

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



AUGUSTA:  
BURLEIGH & FLYNT, PRINTERS TO THE STATE.  
1892.

NEW DRAFT.

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# Sixty-Fifth Legislature.

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SENATE.

No. 175.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Austin Stream Dam Company.

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

SECTION 1. Turner Buswell, Charles A. Marston, Wil-  
2 liam Philbrick, C. Davis Miller, Manley T. Pooler, Orrison  
3 Burrill, George S. Burrill, Frederick H. Appleton and  
4 Henry A. Appleton, their associates and assigns, are  
5 hereby incorporated under the name of the Austin Stream  
6 Dam Company, with the powers and privileges of similar  
7 corporations.

SECT. 2. Said company is hereby authorized to erect  
2 and maintain dams, side-dams and piers on Austin Stream:

3 and its tributaries in the towns of Bingham and Moscow,  
4 the plantation of Carratunk and the townships of Mayfield  
5 and Bald Mountain, in the county of Somerset, to remove  
6 rocks and excavate ledges therefrom and to widen, deepen  
7 and otherwise improve the same, for the purpose of raising  
8 a head of water making said stream and its tributaries  
9 floatable and facilitating the driving of logs, lumber and  
10 wood down the same.

SECT. 3. Said company for the above purposes may  
2 take all necessary land and materials for building said  
3 dams and piers and making said improvements, and may  
4 flow contiguous lands so far as necessary to raise suitable  
5 heads of water; and if the parties cannot agree upon the  
6 damages the corporation shall pay the proprietors for the  
7 land and materials so taken, such damages shall be ascer-  
8 tained and determined by the county commissioners of  
9 the county of Somerset in the same manner and under  
10 the same conditions and limitations as provided by law in  
11 case of damage by laying out of highways; and for the  
12 damage occasioned by flowing land said company shall  
13 not be liable to an action at common law, but the person  
14 injured may have a remedy by complaint for flowage, in  
15 which case the same proceedings shall be had as when a  
16 complaint is made under the statutes of this State for  
17 flowing lands occasioned by raising a head of water for  
18 the working of mills.

SECT. 4. Said company may demand and receive a toll  
2 for the passage of logs, lumber and wood over their dams  
3 and improvements, not exceeding seventy-five cents for  
4 each thousand feet of logs or lumber at the survey adopted  
5 by the Kennebec Log Driving Company and not exceed-

6 ing twenty cents for each cord of wood. Said company  
7 shall have a lien upon all logs, lumber and wood which  
8 may pass over any of its dams and improvements until  
9 the full amount of toll is paid, but the logs of each par-  
10 ticular mark shall only be holden to pay the toll on such  
11 mark, and the wood shall only be holden to pay the toll on  
12 such wood; and if said toll is not paid within thirty days  
13 after said logs, lumber or wood, or the major part thereof,  
14 shall have arrived within the limits of Kennebec Log  
15 Driving Company said Austin Stream Dam Company may  
16 seize, hold and sell at public auction such part of said  
17 logs, lumber or wood as shall be necessary to pay such  
18 tolls with all incidental costs and charges thereon, after  
19 ten days notice in writing of the time and place of said  
20 sale given to the owner of such logs, lumber or wood.

SECT. 5. An account of the cost of said improvements  
2 shall be kept by the clerk or treasurer of said Austin Stream  
3 Dam Company and also its receipts for tolls, which shall  
4 be open to inspection at all reasonable times to any person  
5 interested in the same.

SECT. 6. When said corporation shall have received  
2 from tolls its outlay on dams, improvements and repairs  
3 made up to that time and six per cent interest thereon,  
4 then the toll shall be reduced to a sum sufficient to keep  
5 the works in repair. The treasurer of the Kennebec Log  
6 Driving Company for the time being is appointed to audit  
7 the accounts and determine the cost of said dams, improve-  
8 ments and repairs.

SECT. 7. Any or all owners of land from which logs,  
2 lumber or wood is cut which passes through or over its  
3 dams or improvements shall have a right to take an interest  
4 in said company.

SECT. 8. The amount invested shall at all meetings be  
2 represented by a fixed convenient number of votes, which  
3 shall be cast by the owners of the land from which logs,  
4 wood or lumber is cut, which passes through or over its  
5 dams or improvements; and each owner shall have the right  
6 to vote in proportion to his interest in said land, by paying  
7 his proportion of the cost of building and maintaining the  
8 dams and improvements.

SECT. 9. In case of any disagreement as to the right of  
2 owners hereunder, the shall be forthwith determined by  
3 referees agreed upon by the parties, or by the county com-  
4 missioners of Somerset county if the parties cannot agree.

SECT. 10. This act shall take effect when approved.

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## STATE OF MAINE.

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IN SENATE, March 9, 1891.

Pending first reading, laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.