

MAINE STATE LEGISLATURE

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Seventieth Legislature.

SENATE.

No. 126

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ONE.

AN ACT to incorporate the Long Island Pond Improvement
Company.

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

Section 1. Charles W. Coffin, Lucius A. Barbour, John
2 G. Dunning, Thomas Gilbert, Hiram Moore, Nathaniel M.
3 Jones, and their associates, successors and assigns, are
4 hereby incorporated under the name of the Long Pond
5 Improvement Company.

Sect. 2. Said company is authorized to erect and main-
2 tain dams, sluices and side dams on Long Pond stream,
3 which connects Long Pond with Lake Onawa, to remove
4 rocks therefrom, and to widen, deepen, and otherwise
5 improve said stream for the purpose of facilitating the

6 driving of logs and other lumber down the same, and to
7 erect and maintain a dam, with suitable sluices therein, at
8 the outlet of Lake Onawa, otherwise known as Ship pond,
9 in the town of Willimantic, and, for the above purposes,
10 said company may take necessary land and materials for
11 building such dams and making such improvements, and
12 may flow contiguous lands so far as necessary; and, if
13 interested parties cannot agree upon the amount of dam-
14 ages to be paid by said company for the land and materials
15 so taken, such damages shall be ascertained and deter-
16 mined by the county commissioners of Piscataquis county
17 for the time being, in the same manner and under the
18 same conditions and limitations as is provided by law in
19 the case of damages occasioned by laying out of highways,
20 and the amount of damages so determined shall be paid by
21 said company; and, from the damages arising from
22 the flowing of land, said company shall not be liable in
23 an action at law, but the person injured shall have a
24 remedy by complaint for flowage in which the same pro-
25 ceedings shall be had as when a complaint is made under
26 chapter ninety-two of the Revised Statutes of Maine pro-
27 viding for the recovery of damages for flowing lands
28 occasioned by a mill-dam.

Sect. 3. Said company may demand and receive a toll
2 upon all logs and other lumber which may pass over or
3 through said dams and improvements, to be fixed by the
4 directors of said company, but not exceeding the following
5 prices per thousand feet, stumpage scale; between Long
6 pond and Slue Gundy falls so called, a sum not exceeding
7 forty cents; below Slue Gundy falls, a sum not exceeding
8 fifteen cents; on all logs and other lumber which may

9 pass over the dam at the outlet of lake Onawa, a sum not
10 exceeding twenty cents ; and for all pulp wood passing
11 over or through the dam at the outlet of lake Onawa, a
12 sum not exceeding five cents per cord ; and said company
13 shall have a lien upon all logs and other lumber which
14 may pass over or through any of its dams or improve-
15 ments until the full amount of toll is paid, to be enforced
16 as herein provided, but, the logs of each particular mark
17 shall only be holden to pay the toll on such mark. Unless
18 said toll is paid within twenty days after such logs and
19 other lumber, or a major part thereof, shall have arrived
20 at the place of destination, said company may seize and
21 take possession of a sufficient quantity of any and all
22 marks of logs and other lumber upon which the tolls have
23 not been paid, and retain possession of the same until dis-
24 posed of as herein provided, unless before such disposition
25 the tolls, with all incidental costs and charges thereon,
26 have been paid. All marks of logs and other lumber
27 upon which said tolls have not been paid, and which have
28 been seized as aforesaid, said company shall cause to be
29 advertised three weeks in succession in some newspaper
30 published in Dover, Maine, and in some newspaper pub-
31 lished in Bangor, Maine, the first publications to be within
32 at least thirty days of such seizure, such advertisement to
33 state that unless the tolls due on such logs and other
34 lumber, together with the costs and charges, are paid, the
35 same will be sold at public auction, and, if within ten
36 days after the last publication, such tolls, with the neces-
37 sary costs and expenses incident to such seizure and
38 publication, have not been paid, the company shall give
39 notice of the sale at public auction of such logs and other

40 lumber by posting in some conspicuous place in said
41 Dover and Bangor, and at the place of destination of such
42 logs and other lumber, notice of such sale, with a list of
43 all the marks of said logs and other lumber and the
44 amount of tolls due on each mark, ten days at least before
45 the time fixed for such sale, and, if said charges and
46 expenses are not paid before the time fixed for such sale,
47 said company shall then cause to be sold to the highest
48 bidder a sufficient quantity of such logs and other lumber
49 of the different marks seized and taken as aforesaid, to
50 pay the tolls and expenses of such notices and sale, selling
51 each mark of logs separately; the place of sale shall be at
52 the office of the company in Bangor, Maine; the lien
53 hereby created shall have precedence of all other liens,
54 but shall not deprive said company of any other legal
55 remedy it may have to collect the tolls.

Sect. 4. The rights herein granted said company to
2 build and maintain the dam at the outlet of Lake Onawa
3 shall not be so exercised as to deprive the owners of land
4 on which said dam is built and of the land immediately
5 adjoining the same of the right at any time to use the falls
6 at the outlet of said lake or on the stream below for the
7 purpose of developing the water power, and using, sell-
8 ing, or leasing the same for manufacturing or mechanical
9 purposes; and in case the dam built by said company at
10 the outlet of said lake is deemed insufficient by the owners
11 of said land to raise and maintain a head of water for
12 manufacturing or mechanical purposes, said owners are to
13 have the right to build and maintain such dam, with sluices
14 therein, as they deem necessary, and said owners shall
15 then succeed to all the rights hereby granted to said Long

16 Pond Improvement Company to said dam at the outlet of
17 said lake, but not otherwise. And in case the owners of
18 said land shall take said dam as herein provided, they
19 shall pay to said Long Pond Improvement Company such
20 sum, if any, as may be due to said company for building
21 and maintaining said dam, and shall afterward have the
22 right to collect the tolls herein provided for logs and other
23 lumber passing over said dam, until they are reimbursed
24 for the money paid to said improvement company, as
25 herein provided, with annual interest thereon at six per
26 cent. After they have been reimbursed as aforesaid, then
27 said tolls over said dam to cease.

Sect. 5. The Long Pond Dam Company is hereby
2 authorized and empowered to assign and convey by deed
3 duly executed by its president, all its dams, works and
4 improvements, and its franchise, to the Long Pond Im-
5 provement Company; which is hereby authorized to take
6 and hold the same by virtue of such conveyance, and to
7 take and hold any interest other parties may have in and
8 to said dams, works and improvements when transferred
9 and conveyed to it, and to exercise all the powers and
10 privileges granted to the said Long Pond Dam Company,
11 in accordance with acts relating thereto.

Sect. 6. When said company shall have received from
2 tolls its outlay on all dams, improvements and repairs
3 made up to that time, including any amounts paid to said
4 Long Pond Dam Company, and also including all damages
5 paid for flowage or otherwise, and six per cent interest
6 thereon, then the tolls herein provided shall be fixed at a
7 sufficient sum to keep said dams and improvements in
8 reasonable repair.

Sect. 7. Said company may issue its capital stock to an amount not exceeding five thousand dollars, to be divided into shares of one hundred dollars each.

Section 8. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, March 13, 1901.

Reported by Mr. JONES from Committee on Interior Waters, and laid
on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*