

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

SENATE.

No. 18

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT to authorize the Passadumkeag Log Driving Company to acquire the property and franchises of the Grand Falls Dam Company.

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

Section 1. The Passadumkeag Log Driving Company is
2 hereby authorized and empowered to acquire by purchase or
3 by the exercise of the right of eminent domain which right is
4 hereby expressly delegated to said company for said purpose,
5 the property and franchises of the Grand Falls Dam Com-
6 pany which said company owns by virtue of chapter four
7 hundred and seventy-three of the Private and Special Laws
8 of 1860, and said Grand Falls Dam Company is hereby
9 authorized and empowered to sell and convey by proper con-
10 veyances, duly executed by its president, such property and
11 franchises to said Passadumkeag Log Driving Company.

Sect. 2. In case said companies fail to agree upon the terms of purchase of the above-mentioned property, or upon some other means of determining such terms on or before May first, 1905, said Passadumkeag Log Driving Company is hereby authorized to take said property and franchises as for public uses by petition therefor in manner following: Said Passadumkeag Log Driving Company by its directors is hereby authorized on or before June 1, 1905, to file a petition in the clerk's office of the supreme judicial court for the county of Penobscot, addressed to any justice of said court, who, after notice to said Grand Falls Dam Company, and a hearing, shall appoint one disinterested appraiser for the purpose of fixing the valuation of said property and franchises. The appraiser so appointed, after due notice and hearing, shall fix the valuation of said property and franchises. His report shall be filed in said clerk's office within thirty days after his appointment, and any justice of said court, after notice and hearing, may confirm or reject the same or recommit it if justice so requires. The award of such appraiser shall be conclusive as to valuation but any questions of title to property valued by him shall be determined by such single justice. Upon the confirmation of said report such single justice, after hearing, may make final decree upon the entire matter, including the application of the purchase-money, discharge of liens and other incumbrances and transfer of the property, jurisdiction over which is hereby conferred with the same power to enforce said decree as in equity cases. The findings of such single justice shall be final.

Sect. 3. Upon payment or tender by said Passadumkeag Log Driving Company to said Grand Falls Dam Company of the amount fixed in the report of said appraiser said property and franchises shall become vested in said Passadum-

5 keag Log Driving Company, and shall be free from all liens
6 and other incumbrances theretofore created by said Grand
7 Falls Dam Company. In fixing the value of the property to be
8 taken only the property which said Grand Falls Dam Com-
9 pany legally owns by virtue of said chapter four hundred
10 and seventy-three of the Private and Special Laws of 1860
11 shall be valued by said appraiser. The costs and expenses
12 arising under the provisions of this act shall be borne and
13 paid as directed by the justice making the final decree.

Sect. 4. Said Passadumkeag Log Driving Company, for
2 the purpose of carrying into effect the purposes of this act, is
3 hereby authorized and empowered to grant and vote money,
4 to issue its bonds or negotiable notes in such form and
5 amounts and on such time and rates as it may deem expedi-
6 ent, and to secure such bonds or notes by mortgage of its
7 property and franchises.

Sect. 5. From and after the time said Passadumkeag Log
2 Driving Company shall take possession of said property, said
3 company is hereby authorized to maintain and keep in repair
4 the property acquired from said Grand Falls Dam Company
5 and to improve the streams within the limits of its charter for
6 driving purposes by the removal of rocks and other obstruc-
7 tions therefrom.

Sect. 6. Said company shall have the right to assess and
2 collect a toll of six cents per thousand feet, board measure,
3 woods scale, for all logs and other lumber which may pass
4 over its dams and other improvements, and said company
5 shall have a lien upon all logs and other lumber passing over
6 its dams and other improvements as aforesaid until the full
7 amount of toll is paid, but logs of each particular mark shall
8 only to be holden to pay the toll of such mark. Said lien shall
9 take precedence of all other claims except laborers liens, and
10 shall continue for ninety days after such logs and other lum-
11 ber shall arrive at their place of destination for sale or

12 manufacture and may be enforced by attachment, but such
13 lien may be discharged by giving a bond with sufficient sure-
14 ties to said company, approved by its board of directors, con-
15 ditioned that such expenses shall be seasonably paid. When
16 said company from tolls assessed and collected as aforesaid
17 shall be reimbursed for all amounts paid said Grand Falls
18 Dam Company, and for all costs and other charges incurred
19 on account of the taking of said property and franchises, or
20 on account of the improvements hereafter made, with six per
21 cent. interest, then said toll shall be reduced to a sum which, in
22 the opinion of the directors, will be sufficient to keep the dams
23 and improvements of the company in suitable repair.

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

STATE OF MAINE.

IN SENATE, January 24, 1905.

Reported by Mr. AYER, from the Committee on Interior Waters, and
ordered printed and re-committed.

KENDALL M. DUNBAR, *Secretary*.