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Charter and By-Laws of the Penobscot Log Driving Company

Penobscot Log Driving Company

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ter and By-Laws

OF THE

PENOBSCOT

LOG DRIVING COMPANY

BANGOR:
CHAS. H. GLASS & CO., PRINTERS.
1904

CHARTER.

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. 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; and said Company may drive all logs and other timber that may be in the West branch of Penobscot river *between the Chesuncook dam* and the East branch, to any place at or above

the Penobscot boom, where logs are usually rafted, at as early a period as practicable. And said Company may for the purpose aforesaid, clear out and improve the navigation of the river between the points aforesaid, remove obstructions, break jams and erect 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.

SEC. 2. The officers of said Company shall be a Moderator, Clerk, Treasurer, a board of five 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 be chosen in their stead; and the Clerk and Directors shall be sworn to the faithful discharge 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.

SEC. 3. Every owner of logs or other timber which may be in said West branch between said Chesuncook dam and said East branch, or which may come therein during the season of driving and intended to be driven down said West branch, 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, the number of feet board measure of all such logs or 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.

SEC. 4. Said Directors are hereby authorized to make the assessment contemplated in the last preceding section, in anticipation of the actual cost and expenses of driving, and in any sum not exceeding for each thousand feet, board measure, the sum of *sixty-two and one-half cents*, and so in proportion to the distance which any logs or other timber is to be, or may be driven between said Chesuncook dam and the places of destination, to be determined by said Directors. And if after said logs or other timber shall have been driven as aforesaid, and all expenses actually ascertained, it shall be found that said assessment shall be more than sufficient to pay said expenses, then the balance so remaining shall be refunded to the said owner or owners in proportion to the said sum to them respectively assessed.

SEC. 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 said Company shall have a lien on all logs and other tim-

ber by them driven, for the expenses of driving the same, which may be discharged by sufficient bond being given to the Company conditional that all such expenses shall be seasonably paid. *And it shall be the duty of the Treasurer, within ten days 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 when the owner or owners of any mark of logs or other timber, are unknown, he shall within ten days, publish a list of all such marks of logs and timber, with the amount assessed upon each mark.* And all 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 the Treasurer shall have power to take possession of a sufficient quantity of any and all marks of logs and other timber upon which the assessment has not been paid or secured at the end of thirty days from such assessment, and shall retain possession of the same until disposed of as hereinafter provided; and all marks upon which such assessment shall not be thus paid or secured within the time herein specified, shall be advertised two weeks in succession, in some newspaper printed in said Bangor; and if not paid within ten days after the last publication, with necessary costs and expenses, the Treasurer shall then advertise them for sale at public auction, by posting up in some conspicuous place in Bangor and Oldtown, notices of such sale, with a list of all the marks, and the amount of assessment upon each mark, ten days before the day of sale; and unless such assessments with expenses incurred are previously paid, he shall then proceed to sell to the highest bidder, sufficient quantity of the logs or other timber of the different marks upon the list to pay such assessments, with

all proper costs and expenses, selling each mark separately. The place of sale to be at the office of the Company, and the proceeds of all sales to be paid into the treasury of the Company. And the lien hereby created shall have precedence of all other liens; provided however, if before the sale, it should be ascertained that the logs or other timber of any particular mark or marks had not arrived at their places of destination, but remained back, that in such case said sale may be adjourned from time to time until such logs or other timber shall arrive at said place of destination.

[Approved August 10, 1846.]

An Act Additional to 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. The Penobscot Log Driving Company may drive all logs and lumber between the head of Chesuncook lake and the East branch, instead of between the Chesuncook dam and the East branch, with all the powers, rights and privileges, and under the same conditions, limitations and restrictions, as is provided in the act to which this is additional: and may assess according to the provisions of said act, a sum not exceeding twenty-five cents for each thousand feet, board measure, in addition to the sum of sixty-two and one-half cents, as provided for in the fourth section of said act, for the purpose of paying the expenses of driving said logs and lumber across said lake.

SEC. 2. The said Corporation may, and it shall be their duty to build all the boom or booms which may be necessary above the lake, but not to impede the navigation of the same.

[Approved July 31, 1849.]

**An Act to amend the Charter of the Penobscot Log
Driving Company.**

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

SECTION 1. The Penobscot Log Driving Company, are hereby authorized to make an assessment for the purposes required in said charter, of the sum of *eighty cents* for every thousand feet of lumber driven by said Company, instead of sixty-two and a half cents, as is provided in said Charter.

