

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1846.



*AUGUSTA:*

WM. T. JOHNSON, PRINTER TO THE STATE.

1847.

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# TWENTY-SIXTH LEGISLATURE.

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No. 25.

SENATE.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FORTY-SIX.

---

AN ACT to incorporate the Telos Canal Company.

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

SECTION 1. Rufus Dwinel and Calvin Dwinel, their  
2 associates and assigns, are hereby incorporated a body  
3 politic by the name of the Telos Canal Company, with  
4 all the powers, rights and privileges of similar cor-  
5 porations.

SEC. 2. Said corporation shall have the right, and  
2 it shall be their duty, to construct, maintain and keep  
3 open and in repair, a proper sluiceway or canal with  
4 suitable dams, gates and other erections for the pas-  
5 sage of water, logs and lumber, between Telos lake  
6 and Webster pond, on township number six in the  
7 eleventh range, in the county of Piscataquis, and to  
8 afford a safe and convenient passage for all logs and

9 lumber which the owner or owners of said lumber  
10 may desire to pass through said sluiceway. And said  
11 corporation shall have the right to preserve a free  
12 passage for logs and lumber from Chamberlin lake to  
13 the said canal or sluiceway, and it shall be their duty  
14 to suffer said logs and lumber to pass down from said  
15 Chamberlin lake to said sluiceway without any hind-  
16 rance or obstruction whatever. And said corporation  
17 shall have the right to demand and receive as a toll,  
18 the sum of twenty-four cents for each and every  
19 thousand feet, board measure, of all logs and lumber  
20 which may pass through said sluiceway, to be ascer-  
21 tained and fixed by the scale usually denominated the  
22 Woods scale. And said corporation shall have a lien  
23 on all logs and lumber which shall pass through said  
24 cut, and on all lumber manufactured therefrom,  
25 whether the same remain in the possession of said  
26 corporation or not, until the full amount of toll due  
27 on all the logs of the owner or any particular mark,  
28 shall be paid. And if not paid within ten days after  
29 said logs or lumber arrive at the Penobscot boom, or  
30 within ten miles of said boom, said corporation may  
31 sell at public auction, after ten days public notice in  
32 some newspaper printed in the county of Penobscot,  
33 so much of said logs or lumber as may be sufficient  
34 to pay said toll and incidental charges.

SEC. 3. That there may be a sufficient depth of  
2 water in said sluiceway, for the passage of lumber  
3 therein, said corporation are hereby empowered to  
4 keep and maintain a dam on Allegash stream in town-  
5 ship number seven in the thirteenth range. And  
6 whereas a dam has already been erected on said Alle-  
7 gash stream between the Chamberlin lake and Heron  
8 lake so called, it shall be the duty of said corporation  
9 to take said dam and site, and to keep and maintain  
10 the same in good repair and of sufficient height to  
11 cause the water to flow through said sluiceway, so as  
12 to afford a safe, easy and commodious passage for all  
13 logs and lumber through the same. And said corpo-  
14 ration shall pay to the owner or owners of said dam  
15 for the same, the reasonable value thereof; and if the  
16 parties cannot agree upon the price of said dam, the  
17 owner may have the same remedy for his damages on  
18 application to the county commissioners for the coun-  
19 ty of Piscataquis, in the same manner and under the  
20 same conditions and limitations as as are by law  
21 provided in case of damages in laying out public  
22 highways. Provided, however, that the measure of  
23 damages shall be the just and reasonable value of the  
24 construction.

SEC. 4. Any individual or individuals authorized by  
2 the land agent of this State, or any company in-

3 corporated by the Legislature, may make such im-  
4 provements and construct all necessary machinery,  
5 gates and canals on said dam, and use the same for  
6 the transportation of logs and lumber from the lakes  
7 and streams north and east of said dam, into the  
8 Chamberlin lake and water south and west of said  
9 dam; and shall pay therefor, to the owner thereof,  
10 such yearly sum as the land agent or Legislature shall  
11 determine.

SEC. 5. Provided nevertheless, and this charter is  
2 granted upon the condition, that the said Rufus Dwinel  
3 and Calvin Dwinel, and their associates and assigns,  
4 shall accept this charter and organise their corpora-  
5 tion on or before the first day of October next; so  
6 that there shall be an ample passage way for the tran-  
7 sit of lumber, between said lake Telos and Webster  
8 pond, and shall also take said dam and site on said  
9 Allegash stream, and keep and maintain the same so  
10 as to cause the water to flow through said sluiceway,  
11 and pay for said dam to the owner or owners thereof,  
12 within ninety days after the award and determination  
13 of the county commissioners in the premises. And  
14 if said company shall fail to fulfill the conditions  
15 aforesaid, by the time limited, this act shall have no  
16 further validity or effect.

# STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FORTY-SIX.

---

AN ACT to incorporate the Lake Telos and Webster  
Pond Dam and Sluiceway Company.

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

SECTION 1. William H. Smith, Daniel M. Howard,  
2 Warren Brown and Theodore H. Dillingham and their  
3 associates and assigns, are hereby created a body pol-  
4 itic by the name of Lake Telos and Webster Pond  
5 Dam and Sluiceway Company, by which name they  
6 may contract, sue and be sued, defend suits at law,  
7 have and use a common seal, and change the same  
8 at pleasure, make by-laws not repugnant to the laws  
9 of this state, for the convenient management of their  
10 corporate affairs, take and hold any estate, real, per-  
11 sonal or mixed, to an amount not exceeding thirty  
12 thousand dollars, and sell or convey or otherwise dis-  
13 pose of the same, and have and enjoy all the rights,

14 powers and privileges necessary to carry into effect  
15 the object of this corporation.

SEC. 2. The said corporation are hereby authorised  
2 and empowered to make, construct and maintain a  
3 sluiceway from lake Telos to Webster pond, other-  
4 wise called Penobscot pond, on township number six,  
5 in the eleventh range, in the county of Piscataquis,  
6 sufficiently wide and deep for the passage of timber and  
7 lumber of all kinds, which may be expedited to the pub-  
8 lic market through that channel. And they are author-  
9 ised to erect and maintain any dam or dams on said  
10 sluiceway, or any stream or waters which may be con-  
11 nected therewith on said township, which may be nec-  
12 essary to render the transit of lumber more easy and  
13 effectual, and to keep open a passage way for all logs  
14 or lumber, on the waters between Chamberlin lake  
15 and said sluiceway. And they are further authorised to  
16 enter upon and take such land, property or material in  
17 said township, as they may find it necessary to make  
18 said canal or sluiceway, or upon which to locate their  
19 dam or dams, and such as may be necessary along the  
20 margin of their sluiceway for the use and accommo-  
21 dation of persons employed in driving lumber through  
22 the same. *Provided however,* that said corporation  
23 shall pay the proprietor or proprietors of said town-



24 ship number six, for land, property or material so tak-  
25 en and used for their sluiceway and dam or dams, with  
26 a necessary and convenient margin, and for keeping  
27 an open and free passage on the waters between said  
28 Chamberlin lake and said sluiceway, such price as  
29 they and said proprietor or proprietors may agree  
30 upon. And in case said parties shall not otherwise  
31 agree, then said corporation shall pay such damages as  
32 shall be ascertained and determined by the County  
33 Commissioners for the county of Piscataquis, in the  
34 same manner and under the same conditions and lim-  
35 itations as are by law provided in the case of damage  
36 by the laying out of public highways; with the same  
37 right to either party aggrieved by the doings of said  
38 Commissioners, in estimating damages, to have a jury  
39 to determine that matter on their petition; unless said  
40 party shall agree with the other party in interest to  
41 have the same determined by a committee to be ap-  
42 pointed under the direction of said Commissioners.  
43 And no application shall be made to said Commission-  
44 ers to estimate damages unless made within two years  
45 from the time of taking said land, property and mate-  
46 rials.

SEC. 3. And whereas said proprietor or proprietors  
2 of said township number six, in the eleventh range,

3 have already cut a sluiceway on said township, from  
4 said lake Telos to said Webster Pond, which has be-  
5 come to some extent available for the passage of lum-  
6 ber, and the proprietor or proprietors of said town-  
7 ship instead of applying for their damages as provided  
8 for, in the second section of this act, may at their  
9 election, at any time within two years from the taking  
10 of said land, property or materials, apply to said Coun-  
11 ty Commissioners at any regular term of said court,  
12 claiming to be paid the reasonable costs and expenses  
13 of making said sluiceway and dam upon said township  
14 number six in the eleventh range. And thereupon  
15 said court shall issue due notice to said corporation,  
16 requiring them to appear before said court, and an-  
17 swer to said complaint. And said corporation shall  
18 pay such sum as damages, as shall be ascertained and  
19 determined by said County Commissioners, to be the  
20 reasonable cost and expenses in making and construct-  
21 ing said sluiceway and dam or dams, on said township  
22 number six, of the said eleventh range, but if damages  
23 are awarded under this section of this act, no further  
24 or other damages shall be allowed said proprietor or  
25 proprietors.

