to be at the office of the  
46 company, which office shall be at Bangor, Orono, or  
47 Oldtown; and the proceeds of such sales shall be  
48 paid into the treasury of the company. And the lien  
49 hereby created shall have precedence of all other  
50 liens, *provided however*, that if before the sale it should  
51 be ascertained that the logs or other timber of any  
52 particular mark or marks, had not arrived at their  
53 place of destination, but remain back, then in such  
54 case said sale may be adjourned from time to time,  
55 until such logs or other timber shall arrive at its place  
56 of destination.

SEC. 6. Each member of this corporation shall be

2 entitled to one vote in any and all meetings of the  
3 corporation, and absent members may vote by proxy  
4 or substitute.

SEC. 7. Every actual lumber operator on said  
2 East Branch and its tributaries, above the Grand  
3 Falls, shall be deemed a member of this corporation  
4 during the year or years in which he or they are so  
5 operating, and entitled to all the rights and privileges  
6 thereof. *Provided* such operator shall in writing,  
7 signify to said company his desire to be deemed a  
8 member of said corporation during the time specified  
9 above.



## STATE OF MAINE.

---

HOUSE OF REPRESENTATIVES, July 17, 1847.

ORDERED, That 350 copies of the foregoing bill, reported by Mr. Woods of Gardiner, from the joint select committee to which was referred the petition of John H. Pillsbury, et als., be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*