

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

Chapter 557.

AN Act to amend Chapter two hundred and twenty-one of the Private and Special Laws of eighteen hundred ninety-five, which is an act to incorporate the Long Pond Dam Company.

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

Sect. 1. Insert after the word "improvements" in the ninth line of section two of said act the following: 'Said corporation may erect and maintain a dam with sluices therein at the outlet of lake Onawa, otherwise known as Ship pond, in the town of Willimantic and county of Piscataquis, and may take land and materials for building said dam and sluices.' After the word "therefor" in the eleventh line insert the words, 'and all damages for flowage of land caused by the erection of the dam at the outlet of lake Onawa aforesaid,' and after the word "highways," being the last word in said section, insert the following: 'Provided, however, that the rights hereby granted to said corporation to build and maintain the dam at the outlet of lake Onawa shall not be so exercised or held as to deprive the owners of land on which said dam is built and of the lands immediately adjoining the same of the right at any time to use the falls at the outlet of said lake or on Ship pond stream and the lands immediately adjoining the same for the purpose of developing water power and using, selling or leasing the same for manufacturing or mechanical purposes. In case the dam built by said corporation at the outlet of said lake Onawa is deemed insufficient by the owners of said land to raise and maintain a head of water for manufacturing or mechanical purposes as herein set out said owners are to have the right to build and maintain such dam with sluices therein as they deem necessary and said owners shall then succeed to all the rights hereby granted to said Long Pond Dam Company to said dam at the outlet of lake Onawa. Said owners, however, shall pay to said Long Pond Dam Company such sum, if any, as may be due to said corporation for building and maintaining said dam at the outlet of said lake Onawa and shall have the right to collect the tolls herein provided until they are reimbursed for the money paid to said Long Pond Dam Company, with annual interest at six per cent thereon; said tolls are then to cease. Said owners of said land shall have all the rights to the lien and enforcement of the same as herein granted to said Long Pond Dam Company;' so that said section shall read as follows:

Charter
amended.

CHAP. 557

May erect
dams on
Long pond
stream.

—powers.

—may take
land.

—may erect
dam at out-
let of Ship
pond.

—may take
land and
materials.

—damages,
how esti-
mated.

—shall not
deprive
owners of
land of any
rights.

—owners
have right
to build dam
at Ship
pond and
succeed to
the rights
of com-
pany.

—shall pay
company
for im-
prove-
ments.

—when tolls
shall cease.

‘Sect. 2. Said corporation may erect and maintain a dam with side dams and sluices on Long pond stream near the foot of Long pond, to facilitate the driving of logs and lumber down Long pond stream, and said corporation may remove rocks, build dams and side dams, and make other improvements on Long pond stream between said Long pond and lake Onawa in the township of Elliottsville and county of Piscataquis, and may take land and materials for building said dams and making said improvements. And said corporation may erect and maintain a dam with sluices therein at the outlet of lake Onawa, otherwise known as Ship pond in the town of Willimantic and county of Piscataquis, and may take land and materials for building said dam and sluices, and if the parties owning said land and materials cannot agree upon the damages therefor and all damages for flowage of lands caused by the erection of the dam and sluices at the outlet of lake Onawa aforesaid, then said damages shall be estimated by the county commissioners for Piscataquis county as provided by law in case of taking land for public highways. Provided, however, that the rights hereby granted said corporation to build and maintain the dam at the outlet of lake Onawa shall not be so exercised or held as to deprive the owners of land on which said dam is built and of the lands immediately adjoining the same of the right at any time to use the falls at the outlet of said lake or on Ship pond stream and the lands immediately adjoining the same for the purpose of developing the water power and using, selling or leasing the same for manufacturing or mechanical purposes. In case the dam built by said corporation at the outlet of said lake Onawa is deemed insufficient by the owners of said land to raise and maintain a head of water for manufacturing or mechanical purposes as herein set out said owners are to have the right to build and maintain such dam with sluices therein as they deem necessary and said owners shall then succeed to all the rights hereby granted to said Long Pond Dam Company to said dam at the outlet of lake Onawa. Said owners, however, shall pay to said Long Pond Dam Company such sum, if any, as may be due to said corporation for building and maintaining said dam at the outlet of said lake Onawa and shall have the right to collect the tolls herein provided until they are reimbursed for the money paid to said Long Pond Dam Company, with annual interest at six per cent thereon; said tolls are then to cease. Said owners of said land shall have all the rights to the lien and enforce-

ment of the same as herein granted to said Long Pond Dam Company.'

Sect. 2. Strike out all of section four, commencing with the word "the" in the first line to and including the word "scale" in the eighth line and insert in place thereof the following: 'The said corporation may demand and receive a toll upon all logs and lumber which may pass through or over Long pond dam and Long pond stream, of forty cents for each thousand feet, board measure, woods scale, except for the logs and lumber put into the said Long pond stream below the falls of said stream, called Slue Gundy, on which shall be fifteen cents for each thousand feet, board measure, woods scale, and may demand and receive a toll upon all logs and lumber or pulp wood which may pass through or over the dam at the outlet of lake Onawa aforesaid, of twenty cents for each thousand feet, board measure, woods scale, for all saw logs and lumber, and five cents per cord for all pulp wood.' So that said section shall read as follows:

Section 4,
amended.

'Sect. 4. The said corporation may demand and receive a toll upon all logs and lumber which may pass through or over Long pond dam and Long pond stream, of forty cents for each thousand feet, board measure, woods scale, except for the logs and lumber put in to the said Long pond stream below the falls on said stream called Slue Gundy, on which shall be fifteen cents for each thousand feet, board measure, woods scale, and may demand and receive a toll upon all logs and lumber or pulp wood which may pass through or over the dam at the outlet of lake Onawa aforesaid, of twenty cents for each thousand feet, board measure, woods scale, for all saw logs and lumber, and five cents per cord for all pulp wood; and said corporation shall have a lien upon all logs and lumber which may pass through or over any of its said 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 if such toll or tolls are not paid within twenty days after such logs, or a major part of them, shall arrive at the Penobscot boom or place of manufacture, said corporation may seize such logs and lumber and sell at public auction so many thereof as shall be necessary to pay such toll or tolls, costs and charges, notice of the time and place of such sale being first given ten days prior to said sale in some newspaper printed in Bangor and in the county of Piscataquis.'

Tolls estab-
lished.

—Lien on
logs for
tolls, to
how en-
forced.