SEC. 4. There shall be allowed to said corporation  
2 as toll for the passage of every thousand feet, board

3 measure of lumber, according to the Woods scale,  
4 through their sluiceway, a sum not exceeding ten  
5 cents; excepting such lumber as may be cut on town-  
6 ship number six, of the eleventh range, which shall be  
7 allowed a free passage through said sluiceway, with-  
8 any payment whatever. And to secure to the corpor-  
9 ation the toll granted by this act, they shall have a  
10 lien on all the lumber, subject to the payment of toll,  
11 and if the same is not paid within ten days after the  
12 arrival of said lumber at Penobscot boom, or within  
13 ten miles of said boom, the corporation may advertise  
14 the sale of so much thereof as may be necessary to  
15 pay said toll and expenses, in one of the newspapers  
16 printed in Bangor, the publication to be at least ten  
17 days before the day appointed for such sale; and if  
18 payment is not made before the time appointed, may  
19 proceed to sell so much of said lumber as may be re-  
20 quired to pay said toll and expenses.

SEC. 5. That there may be a sufficient depth of  
2 water in said sluiceway for the passage of lumber  
3 therein, said corporation are hereby empowered to take  
4 the dam now erected on Allegash stream, in township  
5 number seven, in the thirteenth range, with the land  
6 on which the same is situate. And if the parties can-  
7 not agree upon the price, the owner may have the

8 same remedy for his damages on application to the  
9 county commissioners for the county of Piscataquis as  
10 is provided in the second section of this act, and shall  
11 pay therefor the expenses and cost of its construction.  
12 And said corporation are empowered to flow the con-  
13 tiguous lands as far as may be necessary to accomplish  
14 their object, paying the owners damage therefor; and  
15 if the parties cannot agree upon the amount of dam-  
16 ages, the said corporation shall not be liable to any  
17 action at common law for the same; but any person  
18 injured may have a remedy by a complaint for flowing,  
19 in which the same proceeding shall be had, as where a  
20 complaint is made under a statute of this State for  
21 flowing lands occasioned by the raising of a head of  
22 water necessary for the working of mills.

SEC. 6. When said corporation shall have been re-  
2 imbursed by tolls received, for their reasonable costs  
3 and expenses in making their sluiceway and dams to-  
4 gether with all damages by them paid, with lawful in-  
5 terest thereon, said sluiceway shall become open and  
6 free for the use of the public generally without the  
7 payment of tolls.

SEC. 7. Any individual or individuals authorised by  
2 the land agent of this State may make such improve-  
3 ments and construct all necessary machinery and

4 gates on said dam and use the same for the transpor-  
5 tation of logs and lumber from the lakes and streams  
6 north and east of said dam into the Chamberlin lake  
7 and waters south and west of said dam ; subject at  
8 all times to the control and regulation of the Legis-  
9 lature.

SEC. 8. One half part of the reasonable cost and  
2 expenses in making said sluiceway and dams, together  
3 with the damages by them paid, with legal interest  
4 thereon, may be collected in tolls at ten cents per  
5 thousand feet board measure, from timber cut on  
6 lands of proprietors, and the other half part from tim-  
7 ber which may be cut from lands now owned by the  
8 commonwealth of Massachusetts and State of Maine.

SEC. 9. Provided nevertheless, that if the Telos  
2 Canal Company created at the present session of the  
3 Legislature, shall provide and establish an ample and  
4 sufficient passage way for the transit of lumber be-  
5 tween said lake Telos and Penobscot pond, in the time  
6 limited in the fifth section of an act to incorporate  
7 said company, and shall duly organise under and  
8 exercise the powers granted by their charter, then the  
9 powers and privileges granted by this act, shall be  
10 vacated and of no effect ; but if said Telos Canal  
11 Company shall not discharge the duties imposed on

12 them by their charter on or before the time limited  
13 in their charter, then the company hereby established  
14 are invested with all the powers and privileges and  
15 subject to all the duties imposed upon them by this  
16 act.

SEC. 10. The Legislature reserves to itself the  
2 right to alter, amend or repeal this charter at pleasure.

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## STATE OF MAINE.

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IN SENATE, July 11, 1846.

*Ordered*, That 350 copies of the foregoing Bills, reported from the Committee on Interior Waters, be printed for the use of the Legislature.

DANIEL T. PIKE, *Secretary*.