

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

HOUSE.

No. 52.

STATE OF MAINE.

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

AN ACT to incorporate the Third Lake Dam Company.

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

SECTION. 1. Eben S. Coe, Levi Bradley, Eugene Hale,
2 Clarence Hale, Daniel F. Davis, William Engel, Frank
3 Gilman, Lemuel A. Cross, their associates and assigns,
4 are hereby incorporated under the name of the Third
5 Lake Dam Company, with all the powers and privileges
6 of similar corporations.

SECT. 2. Said corporation is authorized to build dams,
2 side dams, remove rocks, and make all other necessary
3 improvements in so much of the East Branch of Penobscot
4 river as is between the mouth of Webster brook in
5 Township Six (6) Range Nine (9) west from the east
6 line of the State, and the west line of Township Seven
7 (7) Range Ten (10) west from the east line of the State,
8 in the county of Piscataquis, to facilitate the driving of

9 logs and lumber down the same, and for this purpose the
10 said corporation may take land and materials necessary
11 to build such dams and make such improvements, and
12 may flow contiguous lands so far as necessary to raise
13 suitable heads of water. And if the parties cannot agree
14 upon the damages, the corporation shall pay the proprie-
15 tors of the land and materials so taken, such damages as
16 shall be ascertained and determined by the county
17 commissioners for the county of Piscataquis in the same
18 manner and under the same conditions and limitations as
19 are by law provided in the case of damage by laying out of
20 public highways. And for the damage occasioned by
21 flowing land the said corporation shall not be liable to an
22 action at common law, but persons injured may have a
23 remedy by a complaint for flowing in which the same
24 proceedings shall be had as when a complaint is made
25 under a statute of this State for flowing lands occasioned
26 by raising a head of water for the working of mills.

SECT. 3. The said corporation may demand and receive
2 a toll for the passage of logs over their said dams and
3 improvements, except from logs cut from township No.
4 6, W. E. L. S. R. 9, of fifteen cents per thousand feet,
5 board measure, woods scale, for all logs that pass through
6 the dam at the outlet of Third Lake; and for all logs
7 that come into said East Branch between the outlet of
8 said Third Lake and the mouth of Turner Brook, ten
9 cents per thousand feet; and for all logs that come into
10 said East Branch between the mouth of Turner Brook
11 and the mouth of Webster Brook, five cents per thousand
12 feet as aforesaid. And said corporation shall have a lien
13 upon all logs and lumber which may pass over any of its

14 said dams and improvements, for the payment of said
15 tolls, but the logs of each particular mark shall be holden
16 only for the tolls of such mark. And unless such toll is
17 paid within twenty days after such logs or lumber, or a
18 major part of the same, shall arrive at the Penobscot
19 boom, or place of manufacture, or destination, said
20 corporation may seize said logs and lumber, and sell at
21 public auction so many and so much thereof as shall be
22 necessary to pay such tolls, costs and charges. Notice
23 of the time and place of such sale shall be given ten days
24 before such sale, in some newspaper printed in Bangor.

SECT. 4. When said corporation shall have received
2 from tolls its outlay on dams and improvements, and the
3 repairs made up to that time, and eight per cent. interest,
4 then the tolls shall be reduced *pro rata* to a sum sufficient
5 to keep the works in repair, and the President of the
6 West Branch Driving Company, for the time being, is
7 appointed to audit and allow accounts, and shall deter-
8 mine the cost of said dams and improvements, and shall
9 also audit the accounts for said repairs, made from year
10 to year.

SECT. 5. Any and all owners of land from which logs
2 or other lumber is cut which passes over or through said
3 dams or improvements, shall have the right to take an in-
4 terest in the stock of said corporation, in proportion to
5 their interest in said land, by paying their proportion of
6 the cost of making said dams and improvements.

SECT. 6. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 28, 1889. }

Tabled, for printing, pending third reading, on motion of Mr. HOVEY
of Pittsfield.

NICHOLAS FESSENDEN, *Clerk.*