SEC. 2. This act shall take effect from and after its approval.

[Approved April 20, 1854.]

**An Act additional to an Act additional to 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. The powers granted to the said Company are hereby enlarged and extended so as to include within the chartered limits thereof the boom and piers now in process of being erected at the head of Chesuncook Lake, which are to become the property of said Company ; and all the expenses of erecting and completing the same are to be assumed and borne by said Company.

SEC. 2. The Company may assess a toll pursuant to the provisions of their charter, not exceeding *one dollar* for every thousand feet, board measure, of logs driven under the provisions of said act : and all acts and parts of acts providing for any

different rate of toll are hereby repealed, except that they shall remain in force as to all tolls heretofore assessed and remaining uncollected.

SEC. 3. The Directors may authorize the Treasurer to give the Company notes for the amount necessary to be raised to pay the expenses of erecting said boom and piers, for such sums and payable at such times as they direct. Provided, this act shall be accepted by the said Company at a meeting called for that purpose.

SEC. 4. This act shall not take effect until the said Company shall purchase the boom and piers mentioned in the first section, in the manner provided in this act and in the sixth section of an act entitled an act to incorporate the West Branch Chesuncook Boom Corporation, enacted in the year eighteen hundred and fifty-six : but if the owners of said works refuse to sell the same in the manner aforesaid, then this act shall have full force and effect.

[Approved April 9, 1856.]

[This act accepted by the Company at a meeting called for the purpose, May 5, 1856, and purchase made of the West Branch Chesuncook Boom Corporation boom and piers under vote of this Company, Aug. 11, 1856.]

**An Act additional to 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. Said Company shall adopt as the basis of their assessments the boom scale of the Penobscot Boom, or what shall be equal to that scale, to be determined in all cases of doubt by the Directors.

SEC. 2. Said Company shall be under no obligation to drive any logs coming into the Chesuncook lake at any other point than from the main West branch, unless seasonably delivered to them at the head or outlet of said lake.

SEC. 3. This act shall take effect from the date of its approval.

[Approved March 21, 1864.]

**An Act additional to 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. The Penobscot Log Driving Company may assess a toll not exceeding two dollars per thousand feet, board measure, on all logs and lumber of the respective owners, which may be driven by them, sufficient to cover all expenses, and such other sums as may be necessary for the purposes of the Company: and all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 2. This act shall take effect when approved.

[Approved Feb. 24, 1865.]

**An Act additional to 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. That on all logs exceeding forty feet in length driven by said Company under their charter, such additional toll shall be assessed for driving, as in the opinion of the Directors, shall be reasonable, arising from the increased expense of driving the same.

SEC. 2. Said Company may make contracts for driving or assist in driving logs outside of the limits of the Company, on the Penobscot waters; and for any sum due for such driving, the same lien shall exist and be enforced in the same manner as is provided for other logs.

SEC. 3. Said Company may build or assist in building, and keep in repair any steamboat or other craft, that in their opinion or in the opinion of the Directors may be advantageous in facilitating the progress of the drive, the expense of which may be apportioned upon the logs of different years as they may think proper.

SEC. 4. This act shall take effect when approved.
[Approved Feb. 11, 1869.]

**An Act additional to 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. The Penobscot Log Driving Company may assess to pay the expenses of driving, upon all logs which said Company may drive, over thirty-six feet in length, fifty per cent. more than upon logs less than thirty-six feet in length, according to the discretion of the Directors of said Company.

SEC. 2. This act shall take effect when approved.

[Approved Feb. 15, 1871.]

**An Act additional to 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. That an act additional to "an act to incorporate the Penobscot Log Driving Company," approved March twenty-first, eighteen hundred and sixty-four, be so amended that the second section shall read as follows, namely :

SEC. 2. Said Company shall be under no obligation to drive any logs coming into the Chesuncook lake at any other point than from the main West branch or the Caucomgomoc stream, unless seasonably delivered to it at the head or outlet of said lake, or at the mouth of said stream.

SECTION 3. This act shall take effect when approved.

[Approved January 28, 1876.]

An Act to amend the Charter of the Penobscot Log Driving Company.

