

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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

AUGUSTA
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1897

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

shall have given written notice to the adverse party ten days before the return day that he desires a trial at the first term, shall be in order for trial at the return term, and so remain until tried or otherwise finally disposed of, unless continued by consent, or on motion of either party for good cause.'

Approved March 25, 1897.

CHAP. 526

Chapter 526.

An Act to incorporate the Little Spencer Dam and Improvement Company.

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

Sect. 1. Greenleaf Lawrence, Charles Lawrence, Hiram Lawrence, Abram Newton, F. E. Boston, Charles H. Clark, John Tinkham and George A. Hewett, their associates and assigns, are hereby incorporated under the name of the Little Spencer Dam and Improvement Company, with all the powers and privileges of similar corporations.

Corpora-
tors.

—corporate
name.

Sect. 2. The said corporation is authorized to build dams, side dams, remove rocks, make embankments and other improvements on Little Spencer stream, and build dams to raise a head of water on any and all the lakes and ponds on said stream or its tributaries, to facilitate the driving of logs and lumber down the same, and for this purpose the said corporation may take land and materials necessary to build such dams, embankments and improvements, and may flow contiguous lands necessary to raise such head of water on such lakes and ponds, and if the parties cannot agree upon the damages the corporation shall pay the proprietors of the land and materials so taken, such damages as shall be ascertained and determined by the county commissioners for the county of Somerset, in the same manner and under the same conditions and limitations as are by law provided in the case of damage by laying out public highways; and for the damage occasioned by flowing land the said corporation shall not be liable to an action at common law, but the person injured may have a remedy by a complaint for flowing, in which the same proceedings shall be had as when a complaint is made under a statute of this state for flowing lands occasioned by raising a head of water for the working of mills.

Author-
ized to
build dams,
etc., on
Little
Spencer
stream.

—purposes.

—may take
land and
materials.

—damages,
how esti-
mated, if
parties can-
not agree.

—damage
for flowage,
remedy.

Sect. 3. The said corporation may demand and receive a toll for the passage of logs over their said dams and improvements,

May receive
tolls.

CHAP. 526

—shall have
lien on
logs.

—enforce-
ment.

When tolls
shall be re-
duced.

—accounts,
how au-
dited.

Owners of
land or
logs may
take inter-
est in com-
pany.

Amount in-
vested, how
repre-
sented in all
meetings.

Rights of
owners in
case of dis-
agreement,
how deter-
mined.

Expense al-
ready ac-
crued,
shall be in-
cluded in
costs, for
improve-
ments.

of fifteen cents for each thousand feet, board measure, woods scale; and seven and one-half cents for each thousand feet put into said stream below said dams, and said corporation shall have a lien upon all logs which may pass over any of their said dams and improvements or are put into said stream below said dams, for the payment of said toll, but the logs of each particular mark shall be holden only for the toll of such mark, and unless such toll is paid within twenty days after such logs or a major part of them shall arrive within the limits of the Kennebec Log Driving Company, said corporation may sell at public auction so much of said logs as shall be necessary to pay such toll and costs and charges, notice of the time and place of such sale being first printed in some newspaper printed in said county.

Sect. 4. When said corporation shall have received from tolls its outlay on dams, improvements and repairs made up to that time, and six per cent interest thereon, then the toll shall be reduced to a sum sufficient to keep the works in repair. The treasurer of the Kennebec Log Driving Company for the time being, is appointed to audit the accounts and determine the cost of said dams, improvements and repairs, subject to appeal, as provided in section seven.

Sect. 5. Any or all owners of land from which logs, lumber or wood is cut which passes through or over its dams or improvements shall have a right to take an interest in said company.

Sect. 6. The amount invested shall at all meetings be represented by a fixed convenient number of votes, which shall be cast by the owners of the land from which logs, wood or lumber is cut, which passes through or over its dams or improvements; and each owner shall have the right to vote in proportion to his interest in said land, by paying his proportion of the cost of building and maintaining the dams and improvements.

Sect. 7. In case of any disagreement as to the right of owners hereunder, the same shall be forthwith determined by referees agreed upon by the parties, or by the county commissioners of Somerset county, if the parties cannot agree.

Sect. 8. The cost of the improvements already erected upon said stream by Lawrence Brothers Company in eighteen hundred and ninety-six, shall be included in the cost of improvements designated in this act.

Sect. 9. This act shall take effect when approved.

Approved March 25, 1897.