

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)

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 179

STATE OF MAINE.

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

AN ACT to amend the charter of the Dead River Log Driving
Company.

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

Section 1 of Chapter 279 of the Private Laws of 1880,
2 entitled "An Act incorporating the Dead River Log Driving
3 Company," is hereby amended by striking out all of said
4 section one after the period following the word same in the
5 thirteenth line thereof and inserting instead thereof the
6 following: 'And said company shall drive all logs and other
7 timber coming into said Dead river between the forks of
8 Dead river and the Kennebec river and into Little Spencer
9 stream between Big Spencer pond and Big Spencer stream

10 and into Big Spencer stream between its junction with Little
11 Spencer stream and Dead river for the purpose of being
12 driven to market, and said corporation is authorized to build
13 dams, side dams, remove rocks, make embankments and
14 other improvements on Little Spencer stream or Big Spen-
15 cer stream between its junction with Little Spencer stream
16 in Dead river and on Dead river and build dams to raise a
17 head of water on any and all the lakes and ponds on said
18 streams or river or other tributaries, to facilitate the driving
19 of logs and lumber down the same, and for this purpose
20 the said corporation may take land and materials necessary
21 to build such dams, embankments and improvements and
22 may flow contiguous lands necessary to raise such head of
23 water on such lakes and ponds, and if the parties cannot
24 agree upon the damage the corporation shall pay the pro-
25 prietors of the land and material so taken, such damages as
26 shall be ascertained and determined by the county com-
27 missioners for the county of Somerset in the same manner
28 and under the same conditions and limitations as are by
29 law provided in the case of damage by laying out public
30 highways, and for the damage occasioned by flowing land
31 the said corporation shall not be liable for an action at
32 common law, but the person injured may have a remedy
33 by a complaint for flowing, in which the same proceedings
34 shall be had as when a complaint is made under a statute
35 of this State for flowing lands occasioned by raising a head
36 of water for working of mills. Said corporation shall have

37 all the powers and privileges and be subject to all the lia-
38 bilities incident to corporations of a similar nature,' so that
39 said section as amended shall read as follows:

'Section 1. That Elias Milliken, Joseph Clark, J. M.
41 Haynes, Franklin Smith, J. R. Bodwell, William B. Snow,
42 Ira D. Sturgis and Abner Coburn, their associates and suc-
43 cessors, be and they are hereby made a body politic and
44 corporate, by the name and style of Dead River Log Driv-
45 ing Company, and by that name, may sue and be sued,
46 prosecute and defend to final judgment and execution, both
47 in law and in equity, and may make and adopt any and all
48 regulations and by-laws not repugnant to the constitution
49 and laws of the State, and may adopt a common seal, may
50 hold real and personl estate sufficient to carry on success-
51 fully the business of the Dead River Log Driving Com-
52 pany, and may grant and vote money for the same. And
53 said company shall drive all logs and other timber coming
54 into said Dead river between the forks of Dead river and
55 the Kennebec river and into Little Spencer stream between
56 Big Spencer pond and Big Spencer stream and into Big
57 Spencer stream between its junction with Little Spencer
58 stream and Dead river for the purpose of being driven to
59 market, and said corporation is authorized to build dams,
60 side dams, remove rocks, make embankments and other im-
61 provements on Little Spencer stream or Big Spencer stream
62 between its junction with Little Spencer stream in Dead
63 river and on Dead river and build dams to raise a head of

64 water on any and all the lakes and ponds on said streams
65 or river or other tributaries, to facilitate the driving of logs
66 and lumber down the same, and for this purpose the said
67 corporation may take land and materials necessary to build
68 such dams, embankments and improvements and may flow
69 contiguous lands necessary to raise such head of water on
70 such lakes and ponds, and if the parties cannot agree upon
71 the damage the corporation shall pay the proprietors of
72 the land and material so taken, such damages as shall be
73 ascertained and determined by the county commissioners
74 for the county of Somerset in the same manner and under
75 the same conditions and limitations as are by law provided
76 in the case of damage by laying out public highways and
77 for the damage occasioned by flowing land the said cor-
78 poration shall not be liable for an action at common law,
79 but the person injured may have a remedy by a complaint
80 for flowing, in which the same proceedings shall be had as
81 when a complaint is made under a statute of this State for
82 flowing lands occasioned by raising a head of water for
83 working of mills. Said corporation shall have all the pow-
84 ers and privileges and be subject to all the liabilities inci-
85 dent to corporations of a similar nature.'

STATE OF MAINE.

HOUSE OF REPRESENTATIVES.

Augusta, Feb. 11, 1909.

Reported by Mr. MERCIER from Committee on Interior
Waters and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*