

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

town, and another who shall be learned in the law, to be chosen by the chief justice of the supreme court, whose finding in the matter shall be final and conclusive between the parties.

CHAP. 165

Section 12. The affairs of said corporation shall be controlled by a board of directors consisting of not less than seven members, the majority of which shall be citizens of the town of Wells, and elected annually by a vote of the stockholders of the corporation; and the board of directors shall choose such other officers as may from time to time be required by the by-laws of the corporation.

Board of directors, how constituted.

Section 13. Any two of the persons mentioned in the first section of this act, may call the first meeting of said corporation by giving seven days' notice in writing to each of the other incorporators.

First meeting, how called.

Approved March 22, 1911.

Chapter 165.

An Act to incorporate the Mopang Dam and Improvement Company.

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

Section 1. Frank S. Ames, Alfred K. Ames, Wilson D. Wing, James M. W. Hall and D. Henry Wellman, their associates and assigns, are hereby incorporated under the name of the Mopang Dam and Improvement Company, with all the powers and privileges of similar corporations.

Corporators.

—corporate name.

Section 2. Said corporation is authorized to build dams, side dams, remove rocks and make all other necessary improvements in Mopang stream to facilitate the driving of logs and lumber down the same, and for this purpose the said corporation may take land and materials necessary to build such dams, and make such 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 of the land and materials so taken, such damages as shall be ascertained and determined by the county commissioners for the county of Washington, in the same manner, and under the same conditions and limitations as are by law provided in the case of damage by laying out public highways. And for the damage occasioned by flowing land, the said corporation shall not be liable to an action at common law, but persons injured may have a remedy by a complaint for flowing, in which the same proceedings shall be had as when a complaint is made under a statute of this state for flowing lands, occasioned by raising a head of water for the working of mills.

Corporation authorized to build dams and improve Mopang stream for driving logs. —may take lands. —may flow lands.

—how damages shall be ascertained if parties cannot agree.

—damages for flowage, how recovered.

CHAP. 165

Tolls established for passage of logs.

—lien on logs and lumber.

—enforcement of lien.

Capital stock.

Readjustment of tolls.

First meeting, how called.

May restrain flow of water when necessary for log driving.

Property and rights subject to be taken over by the state.

Section 3. The said corporation may demand and receive a toll for the passage of logs over or through their said dams and improvements of five cents per thousand feet, board measure, woods scale, for all logs landed between the mouth of Mopang stream and six mile dam and of ten cents between six mile dam and Robinson dam and of fifteen cents between Robinson dam and gravel dam and of twenty cents for all logs landed in Mopang lake. And said corporation shall have a lien upon all logs and lumber which may pass over any of its dams and improvements, for the payment of said tolls; but the lots of each particular mark shall be holden only for the tolls of such mark, and unless such toll is paid within twenty days after such logs or lumber or a major part of the same, shall arrive at the place of manufacture or destination, said corporation may seize said logs and lumber and sell at public auction so many and so much thereof as shall be necessary to pay such tolls, costs and charges. Notice of the time and place of such sale shall be given fourteen days before such sale, in some newspaper printed in Machias.

Section 4. The capital stock of this corporation shall be five thousand dollars.

Section 5. When said corporation shall have received from tolls its outlay on all dams and improvements and for repairs made up to that time with six per cent interest thereon, then the tolls herein provided shall be reduced to a sum sufficient to keep said dams and other improvements in repair. Some suitable person shall be appointed by said corporation an auditor to audit the account and determine the cost of said dams, improvements and repairs.

Section 6. The first meeting of said corporation shall be called by a notice signed by one of the incorporators named in section one, mailed to each of the other incorporators at least seven days before the day of such meeting.

Section 7. Said corporation is authorized to impound and restrain the natural flow of said waters only when and in so far as necessary for log-driving purposes; and as limited by this act. No dam authorized by this act shall be used for power purposes.

Section 8. All the property, rights and franchises within the state of Maine acquired, erected, owned, held or controlled by the said corporation, or its successors or assigns, at any time after this act shall take effect, under and by virtue of the terms thereof, shall be subject to be taken over by and become the property of the state of Maine, whenever said state shall determine by appropriate legislation that the public interests require

the same to be done. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to, and vest in, said state of Maine, and said state shall pay to said corporation the fair value of all the same, excepting however, such franchises and rights as are conferred upon said corporation under and by virtue of the provisions of this act, which said franchises and rights shall be wholly excluded in the determination of the amount to be paid to said corporation by said state of Maine.

The fair value of the property, rights and franchises so taken by the state of Maine, subject to the exceptions hereinbefore mentioned shall be determined by agreement between said corporation and such officers and agents of said state as shall be thereunto duly authorized to act in its behalf by the act which authorizes the taking of said property, rights and franchises; and such agreement failing within six months after said act takes effect, then by such fair and impartial tribunal and under such provisions as to the manner of procedure and for full hearing of parties and payment of damages awarded as shall be provided in said act.

—value of property, how determined.

Approved March 22, 1911.

Chapter 166.

An Act to abolish the Dover Municipal Court and the Milo Municipal Court and to establish the Piscataquis Municipal Court.

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

Section 1. The Dover municipal court is hereby abolished.

Court abolished.

Section 2. The Milo municipal court is hereby abolished.

Court abolished.

Section 3. A municipal court is hereby established in and for the county of Piscataquis which shall be called the Piscataquis municipal court and shall be a court of record with a seal. All original processes issuing from said court shall be under the teste of the judge, or if the office of judge is vacant, of the recorder thereof, and signed by the judge, or recorder thereof, and shall have the seal of said court affixed.

Piscataquis municipal court established.

Section 4. Said court shall consist of one judge who shall be an inhabitant of the county of Piscataquis and shall be appointed in the manner and for the term provided by the constitution of this state. The said judge shall enter, or cause to be entered on the docket of said court all civil and criminal actions with full minutes of the proceedings in and disposition of the same, which docket shall be at all times open to inspection, and he shall perform all other duties required of similar tribu-

Judge, appointment and tenure.

—docket.