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

SECTION 1. Chapter four hundred and seven, of the special laws of the year eighteen hundred and forty-six, entitled "an Act to incorporate the Penobscot Log Driving Company," is hereby amended, by striking out from the fifth section thereof, the following sentence, viz: "And it shall be the duty of the Treasurer, within ten days after he shall receive from the Directors a list of assessments in due form, to notify in writing, all the owners, when known, of the amount assessed upon their several marks ; and when the owner or owners of any mark of logs or other timber, are unknown, he shall within ten days publish a list of all such marks of logs and timber, with the amount assessed upon each mark ;" so that said section, as amended, shall read as follows :

The Directors shall give the Treasurer a list of all assessments by them made, with a warrant, in due form, under their hands ; and said Company shall have a lien on all logs and other timber by them driven, for the expenses of driving the same, which may be discharged by sufficient bond being given to the Company, conditional that all such expenses shall be seasonably paid. And all 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 each assessment. And the Treasurer shall have power to take possession of a sufficient quantity of any and all marks of logs and other timber, upon which the assessment has not been paid or secured at the end of thirty days from such assessment, and shall retain possession of the same until disposed

of as hereinafter provided; and all marks upon which such assessments shall not be thus paid or secured within the time herein specified, shall be advertised two weeks in succession, in some newspaper printed in said Bangor, and if not paid within ten days after the last publication, with necessary costs and expenses, the Treasurer shall then advertise them for sale at public auction, by posting up in some conspicuous place in Bangor and Oldtown, notices of such sale, with a list of all the marks, and the amount of assessment upon each mark, ten days before the day of sale; and unless such assessments, with expenses incurred, are previously paid, he shall then proceed to sell to the highest bidder, a sufficient quantity of the logs or other timber of the different marks upon the list, to pay such assessments, with all proper costs and expenses, selling each mark separately. The place of sale to be at the office of the Company, and the proceeds of all sales to be paid into the treasury of the Company. And the lien hereby created shall have precedence over all other liens; provided, however, if before the sale it should be ascertained that the logs or other timber of any particular mark or marks, had not arrived at their places of destination, but remained back, that in such case said sale may be adjourned from time to time, until such logs or other timber shall arrive at said place of destination.

SECTION 2. This act shall take effect when approved.

[Approved January 26, 1877.]

An Act additional to "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. The Penobscot Log Driving Company may build and maintain a dam across the outlet of each of the lakes Cauquomgomoc, in the county of Piscataquis, and Millinocket, in the county of Penobscot, to raise a head of water on each of said lakes for log driving purposes only. Said corporation may take land on which to build each of said dams, and may flow contiguous lands. For land taken and for land flowed, the parties may agree upon the damages, but if the damages are not mutually adjusted, the owner, or party injured, may be compensated in full by the payment of such sums as may be determined by the commissioners to be appointed by the supreme judicial court in and for the county where the land is situate, on the petition of either party, their return being made to said court, and duly accepted, no other remedy for either of said causes shall be sustained, but either party may object to such report and demand a trial by jury, and thereupon a trial by jury shall be had in said court, and the court may enter up such judgment as law and justice may require, and said judgment shall be paid by said corporation, within six months from the time of its rendition, and if not so paid, all powers and privileges given by this act are void.

SEC. 2. The said corporation may be reimbursed for the expense of building said dams and paying such damages with interest, by assessment upon the whole drive of logs, according to the charter of said corporation and amendments thereto. The expense, damages and interest may be assessed, not upon one drive of logs, but upon several drives

of logs, according to the discretion of the directors of said corporation, extending the time for said reimbursement over as many years as said directors may deem proper.

SEC. 3. The said corporation may demand and receive a toll of six cents for each thousand feet, board measure, boom scale, on logs that may pass over the dam of said corporation at the outlet of said Millinocket lake. The owners of such logs may have the use of said head of water raised by the said dam to drive their logs to Shad pond. A lien is hereby created on such logs for the payment of the toll, but the logs of each particular mark shall only be holden for the toll of such mark. The toll may be added to the assessment for driving such logs from Shad pond to the boom. The dam shall not exceed in height that of some one of former dams erected at or near the outlet of said Millinocket lake, nor raise a higher head of water on said lake.

SEC. 4. The owners of logs that may hereafter come into Cauquomgomoc lake, shall have the reasonable use of the dam and head of water on said lake to drive their logs to Chesuncook lake. Said head of water may flow up Scott brook and Loon stream, so called, and make dead water in said brook and Loon stream, and delay driving logs down said brook and Loon stream, and in such case the owners of logs being driven down said brook, may put up the gates of said dam to aid in driving their logs down said brook into said lake.

