

# MAINE STATE LEGISLATURE

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# Sixty-Sixth Legislature.

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HOUSE.

No. 41.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND NINETY-THREE.

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AN ACT to incorporate the Seboomook Dam Company.

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

SECTION 1. Eugene Hale, Daniel F. Davis, J. S. Brad-  
2 street, F. T. Bradstreet, Clarence Hale and Lewis C.  
3 Moore, their associates and assigns are hereby incorporated  
4 under the name of the Seboomook Dam Company with the  
5 powers and privileges of similar corporations.

SECT. 2. Said company is hereby authorized to erect  
2 and maintain dams, side-dams, piers and booms at, in,  
3 along and near Seboomook Falls, so called, on the West  
4 Branch of the Penobscot river, but all to be within the  
5 limits of Seboomook township in the County of Somerset.  
6 Also to remove rocks and excavate ledges therefrom, and  
7 to widen, deepen and otherwise improve said stream for

8 the purpose of raising a head of water, and for making  
9 said stream and its tributaries floatable, and facilitating  
10 the driving of logs, lumber and wood down the same.

SECT. 3. Said company for the above purposes may  
2 take all necessary land and materials for building said  
3 dams and piers and making said improvements, and may  
4 flow contiguous lands so far as necessary to raise suitable  
5 heads of water; and if the parties can not agree upon the  
6 damages the corporation shall pay the proprietors for the  
7 land and materials so taken, such damages shall be ascer-  
8 tained and determined by the county commissioners of  
9 the County of Somerset in the same manner and under  
10 the same conditions and limitations as provided by law  
11 in case of damage by laying out of highways; and for the  
12 damage occasioned by flowing land, said company shall  
13 not be liable to an action at common law, but the person  
14 injured may have a remedy by complaint for flowage, in  
15 which case the same proceedings shall be had as when a  
16 complaint is made under the statutes of this State for  
17 flowing lands occasioned by raising a head of water for  
18 the working of mills.

SECT. 4. Said company may demand and receive as a  
2 toll the sum of five cents for every thousand feet of logs,  
3 stumpage scale, and two and a half cents for every cord  
4 of wood, on all logs and wood landed above said dam,  
5 and tolls at one-half the above rates on all logs and wood  
6 landed below said dam which may pass over said improve-  
7 ments and dams on said stream. Said company shall  
8 have a lien upon all logs, lumber and wood which may  
9 pass over any of its dams and improvements until the  
10 full amount of toll is paid, but the logs of each mark

11 shall only be holden to pay the toll on such mark, and  
12 the wood shall only be holden to pay the toll on such  
13 wood ; and if said toll is not paid within thirty days after  
14 said logs, lumber or wood, or the major part thereof,  
15 shall have arrived within the limits of the Ponobscot  
16 boom or their destination, said company may seize, hold  
17 and sell, at public auction such part of said logs, lumber  
18 or wood as shall be necessary to pay such tolls with all  
19 incidental costs and charges thereon, after ten days'  
20 notice in writing of the time and place of said sale given  
21 to the owner of such logs, lumber or wood ; but if said  
22 company shall not, by January 1, 1895, expend three  
23 thousand dollars in improvements below the head of said  
24 Falls, then all right to take toll under this charter shall  
25 cease.

SECT. 5. When said corporation shall have received  
2 from tolls, its outlay on dams, improvements and repairs  
3 made up to that time, including all damages paid for flowage  
4 or otherwise, and six per cent interest thereon, then the toll  
5 shall be reduced to a sum sufficient to keep the works in  
6 repair.

SECT. 6. Said company may issue its capital stock to  
2 an amount not exceeding six thousand dollars, and to be  
3 divided into shares of one hundred dollars each.

SECT. 7. In case logs are taken across from the West  
2 Branch to Moosehead lake by a carrier or otherwise, or  
3 are stored for that purpose, there shall not be on that  
4 account any detention of logs or lumber, or of the water  
5 of said West Branch, to the detriment of parties inter-  
6 ested in logs or lumber below said dam or to be run over  
7 said dam, but parties taking logs across to Moosehead

8 lake shall not be compelled to sort logs nights. All logs  
9 taken across to Moosehead lake as aforesaid shall pay a  
10 toll to said company of two and a half cents for every  
11 thousand feet of logs and one-half that sum for every cord  
12 of pulp wood stumpage scale, to be enforced as provided  
13 in section four of this act.

SECT. 8. Said company shall keep a true and accurate  
2 account of the cost of such improvements as shall be made,  
3 which shall be open to inspection at all times to land owners  
4 or operators.

SECT. 9. This act shall take effect when approved.

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## STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
February 3, 1893. }

Reported by Mr. PHILBROOK of Bethel, from Committee on Interior  
Waters, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*