

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 3

House of Representatives, Jan. 16, 1911.

Tabled for printing.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to incorporate Moxie Dam Company.

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

Section 1. Coburn Lands, Great Northern Paper Company,
2 American Realty Company, Hollingsworth & Whitney Com-
3 pany, Samuel W. Philbrick, Charles H. Clark, John P. Clark
4 and Clyde H. Smith, their associates, successors and assigns
5 are hereby incorporated under the name of Moxie Dam
6 Company, with the powers and privileges of similar corpo-
7 rations.

Sect. 2. Said company is hereby authorized to erect, purchase
2 and maintain dams, side dams, and piers on Moxie Stream,
3 Moxie Pond, Baker Stream and Baker Pond, so called, and

4 their tributaries in townships numbered one, range three,
5 B. K. P., two, range three, B. K. P., one, range four. B. K.
6 P., two, range four, B. K. P.; one, range five, B. K. P., two,
7 range five, B. K. P., all east of the Kennebec River, and in
8 the county of Somerset, to remove rocks and trees, and to
9 excavate ledges therefrom, and to widen, deepen and other-
10 wise improve the same, for the purpose of raising and storing
11 a head of water for log driving and manufacturing purposes,
12 and of making said river and its tributaries floatable and of
13 facilitating the driving 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 amount of damages to be
6 paid by the corporation, such damages shall be ascertained
7 and determined by the county commissioners of the county
8 of Somerset in the same manner and under the same con-
9 ditions and limitations as provided by law in the case of
10 damage by laying out of highways; and for the damage occa-
11 sioned by flowing land said company shall not be liable to
12 an action at common law, but the person injured may have
13 a remedy by complaint for flowage, in which case the same
14 proceedings shall be had as when a complaint is made under
15 the statutes of this state for flowing lands occasioned by
16 raising a head of water for 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 im-
3 provements, as follows: For all logs and lumber landed in
4 Baker Pond, a sum not exceeding fifty cents per thousand
5 feet; for all logs and lumber landed in Baker Stream, a sum
6 not exceeding forty cents per thousand feet; for all logs and
7 lumber landed in Moxie Pond, a sum not exceeding thirty
8 cents per thousand feet; for all logs and lumber landed
9 between the dam at the foot of Moxie Pond and the lower
10 dam, so called, a sum not exceeding twenty-five cents per
11 thousand feet; for all logs and lumber landed below the
12 lower dam a sum not exceeding fifteen cents per thousand
13 feet; all the above tolls to be reckoned at the survey or scale
14 adopted by the Kennebec Log Driving Company. Said
15 Moxie Dam Company shall have a lien upon all logs and lum-
16 ber which may pass over any of its dams and improvements
17 until the full amount of tolls is paid; but the logs of each
18 particular mark shall only be holden to pay the toll on such
19 mark; and if said toll is not paid within thirty days after
20 said logs or lumber, or major part thereof, shall have arrived
21 within the limits of the Kennebec Log Driving Company,
22 said Moxie Dam Company may seize, hold and sell at public
23 auction such part of said logs or lumber as shall be necessary
24 to pay such tolls, with all incidental costs and charges there-
25 on, after ten days' notice in writing of the time and place of
26 said 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 Moxie Dam Company, and
3 also of its receipts for tolls, which shall be open to inspection
4 at all reasonable times to any person interested in the same.

Sect. 6. When said corporation shall have received from
2 tolls its outlay on dam, 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. Said company may issue its capital stock to an
2 amount not to exceed five thousand dollars (\$5,000.00) to
3 be divided into shares of one hundred dollars (\$100.00)
4 each; and each share of stock shall be entitled to one vote
5 in all meetings of said company.

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 Somerset county if the parties cannot agree.

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