

# MAINE STATE LEGISLATURE

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# Sixty - Second Legislature.

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HOUSE.

No. 77.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-FIVE.

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AN ACT to amend an act entitled 'An Act to Incorporate  
the Shirley Dam Company', approved March sixth, eighteen  
hundred and eighty-three.

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

SECTION 1. Section two of chapter three hundred and  
2 fourteen of the private laws of eighteen hundred and eighty-  
3 three is hereby amended by striking out the words "towns  
4 of Shirley and Blanchard in the county of Piscataquis" in  
5 the fourth line thereof, and substituting therefor the words  
6 'counties of Piscataquis and Somerset, to the east line of  
7 the town of Blanchard, and the right to erect side-dams,  
8 and to remove rocks and improve the bed of the main  
9 channel of the Piscataquis River from said east line of  
10 Blanchard to the town bridge crossing said river in the  
11 town of Milo'; by inserting after the word "Piscataquis"

12 in the thirteenth line thereof the words 'and by the  
13 County Commissioners for the county of Somerset'; and  
14 by adding after the word "mills" in the last line thereof  
15 the words 'and said corporation may shut down their  
16 dams from the first of March to the first of July, and the  
17 mill owners on said Piscataquis River and its branches  
18 and tributaries, either one or all, may hoist the gates of  
19 said dams of said corporation at any time, excepting as  
20 aforesaid, at their own pleasure and expense; and if said  
21 mill owners desire to shut down said dam or dams between  
22 the first day of July and first day of March, they shall  
23 before so doing properly gravel the same, to protect and  
24 make them safe.' So that said section as amended shall  
25 read as follows:

'SECT. 2. The said corporation is authorized to build  
27 dams, side-dams, remove rocks and make other improve-  
28 ments in so much of Piscataquis River, its branches and  
29 tributaries, as are in the counties of Piscataquis and Som-  
30 erset, to the east line of the town of Blanchard, and the  
31 right to erect side-dams and remove rocks and improve  
32 the bed of the main channel of the Piscataquis River from  
33 said east line of Blanchard to the town bridge crossing  
34 said river in the town of Milo, to facilitate the driving of  
35 logs and lumber down the same, and for this purpose the  
36 said corporation may take land and materials necessary  
37 to build such dams and make such improvements, and  
38 may flow contiguous lands so far as necessary to raise  
39 suitable heads of water; and if the parties cannot agree

40 upon the damages, the corporation shall pay the proprie-  
41 tors of the lands and materials so taken such damages as  
42 shall be ascertained and determined by the County Com-  
43 missioners for the county of Piscataquis, and by the County  
44 Commissioners for the county of Somerset, in the same  
45 manner and under the same conditions and limitations as are  
46 by law provided in the case of damage by laying out public  
47 highways ; and for the damage occasioned by flowing land,  
48 the said corporation shall not be liable to an action at  
49 common law, but the person injured may have a remedy  
50 by a complaint for flowing, in which the same proceedings  
51 shall be had as when a complaint is made under a statute  
52 for flowing lands occasioned by raising a head of water  
53 for the working of mills. And said corporation may shut  
54 down their dams from the first of March to the first of  
55 July ; and the mill owners on said Piscataquis River and  
56 its branches and tributaries, either one or all, may hoist  
57 the gates of said dams of said corporation at any time,  
58 excepting as aforesaid, at their own pleasure and expense ;  
59 and if said mill owners desire to shut down said dam or  
60 dams between the first day of July and the first day of  
61 March, they shall before so doing properly gravel the  
62 same to protect and make them safe. ’

SECT. 2. Section three of said act is hereby amended  
2 by adding after the word “ cease ” in the last line of said  
3 section, the words, “ But the above tolls shall in no case  
4 apply to any lumber put into Shirley Mill Stream and  
5 manufactured at Blanchard Mills, nor to any lumber put

6 in below Blanchard Mills and stopped and manufactured  
7 at Abbot, Foxcroft and East Dover.' So that said sec-  
8 tion as amended shall read as follows :

'SECT. 3. The said corporation may demand and receive  
10 a toll for the passage of logs over their said dams and  
11 improvements, of twenty-five cents for each thousand feet,  
12 board measure, woods scale, except for the logs put into  
13 said waters below the south line of Shirley, the toll on  
14 which shall be fifteen cents for each thousand feet, board  
15 measure, woods scale ; and said corporation shall have a  
16 lien upon all logs which may pass over any of its said  
17 dams and improvements for the payment of said tolls, but  
18 the logs of each particular mark shall be holden only for  
19 the tolls of such mark, and unless such toll is paid within  
20 twenty days after such logs, or a major part of them,  
21 shall arrive at the Penobscot boom, or place of manufac-  
22 ture, said corporation may seize such logs and sell at  
23 public auction so many thereof as shall be necessary to  
24 pay such toll and costs and charges, notice of the time and  
25 place of such sale being first given in some newspaper  
26 printed in Bangor ; and when said corporation shall, from  
27 tolls, be reimbursed for its expenditure and six per cent  
28 interest thereon, the tolls shall cease. But the above  
29 tolls shall in no case apply to any lumber put into Shir-  
30 ley Mill Stream and manufactured at Blanchard Mills,  
31 nor to any lumber put in below Blanchard Mills and  
32 stopped and manufactured at Abbott, Foxcroft and East  
33 Dover.'

SECT. 3. Any dams or improvements already made by  
2 said corporation outside of the original charter limits but  
3 within the limits established by this act are hereby ap-  
4 proved and shall be covered by this act.

SECT. 4. This act shall take effect when approved.



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 11, 1885. }

Reported from Committee on Interior Waters by Mr. DYER, and on  
his motion ordered printed.

NICHOLAS FESSENDEN, *Clerk.*