

# 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)

NEW DRAFT.

---

---

SEVENTY-NINTH LEGISLATURE

---

---

HOUSE

NO. 160

---

---

House of Representatives, Feb. 14, 1919.

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

CLYDE R. CHAPMAN, Clerk.

---

STATE OF MAINE

---

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

---

AN ACT to Incorporate the Wesserunsett Stream Dam and  
Improvement Company.

---

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

Section 1. Name and corporators. Carroll D. Prince,  
2 Forrest H. Colby, William L. Walker, Willis S. Sprout, and  
3 Richard E. Avery, their associates and assigns, are hereby  
4 incorporated under the name of the Wesserunsett Stream  
5 Dam and Improvement Company, with all the powers and  
6 privileges of similar corporations.

Sect. 2. Purposes; adjustment of damages. Said cor-  
2 poration is authorized to build dams, side dams, remove  
3 rocks and make all other necessary improvements in Wes-

4 serunsett stream in the county of Somerset, including the  
5 east and west branches of said stream entering the same  
6 above the village of Athens in the town of Athens, but not  
7 including the branch of said stream entering the same at  
8 Malbon's Mills and having its source in Wesserunsett lake,  
9 to facilitate the driving of logs, pulp wood, seasoned cord  
10 wood and ties down the same, and for this purpose said  
11 corporation may take land and materials necessary to build  
12 such dams and make such improvements, and may flow  
13 contiguous lands so far as necessary to raise suitable heads  
14 of water; and if the parties cannot agree upon the damages  
15 the corporation shall pay the proprietors for the land and  
16 materials so taken such damages as shall be ascertained and  
17 determined by the county commissioners for the county of  
18 Somerset, in the same manner and under the same con-  
19 ditions and limitations as are by law provided in the case of  
20 damages by laying out public highways; and for the damage  
21 occasioned by flowing land the said corporation shall not be  
22 liable in an action at common law, but persons injured may  
23 have a remedy by a complaint for flowing, in which the same  
24 proceedings shall be had as when a complaint is made under  
25 a statute of this state for flowing lands occasioned by rais-  
26 ing a head of water for the working of mills.

Sect. 3. Reservation by state. The state of Maine re-  
2 serves the right to take over by proper legislation, the prop-  
3 erty, rights and franchises of said company upon the pay-  
4 ment of just compensation to the owners thereof, but such

5 compensation shall not include the value of the franchises  
6 hereby granted.

Sect. 4. Tolls. Said corporation may demand and re-  
2 ceive a toll for the passage of logs and pulp wood over or  
3 through its dams and improvements and destined for a point  
4 on said stream below Malbon's Mills, but not otherwise,  
5 as follows: Forty cents per thousand feet for logs, twenty  
6 cents per cord for pulp wood, fifteen cents per cord for  
7 seasoned cord wood, one cent each for ties, all when landed  
8 on said stream or on either of the said east or west  
9 branches of said stream above the forks of said stream in  
10 the town of Athens; twenty cents per thousand feet for  
11 logs, fifteen cents per cord for pulp wood, ten cents per  
12 cord for seasoned cord wood, one cent each for ties, all  
13 when landed below the said forks of said stream. And said  
14 corporation shall have a lien upon all logs and pulp wood,  
15 cord wood and ties which may pass over its dams and im-  
16 provements for the payment of said tolls; but the logs of  
17 each particular mark shall be holden only for the tolls of  
18 such mark, and unless such toll is paid within thirty days  
19 after such logs or pulp wood or cord wood or ties or a  
20 major part of the same, shall arrive at the place of manu-  
21 facture or destination, said corporation may seize said logs  
22 and pulp wood, cord wood and ties and sell at public auc-  
23 tion so many and so much thereof as shall be necessary to  
24 pay such tolls, cost and charges thereon, after ten days'  
25 notice in writing of the time and place of said sale given

26 to the owner of such logs or pulp wood or cord wood or  
27 ties or his agent.

Sect. 5. Cessation of tolls. When said corporation shall  
2 have received net for its tolls, after deducting current ex-  
3 penses, an amount equal to its outlay on all dams and im-  
4 provements and for repairs made up to that time, with six  
5 per cent interest thereon, added annually, then the tolls  
6 herein provided shall be reduced to a sum sufficient to pay  
7 current expenses and to keep said dams and improvements  
8 in repair. Said corporation shall keep correct and full ac-  
9 count of all its receipts and expenditures, and shall submit  
10 the same at any time for examination to any person, firm,  
11 or corporation liable to pay tolls under this act.

Sect. 6. Dams to be used for power purposes. No dam  
2 built by said corporation under this act shall be used for  
3 power purposes.

Sect. 7. Capital stock. The capital stock of said cor-  
2 poration may be fixed by it from time to time, but not to  
3 exceed fifty thousand dollars, to be divided into shares of  
4 such par value as it may determine. The corporation may,  
5 by its by-laws, provide for all its officers and for the man-  
6 agement of its internal affairs in the same manner as cor-  
7 porations organized under the general laws of the state.

Sect. 8. First meeting. The first meeting of said cor-  
2 poration shall be called by a notice signed by one of the  
3 incorporators named in section one, mailed to each of the  
4 other incorporators at least seven days before the day of  
5 such meeting.