

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 297

House of Representatives, Feb. 21, 1913.

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

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Lazy Tom Brook Dam Company.

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

Section 1. Charles S. Hichborn, Eliza Bradbury Wilson
2 and Melvin S. Holway, their associates and assigns, are
3 hereby incorporated under the name of Lazy Tom Brook
4 Dam Company with all the powers and privileges of similar
5 corporations.

Sect. 2. Said company is hereby authorized to erect, pur-
2 chase and maintain dams, side dams, piers and booms on
3 Lazy Tom Brook, so called, and its tributaries in Town-
4 ships numbered 1, Range 13, and 1, Range 14, all west of
5 the east line of the state, in the county of Piscataquis, to
6 remove rocks and trees and to excavate ledges therefrom,

7 and to widen, deepen and otherwise improve the same for
8 the purpose of raising a head of water and of making said
9 brook and its tributaries floatable and of facilitating the
10 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 cor-
6 poration 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
10 limitations as provided by law in the case of damage by
11 laying out of 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 complaint is made under the stat-
16 utes of this state for flowing lands occasioned by raising a
17 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
3 improvements as follows: For all logs and lumber landed
4 in or above Lazy Tom Dam, so called, now located upon
5 said brook, a sum not exceeding seventy-five cents per thou-

6 sand feet; for all logs and lumber landed in Lazy Tom
7 Brook below said dam a sum not to exceed fifty cents per
8 thousand feet; all of the above tolls to be reckoned at the
9 survey and scale adopted by the Kennebec Log Driving
10 Company. Said Lazy Tom Brook Dam Company shall have
11 a lien upon all logs and lumber which may pass over any
12 of its dams and improvements until the full amount of tolls
13 is paid; but the logs of each particular mark shall only be
14 holden to pay the toll on such mark; and if said toll is not
15 paid within thirty days after said logs or lumber, or major
16 part thereof, shall have arrived within the limits of the
17 Kennebec Log Driving Company, said Lazy Tom Brook
18 Dam Company may seize, hold and sell at public auction
19 such part of said logs or lumber as shall be necessary to
20 pay such tolls, with all incidental costs and charges thereon,
21 after ten days' notice in writing of the time and place of
22 said sale given to the owner of such logs or lumber.

Sect. 5. An account of the cost of said improvements
2 shall be kept by the treasurer of said Lazy Tom Brook Dam
3 Company, and also of its receipts for tolls, which shall be
4 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
3 up to that time, with six per cent interest thereon, then the
4 tolls shall be reduced to a sum sufficient to keep the works
5 in repair; and if from time to time thereafter it shall be

6 necessary to build additional dams and improvements nec-
7 essary to carry out the purposes of this charter, said com-
8 pany may, but in no case to exceed the limits hereinbefore
9 specified, increase the tolls to and maintain them at a sum
10 sufficient to pay for such outlays, with six per cent interest
11 thereon; the treasurer of the Kennebec Log Driving Com-
12 pany, for the time being, is appointed to audit the accounts
13 and determine the cost of dams, improvements and repairs.

Sect. 7. The capital stock of this corporation shall be
2 fifteen thousand dollars.

Sect. 8. The first meeting of said corporation shall be
2 called by a notice signed by one of the incorporators named
3 in section 1, and mailed to each of the other incorporators
4 at least seven days before said meeting.

Sect. 9. Said corporation is authorized to impound and
2 restrain the natural flow of said waters only when and in
3 so far as is necessary for log-driving purposes, and as lim-
4 ited by this act, and not to hold water back to the injury of
5 those driving logs below said dam. No dam authorized by
6 this act shall be used for power purposes.

Sect. 10. All the property, rights and franchises within
2 the state of Maine acquired, erected, owned, held or con-
3 trolled by the said corporation, or its successors or assigns,
4 at any time after this act shall take effect, under and by
5 virtue of the terms thereof, shall be subject to be taken over
6 by, and become the property of the state of Maine, when-
7 ever said state shall determine by appropriate legislation

8 that the public interests require the same to be done. Upon
9 the taking effect of such legislation, the ownership of said
10 property, rights and franchises shall immediately be trans-
11 ferred to, and vest in, said state of Maine, and said state
12 shall pay to said corporation the fair value of all the same,
13 excepting, however, such franchises and rights as are con-
14 ferred upon said corporation under and by virtue of the
15 provisions of this act, which said franchises and rights shall
16 be wholly excluded in the determination of the amount to
17 be paid to said corporation by said state of Maine.

The fair value of the property, rights and franchises so
19 taken by the state of Maine, subject to the exceptions here-
20 inbefore mentioned, shall be determined by agreement be-
21 tween said corporation and such officers and agents of said
22 state as shall be thereunto authorized to act in its behalf
23 by the act which authorizes the taking of said property,
24 rights and franchises; and such agreement failing within
25 six months after said act takes effect, then by such fair and
26 impartial tribunal and under such provisions as to the man-
27 ner of procedure and for full hearing of parties and pay-
28 ment of damages awarded, as shall be provided in said act.