

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)

EIGHTY-SECOND LEGISLATURE

H. P. No. 620

H. D. No. 299

House of Representatives, Mar. 6, 1925.

Reported by Mr. Bartlett of Bangor from Committee on Legal Affairs and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Piper of Jackman.

STATE OF MAINE

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

AN ACT to Incorporate Houston Brook Driving Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Harry A. Furbish, George F. Goodspeed, Sherman N. Shumway, Blaine S. Viles, Almon B. Sargent, Francis H. Friend, Fred E. Beane, their associates, successors and assigns are hereby incorporated under the name of Houston Brook Driving Company with the powers and privileges of similar corporations.

Sect. 2. Said company is hereby authorized to erect and maintain dams, side-dams, bunters, piers, booms, rack-booms, and shore-holds and fastenings on the streams known as Houston Brook and its branches and tributaries in the town of Concord and plantations of Pleasant Ridge in Som-

6 erset county; and to remove rock and trees, widen, deepen
7 and otherwise improve said Houston Brook and its branches
8 and tributaries, from the head-waters thereof to the Ken-
9 nebec river, for the purposes of raising a head of water to
10 make said stream and its branches and tributaries floatable
11 and to facilitate the driving of logs, pulpwood and other
12 lumber down the same.

Sect. 3. Said company, for the purposes aforesaid, may
2 take all necessary lands and materials for building said
3 dams, side-dams, bunters, piers, booms, rack-booms, shore-
4 holds and fastenings, and for making said improvements,
5 and may flow contiguous lands so far as necessary to raise
6 suitable heads of water, and may attach its booms, dams
7 and other improvements and fixtures to land adjacent to
8 said streams, and may, with its servants, agents and teams,
9 pass and repass over and along their shores and to and from
10 the same for the purposes aforesaid, making compensation
11 therefor as provided in case of damages for lands taken
12 in laying out highways; and for the injuries arising from
13 flowing of lands said company shall not be liable in an action
14 at law, but those injured shall have remedy by complaint for
15 flowage, in which the same proceeding shall be had as in
16 a complaint under the statutes of Maine for the recovery of
17 damages for flowing lands occasioned by a mill-dam.

Sect. 4. Said company may demand and receive a toll
2 for the passage of logs, pulpwood and other lumber over
3 and through said streams, in the amount of ten cents per

4 cord for each cord of pulpwood and twenty cents per thou-
5 sand feet for logs and other lumber, from any point on said
6 streams to the Kennebec river.

Sect. 5. Said company shall have a lien upon all logs,
2 lumber and pulpwood which may pass over or enjoy the
3 benefit of any of its dams and improvements on said streams
4 until the full amount of tolls is paid; but the logs, pulpwood
5 and other lumber of each mark shall be held only for the
6 tolls of such mark. If said toll is not paid within thirty
7 days after said logs, pulpwood, or other lumber, or the
8 major part thereof, shall have arrived at the Kennebec
9 river, said company may seize said logs, pulpwood and
10 other lumber and sell at public auction so many or so much
11 thereof as shall be necessary to pay said tolls, costs, and
12 charges; said sale to be made only after ten days' notice in
13 writing of the time and place thereof to the owner of such
14 logs, lumber and pulpwood, or to the agent, servant or
15 tenant of said owner; or, if none of the aforesaid is readily
16 found, notice to be published three successive weeks in some
17 newspaper printed in Somerset county, the last publication
18 to be at least ten days before the date of sale. The lien
19 hereby created shall have precedence over all other claims,
20 mortgages or liens except previous statutory liens for labor,
21 but shall not deprive said company of any other legal reme-
22 dy it may have to collect its tolls.

Sect. 6. When said company shall have received from
2 tolls its out-lays authorized by this act and for repairs made

3 up to that time, with six per cent interest thereon, then the
4 toll shall be altered to a sum sufficient to keep the works in
5 repair, and if from time to time thereafter it shall be neces-
6 sary to make additional improvements to carry out the pur-
7 poses of this charter, said company may increase the toll
8 to and maintain it at a sum sufficient to pay for such out-
9 lays, with six per cent interest thereon. The county com-
10 missioners of Somerset county shall audit the accounts of
11 said company for the aforesaid purposes, to determine the
12 costs of dams, booms and other improvements and repairs.

Sect. 7. The present actual value of improvements and
2 facilities already erected upon said stream by Blaine S.
3 Viles or his associates, servants and agents, during and since
4 the year nineteen hundred and twenty-four, shall be included
5 in the costs of structures and improvements designated in
6 this act.

Sect. 8. Said company may issue its capital stock to an
2 amount not exceeding twenty thousand (\$20,000.00) dollars
3 to be divided into shares of one hundred dollars each.