

# MAINE STATE LEGISLATURE

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# Seventieth Legislature.

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SENATE.

No. 79

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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 Sandy Stream Dam and  
Improvement Company.

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

Section 1. Edward H. Blake, John Ross, Harry F.  
2 Ross, and their associates, successors and assigns, are  
3 hereby incorporated under the name of the Sandy Stream  
4 Dam and Improvement Company.

Sect. 2. Said company is authorized to erect and main-  
2 tain dams, sluices and side dams on Sandy stream, so-  
3 called, a tributary of Millinocket lake; to remove rocks  
4 therefrom, and to widen, deepen and otherwise improve  
5 said stream for the purpose of facilitating the driving of  
6 logs and other lumber down the same, and, for the above

7 purposes, may take necessary land and materials for build-  
8 ing such dams and making such improvements, and may  
9 flow contiguous lands so far as necessary; and, if inter-  
10 ested parties cannot agree upon the amount of damages  
11 to be paid by said company for the land and materials so  
12 taken, such damages shall be ascertained and determined  
13 by the county commissioners of Piscataquis county for the  
14 time being, in the same manner and under the same con-  
15 ditions and limitations as is provided by law in the case of  
16 damages occasioned by laying out of highways, and the  
17 amount of damages so determined shall be paid by said  
18 company; and, for the damages arising from flowing of  
19 land, said company shall not be liable in an action at law,  
20 but the person injured shall have a remedy by complaint  
21 for flowage in which the same proceedings shall be had as  
22 when a complaint is made under chapter ninety-two of the  
23 Revised Statutes of Maine providing for the recovery of  
24 damages for flowing lands occasioned by a mill-dam.

Sect. 3. Said company may demand and receive a toll  
2 upon all logs and other lumber which may pass over or  
3 through said dams and improvements, to be fixed by the  
4 directors of said company, but not to exceed the following  
5 prices per thousand feet, stumpage scale: above the Her-  
6 sey dam, as now located, a sum not exceeding forty cents;  
7 between said dam and the mouth of Togue stream, a sum  
8 not exceeding twenty-five cents; and below the mouth of  
9 Togue stream, a sum not exceeding ten cents, and said  
10 company shall have a lien upon all logs and other lumber  
11 which may pass over or through any of its dams or im-  
12 provements until the full amount of toll is paid, to be en-  
13 forced as herein provided, but the logs of each particular

14 mark shall only be holden to pay the toll on such mark.  
15 Unless said toll is paid within twenty days after such logs  
16 and other lumber, or a major part thereof, shall have  
17 arrived at the place of destination, said company may seize  
18 and take possession of a sufficient quantity of any and all  
19 marks of logs and other lumber upon which the tolls  
20 have not been paid, and retain possession of the same  
21 until disposed of as hereinafter provided, unless before  
22 such disposition the tolls, with all incidental costs  
23 and charges thereon, have been paid. All marks of  
24 logs and other lumber upon which said tolls have not been  
25 paid, and which have been seized as aforesaid, said  
26 company shall cause to be advertised three weeks in  
27 succession in some newspaper published in Bangor, Maine,  
28 the first publication to be within, at least, thirty days of  
29 such seizure, such advertisement to state that unless the  
30 tolls due on such logs and other lumber, together with  
31 costs and charges, are paid, the same will be sold at public  
32 auction, and, if, within ten days after the last publication,  
33 such tolls, with the necessary costs and expenses incident  
34 to such seizure and publication, have not been paid, the  
35 company shall give notice of the sale at public auction of  
36 such logs and other lumber by posting in some con-  
37 spicuous place in Bangor and the place of destination of such  
38 logs and other lumber notice of such sale, with a list of all  
39 the marks on said logs and other lumber and the amount  
40 of tolls due on each mark, ten days, at least, before the  
41 day of sale, and, if said charges and expenses are not paid  
42 before the time fixed for such sale, said company shall  
43 then cause to be sold to the highest bidder a sufficient  
44 quantity of such logs or other lumber of the different

45 marks seized and taken as aforesaid to pay the tolls and  
46 expenses of such notices and sale, selling each mark of  
47 logs separately, the place of sale shall be at the offices of  
48 the company, in Bangor, Maine; the lien hereby created  
49 shall have precedence of all other liens, but shall not  
50 deprive said company of any other legal remedy it may  
51 have to collect its tolls.

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

Sect. 5. Said company may issue its capital stock to an  
2 amount not exceeding five thousand dollars, to be divided  
3 into shares of one hundred dollars each.

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

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STATE OF MAINE.

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IN SENATE, February 22, 1901.

Reported by Mr. JONES from Committee on Interior Waters, and  
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.