

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 246

House of Representatives, Feb. 20, 1911.

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

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to incorporate Carleton Stream Dam Co.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Samuel H. Boardman, John W. Hinch, Horace
2 A. Bennett, Crowell C. Hall and Frank E. Guernsey, their
3 associates, successors and assigns, are hereby created a cor-
4 poration under the name of the Carleton Stream Dam Com-
5 pany, with all the rights, powers and privileges of similar
6 corporations.

Sect. 2. Said company is hereby authorized to erect and
2 maintain on the Carleton Stream in the towns of Parkman
3 and Wellington, of which the westerly part is sometimes
4 known as Nutter Brook, dams, side dams and piers, and to

5 remove rocks and trees, and to excavate ledges, and to widen,
6 deepen, and otherwise to improve said Carleton Stream from
7 the south branch of Piscataquis River to the head waters of
8 said Carleton Stream or said Nutter Brook, for the purpose
9 of raising a head of water to make said stream and said
10 Nutter Brook floatable, and to facilitate the driving of logs,
11 lumber, poplar, and pulp wood, down the same.

Sect. 3. Said company, for the above purposes, may take
2 all necessary land and materials for building said dams and
3 piers, and making improvements, and may flow contiguous
4 lands so far as necessary to raise suitable heads of water;
5 and if the parties cannot agree upon the damages, which
6 the corporation shall pay the owners for the lands and ma-
7 terials so taken, said damages shall be ascertained and de-
8 termined by the county commissioners of the County of Pis-
9 cataquis, in the same manner and under the same conditions
10 and limitations as provided by law in case of damage by lay-
11 ing out of highways; and for the damage occasioned by flow-
12 ing land, said company shall not be liable to an action at
13 common law, but the person injured may have a remedy by
14 complaint for flowage, in which case the same proceedings
15 shall be had as when the complaint is made under the stat-
16 utes of this state for flowing land occasioned by raising a
17 head of water for the working of mills.

Said company is authorized to impound and restrain the
19 natural flow of said waters only when and in so far as is
20 necessary for log driving purposes. The dam or dams au-
21 thorized by this act shall not be used for power purposes.

Said company shall not have the right under this charter
23 to take the existing dam, mill and mill rights now on said
24 stream in Wellington owned by M. L. Burdin and known
25 formerly as Randall's Mills.

Sect. 4. Said company may demand and receive a toll of
2 twenty-five cents per thousand feet, board measure, on all
3 logs, lumber, poplar, and pulp wood, which may pass through
4 or over said dams and improvements in said towns of Well-
5 ington and Parkman; and said company shall have a lien on
6 all logs, lumber, poplar, and pulp wood, which may pass
7 through or over any of its dams or improvements for the
8 payment of said tolls and the costs and charges for enforc-
9 ing the same, which shall continue for thirty days after such
10 logs, lumber, poplar, and pulp wood, or the major part there-
11 of, shall have arrived at their destination, and after demand
12 of payment made upon the owner or person in charge there-
13 of. If said toll is not paid within thirty days after said
14 logs, lumber, poplar, or pulp wood, or the major part there-
15 of shall have arrived at its destination as hereinbefore set
16 out, said Carleton Stream Dam Company may seize, hold
17 and sell at public auction such part of said logs, lumber,
18 poplar, or pulp wood, as shall be necessary to pay such tolls
19 with all incidental costs and charges thereon after ten days'
20 notice in writing of the time and place of said sale given to
21 the owner of such logs, lumber, poplar, or pulp wood. Said
22 company is hereby authorized to pay to the Guilford Manu-
23 facturing Company the amount expended by said company

24 in the fall of 1910 in improving said stream for driving logs
25 or lumber down said stream.

Sect. 5. When said corporation shall have received from
2 tolls the amount hereby authorized to be paid to said Guil-
3 ford Manufacturing Company, its outlay on dams, improve-
4 ments and repairs, with six percent interest thereon, includ-
5 ing all damages paid for flowage or otherwise then the tolls
6 herein provided shall be reduced to a sum sufficient to keep
7 the said dams and other improvements in repair.

Sect. 6. The first meeting of said company shall be called
2 at Guilford, Maine, by a notice signed by any one of the
3 incorporators named in Section one setting forth the time,
4 place and purpose of the meeting, and such notice shall be
5 mailed to each of the other incorporators, postage paid, seven
6 days at least before the day of such meeting.