

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 432

STATE OF MAINE.

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

AN ACT to incorporate the Duck Lake Dam Company.

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

Section 1. Charles L. Hathaway, Charles D. Whittier and
2 George W. Banton, their associates, successors and assigns
3 are hereby created a corporation by the name of the Duck
4 Lake Dam Company, with all the powers and privileges of
5 similar corporations.

Sect. 2. The said corporation may for the purposes of driv-
2 ing logs, raising a head of water therefor and facilitating
3 the business thereof erect and maintain a dam or dams on
4 Duck lake at or near its outlet in township numbered four,
5 north division, in the county of Hancock, and said corporation
6 may, at its election, erect, construct and maintain piers, sluices,
7 embankments, dam or dams, abutments, side dams and other

8 improvements at or near the foot of said Duck lake, and also
9 on Duck brook running from said Duck lake through a part
10 of said township numbered four and a part of township
11 numbered three, north division, in said county of Hancock,
12 into Nicatous lake; and remove rocks and other obstructions
13 in said Duck lake and Duck brook and otherwise improve the
14 passageway therein for driving logs.

Sect. 3. The said corporation is authorized to enter upon
2 and take such land, property or material upon said townships,
3 or either of them, as said corporation may find necessary to
4 construct its works, dams and other improvements and locate
5 the same, and also flow contiguous lands, provided said cor-
6 poration shall pay to the proprietor or proprietors of the land,
7 property or material so taken such damages, unless the parties
8 agree, as shall be ascertained and determined by the county
9 commissioners of said county of Hancock, in the same man-
10 ner and under the same conditions and limitations as are by
11 law provided in case of damage by laying out of public high-
12 ways, with the same right to have a jury to determine the
13 damages; and for the damage occasioned by flowing land the
14 said corporation shall not be liable to an action at common
15 law, but the party injured may have a remedy by a complaint
16 for flowage, in which the same proceedings shall be had as
17 when a complaint is made under a statute of this State for
18 flowing lands occasioned by raising a head of water for the
19 working of mills; and said corporation may hold by purchase
20 or otherwise other property real and personal necessary or
21 convenient for its purposes.

Sect. 4. Said corporation may demand and receive as toll
2 for each and every thousand feet board measure of all logs
3 and lumber which either may be put into waters above its
4 dam at or near the foot of said Duck lake and pass over its
5 said dam or which may pass down said Duck brook, to be
6 ascertained by the woods scale or boom scale at the option of

7 said corporation, the following sums, namely: From below
8 the mouth of Spencer brook, ten cents per thousand; between
9 the mouth of Spencer brook and Duck lake, twenty-five cents
10 per thousand; and from above the dam at or near the foot of
11 said Duck lake, forty cents per thousand; and said corpora-
12 tion shall have a lien upon all logs and lumber which either
13 may pass over its said dam at or near the foot of said Duck
14 lake or which may pass down said Duck brook until the full
15 amount of toll of all the logs and lumber which may pass over
16 its said dam or down said Duck brook, is fully paid, but the
17 logs or lumber of each particular mark shall only be holden
18 to pay the toll of such mark, and if said toll is not paid within
19 thirty days after said logs and lumber shall arrive at the place
20 of destination for sale or manufacture said corporation may
21 sell at public auction in Bangor, after ten days notice in some
22 newspaper printed in said Bangor, so much of said logs and
23 lumber as may be sufficient to pay said toll and incidental
24 charges. Said corporation may also proceed to collect its
25 dues for tolls by action at law or, if necessary, by suit in
26 equity.

Sect. 5. When said corporation shall, from tolls received
2 by it, be reimbursed for all costs, expenses and incidental
3 charges for erecting and maintaining its dam or dams, sites,
4 works and other improvements, with interest at nine per
5 centum per annum, there shall then be a reduction of tolls to
6 a sum sufficient in the opinion of the directors of said com-
7 pany to keep said dam or dams, sites, works and the other
8 improvements, if any, in repair for protecting and preserving
9 them and paying said interest charge.

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

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 18, 1903.

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

W. S. COTTON, *Clerk.*