SEC. 5. This act shall take effect when approved.
[Approved Feb. 24, 1883.]

An Act to authorize the Penobscot Log Driving Company to rebuild and raise the height of North Twin Dam, or to build a new dam to take the place of said North Twin Dam.

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

SECTION 1. The Penobscot Log Driving Company is hereby authorized to rebuild in such manner as it may see fit its North Twin dam, and may raise the height of the same, and for any flowage caused by such increased height of said dam said company shall be subject to the general laws in relation to flowage the same as individuals under the mill act, so called. Said company is hereby give the power to build a new dam to take the place of said North Twin dam, and such new dam may be built at such a distance from the present dam that such dam may serve as a coffer dam, and said company may increase the height of said new dam, and for any flowage caused by such increased height of said dam, said company shall be subject to the general laws in relation to flowage, the same as individuals under the mill act, so-called.

SEC. 2. Said company, for the purpose of constructing a new dam, as authorized in this act, is hereby given the right to take and hold any lands necessary for erecting and abutting such dam. Said company shall file in the registry of deeds office in the county where any lands so taken may be situated, plans of the location of all land so taken in such county, and no entry for the purpose of taking lands shall be made on any lands owned by other persons except to make surveys, until the expiration of ten days from the time of said filing, and with such plan the company may file a statement of the damages it is willing to pay to any person for any property so taken, and if the

amount finally awarded does not exceed that sum, the company shall recover costs against such person, otherwise such person shall recover costs against the company. Said company shall be held liable to pay all damages for the land so taken, and if any person sustaining damage as aforesaid shall not agree with said company upon the sum to be paid therefor, either party on petition to the county commissioners of the county where such land is situated, within twelve months after said plans are filed, may have the damages assessed for the taking of said land, and subsequent proceedings and right of appeal thereupon shall be had in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways, failure to apply for such damages within twelve months shall be held to be a waiver of the same.

SEC. 3. Said company for the purpose of rebuilding said dam, or building a new dam to take the place of said dam, or for clearing out and improving the navigation of the west branch of Penobscot river, is hereby authorized to borrow money as the directors of said company may find expedient.

SEC. 4. This act shall take effect when approved.

[Approved Feb. 26, 1901.]

An Act to amend chapter four hundred seven of the Private and Special Laws of 1846, 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 1846, 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 1849 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. 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 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.'

SEC. 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 so that said section as amended shall read as follows:

'SEC. 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.

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

'SEC. 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 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.'

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

'SEC. 6. Every person or corporation owning timberlands 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.'

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

SEC. 6. This act shall take effect when approved.
(Approved March 13, 1903.)

BY-LAWS.

SECTION 1. The annual meeting shall be holden at Bangor in each year, by order of the Directors, and to be notified in the manner hereinafter provided.

SEC. 2. The office of Clerk is hereby established at Bangor, where the records and papers of the Company shall be kept.

SEC. 3. The officers of this corporation shall be elected annually at the annual meeting, by ballot, and a majority of the votes of the members present shall be necessary to a choice. Vacancies, however occurring, may be filled at any legal meeting. The officers chosen shall remain in office till the next annual meeting.

SEC. 4. It shall be the duty of the Moderator to preside at all meetings and keep order therein; and in his absence a Moderator *pro tem.* shall be chosen.

SEC. 5. It shall be the duty of the Clerk to keep a record of the doings of the Company; and he shall also keep a record of the doings of the Directors. He shall record all statements filed by owners of logs or other timber, as provided in the act of incorporation, in a book kept for the purpose, and shall carefully keep on file such statements. He shall give notice of the time and place and object of holding the annual meeting and of holding such other meetings as the Directors may order as hereinafter provided, by causing a notice signed by himself to be published in some newspaper in the city of Bangor, two weeks successively, the last publication to be before the day of meeting.

SEC. 6. The Treasurer shall keep a record of his doings as Treasurer; he shall keep a book in which shall be entered all moneys by him received and paid out, with the names of the persons of whom received and to whom paid, with the time of such receipts and payments. And all moneys due the Company shall be paid to the Treasurer; and he shall pay out no money except on an order of a majority of the Directors. He shall at every annual meeting, and at such other meetings as the Directors may order, lay before the meeting a full statement of his doings. Before entering upon the duties of his office he shall give a bond to be approved by the Directors, in the sum of ten thousand dollars.

