

# MAINE STATE LEGISLATURE

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# Seventieth Legislature.

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SENATE.

No. 9

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## STATE OF MAINE.

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

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AN ACT to incorporate the Pistol Stream Dam Company.

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

Section 1. John Merison, John Cassidy, Horace B. Morison and James W. Cassidy, their associates, successors and assigns, are hereby created a body politic and corporate by the name of the Pistol Stream Dam Company, with all the powers, rights and privileges of similar corporations.

Sect. 2. Said corporation may erect and maintain a dam on Pistol stream at the outlet of the second Pistol lake in township four, North Division of Bingham's Penobscot Purchase, in Hancock county, to facilitate the driving of logs and other lumber from said second lake down said stream, and may remove rocks, excavate ledges, build dams and side dams, and make other improvements in said stream between

8 said second lake and the mouth of said stream, including a  
9 dam at the outlet of the first Pistol lake in township three in  
10 said North Division.

Sect. 3. Said corporation may take land and materials  
2 necessary for building said dams and making said improve-  
3 ments, and may flow contiguous lands so far as necessary to  
4 raise suitable heads of water; and if the parties owning said  
5 land and materials and said corporation cannot agree upon  
6 the damages therefor, said corporation shall pay the owners  
7 of the land and materials so taken, such damages as shall be  
8 ascertained and determined by the county commissioners for  
9 the county of Hancock, in the same manner and under the  
10 same conditions and limitations as are provided by law in  
11 case of damage by laying out of highways. And for the  
12 damages caused by flowing lands said company shall not be  
13 liable to an action at common law, but persons injured may  
14 have a remedy by a complaint for flowing, in which the same  
15 proceedings shall be had as when complaint is made, under  
16 the statutes of this State, for flowing lands occasioned by  
17 raising a head of water for the working of mills.

Sect. 4. Said corporation may demand and receive a toll  
2 for the passage of logs and lumber through or over said dams  
3 and improvements of fifteen cents per thousand feet board  
4 measure, woods scale, for all logs and lumber that pass  
5 through the dam at the outlet of the second Pistol lake afore-  
6 said, and ten cents per thousand feet on all logs and lumber  
7 landed below said second lake dam and which shall pass over  
8 the dam at the outlet of said lower Pistol lake; and said com-  
9 pany shall have a lien upon all logs and lumber which shall  
10 pass over any of its said dams and improvements for the  
11 payment of said tolls, but the logs of each particular mark  
12 shall be holden only for the tolls on such mark; and unless  
13 such toll is paid within twenty days after such logs or lum-

14 ber, or a major part thereof, arrive at the Passadumkeag  
15 boom, or the place of manufacture or destination, said corpo-  
16 ration may seize said logs and lumber and sell such part  
17 thereof as shall be necessary to pay such tolls and the costs  
18 and charges of such seizure and sale. Notice of the time  
19 and place of such sale shall be given ten days before such  
20 sale in some newspaper printed in Bangor.

Sect. 5. When said company shall have received from tolls  
2 as aforesaid, its outlay on dams and improvements, and repairs  
3 made up to that time, and six per cent interest thereon, then  
4 the toll shall be reduced pro rata to a sum sufficient to keep  
5 the works in repair.

Sect. 6. Any owner of land from which logs or other lum-  
2 ber is cut, which passes over and through said dams and  
3 improvements shall have the right to take an interest in the  
4 stock of said corporation in the proportion which his owner-  
5 ship bears to all such lands, by paying a like proportion of the  
6 cost of building said dams and making said improvements.

Sect. 7. This act shall take effect when approved.

STATE OF MAINE.

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IN SENATE, January 21, 1991.

On motion by Mr. PLUMMER of Penobscot, laid on table to be printed, pending reference to Committee on Interior Waters in concurrence.

KENDALL M. DUNBAR, *Secretary*.