

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 612

House of Representatives, March 20, 1917.

Printed under joint rules.

W. R. ROIX, Clerk.

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 asso-
3 ciates and assigns, are hereby incorporated under the name
4 of the Brassau Stream Dam and Improvement Company,
5 with all the powers and privileges of similar corporations.

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 con-
8 tiguous lands so far as necessary to raise suitable heads of
9 water; and if the parties cannot agree upon the damages the
10 corporation shall pay the proprietors of the land and ma-
11 terials 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 dam-
15 ages by laying out public highways; and for the damages
16 occasioned by flowing land the said corporation shall not be
17 liable in an action at common law, but persons injured may
18 have a remedy by a complaint for flowing, in which the same
19 proceedings shall be had as when a complaint is made under
20 a statute of this State for flowing lands occasioned by rais-
21 ing a head of water for the working of mills.

Sect. 3. The State of Maine reserves the right to take
2 over by proper legislation, the property, rights and fran-
3 chises of said company upon the payment of just compensa-
4 tion to the owners thereof, but such compensation shall not
5 include the value of the franchise hereby granted.

Sect. 4. 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 improvements
13 for the payments of said tolls; but the logs of each particular
14 mark shall be holden only for the tolls of such mark, and
15 unless such toll is paid within twenty days after such logs or
16 lumber, or a major part of the same, shall arrive at the place
17 of manufacture or destination, said corporation may seize
18 said logs and lumber and sell at public auction so many and
19 so much thereof as shall be necessary to pay such tolls, costs
20 and charges thereon, after ten days' notice in writing of the
21 time and place of said sale given to the owner of such logs
22 or lumber, or his agent.

In consideration of the expenditure by the Great Northern
2 Paper Company of certain sums of money for the improve-
3 ment of said stream and for the repairs of a dam thereon,
4 said Great Northern Paper Company shall be exempt for a
5 period of five years from July 1, 1917, from the payment of
6 tolls for logs, pulpwood and ties cut on Tomhegan Township
7 and landed on said stream.

Sect. 5. 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 corpora-
6 tion shall keep correct and full account of all its receipts and
7 expenditures, and shall submit the same at any time for ex-
8 amination to any person, firm or corporation liable to pay
9 tolls under this Act.

Sect. 6. No dam built by said corporation under this Act
2 shall be used for power purposes.

Sect. 7. The capital stock of said corporation may be
2 fixed by it from time to time, but not to exceed fifty thou-
3 sand dollars, to be divided into shares of such par value as
4 it may determine. The corporation may, by its by-laws, pro-
5 vide for all its officers and for the management of its internal
6 affairs in the same manner as corporations organized under
7 the general laws of the State.

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 One, mailed to each of the other incorporators at
4 least seven days before the day of such meeting.