

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 404

STATE OF MAINE.

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

AN ACT to incorporate the Roach River Dam Company.

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

Section 1. Frederick T. Bradstreet, Frank E. Boston and
2 Samuel W. Philbrick, their associates and assigns, are hereby
3 incorporated under the name of the Roach River Dam Com-
4 pany, with the powers and privileges of similar corporations.

Sect. 2. Said company is hereby authorized to erect, pur-
2 chase and maintain dams, side dams and piers on Roach river,
3 First Roach pond, Second Roach pond, Third Roach pond
4 and Fourth Roach pond, so called, and their tributaries in
5 Townships Numbered 1, Range 14, A. Range 13, 1 Range
6 13, A. Range 12, 1 Range 12, A. Range 11, and 1 Range 11,
7 all west of the east line of the State, and in the county of
8 Piscataquis, to remove rocks and trees, and to excavate
9 ledges therefrom, and to widen, deepen and otherwise

10 improve the same, for the purpose of raising a head of water,
11 and of making said river and its tributaries floatable and of
12 facilitating the driving of logs and lumber upon 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 corpo-
6 ration 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 Piscataquis,
9 in the same manner and under the same conditions and limi-
10 tations 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 common
13 law, but the person injured may have a remedy by complaint
14 for flowage, in which case the same proceedings shall be had
15 as 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 or above said Third Roach pond, a sum not exceeding
5 thirty-five cents per thousand feet; for all logs and lumber
6 landed in Second Roach pond and between Second and Third
7 Roach pond, a sum not exceeding twenty-five cents per thou-
8 sand feet; for all logs and lumber landed in First Roach
9 pond and between First and Second Roach pond, a sum not
10 exceeding twenty cents per thousand feet; and for all logs
11 and lumber landed on or driven or floated into Roach river
12 below said First Roach pond, a sum not exceeding ten cents
13 per thousand feet; all the above tolls to be reckoned at the

14 survey or scale adopted by the Kennebec Log Driving Com-
15 pany. Said Roach River Dam Company shall have a lien
16 upon all logs and lumber which may pass over any of its
17 dams and improvements until the full amount of tolls is paid ;
18 but the logs of each particular mark shall only be holden to
19 pay the toll on such mark ; and if said toll is not paid within
20 thirty days after said logs or lumber, or the major part
21 thereof, shall have arrived within the limits of the Kennebec
22 Log Driving Company, said Roach River Dam Company
23 may seize, hold and sell at public auction such part of said
24 logs or lumber as shall be necessary to pay such tolls, with
25 all incidental costs and charges thereon, after ten days' notice
26 in writing of the time and place of said sale given to the
27 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 Roach River Dam Company,
3 and also of its receipts for tolls, which shall be open to
4 inspection at all reasonable times to any person interest in
5 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 ; and if from time to time thereafter it shall be neces-
6 sary to build additional dams and improvements necessary
7 to carry out the purposes of this charter, said company may,
8 but in no case to exceed the limits hereinbefore specified,
9 increase the tolls to and maintain them at a sum sufficient to
10 pay for such outlays, with six per cent interest thereon ; the
11 treasurer of the Kennebec Log Driving Company, for the
12 time being, is appointed to audit the accounts and determine
13 the cost of 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 repre-
2 sented 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 improve-
5 ments; and each owner shall have the right to vote in propor-
6 tion to his interest in said lands by paying his proportion of
7 the cost of building and maintaining said dams and improve-
8 ments.

Sect. 9. In case of any disagreement as to the rights of
2 owners hereunder, the same shall be forthwith determined
3 by referees agreed upon by the parties, or by the county com-
4 missioners of Piscataquis county if the parties cannot agree.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 7, 1905.

Reported by Mr. LANIGAN from Committee on Interior Waters and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*