

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 367

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT to incorporate the South Branch Moose River Dam
Company.

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

Section 1. Chauncey S. Skinner, Dean C. French and Carl
2 D. French, their associates and assigns, are hereby incorpo-
3 rated under the name of the South Branch Moose River Dam
4 Company, with all the powers and privileges of similar cor-
5 porations.

Sect. 2. Said company is hereby authorized to erect, pur-
2 chase and maintain dams, side dams and piers on the South
3 Branch of Moose river and its tributaries in Township one,
4 Range Seven, west of Bingham's Kennebec Purchase and in
5 Lowelltown, so-called, in the county of Franklin, and to
6 widen, deepen and otherwise improve the same for the pur-

7 pose of raising a head of water and of facilitating the driving
8 of logs and lumber upon the same.

Sect. 3. Said company for the above purposes may take all
2 necessary land and materials for building said dams and piers
3 and making improvements, and may flow contiguous lands
4 so far as necessary to raise suitable heads of water; and if
5 the parties cannot agree upon the damages, the corporation
6 shall pay the proprietors for the land and materials so taken,
7 such damages shall be ascertained and determined by the
8 county commissioners of the county of Franklin, in the same
9 manner and under the same conditions and limitations as
10 provided by law in the case of damage by laying out of high-
11 ways; and for the damage occasioned by flowing land said
12 company shall not be liable to an action at common law, but
13 the person injured may have a remedy by complaint for
14 flowage, in which case the same proceedings shall be had as
15 when a complaint is made under the statutes of this State
16 for flowing lands occasioned by raising a head of water for
17 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
4 in said South Branch above the upper dam, so-called, a sum
5 not exceeding fifty-five cents per thousand feet; for all logs
6 and lumber landed on said stream between said upper dam
7 and the next lower dam a sum not exceeding fifty cents per
8 thousand feet; for all logs and lumber landed on said stream
9 between said last mentioned dam and the next lower dam a
10 sum not exceeding forty-five cents per thousand feet; and
11 for all logs and lumber landed in said stream between said
12 last mentioned dam and the lowest dam a sum not exceeding
13 forty cents per thousand feet. All the above tolls to be
14 reckoned at the survey or scale adopted by the Kennebec Log
15 Driving Company. Said South Branch Moose River Dam

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

Sect. 5. An account of the cost of said improvements shall
2 be kept by the treasurer of said South Branch Moose River
3 Dam Company, and also of 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 from
2 tolls its outlay on dams, improvements and repairs made up
3 to that time, with six per cent interest thereon, then the tolls
4 shall be reduced to a sum sufficient to keep the works in
5 repair; the treasurer of the Kennebec Log Driving Company,
6 for the time being, is appointed to audit the accounts and
7 determine the cost of said dams, improvements and 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 rep-
2 resented by a fixed convenient number of votes which shall be
3 cast by the owners of the lands from which logs or lumber
4 are cut which pass through or over its dams or improvements;
5 and each owner shall have the right to vote in proportion to

6 his interest in said lands by paying his proportion of the cost
7 of building and maintaining said dams and improvements.

Sect. 9. In case of any disagreement as to the rights 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 Franklin county, if the parties cannot agree.

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

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,
AUGUSTA, March 13, 1903.

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

W. S. COTTON. *Clerk.*