SEC. 7. The Directors may at any time, in writing, order the Clerk to call a meeting of the Company, stating in writing the business of the meeting; and in case of a vacancy in the office of Clerk, any one Director may do his duty so far as he is required to notify the meetings of the Company.

SEC. 8. Any person owning timber land or being engaged in particular lumbering operations on the West branch of Penobscot river or its tributaries, may on application, be admitted a member of this Company by a majority of the votes of the members present; and any member of the Company ceasing to own timber land on said West branch or its tributaries, and ceasing to be a practical operator as above provided, shall cease to be a member of this Company. Every member of the Company owning timber land as above provided, shall be entitled to one vote—and each operator being a member of the Company, shall be entitled to one vote for each six ox team, or teams equivalent thereto, which he shall have engaged in hauling

timber or logs on said West branch or its tributaries.

SEC. 9. Any six members of this Company shall constitute a quorum to do business at any legal meeting.

SEC. 10. The Directors are authorized and required to do and perform all duties and acts conferred upon and required of the Company by virtue of the act of incorporation, and they shall examine and audit the accounts of the Treasurer, and settle with him annually, and shall supervise the general interests of the Company.

SEC. 11. The foregoing By-Laws may be altered or amended by a vote of a majority of the members present at the annual meeting, or by a vote of two-thirds of the members present at any other legal meeting.

AMENDMENT OF BY-LAWS.

Adopted March 5, 1876.

SECTION 1. The Directors shall annually choose a man whose duty it shall be to accompany the drive, and shall decide when the drive shall leave the head of Chesuncook lake, and when it shall leave Chesuncook dam; also to see that all unmarked logs in the drive are marked for the Company; also to determine what logs may be left on the drive, and keep an account of the same, and the marks on said logs, and report them to the Treasurer or Directors of the Company.

SEC. 2. It shall be the duty of such person, and also of the Clerk of the drive, to report to the Master Driver, any person detected or known to be guilty of marking any such unmarked logs with any other than the Company mark; and if such person is an employee of the Company, the Master Driver shall dismiss him from their employ, and he shall forfeit twenty dollars of his wages.

SEC. 3. If, in the opinion of the Directors, it shall be most for the interest of the log owners to let out the driving of the logs by contract, they shall do so by letting the same to the lowest bidder, the terms to be promulgated before the bids are made, the directors to have the option to accept the lowest bid or reject the whole, as they may think best for the interest of the owners. In case the logs are so let out, the person taking them to drive, shall give a good bond to the approval of the Directors, to drive the logs clear and in the quickest

possible manner, or pay all damages to the respective owners; the bond to be so drawn as to give each owner a right of action, either in his own name or the Company's, for any damages suffered; and in case of any such contract for driving, all logs which may be found unmarked shall be marked for the Company and belong to them; and in case of such contract the person to be selected by the Directors shall decide when the drive shall leave the head of the lake, and when it shall leave Chesuncook dam, and what logs shall be left; and all parties shall be bound by his decision,—and in case of any such letting out of the drive, all booms, boats and other articles belonging to the Company, shall be appraised before the same are taken by the contractor, by a committee to be agreed upon by the parties, and after the drive is completed the same committee shall deliver the same articles back, as far as they remain; and any deficiency in the number or value of the property shall be paid or allowed in settlement, together with a fair compensation for the use thereof, to be fixed by said committee. And the same committee shall also appraise the value of any other booms, boats, or furniture, which such contractors may have furnished for the drive, and which may be needed and suitable for the next year's operation, and the Company shall take the same at such appraisal.

AMENDMENT OF BY-LAWS.

Adopted March, 1892.

SEC. 3. The officers of this corporation shall be five Directors, (one of whom shall be President) Clerk, Treasurer and Master Driver.

The Directors shall be elected by the associate corporators, by ballot at the annual meeting, and a majority of the votes of the members present shall be necessary to a choice. All the other officers shall be chosen by the Directors, and the President shall be elected from said board.

The Directors shall also have the power to fill vacancies in any office, and to fill vacancies occurring in their own board.

All officers shall be chosen to serve one year, excepting that officers chosen to fill vacancies shall only fill out the unexpired term.

