

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA
KENNEBEC JOURNAL PRINT
1897

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

Chapter 414.

An Act to incorporate the Misery Stream Dam Company.

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

Corpora-
tors.

—corporate
name.

Sect. 1. Sumner Hollingsworth, Charles A. Dean, Frank E. Boston and William J. Lanigan, their associates and assigns are hereby incorporated under the name of the Misery Stream Dam Company, with the powers and privileges of similar corporations.

Authorized
to erect
dams and
piers and
improve
Misery
Stream.

Sect. 2. Said company is hereby authorized to erect and maintain dams, side dams and piers on Misery stream and its tributaries in the townships of Misery, Sandwich Academy grant, and Taunton and Raynham grant, in the county of Somerset, to remove rocks and trees and to excavate ledges therefrom, and to widen, deepen and otherwise improve the same for the purpose of raising a head of water and of making said stream and its tributaries floatable, and of facilitating the driving of logs and lumber upon the same.

May take
land and
material.

Sect. 3. Said company for the above purposes may take all necessary land and materials for building said dams and piers and making improvements, and may flow contiguous lands so far as necessary to raise suitable heads of water; and if the parties cannot agree upon the damages, the corporation shall pay the proprietors for the land and materials so taken, such damages shall be ascertained and determined by the county commissioners of the county of Somerset, in the same manner and under the same conditions and limitations as provided by law in the case of damage by laying out of highways; and for the damage occasioned by flowing land said company shall not be liable to an action at common law, but the person injured may have a remedy by complaint for flowage, in which case the same proceedings shall be had as when a complaint is made under the statutes of this state for flowing lands occasioned by raising a head of water for the working of mills.

—damages,
how ascer-
tained in
case of dis-
agreement.

Tolls.

Sect. 4. Said company may demand and receive tolls for the passage of all logs and lumber over their dams and improvements as follows: For all logs and lumber landed in said Misery stream above the two upper dams, namely, the Pond dam, so called, near the foot of Misery pond, to the Adams dam, so called, lower down on said stream, a sum not exceeding fifty-five cents per thousand feet; for all logs and lumber landed on

said stream between said Adams dam and the Lower dam, so called, a sum not exceeding fifty cents per thousand feet, and for all logs or lumber landed in said stream between said Lower dam and Brassua lake, a sum not exceeding forty-five cents per thousand feet. All the above tolls to be reckoned at the survey or scale adopted by the Kennebec Log Driving Company. Said Misery Stream Dam Company shall have a lien upon all logs and lumber which may pass over any of its dams and improvements until the full amount of tolls is paid; but the logs of each particular mark shall only be holden to pay the toll on such mark; and if said toll is not paid within thirty days after said logs or lumber, or the major part thereof, shall have arrived within the limits of the Kennebec Log Driving Company, said Misery Stream Dam Company may seize, hold and sell at public auction such part of said logs or lumber as shall be necessary to pay such tolls, with all incidental costs and charges thereon, after ten days' notice in writing of the time and place of said sale given to the owner of such logs or lumber.

—Lien on
lumber for
tolls.

—how en-
forced.

Sect. 5. An account of the cost of said improvements shall be kept by the treasurer of said Misery Stream Dam Company, and also of its receipts for tolls, which shall be open to inspection at all reasonable times to any person interested in the same.

Shall keep
account of
cost of im-
prove-
ments.

Sect. 6. When said corporation shall have received from tolls its outlay on dams, improvements and repairs made up to that time, with six per cent interest thereon, then the tolls shall be reduced to a sum sufficient to keep the works in repair; the treasurer of the Kennebec Log Driving Company, for the time being, is appointed to audit the accounts and determine the cost of said dams, improvements and repairs.

When tolls
shall cease.

Sect. 7. Any or all owners of lands from which logs or lumber are cut which pass through or over said dams or improvements shall have a right to take an interest in said company.

Land own-
ers may
take an in-
terest in
company.

Sect. 8. The amount invested shall at all meetings be represented by a fixed, convenient number of votes which shall be cast by the owners of the lands from which logs or lumber are cut which pass through or over its dams or improvements; and each owner shall have the right to vote in proportion to his interest in said lands by paying his proportion of the cost of building and maintaining said dams and improvements, which in the case of the owners of Sandwich Academy grant is fixed at three-tenths.

Eligibility
of owners,
to vote.

CHAP. 415

How dis-
agreements
may be de-
termined.

Sect. 9. In case of any disagreement as to the rights of owners hereunder, the same shall be forthwith determined by referees agreed upon by the parties, or by the county commissioners of Somerset county if the parties cannot agree.

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

Approved March 10, 1897.

Chapter 415.

An Act to extend the charter of the Eastport Bridge.

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

Charter ex-
tended for
six years.

Sect. 1. The charter incorporating certain persons for the purpose of building a bridge uniting the towns of Eastport and Perry, passed June twenty-seventh, eighteen hundred and twenty, being chapter fourteen of the private and special laws of eighteen hundred and twenty, and the right to take toll thereunder, which charter was extended for two years, by an act approved March twenty-sixth, eighteen hundred and ninety-five, being chapter two hundred and eighty-three of the private and special laws of eighteen hundred and ninety-five, are hereby extended for the term of six years, from September twentieth, eighteen hundred and ninety-seven; provided, that the rate of

—tolls.

Sect. 2. This act shall take effect when approved.

Approved March 10, 1897.