

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Eighth Legislature.

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SENATE.

No. 157.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Little Spencer Dam and Improve-  
ment Company.

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

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

Sect. 2. The said corporation is authorized to build dams,  
2 side dams, remove rocks, make embankments and other

3 improvements on Little Spencer stream, and build dams to  
4 raise a head of water on any and all the lakes and ponds on  
5 said stream or its tributaries, to facilitate the driving of logs  
6 and lumber down the same, and for this purpose the said  
7 corporation may take land and materials necessary to build  
8 such dams, embankments and improvements, and may flow  
9 contiguous lands necessary to raise such head of water on  
10 such lakes and ponds, and if the parties cannot agree upon  
11 the damages the corporation shall pay the proprietors of the  
12 land and materials so taken, such damages as shall be ascer-  
13 tained and determined by the county commissioners for the  
14 county of Somerset, in the same manner and under the same  
15 conditions and limitations as are by law provided in the case  
16 of damage by laying out public highways; and for the dam-  
17 age occasioned by flowing land the said corporation shall  
18 not be liable to an action at common law, but the person  
19 injured may have a remedy by a complaint for flowing, in  
20 which the same proceedings shall be had as when a com-  
21 plaint is made under a statute of this State for flowing lands  
22 occasioned by raising a head of water for the working of  
23 mills.

Sect. 3. The said corporation may demand and receive a  
2 toll for the passage of logs over their said dams and improve-  
3 ments, of fifteen cents for each thousand feet, board measure,  
4 woods scale; and seven and one-half cents for each thousand  
5 feet put into said stream below said dams, and said corpora-  
6 tion shall have a lien upon all logs which may pass over any  
7 of their said dams and improvements or are put into said  
8 stream below said dams, for the payment of said toll, but  
9 the logs of each particular mark shall be holden only for the  
10 toll of such mark, and unless such toll is paid within twenty

11 days after such logs or a major part of them shall arrive  
12 within the limits of the Kennebec Log Driving Company,  
13 said corporation may sell at public auction so much of said  
14 logs as shall be necessary to pay such toll and costs and  
15 charges, notice of the time and place of such sale being first  
16 printed in some newspaper printed in said county.

Sect. 4. When said corporation shall have received from  
2 tolls its outlay on dams, improvements and repairs made up  
3 to that time, and six per cent. interest thereon, then the toll  
4 shall be reduced to a sum sufficient to keep the works in  
5 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, subject to appeal, as provided in section seven.

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

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

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

Sect. 8. The cost of the improvements already erected  
2 upon said stream by Lawrence Brothers Company in 1896,  
3 shall be included in the cost of improvements designated  
4 in this act.

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

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STATE OF MAINE.

IN SENATE, March 11, 1897.

Reported by Mr. MAXWELL, from Committee on Interior Waters,  
and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*