All provisions of any by-laws inconsistent with the foregoing are hereby repealed.

Section 10 is hereby amended so as to read as follows:

SEC. 10. The Directors are authorized and required to do and perform all duties and acts conferred upon and required of the Company by virtue of the act of incorporation, and they shall examine and audit the accounts of the Treasurer, and settle with him annually, and shall supervise the general interests of the Company. And no contractor with the Company for driving the West Branch drive shall at the same time be a Director of said Company, and in case a Director contracts to drive said drive, he shall thereupon cease to be a Director, and the remaining Directors shall fill the vacancy.

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 Garrett 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.

SEC. 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.

SEC. 3. When this charter shall have been accepted by the incorporators 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 shall have been actually paid in cash into the treasury of said company, said West Branch Driving and Reservoir Dam Company may then exercise the power of eminent domain to the extent that thereunder it may take and hold all the dams, real estate, piers, booms, wing dams, side dams and steamboats now owned by the Penobscot Log Driving Company except the dam at the outlet of Millinocket lake which is to be and remain the property of the Penobscot Log Driving Company.

Said West Branch Driving and Reservoir Dam Company may file in the registries of deeds in Penobscot and Piscataquis counties a written statement of its determination to exercise said power of

eminent domain and thereupon said dams, real estate, piers, booms, wing dams, side dams and steamboats shall be and become the property of said West Branch Driving and Reservoir Dam Company and all the powers, rights and privileges of the Penobscot Log Driving Company pertaining to the driving of logs and the improving of the west branch of the Penobscot river above the head of Shad pond on said west branch but not below the head of said Shad pond shall be and become the powers, rights and privileges of the West Branch Driving and Reservoir Dam Company, and all the duties of said Penobscot Log Driving Company pertaining to the driving of logs between the head of Chesuncook lake and the head of Shad pond shall be and become the duties of said West Branch Driving and Reservoir Dam Company which shall thereafter be holden to perform said duties except as modified by the provisions of this act.

The value of said dams, real estate, piers, booms, wing dams, side dams and steamboats so taken shall be determined by agreement between said companies or if said companies shall fail to agree then by a commission of three disinterested persons to be appointed as follows: Either of said corporations, or any person interested, may file in the clerk's office of the supreme judicial court in and for the county of Penobscot, either in term time or vacation, a petition to said court for the appointment of such commission, to consist of three disinterested persons, and upon such petition said court, after such notice as said court may deem proper, shall appoint such commission. Such commission shall as soon as may be, but after reasonable notice, hear the parties, their proofs and arguments and determine the value of said dams, real estate, piers, booms, wing dams, side dams and steamboats.

The commission shall have power to compel the attendance of witnesses and the production of books and papers pertinent to the issue, and may administer oaths, and any witness or person in charge of such books or papers refusing to attend or to produce the same shall be subject to the same penalties and proceedings, so far as applicable, as witnesses summoned to attend the supreme judicial court. The commission, or a majority thereof, after such hearing, shall report to the court in said county in term time what in its judgment is a fair and just value of the dams, real estate, piers, booms, wing dams, side dams and steamboats, which it is directed to appraise and all other findings which it may have been directed by the court to make, and return such papers and proofs taken by it as the court has directed or may from time to time direct it to return.

The court may confirm such report or reject it, or re-commit the same, or submit the subject matter thereof to a new commission.

The expenses of said commission shall be paid one-half by each of said companies.

All proceedings of the court with reference to any matter herein raising a question of law shall be subject to exceptions. When all such exceptions, if any shall be taken, shall be disposed of, and any such report shall have been accepted and confirmed by said court, said court shall render judgment against said West Branch Driving and Reservoir Dam Company for the amount finally determined in such report as accepted and confirmed by said court.

SEC. 4. If the amount of said judgment with the amount of all other assets of said Penobscot Log Driving Company, not including said Millinocket dam and not including the franchise of said Penobscot Log Driving Company, shall not be

sufficient to pay in full all outstanding notes and other legal liabilities of said Penobscot Log Driving Company said West Branch Driving and Reservoir Dam Company shall make good the deficiency and be holden to guarantee the payment in full of all such notes and other legal liabilities after all said assets of the Penobscot Log Driving Company shall have been reduced to money and applied towards the payment of the said notes and other legal liabilities, and by accepting the charter hereby granted said West Branch Driving and Reservoir Dam Company shall be holden to have guaranteed to make good any such deficiency and to so guarantee the payment of the said notes and other legal liabilities of the Penobscot Log Driving Company.

