

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Fifth Legislature.

HOUSE.

No. 69.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-ONE.

AN ACT to incorporate the Webb's River Improvement
Company.

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

SECTION 1. George B. Bearce, Charles C. Wilson, E.
2 I. Brown, F. G. Arey, S. R. B. Pingree, E. S. Coe, their
3 associates and successors are hereby incorporated into a
4 company under the name of the Webb's River Improve-
5 ment Company, with all the rights, powers and privileges,
6 and subject to the liabilities of similar corporations.

SECT. 2. Each owner of lands upon Webb's pond in
2 the town of Weld and its tributaries and upon Webb's
3 river and its tributaries may take an amount of stock in ,

4 said company in proportion to the number of acres of land
5 owned by him there, and thereby become a member of this
6 corporation, it being hereby intended that the benefits of
7 this charter shall apply equally and fairly to all said land
8 owners upon said waters.

SECT. 3. Said corporation is hereby authorized to con-
2 struct and maintain dams and side dams, piers, abutments,
3 booms, side booms and sluices at the outlet of said pond
4 and in said river, and to blast excavate and deepen said
5 said outlet and the channel of said river, remove any
6 obstructions therein and make any and all other improve-
7 ments thereon which will facilitate the transportation
8 of logs, wood and other lumber down said stream
9 into the Androscoggin river; to hold and occupy
10 by lease or purchase, and to enter upon and take
11 such land and material as may be necessary to make
12 its said improvements, and to flow such land, so far as it
13 may be necessary to accomplish its object. Provided said
14 corporation shall not enter upon and take for the purpose
15 aforesaid any mill site otherwise than by lease or pur-
16 chase, and said corporation shall pay to the owners of said
17 land and material so taken such sums as the parties may
18 agree upon, or if they cannot agree, such damages as may
19 be adjudged by the county commissioners of the county
20 in which said land and materials are taken, in the same
21 manner and under the same conditions and liabilities as
22 are provided in the case of damage by the laying out of
23 public highways, and for lands flowed by said corporation
24 the owners shall be entitled to the same remedies as are
25 now provided by law in cases of flowing lands by the
26 erection of dams for mills.

SECT. 4. Any dam erected or maintained by said corporation at the outlet of the pond under the authority of this act shall be of such height as not in ordinary seasons to flow the water in the pond above ordinary high water mark, and the authority to hold said water shall be limited solely to the purpose of floating logs, wood and lumber out of said pond and down said river during the spring driving season. It shall be the duty of said corporation to use reasonable diligence in running said logs, wood and lumber down the river, completing the same by June fifteenth, and thereupon to so manage the dam that the water in the pond and the flow in the river shall continue in its natural state as near as may be until another driving seasons begins.

SECT. 5. The corporation after it shall have constructed the dams, side dams, booms or side booms, sluices and other improvements contemplated by this act, may demand and receive a toll of thirty cents per thousand feet, board measure, woods scale, for all logs and lumber, and five cents per cord for all wood which shall be floated from the pond over their dam and by their improvements down Webb's river, and a toll of fifteen cents per thousand feet, board measure, woods scale, for all logs and lumber, and five cents per cord for all wood which shall be put into said Webb's river below the dam at the outlet of the pond and floated down Webb's river; provided however, said corporation shall receive or collect no toll upon logs, wood or lumber which is put into Webb's river below the dam at the outlet of the pond and floated down to any mill in Carthage and there manufactured, nor upon any logs, wood or lumber which is put into said Webb's river

18 below Berry's Mills in Carthage. And provided further
19 that the toll on logs cut by Marble and Foster on land
20 now owned by them in Weld and put into the pond shall
21 be fifteen cents per thousand and that all logs to be cut
22 and put into the river for Alvin Record before January 1,
23 1893, under existing contracts shall be free in consider-
24 ation of the expenditures made by those parties for
25 improvements. Said corporation may recover the amount
26 of the tolls herein provided for upon all logs, wood and
27 lumber in an action of assumpsit against the owners
28 thereof, and shall also have a lien on all such logs, wood
29 and lumber until the full amount of tolls are paid, but the
30 logs, wood or lumber bearing any particular mark, or
31 other designation of ownership, shall be holden only for
32 the tolls of such mark or other designation, and unless
33 such toll is paid within thirty days after such logs, wood
34 or lumber shall have arrived at their place of manufacture
35 or destination, said corporation may sell at public auction
36 after twenty days notice in some newspaper printed in
37 the county where said logs, wood or lumber lie, so much
38 thereof as it may deem necessary to pay said toll and all
39 incidental charges for seizing, keeping, advertising and
40 selling the same, and from the proceeds of such sale said
41 corporation may deduct the amount due to it for toll and
42 incidental charges aforesaid, and hold the balance, if any,
43 for the benefit of the owners of said logs, wood or lumber
44 to be paid over to them by said corporation within ten
45 days after written demand therefor and proof of owner-
46 ship.

SECT. 6. Said company shall keep a true and accurate
2 account of the cost of such improvements as shall be made

3 which shall be open to inspection at all times to land owners
4 or operators, and when the toll received shall have paid the
5 cost of all improvements made by the company, and all
6 sums paid for repairs thereon, and the maintenance thereof,
7 together with interest on such sums computed annually,
8 then the toll thereon shall be reduced to a sum sufficient
9 to keep the works in repair.

SECT. 7. This act shall take effect when approved.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 9. 1891. }

Tabled, pending first reading, by Mr. HISCOCK of Wilton and ordered
printed.

W. S. COTTON, *Clerk.*