

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1913

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 61

Section 5. The persons hereafter becoming chargeable as paupers within the limits of said town shall be chargeable to said town of Wade, excepting those who are now state paupers.

Approved March 4, 1913.

Paupers, state paupers excepted, chargeable to town of Wade.

Chapter 61.

An Act to Incorporate the Lazy Tom Brook Dam Company.

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

Corporators.

Section 1. Charles S. Hichborn, Eliza Bradbury Wilson and Melvin S. Holway, their associates and assigns, are hereby incorporated under the name of Lazy Tom Brook Dam Company with all the powers and privileges of similar corporations.

—corporate name.

May erect, purchase and maintain dams, etc.

Section 2. Said company is hereby authorized to erect, purchase and maintain dams, side dams, piers and booms on Lazy Tom Brook, so called, and its tributaries in Townships numbered one, range thirteen and one, range fourteen, all west of the east line of the state, in the county of Piscataquis, 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 brook and its tributaries floatable and of facilitating the driving of logs and lumber upon the same.

—may remove rocks, etc.

May take land and materials for building dams, etc.

Section 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 Piscataquis in the same manner and under the same conditions and limitations as provided by law in the case of damage by the 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 complaint is made under the statutes of this state for flowing lands occasioned by raising a head of water for the working of mills.

—may flow contiguous lands.

—damages, how ascertained and determined.

—company shall not be liable for damages by action at common law.

—person injured may have a remedy by complaint for flowage.

Company may demand and receive tolls.

Section 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 or above Lazy Tom Dam, so called, now located upon said brook, a sum not exceeding seventy-five cents per thousand feet ; for all logs

—rates of toll established.

and lumber landed in Lazy Tom Brook below said dam a sum not to exceed fifty cents per thousand feet; all of the above tolls to be reckoned at the survey and scale adopted by the Kennebec Log Driving Company. Said Lazy Tom Brook 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 major part thereof, shall have arrived within the limits of the Kennebec Log Driving Company, said Lazy Tom Brook 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.

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—company may seize, hold and sell at public auction such lumber or logs as may be necessary to pay tolls.

—notice of time and place of sale shall be given.

Section 5. An account of the cost of said improvements shall be kept by the treasurer of said Lazy Tom Brook 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.

Account of cost of improvements and receipts of tolls shall be open for inspection.

Section 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; and if from time to time thereafter it shall be necessary to build additional dams and improvements necessary to carry out the purposes of this charter, said company may, but in no case to exceed the limits hereinbefore specified, increase the tolls to and maintain them at a sum sufficient to pay for such outlays, with six per cent interest thereon; the treasurer of the Kennebec Log Driving Company, for the time being, is appointed to audit the accounts and determine the cost of dams, improvements and repairs.

Tolls shall be reduced when receipts of tolls shall have equaled cost of improvements and interest thereon.

—treasurer of Kennebec Log Driving Company shall audit accounts.

Section 7. The capital stock of this corporation shall be fifteen thousand dollars.

Capital stock.

Section 8. The first meeting of said corporation shall be called by a notice signed by one of the incorporators named in section one, and mailed to each of the other incorporators at least seven days before said meeting.

First meeting, how called.

Section 9. Said corporation is authorized to impound and restrain the natural flow of said waters only when and in so far as is necessary for log-driving purposes, and as limited by this act, and not to hold water back to the injury of those driving logs below said dam. No dam authorized by this act shall be used for power purposes.

Corporation shall restrain natural flow of waters for log driving purposes only.

—dams shall not be used for power purposes.

CHAP. 62

All prop-
erty and
rights may
be taken
over by the
State of
Maine.

Section 10. All the property, rights and franchises within the state of Maine acquired, erected, owned, held or controlled by the said corporation, 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.

Value of
rights taken,
how deter-
mined.

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 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.

Approved March 4, 1913.

Chapter 62.

An Act to Regulate the Use of Songo Lock by Steamboats, Motor Boats or Other Boats.

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

Boats regu-
larly carry-
ing mail or
passengers,
etc., shall
not be un-
necessarily
delayed by
other boats.

Section 1. It shall be unlawful for any person in charge of any steamboat, motor boat or other boat, unless engaged in making regular daily trips through Songo Lock carrying freight or passengers for hire, or in carrying the United States mail, to enter said Songo Lock with any such steamboat, motor boat, or other boat at times when by so entering said Lock other boats carrying the United States mail, or making regular daily trips through said lock carrying freight or passengers for hire will thereby be unreasonably delayed; provided, however, such person has been duly notified by the tender of said lock not to enter said Songo Lock until such regular freight, passenger or

—notifica-
tion to be
given by
tender of
Songo Lock.