

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

HOUSE.

No. 89.

STATE OF MAINE.

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

AN ACT to Incorporate the North Branch Dam Company.

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

SECTION 1. Eugene Hale, Daniel F. Davis, J. S. Brad-
2 street, F. T. Bradstreet, Clarence Hale and Lewis T.
3 Moore, their associates and assigns, are hereby incorpor-
4 ated under the name of the North Branch Dam Company,
5 with the powers and privileges of similar corporations.

SECT. 2. Said company is hereby authorized to erect
2 and maintain dams, side dams, piers and booms on, in,
3 and along the St. John's stream, so called, and all tribu-
4 taries thereof, and all streams to which it is a tributary,
5 within the limits of townships five and six, range 17, W.
6 E. L. S., also on, in, and along the Northwest Branch,
7 so called, of the Penobscot river, and all tributaries
8 thereof, and all streams to which it is a tributary, within

9 the limits of Township No. 6, Range 17, and Township
10 No. 5, Range 18, W. E. L. S., also on, in, and along Norris
11 brook, so-called, and all tributaries thereof, and all streams
12 to which it is a tributary, within the limits of Township
13 No. 5, Range 18, and Township No. 5, Range 19, W. E.
14 L. S., also to remove rocks and excavate ledges there-
15 from, and to widen, deepen, and otherwise improve said
16 streams for the purpose of raising a head of water, and
17 for making said streams and tributaries floatable, and
18 facilitating the driving of logs, lumber and wood down
19 the same. Said company is also empowered to construct
20 and maintain carriers and sluices from said St. John's
21 stream within the limits of Township No. 6, R. 17,
22 to said Northwest branch of the Penobscot river, pro-
23 vided that the water of said St. John's stream shall not
24 thereby at any time be diverted or reduced below its
25 natural flow.

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 can not agree upon
6 the damages the corporation shall pay the proprietors for
7 the land and materials so taken, such damages shall be
8 ascertained and determined by the county commissioners
9 of 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 as
2 tolls the following sums: On the St. John's stream ten
3 cents and on all other streams named fifteen cents for
4 every thousand feet of logs, stumpage scale, and one-half
5 the above rates for every cord of wood, on all logs and
6 wood landed above or below either of said dams and
7 improvements which may pass over said improvements
8 and dams on said streams and tributaries. Said company
9 shall have a lien upon all logs, lumber and wood which
10 may pass over any of its dams and improvements until
11 the full amount of toll is paid, but the logs of each par-
12 ticular mark shall only be holden to pay the toll on such
13 mark, and the wood shall only be holden to pay the toll
14 on such wood; and if said toll is not paid within thirty
15 days after said logs, lumber or wood, or the major part
16 thereof, shall have arrived within the limits of Penobscot
17 boom, or their destination, said company may seize, hold
18 and sell at public auction such part of said logs, lumber
19 or wood as shall be necessary to pay such tolls with all
20 incidental costs and charges thereon, after ten days'
21 notice in writing of the time and place of said sale given
22 to the owner of such logs, lumber or wood.

SECT. 5. When said corporation shall have received
2 from tolls its outlay on all dams, improvements and repairs
3 made up to that time, including all damages paid for flow-
4 age or otherwise, and six per cent. interest thereon, then

5 the toll shall be reduced to a sum sufficient to keep the
6 works in repair.

SECT. 6. Said company may issue its capital stock to
2 an amount not exceeding five thousand and to be divided
3 into shares of one hundred dollars each.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES. }
February 9, 1893. }

Reported by Mr. LANDER of Bingham, from Committee on Interior
Waters, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*