

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 417

STATE OF MAINE.

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

AN ACT to incorporate the Wood Stream Improvement Com-
pany.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Garrett Schenck, A. Ledyard Smith, Fred A.
2 Gilbert, Samuel W. Philbrick and H. H. Pope, their suc-
3 cessors and assigns, are hereby incorporated under the name
4 of the Wood Stream Improvement Company, with the pow-
5 ers and privileges of similar corporations.

Sect. 2. Said Company is hereby authorized to erect and
2 maintain on Wood Stream, so called, and the tributaries
3 flowing into said Stream, in the townships of Forsythe, Den-

4 nistown and Attean, dams, side-dams, and piers, and re-
5 move rocks and trees, and excavate ledges, and widen, deep-
6 en, and otherwise improve said Wood Stream throughout
7 its length, in the said townships of Forsythe, Dennistown
8 and Attean to Wood Pond, so called, in said Attean town-
9 ship, and to maintain the dams, piers and side-dams, which
10 they have already erected upon said Wood Stream, for the
11 purpose of raising a head of water to make such stream
12 floatable, and to facilitate the driving of logs, lumber and
13 pulp wood down the same.

Said corporation is authorized to impound and restrain the
15 natural flow of said waters only when and in so far as is
16 necessary for log-driving purposes. No dam authorized by
17 this act shall be used for power purposes.

All the property, rights and franchises within the State of
19 Maine acquired, erected, owned, held or controlled by the
20 said corporation, or its successors or assigns, at any time
21 after this act shall take effect, under and by virtue of the
22 terms thereof, shall be subject to be taken over by, and be-
23 come the property of, the State of Maine, whenever said
24 State shall determine, by appropriate legislation, that the
25 public interests require the same to be done. Upon the tak-
26 ing effect of such legislation, the ownership of said property,
27 rights and franchises shall immediately be transferred to,
28 and vest in, said State of Maine, and said State shall pay
29 to said corporation the fair value of all the same, excepting,

30 however, such franchises and rights as are conferred upon
31 said corporation under and by virtue of the provisions of
32 this act, which said franchises and rights shall be wholly ex-
33 cluded in the determination of the amount to be paid to said
34 corporation by said State of Maine.

Sect. 3. Said Company, for the above purpose, may take
2 all necessary land and material for building said dams and
3 piers, and making said improvements, and may flow con-
4 tiguous lands, so far as necessary, to raise suitable heads of
5 water; and if the parties cannot agree upon the damages, the
6 corporation shall pay the owners for the land and material
7 so taken, said damages shall be ascertained and determined
8 by the County Commissioners of the county of Somerset
9 in the same manner, and under the same conditions and
10 limitations, as are provided by law in case of damages in
11 laying out highways; and for the damage occasioned by
12 flowing land, said Company shall not be liable to an action
13 at common law, but the person injured may have a remedy
14 by complaint for flowage, in which case the same proceed-
15 ings shall be had as when a complaint is made under the
16 statute of this State for flowing land occasioned by raising a
17 head of water for the working of mills.

Sect 4. Said Company may demand and receive as tolls
2 the following sums: for all logs and lumber landed in said
3 Wood Stream, in the plantation of Forsythe, One dollar
4 per M., and for all pulp wood fifty cents per cord: for all

5 logs and lumber landed in said Wood Stream in the planta-
6 tion of Dennistown twenty cents per M., and for all pulp
7 wood ten cents per cord; and for all logs and lumber landed
8 in said Wood Stream in said Attean township, ten cents per
9 M., and for all pulp wood five cents per cord; all the above
10 tolls to be reckoned at the survey or scale adopted by the
11 Kennebec Log Driving Company. Said Wood Stream Im-
12 provement Company shall have a lien upon all logs, lumber
13 and pulp wood which may pass over any of its dams and
14 improvements, until the full amount of tolls is paid; but logs
15 of each party marked shall only be holden to pay the tolls on
16 such mark, and the wood shall only be holden to pay the
17 toll on such wood, and if said toll is not paid within thirty
18 days after said logs and lumber or pulp wood, or major
19 part thereof, shall have arrived within the limits of Wood
20 Pond, then said Wood Stream Improvement Company may
21 seize, hold and sell at public auction such part of said logs,
22 lumber or pulp wood as shall be necessary to pay such tolls,
23 with all incidental costs and charges thereon, after giving
24 ten days notice in writing of the time and place of said sale
25 to the owner or owners of such logs, lumber or pulp wood.

Sect 5. When said corporation shall have received from
2 tolls its outlay on dams, improvements and repairs, with six
3 per cent. interest thereon, including all damages paid for
4 flowage or otherwise, then the tolls shall be reduced to a

5 sum sufficient to keep the works in repair; and if from
6 time to time thereafter it shall be necessary to build addi-
7 tional dams and improvements, necessary to carry out the
8 purposes of this charter, said Company may increase the
9 tolls to, and maintain them at, a sum sufficient to pay for
10 such outlays, with six per cent. interest thereon, but in no
11 case to exceed the limits herein above specified; the Treas-
12 urer of the Kennebec Log Driving Company for the time be-
13 ing is appointed to audit the accounts and determine the
14 costs of the dams, improvements and repairs.

Sect. 6. Said Company may issue its capital stock to an
2 amount not to exceed Fifty thousand dollars, to be divided
3 into shares of One hundred dollars each.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES.

Augusta, March 3, 1909.

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

E. M. THOMPSON, *Clerk.*