

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SECOND LEGISLATURE

SENATE.

No. 106

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 veiances, 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
2 of purchase of the above-mentioned property, or upon some
3 other means of determining such terms on or before June
4 first, 1905, said Passadumkeag Log Driving Company is
5 hereby authorized to take said property and franchises as for
6 public uses by petition therefor in manner following: Said
7 Passadumkeag Log Driving Company by its directors is
8 hereby authorized on or before July first, 1905, to file a peti-
9 tion in the clerk's office of the supreme judicial court for the
10 county of Penobscot, addressed to any justice of said court,
11 who, after notice to said Grand Falls Dam Company, and a
12 hearing, shall appoint three disinterested appraisers for the
13 purpose of fixing the valuation of said property and fran-
14 chises. The appraisers so appointed, after due notice and
15 hearing, shall fix the valuation of said property and fran-
16 chises. Their report shall be filed in said clerk's office within
17 thirty days after their appointment, and any justice of said
18 court, after notice and hearing, may confirm or reject the
19 same or recommit it if justice so requires. The award of
20 such appraisers shall be conclusive as to valuation but any
21 questions of title to property valued by him shall be deter-
22 mined by such single justice. Upon the confirmation of said
23 report such single justice, after hearing, may make final
24 decree upon the entire matter, including the application of the
25 purchase-money, discharge of liens and other incumbrances
26 and transfer of the property, jurisdiction over which is hereby
27 conferred with the same power to enforce said decree as in
28 equity cases. The findings of such single justice shall be
29 final.

Sect. 3. Upon payment or tender by said Passadumkeag
2 Log Driving Company to said Grand Falls Dam Company of
3 the amount fixed in the report of said appraiser said prop-

4 erty 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
8 be taken only the property which said Grand Falls Dam
9 Company 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 appraisers. 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 not driven by said
5 Passadumkeag Log Driving Company and said company
6 shall have a lien upon all logs and other lumber passing over
7 said dams and other improvements as aforesaid and not
8 driven by said company until the full amount of toll is paid,
9 but logs of each particular mark shall only to be holden to
10 pay the toll of such mark. Said lien shall take precedence

11 of all other claims except laborers liens, and shall continue
12 for ninety days after such logs and other lumber shall arrive
13 at their place of destination for sale or manufacture and may
14 be enforced by attachment, but such lien may be discharged
15 by giving a bond with sufficient sureties to said company,
16 approved by its board of directors, conditioned that such
17 expenses shall be seasonably paid.

STATE OF MAINE.

IN SENATE, February 22, 1905.

Reported by Mr. STURGIS from Committee on Interior Waters and
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*