Said West Branch Driving and Reservoir Dam Company may assume the defense of any claims which may be made against the said Penobscot Log Driving Company, and prosecute, in the name of said Penobscot Log Driving Company, any claim which it may have against other parties, and no settlement of any claim belonging to said Penobscot Log Driving Company or against it shall be made without the consent of said West Branch Driving and Reservoir Dam Company.

SEC. 5. From and after the time when said West Branch Driving and Reservoir Dam Company shall have filed in the registries of deeds for Penobscot and Piscataquis counties a written statement of its determination to exercise the power of eminent domain, as provided in section three of this act, said West Branch Driving and Reservoir Dam Company shall drive all logs and other lumber that may be in the west branch of the Penobscot river between the head of Chesuncook lake and the head of said Shad pond into said Shad pond, but if said Shad pond shall become filled with logs then against the rear of said logs in said pond, and the

booms and piers at the head of Chesuncook lake acquired by the Penobscot Log Driving Company from the West Branch Chesuncook Boom Company shall be within the chartered limits of this company.

SEC. 6. Said West Branch Driving and Reservoir Dam Company shall make at least one drive each year, with due diligence, from the head of Chesuncook lake into said Shad pond in the manner aforesaid and shall start said drive from the head of Chesuncook lake as soon as all logs for said drive shall arrive there but not later than June 25th, in each year in any event and shall complete the same in 1903 by the 20th day of August and thereafter by the 5th day of August in each year.

Said company shall be under no obligation to drive from the head of Chesuncook lake any logs which shall not be there when the rear of said drive shall be started as aforesaid, nor under any obligation to drive the same season any logs which shall not be delivered to it before the rear of said drive shall pass the point of attempted delivery.

SEC. 7. Said West Branch Driving and Reservoir Dam Company shall receive for driving the logs as aforesaid into Shad pond the following prices per thousand feet board measure :

From the head of Chesuncook lake, 70 cents.

From the foot of Chesuncook lake, 53 cents.

From Sourdnahunc, 50 cents.

From the head of Ambejijus lake, 30 cents.

From the foot of Pemadumcook lake, 16 $\frac{1}{4}$ cents.

From North Twin Dam, 11 cents.

And for logs driven to the sorting booms of the Great Northern Paper Company, or the Twin Lakes Lumber Company :

From the head of Chesuncook lake, 50 cents.

From the foot of Chesuncook lake, 33 cents.

From Sourdnhunc, 33 cents.

And from any place to any place within the limits aforesaid not specified above, the price shall be as near as may be in proportion to the above prices.

These prices shall continue in force for ten years and thereafter until changed by the legislature.

SEC. 8. All owners of logs and other lumber which shall be driven by said company shall pay three-quarters of the amount due for driving their respective logs and lumber at the prices above set forth as soon as such logs or other lumber shall arrive at their respective places of destination, and shall pay the balance of said amount as soon as such logs or other lumber shall be scaled after arriving at their respective places of destination, but at all events within three months from the time when such logs or other lumber shall pass from the control of said company. And the number of feet driven shall be found by using as a basis the boom scale of the Penobscot boom, or what shall be equivalent to such scale.

SEC. 9. The West Branch Driving and Reservoir Dam Company is hereby given a lien on all logs and lumber which it shall drive for the driving of the same as provided in this act, which lien shall have precedence of all other claims except liens reserved to the State and laborer's liens. Such lien shall continue for six months after the logs or lumber shall arrive at the place of destination for sale or manufacture and may be enforced by attachment.

SEC. 10. Said company in any and all dams which may be owned or controlled by it may store water for the use of any mills or machinery which may use west branch water, subject to the provisions that day and night throughout the year the flow of water down the west branch, so long as

there shall be any stored water shall not be less than two thousand cubic feet per second, measured in the canal and at the stone dam of the Great Northern Paper Company at Millinocket, and subject to the further provisions that in the spring of each year in advance of the freshet season the water shall be drawn down in all the dams which may be owned or controlled by the company, in accordance with any directions which the commission to be appointed under the provision of this section may give. The supreme judicial court, or any justice thereof, sitting in equity, in term time or vacation, may summarily enforce the specific performance of any of the provisions of this section.

