

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 66

In Senate, Feb. 2, 1911.

*Reported by Mr. Donigan from Committee on Interior Waters
and laid on table to be printed under joint rules.*

W. C. HANSON, Secretary.

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. Fred A. Gilbert, Frank P. Thomas, Frank E.
2 Boston, Samuel W. Philbrick, Charles H. Clark, John P.
3 Clark, Arthur E. Moore and Clyde H. Smith, their asso-
4 ciates, successors and assigns are hereby incorporated under
5 the name of Moxie Dam Company, with the powers and
6 privileges of similar corporations.

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

4 called, and their tributaries in townships numbered one
5 range three, B. K. P., two range three, B. K. P., one range
6 four, B. K. P., two range four, B. K. P., one range five, B. K.
7 P., two range five, B. K. P., all East of the Kennebec River,
8 and in the County of Somerset, to remove rocks and trees,
9 and to excavate ledges therefrom, and to widen, deepen and
10 otherwise improve the same, for the purpose of raising and
11 storing a head of water for log driving purposes, and of faci-
12 lity making said river and its tributaries floatable and of faci-
13 lity tating 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 heads of water; and if the
5 parties cannot agree upon the amount of damages to be paid
6 by the corporation, such damages shall be ascertained and
7 determined by the county commissioners of the County of
8 Somerset in the same manner and under the same conditions
9 and limitations as provided by law in the case of damage by
10 laying out of highways; and for the damage occasioned by
11 flowing land said Company shall not be liable to an action at
12 common law, but the person injured may have a remedy by
13 complaint for flowage, in which case the same proceedings
14 shall be had as when a complaint is made under the statutes
15 of this state for flowing lands occasioned by raising a head
16 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 be-
9 tween the dam at the foot of Moxie Pond and the lower dam,
10 so called, a sum not exceeding twenty-five cents per thousand
11 feet; for all logs and lumber landed below the lower dam
12 a sum not exceeding fifteen cents per thousand feet; all the
13 above tolls to be reckoned at the survey or scale adopted by
14 the Kennebec Log Driving Company. Said Moxie Dam
15 Company shall have a lien upon all logs and lumber which
16 may pass over any of its dams and improvements until the
17 full amount of tolls is paid; but the logs of each particular
18 mark shall only be holden to pay the toll on such mark; and
19 if said toll is not paid within thirty days after said logs or
20 lumber, or major part thereof, shall have arrived within the
21 limits of the Kennebec Log Driving Company, said Moxie
22 Dam Company may seize, hold and sell at public auction
23 such part of said logs or lumber as shall be necessary to pay
24 such tolls, with all incidental costs and charges thereon, after
25 ten days' notice in writing of the time and place of said sale
26 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 re-
5 pair; and if from time to time thereafter it shall be necessary
6 to build additional dams and improvements necessary to
7 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. Said company may issue its capital stock to an
2 amount not to exceed Five thousand dollars (\$5000.00) 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.