

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SIXTIETH LEGISLATURE

OF THE
STATE OF MAINE.

1881.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1881.

Chapter 113.

CHAP. 113

An act to improve the channel of the Magalloway River, and facilitate the driving of logs and other lumber.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. William W. Brown, Lewis T. Brown, John Hall, Ezreff H. Banks, Trafton Hatch and Ebenezer S. Coe, all of the state of Maine, their associates, successors and assigns, are hereby created a corporation by the name of the Magalloway Dam and Improvement Company, with all the powers, rights and privileges, and subject to all the liabilities of similar corporations.

Corporators.

Corporate name.

SECT. 2. Said corporation is hereby authorized to complete and maintain two dams across the Magalloway river, in the county of Oxford in this state, with booms, side booms, sluiceways and other erections, and make such improvements as are necessary to facilitate the driving of logs and other lumber down said river; one of said dams to be across the said river, at the outlet of Parmachene lake, in township number five, in range four; and the other across Ozcohas falls, in township number five, in the second range; and to enter upon and take such lands or materials as may be necessary to make their said improvements; and to flow such lands as may be necessary to accomplish their object; *provided*, said corporation shall pay to the owners of such land and materials so taken, such compensation as the parties shall agree upon for land or for lease of the same. In case they cannot agree, then to pay such damages as the county commissioners of said Oxford county shall adjudge, under the same conditions as are by law provided in cases of damages by laying out of public highways; and for lands flowed, the owners shall be entitled to the same remedies that are provided for in chapter ninety-two of the revised statutes, in cases of flowing lands by the erection of dams for mills.

May maintain dams, booms, etc.

Proviso.

County commissioners may adjudge damages.

SECT. 3. The capital stock of said corporation shall be divided into eighteen equal shares, and the proprietors of township number five, in range two, shall have the right to subscribe for and hold two shares; the proprietors of township number five, range three, to have four shares; the proprietors of township number five, range four, to have four shares; the proprietors of township number five, range five,

Capital stock, how divided.

CHAP. 113

to have four shares ; and the proprietors of township number five, range six, to have the right to subscribe for and hold four shares ; and if any of the proprietors of the aforesaid townships shall neglect, for the term of thirty days after the organization of said company, to take their proportion of said stock, then the same may be taken by the other proprietors of such townships.

Tolls and collection thereof.

SECT. 4. Said corporation, from and after the time they shall have completed said dams and booms contemplated by this act, may demand and receive a toll of twenty cents for each and every thousand feet, board measure, according to the woods scale, so called, for all logs or other timber that shall pass over or by their said lower dam ; except the logs and lumber cut on two townships, namely : township number five, range two, above said dam, which is to be five cents per thousand feet, board measure, according to said woods scale ; and township number five, range three, above said dam, which is to be fifteen cents for each and every thousand feet, board measure, according to said woods scale ; and also a further sum of ten cents additional for each and every thousand feet that shall pass over or by their said upper dam ; and said corporation shall have a lien on all such logs or timber, until the full amount of said toll is paid, on all logs of any particular mark, and if not paid within twenty days after the same shall have passed below the said boom or lower dam, the said corporation may sell, at public auction, after twenty days' notice in some newspaper printed in said county of Oxford, so much of said logs or timber as may be necessary to pay said toll with costs and incidental charges.

Use of water.

SECT. 5. Any person driving logs over or through said dams, shall be entitled to all the benefits of the water, by having the same let off or withheld, as may be necessary, under the direction of the agent of said corporation.

First meeting, how called.

SECT. 6. Any two of the corporators named in the first section of this act may call the first meeting of the corporation by publishing a notice of the time, place and purpose of the same, three weeks successively in the Oxford Democrat, a newspaper published at Paris, fourteen days at least before the time appointed for said meeting.

Account of disbursements and receipts of toll to be kept.

SECT. 7. Said corporation shall keep an accurate account of all their expenditures and disbursements, and also their

receipts for tolls, which shall be open for inspection, at all reasonable times, to any person interested in the same. Any person owning timber land from which the timber can be hauled and driven into said river, shall have the right, at any time before these improvements are completed, to become a stockholder in this company, and to take the number of shares, bearing the same proportion to the whole that the quantity of such land as he owns bears to all the land from which the timber can be conveniently hauled into said stream.

CHAP. 114

Owners of timber lands authorized to become stockholders.

SECT. 8. When said corporation shall have been reimbursed, by tolls, for the costs and expenses of their works, and repairs and alterations of the same, together with interest at the rate of eight per centum per annum, the tolls shall then be reduced one-half of the rates above stated.

Reduction of tolls.

SECT. 9. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

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

Approved March 9, 1881.

Chapter 114.

An act permitting Lothrop L. Crockett to raise a Dam or Dams.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. Permission is hereby granted Lothrop L. Crockett to raise his dam or dams, at the outlet of Trickey pond, in the town of Naples and county of Cumberland, two feet higher than such dam or dams now are.

L. L. Crockett permitted to raise dam.

SECT. 2. Nothing in this act shall be so construed as to affect any rights of flowage or damages; and when damages are caused by flowage, such damages, unless the parties agree, shall be ascertained and determined by the county commissioners of the county of Cumberland, in the same manner and under the same conditions, as are by law provided in case of the laying out of highways.

Right of flowage or damage not affected.

SECT. 3. This act shall take effect when approved.

Approved March 9, 1881.