

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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Published by the Secretary of State, agreeably to Resolves of  
June 28, 1820, February 18, 1840, and March 16, 1842

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AUGUSTA  
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth  
Legislature

1909

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## CHAP. 178

ed. The same proceedings shall be had as to filing the report of the decision of said commissioners, and serving notice of the same to all parties interested, with the same right of appeal therefrom, as is provided in section twenty-nine of chapter twenty-three of the revised statutes, relating to the original construction of highways across railroad locations.

Approved March 15, 1909.

### Chapter 178.

An Act to incorporate the Wood Stream Improvement Company.

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

Corporators.

Section 1. Garrett Schenck, A. Ledyard Smith, Fred A. Gilbert, Samuel W. Philbrick and H. H. Pope, their successors and assigns, are hereby incorporated under the name of the Wood Stream Improvement Company, with the powers and privileges of similar corporations.

—corporate name.

Company may erect dams, side dams and piers in Wood stream and tributaries.

—remove rocks and trees, and improve stream.

Section 2. Said company is hereby authorized to erect and maintain on Wood stream, so called, and the tributaries flowing into said stream, in the townships of Forsythe, Dennistown and Attean, dams, side-dams, and piers, and remove rocks and trees, and excavate ledges, and widen, deepen, and otherwise improve said Wood stream throughout its length, in the said townships of Forsythe, Dennistown and Attean to Wood pond, so called, in said Attean township, and to maintain the dams, piers and side-dams, which they have already erected upon Wood stream, for the purpose of raising a head of water to make such stream floatable, and to facilitate the driving of logs, lumber and pulp wood down the same.

May restrain flow of water when necessary for log driving.

Said corporation is authorized to impound and restrain the natural flow of said waters only when and in so far as is necessary for log-driving purposes. No dam authorized by this act shall be used for power purposes.

Property rights and franchises, subject to be taken over by the state.

All the property, rights and franchises within the state of Maine acquired, erected, owned, held or controlled by the said corporation, or its successors or assigns, at any time after this act shall take effect, under and by virtue of the terms thereof, shall be subject to be taken over by, and become the property of, the state of Maine, whenever said state shall determine, by appropriate legislation, that the public interests require the same to be done. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to, and vest in, said state of Maine, and said state

shall pay to said corporation the fair value of all the same, excepting, however, such franchises and rights as are conferred upon said corporation under and by virtue of the provisions of this act, which said franchises and rights shall be wholly excluded in the determination of the amount to be paid to said corporation by said state of Maine.

—state  
shall pay  
fair value.

Section 3. Said company, for the above purpose, may take all necessary land and material for building said dams and piers, and making said improvements, and may flow contiguous lands, so far as necessary, to raise suitable heads of water; and if the parties cannot agree upon the damages, the corporation shall pay the owners of the land and material so taken, said damages shall be ascertained and determined by the county commissioners of the county of Somerset in the same manner, and under the same conditions and limitations, as are provided by law in case of damages in laying out highways; and for the damage occasioned by flowing land, said company shall not be liable to an action at common law, but the person injured may have a remedy by complaint for flowage, in which case the same proceedings shall be had as when a complaint is made under the statute of this state for flowing land occasioned by raising a head of water for the working of mills.

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of damage  
by flowing  
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Section 4. Said company may demand and receive as tolls the following sums: For all logs and lumber landed in said Wood stream, in the plantation of Forsythe, one dollar per thousand, and for all pulp wood fifty cents per cord; for all logs and lumber landed in said Wood stream in the plantation of Dennistown twenty cents per thousand and for all pulp wood ten cents per cord; and for all logs and lumber landed in said Wood stream in said Attean township, ten cents per thousand, and for all pulp wood five cents per cord; for all the above tolls to be reckoned at the survey or scale adopted by the Kennebec Log Driving Company. Said Wood Stream Improvement Company shall have a lien upon all logs, lumber and pulp wood which may pass over any of its dams and improvements, until the full amount of tolls is paid; but the logs of each party marked shall only be holden to pay the tolls on such mark, and the wood shall only be holden to pay the toll on such wood, and if said toll is not paid within thirty days after said logs and lumber or pulp wood, or major part thereof, shall have arrived within the limits of Wood pond, then said Wood Stream Improvement Company may seize, hold and sell at public auction such part of said logs, lumber or pulp wood as shall be necessary to pay such tolls, with all incidental costs and charges thereon, after giving ten

Tolls for  
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**CHAP. 179**Readjust-  
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tolls.—may in-  
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audited.Capital  
stock.

days' notice in writing of the time and place of said sale to the owner or owners of such logs, lumber or pulp wood.

Section 5. When said corporation shall have received from tolls its outlay on dams, improvements and repairs, with six per cent interest thereon, including all damages paid for flowage or otherwise, then the tolls shall be reduced to a sum sufficient to keep the works in repair; and if from time to time thereafter it shall be necessary to build additional dams and improvements, necessary to carry out the purposes of this charter, said company may increase the tolls to, and maintain them at, a sum sufficient to pay for such outlays, with six per cent interest thereon, but in no case to exceed the limits herein above specified; the treasurer of the Kennebec Log Driving Company for the time being is appointed to audit the accounts and determine the costs of the dams, improvements and repairs.

Section 6. Said company may issue its capital stock to an amount not to exceed fifty thousand dollars, to be divided into shares one hundred dollars each.

Approved March 16, 1909.

**Chapter 179.**

An Act to extend the charter of the Penobscot Bay Railroad Company.

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

Charter  
extended.

The time within which the Penobscot Bay Railroad Company, a corporation organized under the general laws of the state, chapter fifty-one of the revised statutes of Maine, and acts additional thereto and amendatory thereof, shall actually commence business under its existing charter, is hereby extended to two years from the approval hereof.

Approved March 16, 1909.

**Chapter 180.**

An Act to authorize the town of Thorndike to remove bodies from abandoned Cemeteries.

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

Authority  
to move  
bodies from  
cemeteries.

Section 1. The municipal officers of the town of Thorndike are hereby granted authority to remove bodies from old and abandoned cemeteries, within the limits of said town, and to reinter said bodies in the cemetery near the center of said town; the expense thereof to be borne by said town.