

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 64

House of Representatives, Jan. 31, 1917.

Referred to Committee on Interior Waters, five hundred copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Dutton of Bingham.

STATE OF MAINE

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

AN ACT to incorporate the Brassau Stream Dam and Improve-
ment Company.

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

Section 1. George M. Stearns, Everett E. Amey, Forrest
2 H. Colby, Roy L. Marston and Gilbert Oakley, their
3 associates and assigns, are hereby incorporated under the
4 name of the Brassau Stream Dam and Improvement Com-
5 pany, with all the powers and privileges of similar corpor-
6 ations.

Sect. 2. Said corporation is authorized to build dams, side

2 dams, remove rocks and make all other necessary improve-
3 ments in Brassau Stream and the north branch thereof,
4 sometimes called Cullen Brook, to facilitate the driving of
5 logs and lumber down the same, and for this purpose said
6 corporation may take land and materials necessary to build
7 such dams and make such improvements, and may flow
8 contiguous lands so far as necessary to raise suitable heads
9 of water; and if the parties cannot agree upon the damages
10 the corporation shall pay the proprietors of the land and
11 materials so taken such damages as shall be ascertained and
12 determined by the County Commissioners for the County of
13 Somerset, in the same manner and under the same conditions
14 and limitations as are by law provided in the case of damages
15 by laying out public highways; and for the damage occa-
16 sioned by flowing land the said corporation shall not be liable
17 in an action at common law, but persons injured may have a
18 remedy by a complaint for flowing, in which the same pro-
19 ceedings shall be had as when a complaint is made under a
20 statute of this State for flowing lands occasioned by raising
21 a head of water for the working of mills.

Sect. 3. Said corporation may demand and receive a toll
2 for the passage of logs and lumber over or through its said
3 dams and improvements, as follows: Thirty-five cents per
4 thousand feet for logs, seventeen and one-half cents per cord
5 for pulpwood and thirty-five cents per thousand feet for ties,
6 reckoning fifty ties to the thousand feet if not scaled, landed
7 above the confluence of the north and west branches;

8 twenty-five cents per thousand feet for logs, twelve and one-
9 half cents per cord for pulpwood and twenty-five cents per
10 thousand feet for ties landed below the confluence of said
11 branches; and said corporation shall have a lien upon all logs
12 and lumber which may pass over its dams and improve-
13 ments for the payments of said tolls; but the logs of each
14 particular mark shall be holden only for the tolls of such
15 mark, and unless such toll is paid within twenty days after
16 such logs or lumber, or a major part of the same, shall
17 arrive at the place of manufacture or destination, said cor-
18 poration may seize said logs and lumber and sell at public
19 auction so many and so much thereof as shall be necessary to
20 pay such tolls, costs and charges thereon, after ten days'
21 notice in writing of the time and place of said sale given to
22 the owner of such logs or lumber or his agent.

Sect. 4. When said corporation shall receive from tolls its
2 outlay on all dams and improvements and for repairs made
3 up to that time, with six per cent. interest thereon, then the
4 tolls herein provided shall be reduced to a sum sufficient to
5 keep said dams and improvements in repair. Said corpor-
6 ation shall keep correct and full account of all its receipts
7 and expenditures, and shall submit the same at any time for
8 examination to any person, firm or corporation liable to pay
9 tolls under this Act.

Sect. 5. No dam built by said corporation under this Act
2 shall be used for power purposes.

Sect. 6. The capital stock of said corporation shall not
2 exceed twenty thousand dollars.

Sect. 7. The first meeting of said corporation shall be
2 called by a notice signed by one of the incorporators named
3 in Section one, mailed to each of the other incorporators at
4 least seven days before the day of such meeting.