

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 370

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## STATE OF MAINE.

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

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AN ACT to authorize the erection of dams, side dams, piers and booms in Higgins stream and Grant brook in the plantation of Brighton and town of Wellington, and in Buzzell brook in the towns of Wellington and Harmony, and to make improvements in said streams.

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

Section 1. Joseph E. Lawrence, George Nottage, E. Leroy  
2 Batchelder, Harry W. Davis, Manley Morgan, M. E. Law-  
3 rence, Edwin A. Caldwell and Horace D. Caldwell their  
4 associates, successors and assigns, are hereby authorized and  
5 empowered to locate, erect and maintain in Higgins stream,  
6 so called, in Wellington on lot number one hundred and seven  
7 in said Wellington, a dam with which to raise a head of

8 water to facilitate the driving of logs, pulp wood and other  
9 lumber, down said stream; and to build side dams, piers,  
10 rock booms, remove rocks and make other improve-  
11 ments on said Higgins stream, for the driving of logs, pulp  
12 wood and other lumber as aforesaid down said stream to  
13 Moose pond in the town of Harmony.

Sect. 2. Joseph E. Lawrence, George Nottage, E. Leroy  
2 Batchelder, Harry W. Davis, Manley Morgan, M. E. Law-  
3 rence, Edwin A. Caldwell and Horace D. Caldwell, their  
4 associates, successors and assigns, are also hereby author-  
5 ized and empowered to locate, erect and maintain, in Grant  
6 brook, so called, at the outlet of Scribner bog in the planta-  
7 tion of Brighton, a dam with which to raise a head of water  
8 to facilitate the driving of logs, pulp wood and other lumber,  
9 down said brook to where it empties into Higgins stream;  
10 and to build dams, side dams, piers, rock booms, remove  
11 rocks and make other improvements on said Grant brook,  
12 for the driving of logs, pulp wood and other lumber as afore-  
13 said down said Grant brook to where it empties into Higgins  
14 stream.

Sect. 3. Joseph E. Lawrence, George Nottage, E. Leroy  
2 Batchelder, Harry W. Davis, Manley Morgan, M. E. Law-  
3 rence, Edwin A. Caldwell and Horace D. Caldwell, their  
4 associates, successors and assigns, are also hereby authorized  
5 and empowered to locate, erect and maintain, in Buzzell  
6 brook in the towns of Wellington and Harmony, which  
7 empties into Higgins stream in the town of Harmony, a dam  
8 with which to raise a head of water to facilitate the driving  
9 of logs, pulp wood and other lumber, down said brook to  
10 where it empties into Higgins stream; and to build dams,  
11 side dams, piers, rock booms, remove rocks and make other  
12 improvements on said Buzzell brook, for the driving of logs,  
13 pulp wood and other lumber as aforesaid down said Buzzell  
14 brook to where it empties into Higgins stream.

Sect. 4. Joseph E. Lawrence, George Nottage, E. Leroy  
2 Batchelder, Harry W. Davis, Manley Morgan, M. E. Law-  
3 rence, Edwin A. Caldwell and Horace D. Caldwell, their  
4 associates, successors and assigns, are also authorized and  
5 empowered to take such lands and materials as may be neces-  
6 sary to build such dams and make such improvements, and  
7 may flow contiguous lands so far as necessary to raise suit-  
8 able heads of water, to attach their booms and piers to land  
9 adjacent to said streams, and may, with their agents, servants  
10 and teams, pass and repass over and along said shores and to  
11 and from the same over the land of other persons for the  
12 purpose aforesaid and for managing said dams, piers and  
13 booms; and if the parties cannot agree upon the damages,  
14 the said Joseph E. Lawrence, George Nottage, E. Leroy  
15 Batchelder, Harry W. Davis, Manley Morgan, M. E. Law-  
16 rence, Edwin A. Caldwell and Horace D. Caldwell, their  
17 associates, successors and assigns, shall pay the proprietors  
18 for the land and materials so taken; such damages shall be  
19 ascertained and determined by the county commissioners of  
20 the county where the land and materials so taken lie, in the  
21 same manner and under the same conditions and limitations  
22 as provided by law in the case of damage by laying out of  
23 highways; and for the damage occasioned by flowing said  
24 land said Joseph E. Lawrence, George Nottage, E. Leroy  
25 Batchelder, Harry W. Davis, Manley Morgan, M. E. Law-  
26 rence, Edwin A. Caldwell and Horace D. Caldwell, their  
27 associates, successors and assigns, shall not be liable to an  
28 action at common law, but the person injured may have a  
29 remedy by complaint for flowage, in which case the same  
30 proceedings shall be had as when a complaint is made under  
31 the statutes of this State for flowing lands occasioned by  
32 raising a head of water for the working of mills.

Sect. 5. Said Joseph E. Lawrence, George Nottage, E.  
2 Leroy Batchelder, Harry W. Davis, Manley Morgan, M. E.

3 Lawrence, Edwin A. Caldwell and Horace D. Caldwell, their  
4 associates, successors and assigns, may demand and receive  
5 a toll for the passage of logs, pulp wood and other lumber as  
6 follows: for logs delivered at or near Carle's mills in the  
7 town of Wellington, sixty-five cents per thousand feet for  
8 saw and pulp logs; for logs delivered at or near Batchelder  
9 and Caldwell's mills in the town of Harmony, seventy-five  
10 cents per thousand feet for saw and pulp logs; for all logs  
11 delivered at or near Harmony village in the town of Har-  
12 mony or at the nearest point to the railroad in said town of  
13 Harmony, one dollar per thousand feet for saw and pulp  
14 logs, and fifty cents per cord for pulp wood, for all logs and  
15 pulp wood that pass over their said dam, the logs and other  
16 lumber to be at the same scale as that adopted by the Kenne-  
17 bec River Log Driving Company; provided, however, that  
18 such tolls shall not apply to any logs cut in the town of  
19 Harmony, and they shall have lien of all logs, pulp wood and  
20 other lumber that may pass over said dams and improve-  
21 ments for the payment of said tolls, but the logs and each  
22 particular mark shall be holden for the tolls of such mark,  
23 and unless such toll is paid within thirty days after said logs  
24 or pulp wood, or the major part of them, shall have arrived  
25 at their point of destination, said Joseph E. Lawrence,  
26 George Nottage, E. Leroy Batchelder, Harry W. Davis,  
27 Manley Morgan, M. E. Lawrence, Edwin A. Caldwell and  
28 Horace D. Caldwell, their associates, successors and assigns,  
29 shall have a lien on said lumber and wood for said toll, to  
30 be enforced by an attachment and suit to be begun within  
31 ninety days after the same shall have arrived at its place of  
32 destination.

Sect. 6. When said Joseph E. Lawrence, George Nottage,  
2 E. Leroy Batchelder, Harry W. Davis, Manley Morgan, M.  
3 E. Lawrence, Edwin A. Caldwell and Horace D. Caldwell,

4 their associates, successors and assigns, have received from  
5 tolls their outlay in dams, improvements and repairs made  
6 up to that time and six per cent interest thereon, then the toll  
7 shall be reduced to a sum sufficient to keep the works in  
8 repair. The chairman of the county commissioners of  
9 Piscataquis county for the time being is appointed to audit  
10 the accounts and determine the costs of said dams, improve-  
11 ments and repairs.

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



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 3, 1905.

Reported by Mr. PUTNAM from Committee on Interior Waters and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*