

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

Published by the Secretary of State, in accordance with the Resolves of the Legislature
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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth
Legislature

1919

Chapter 18.

An Act to Incorporate the Wesserunsett Stream Dam and Improvement Company.

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

Sec. 1. Name and incorporators. Carroll D. Prince, Forrest H. Colby, William L. Walker, Willis S. Sprout and Richard E. Avery, their associates and assigns, are hereby incorporated under the name of the Wesserunsett Stream Dam and Improvement Company, with all the powers and privileges of similar corporations.

Sec. 2. Purposes and powers. Said corporation is authorized to build dams, side dams, remove rocks and make all other necessary improvements in Wesserunsett stream in the county of Somerset, including the east and west branches of said stream entering the same above the village of Athens in the town of Athens, but not including the branch of said stream entering the same at Malbon's Mills and having its source in Wesserunsett lake, to facilitate the driving of logs, pulp wood, seasoned cord wood and ties down the same, and for this purpose 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 for the land and materials so taken such damages as shall be ascertained and determined by the county commissioners for the county of Somerset, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by laying out public highways; and for the damage occasioned by flowing land the said corporation shall not be liable in 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.

Sec. 3. State may take over property. The State of Maine reserves the right to take over by proper legislation, the property, rights and franchises of said company upon the payment of just compensation to the owners thereof, but such compensation shall not include the value of the franchises hereby granted.

Sec. 4. Tolls. Said corporation may demand and receive a toll for the passage of logs and pulp wood over or through its dams and improvements and destined for a point on said stream below Malbon's Mills, but not otherwise, as follows: forty cents per thousand feet for logs, twenty cents per cord for pulp wood, fifteen cents per cord for seasoned cord wood, one cent each for ties, all when landed on said stream or on either

of the said east or west branches of said stream above the forks of said stream in the town of Athens; twenty cents per thousand feet for logs, fifteen cents per cord for pulp wood, ten cents per cord for seasoned cord wood, one cent each for ties, all when landed below the said forks of said stream. And said corporation shall have a lien upon all logs and pulp wood, cord wood and ties which may pass over its dams and improvements for the payment of said tolls; but the logs of each particular mark shall be holden only for the tolls of such mark, and unless such toll is paid within thirty days after such logs or pulp wood or cord wood or ties or a major part of the same, shall arrive at the place of manufacture or destination, said corporation may seize said logs and pulp wood, cord wood and ties and sell at public auction so many and so much thereof as shall be necessary to pay such tolls, cost 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 pulp wood or cord wood or ties, or to his agent.

Sec. 5. Reduction of tolls when amount representing outlay has been received. When said corporation shall have received net for its tolls, after deducting current expenses, an amount equal to its outlay on all dams and improvements and for repairs made up to that time, with six per cent interest thereon, added annually, then the tolls herein provided shall be reduced to a sum sufficient to pay current expenses and to keep said dams and improvements in repair. Said corporation shall keep correct and full account of all its receipts and expenditures, and shall submit the same at any time for examination to any person, firm, or corporation liable to pay tolls under this act.

Sec. 6. Dam not to be used for power purposes. No dam built by said corporation under this act shall be used for power purposes.

Sec. 7. Capital stock. The capital stock of said corporation may be fixed by it from time to time, but not to exceed fifty thousand dollars, to be divided into shares of such par value as it may determine. The corporation may, by its by-laws, provide for all its officers and for the management of its internal affairs in the same manner as corporations organized under the general laws of the state.

Sec. 8. First meeting, how called. 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 the day of such meeting.