

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.

TWENTY-SIXTH LEGISLATURE.

No. 32.

HOUSE.

STATE OF MAINE.

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.

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 authorized
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 ized 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 authorized 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
32 as 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 ma-
46 terials.

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
19 and determined by said county commissioners; and
20 said commissioners shall be governed in making
21 up damages by the reservation in the deed of said
22 township to Lewis Hancock; but if damages are
23 awarded under this section of this act, no further or
24 other damages shall be allowed said proprietor or
25 proprietors. And before said corporation shall pro-

26 ceed to take any land or other property on said town-
27 ship number six in the eleventh range, the members
28 thereof shall make, execute and file with the county
29 commissioners for the county of Piscataquis, for the use
30 of the proprietor or proprietors of said land or other
31 property to be taken, a good and sufficient bond with
32 good and sufficient sureties, in the penal sum of twenty
33 thousand dollars, conditioned that such corporation shall
34 pay on demand such sum as shall be ascertained and
35 adjudged against the same under the provisions of this
36 act as the amount of damages to which said proprie-
37 tor or proprietors may be entitled to receive for said
38 land or other property: *provided* said proprietor or
39 proprietors shall on or before the first day of October
40 next file with the said county commissioners a written
41 request for said bond, with the name or names of the
42 proprietor or proprietors whose land or other property
43 is to be taken, or to whom said bond is to be given.

SEC. 4. 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. 5. It shall be the duty of said corporation, to
2 keep and maintain said sluiceway and dam, so as to
3 afford at all proper seasons a safe and commodious
4 passage for all logs and other timber through the
5 same—and said sluiceway shall be open and free for
6 the use of the public generally without the payment
7 of tolls.

SEC. 6. Any individual or individuals authorized 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 Legisla-
9 ture.

SEC. 7. Provided nevertheless, that if Rufus Dwinel
2 and associates, or others, shall be authorized and re-
3 ceive a charter during the present session of the legis-
4 lature to provide and establish an ample and sufficient
5 passage-way for the transit of lumber between said
6 lake Telos and Webster pond ; and said Rufus Dwi-
7 nel and associates, or others, if authorized as afore-
8 said, shall accept their authority and charter aforesaid
9 and organize and act under the same so that said
10 company shall provide an ample passage-way for the
11 transit of lumber between said lake Telos and Web-
12 ster pond on or before the first day of October next ;
13 then and in such case all the powers granted by this
14 act shall cease and terminate.

SEC. 8. The legislature reserves to itself the right
2 to alter, amend or repeal this charter at pleasure.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
July 29, 1846. }

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

SAMUEL BELCHER, *Clerk.*