

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

HOUSE.

No. 145.

STATE OF MAINE.

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

AN ACT to incorporate the Misery Stream Dam Company.

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

Section 1. Sumner Hollingsworth, Charles A. Dean,
2 Frank E. Boston and William J. Lanigan, their associates
3 and assigns are hereby incorporated under the name of the
4 Misery Stream Dam Company, with the powers and priv-
5 ileges of similar corporations.

Sect. 2. Said company is hereby authorized to erect and
2 maintain dams, side dams and piers on Misery Stream and
3 its tributaries in the townships of Misery, Sandwich Acad-
4 emy Grant, and Taunton and Raynham Grant in the county
5 of Somerset: To remove rocks and trees and to excavate
6 ledges therefrom, and to widen, deepen and otherwise
7 improve the same for the purpose of raising a head of
8 water and of making said stream and its tributaries float-

9 able, and of facilitating the driving of logs and lumber upon
10 the same.

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

Sect. 4. Said company may demand and receive tolls for
2 the passage of all logs and lumber over their dams and
3 improvements as follows:

For all logs and lumber landed in said Misery Stream
5 above the two upper dams, namely, the Pond Dam, so
6 called, near the foot of Misery Pond, to the Adams Dam,
7 so called, lower down on said stream, a sum not exceeding
8 fifty-five cents per thousand feet.

For all logs and lumber landed on said stream between
10 said Adams Dam and the Lower Dam, so called, a sum not
11 exceeding fifty cents per thousand feet, and for all logs or
12 lumber landed in said stream between said lower dam and
13 Brassua Lake a sum not exceeding forty-five cents per thou-
14 sand feet. All the above tolls to be reckoned at the sur-

15 vey or scale adopted by the Kennebec Log Driving Com-
16 pany.

Said Misery Stream Dam Company shall have a lien upon
18 all logs and lumber which may pass over any of its dams
19 and improvements until the full amount of tolls is paid; but
20 the logs of each particular mark shall only be holden to pay
21 the toll on such mark; and if said toll is not paid within
22 thirty days after said logs or lumber, or the major part
23 thereof, shall have arrived within the limits of the Kennebec
24 Log Driving Company, said Misery Stream Dam Com-
25 pany may seize, hold and sell at public auction such part of
26 said logs or lumber as shall be necessary to pay such tolls,
27 with all incidental costs and charges thereon, after ten days'
28 notice in writing of the time and place of said sale given to
29 the owner of such logs or lumber.

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

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

Sect. 7. Any or all owners of lands from which logs, or
2 lumber are cut which pass through or over said dams or
3 improvements shall have a right to take an interest in said
4 company.

Sect. 8. 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 lands from which logs or lumber are cut which pass through or over its dams or improvements; and each owner shall have the right to vote in proportion to his interest in said lands by paying his proportion of the cost of building and maintaining said dams and improvements, which in the case of the owners of Sandwich Academy Grant is fixed at three-tenths.

Sect. 9. In case of any disagreement as to the rights 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. 10. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
February 24, 1897.

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

W. S. COTTON, *Clerk.*