

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Ninth Legislature.

HOUSE.

No. 324

STATE OF MAINE.

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

AN ACT to incorporate the Enchanted Stream Dam and
Improvement Company.

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

Section 1. Chas. Lawrence, Greenleaf Lawrence, Hiram
2 Lawrence, all of Gardiner, J. Manchester Haynes of Augusta,
3 S. W. Philbrick and Wm. Snow of Skowhegan, their associ-
4 ates and assigns, are hereby incorporated under the name of
5 the Enchanted Stream Dam and Improvement Company,
6 with all the 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 im-
3 provements on Enchanted stream, so called, in Upper and

4 Lower Enchanted towns in the county of Somerset, and
5 build dams to raise a head of water on said stream and on any
6 and all the lakes and ponds on said stream or its tributaries,
7 to facilitate the driving of logs and lumber down the same,
8 and for this purpose the said corporation may take land and
9 materials necessary to build such dams, embankments and
10 improvements, and may flow contiguous lands necessary to
11 raise such head of water on such lakes and ponds, and if the
12 parties cannot agree upon the damages the corporation shall
13 pay the proprietors of the land and materials so taken, either
14 party on petition to the county commissioners of Somerset
15 county may have the damages assessed by them; and sub-
16 sequent proceedings and rights of appeal thereon shall be had
17 in the same manner and under the same conditions, restric-
18 tions and limitations as are by law prescribed in case of dam-
19 ages by laying out highways; and for the damage occa-
20 sioned by flowing land the said corporation shall not be liable
21 to an action at common law, but the person injured may
22 have a remedy by a complaint for flowing, in which the same
23 proceedings shall be had as when a complaint is made under
24 a statute of this State for flowing lands occasioned by rais-
25 ing a head of water for the working of 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 sixty cents for each thousand feet, full scale; and
4 said corporation shall have a lien upon all logs which may
5 pass over any of their said dams and improvements for the
6 payment of said toll, but the logs of each particular mark
7 shall be holden only for the toll of such mark, and unless
8 said toll is paid within twenty days after such logs or a major
9 part of them shall arrive within the limits of the Kennebec
10 Log Driving Company, said corporation may sell at public
11 auction so much of said logs as shall be necessary to pay such

12 toll and costs and charges, notice of the time and place of
13 such sale being first printed in some newspaper printed in
14 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 land from which logs, wood or lum-
4 ber is cut, which passes through or over its dams or improve-
5 ments, and each owner shall have the right to vote in propor-
6 tion to his interest in said land, by paying his proportion of
7 the cost of building and maintaining the dams and improve-
8 ments.

Sect. 7. In case of any disagreement as to the right of
2 owners hereunder, the same 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. 8. The cost of the improvements already erected
2 upon said stream by Lawrence Bros. Company shall be in-
3 cluded in the cost of improvements designated in this act.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 10, 1899.

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

W. S. COTTON, *Clerk.*