There shall be a commission of three persons appointed by the chief justice of the supreme judicial court upon petition of said company or any person interested, after such notice as he shall order and hearing. The chief justice of the supreme judicial court may at any time remove any member of such commission upon petition of said company or any person interested after such notice as he shall order and hearing, if he shall determine that a change in such commission ought to be made. Should any vacancy occur in such commission by death, resignation or otherwise, it shall be filled by the chief justice after such notice as he shall order and hearing. The expenses of said commission shall be paid by said West Branch Driving and Reservoir Dam Company.

SEC. 11. Said company in order to facilitate the driving of logs and lumber, and to facilitate the storage of water for use as aforesaid, may clear out and improve the navigation of said west branch, remove obstructions, break jams and erect booms where the same may lawfully be done all within the limits aforesaid.

SEC. 12. Said company is hereby given the power to rebuild in such manner as it may see fit, any dams which it may acquire as aforesaid of the Penobscot Log Driving Company, and may raise the height of the same so that the Chesuncook dam may hold back six feet more water than the present dam, and the North Twin dam may hold back five feet more water than the present dam and may raise the dam between North Twin and Millinocket lakes to retain the stored water in North Twin lake, and the damages for any flowage caused by such increased height of any of said dams may be recovered in accordance with the provisions of chapter ninety-two of the Revised Statutes.

SEC. 13. Said company is hereby authorized to erect and maintain a dam across the west branch of Penobscot river in the vicinity of Sourdnhunc falls, and another dam across said west branch in the vicinity of Amejijus falls for the purpose of facilitating the driving of logs and lumber and damages for any flowage caused by such dams may be recovered in accordance with the provisions of chapter ninety-two of the Revised Statutes.

SEC. 14. Said company for the purpose of rebuilding, constructing or maintaining dams as authorized in this act is hereby given the right to purchase or take and hold any lands necessary for erecting and abutting such dam or dams. Said company shall file in the registry of deeds office in the county where any land so taken may be situated, plans of the location of all land so taken in such county, and no entry for the purpose of taking lands shall be made on any lands owned by other persons except to make surveys, until the expiration of ten days from the time of said filing. Said company shall also publish in some newspaper published in the city of Bangor, Maine, within ten days after such plans shall be

filed, a statement that it has filed in the registry of deeds office plans of the location of all lands so taken in such county. Said company shall be held liable to pay all damages for the land so taken, and if any person sustaining damages as aforesaid shall not agree with the company upon the sum to be paid therefor, either party on petition to the county commissioners of the county where such land is situated may have the damages assessed for the taking of said land and subsequent proceedings and right of appeal thereupon shall be had in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways.

SEC. 15. After said West Branch Driving and Reservoir Dam Company shall have delivered the rear of any annual drive of logs into Shad pond in manner aforesaid it shall allow to flow out of North Twin dam at such times and at such rates of discharge as the Penobscot Log Driving Company may request for the purpose of driving said logs to the Penobscot boom or their several places of destination above said boom, water equivalent to the amount of water held back by said dam as now constructed when there is a thirteen foot head at said dam measured from the bottom of the dam, or so much thereof as shall be called for by said Penobscot Log Driving Company for said purpose, and in determining the quantity of water which the Penobscot Log Driving Company shall be entitled to request for driving purposes, the two thousand cubic feet per second specified in section ten shall be considered a part thereof at such times and at such times only as water is being allowed to flow from said dam at the instance and request of the Penobscot Log Driving Company.

If before the rear of the drive shall be delivered in Shad pond in manner aforesaid in any year, a jam shall occur in the west branch below Shad pond and the Penobscot Log Driving Company or its agent shall notify the West Branch Driving and Reservoir Dam Company to stop turning logs out of Quakish lake, said company shall stop turning logs out of said lake until otherwise notified and the time of getting the rear into Shad pond in manner aforesaid that year may be postponed by the West Branch Driving and Reservoir Dam Company by as much time as the said company was prevented from turning logs out of Quakish lake as aforesaid.

SEC. 16. The first meeting of said corporation shall be called at Bangor, in the county of Penobscot, by a notice signed by any two of the corporators named in section one, setting forth the time, place and purpose of the meeting, and such notice shall be mailed to each of the corporators, postage paid, seven days at least before the day of such meeting. Any corporator may be represented at said first meeting by proxy.

SEC. 17. This act shall take effect when approved.

[Approved March 12, 1903.]

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