

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,
and March 16, 1842.

Augusta:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

1846.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1846.

CHAP. 387.

Compensation to owner.

Certain conditions to be performed.

Proviso.

portation of logs and lumber from the lakes and streams north and east of said dam, into the Chamberlin lake and water south and west of said dam; and shall pay therefor, to the owner thereof, such yearly sum as the land agent or legislature shall determine.

SECT. 5. *Provided, nevertheless,* and this charter is granted upon the condition, that the said Rufus Dwinel and Calvin Dwinel, and their associates and assigns, shall accept this charter and organize their corporation on or before the first day of October next; so that there shall be an ample passage way for the transit of lumber, between said lake Telos and Webster pond, and shall also take said dam and site on said Allegash stream, and keep and maintain the same so as to cause the water to flow through said sluiceway, and pay for said dam to the owner or owner thereof; *provided, however,* that the said Rufus Dwinel, Calvin, and their associates shall not be liable for damages from flowage caused by said dam.

[Approved August 7, 1846.]

Chapter 387.

An Act to incorporate the Lake Telos and Webster Pond Dam and Sluiceway Company.

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

Corporators,

Corporate name.

By-laws.

Powers and privileges.

Authorized to construct a sluiceway from lake Telos to Webster pond.

--to erect dams,

SECTION 1. William H. Smith, Daniel M. Howard, Warren Brown and Theodore H. Dillingham and their associates and assigns, are hereby created a body politic by the name of Lake Telos and Webster Pond Dam and Sluiceway Company, by which name they may contract, sue and be sued, defend suits at law, have and use a common seal, and change the same at pleasure, make by-laws not repugnant to the laws of this state, for the convenient management of their corporate affairs; take and hold any estate, real, personal or mixed, to an amount not exceeding thirty thousand dollars, and sell or convey or otherwise dispose of the same, and have and enjoy all the rights, powers and privileges necessary to carry into effect the object of this corporation.

SECT. 2. The said corporation are hereby authorized and empowered to make, construct and maintain a sluiceway from lake Telos to Webster pond, otherwise called Penobscot pond, on township number six, in the eleventh range, in the county of Piscataquis, sufficiently wide and deep for the passage of timber and lumber of all kinds, which may be expedited to public market through that channel. And they are authorized to erect and maintain any dam

or dams on said sluiceway, or any stream or waters which may be connected therewith on said township, which may be necessary to render the transit of lumber more easy and effectual, and to keep open a passage way for all logs or lumber, on the waters between Chamberlin lake and said sluiceway. And they are further authorized to enter upon and take such land, property or material in said township, as they may find it necessary to make said canal or sluiceway, or upon which to locate their dam or dams, and such as may be necessary along the margin of their sluiceway for the use and accommodation of persons employed in driving lumber through the same. *Provided however,* that said corporation shall pay the proprietor or proprietors of said township number six, for land, property or material so taken and used for their sluiceway and dam or dams, with a necessary and convenient margin, and for keeping an open and free passage on the waters between said Chamberlin lake and said sluiceway, such price as they and said proprietor or proprietors may agree upon. And in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county of Piscataquis, in the same manner and under the same conditions and limitations as are by law provided in the case of damage by laying out of public highways; with the same right to either party aggrieved by the doings of said commissioners, in estimating damages, to have a jury to determine that matter on their petition; unless said party shall agree with the other party in interest to have the same determined by a committee to be appointed under the direction of said commissioners. And no application shall be made to said commissioners to estimate damages unless made within two years from the time of taking said land, property and materials.

—to enter upon and take land, property or material for that purpose.

Compensation to proprietors.

If the parties cannot agree, remedy.

Application for damages to be made within two years.

SECT. 3. And whereas said proprietor or proprietors of said township number six, in the eleventh range, have already cut a sluiceway on said township, from said lake Telos to said Webster pond, which has become to some extent available for the passage of lumber, and the proprietor or proprietors of said township instead of applying for their damages as provided for, in the second section of this act, may at their election, at any time within two years from the taking of said land, property or materials, apply to said county commissioners at any regular term of said court, claiming to be paid the reasonable costs and expenses of making said sluiceway and dam upon said township number six in the eleventh range. And thereupon said court shall issue due notice to said corporation, requiring them to appear before said court, and answer to said com-

Remedy of proprietors of No. 6, for costs and expenses of making sluiceway and dam on said township.

CHAP. 387.

How paid.

plaint. And said corporation shall pay such sum as damages, as shall be ascertained and determined by said county commissioners; and said commissioners shall be governed in making up damages by the reservation in the deed of said township to Lewis Hancock; but if damages are awarded under this section of this act, no further or other damages shall be allowed said proprietor or proprietors.

Before proceeding to take such land or other property, to execute and file a bond—

And before said corporation shall proceed to take any land or other property on said township number six in the eleventh range, the members thereof shall make, execute and file, or caused to be made, executed and filed with the county commissioners for the county of Piscataquis, for the use of the proprietor or proprietors of said land or other property to be taken, a good and sufficient bond with good and sufficient sureties, in the penal sum of twenty thousand dollars, conditioned that such corporation shall pay on demand such sum as shall be ascertained and adjudged against the same under the provisions of this act as the amount of damages to which said proprietor or proprietors may be entitled to receive for said land or other property; *provided* said proprietor or proprietors shall on or before the first day of October next, file with the said county commissioners a written request for said bond, with the name or names of the proprietor or proprietors whose land or other property is to be taken, or to whom said land is to be given.

—in the penal sum of \$20,000, conditioned for the payment of said damages.

Proviso.

Authorized to take the dam now erected on Allegash stream.

If the parties cannot agree, remedy for damages.

Power to flow contiguous lands.

Damages, how paid.

SECT. 4. That there may be a sufficient depth of water in said sluiceway for the passage of lumber therein, said corporation are hereby empowered to take the dam now erected on Allegash stream, in township number seven, in the thirteenth range, with the land on which the same is situate. And if the parties cannot agree upon the price, the owner may have the same remedy for his damages on application to the county commissioners for the county of Piscataquis as is provided in the second section of this act, and shall pay therefor the expenses and cost of its construction. And said corporation are empowered to flow the contiguous lands as far as they may be necessary to accomplish their object, paying the owners damage therefor; and if the parties cannot agree upon the amount of damages, the said corporation shall not be liable to any action at common law for the same; but any person injured may have a remedy by a complaint for flowing, in which the same proceeding shall be had, as where a complaint is made under a statute of this state for flowing lands occasioned by the raising of a head of water necessary for the working of mills.

To keep and maintain said dam and sluiceway, so as to afford at all seasons, a safe passage for logs, &c.

SECT. 5. It shall be the duty of said corporation, to keep and maintain said sluiceway and dam, so as to afford at all proper seasons a safe and commodious passage for all logs and other timber

through the same—and said sluiceway shall be open and free for the use of the public generally, without the payment of tolls.

CHAP. 388.

Said sluiceway to be open and free for the use of the public generally.

SECT. 6. Any individual or individuals authorized by the land agent of this state may make such improvements and construct all necessary machinery and gates on said dam and use the same for the transportation of logs and lumber from the lakes and streams north and east of said dam into the Chamberlin lake and waters south and west of said dam ; subject at all times to the control and regulation of the legislature.

Improvements may be made on said dam, by authority of the land agent, for certain purposes.

SECT. 7. *Provided, nevertheless,* that if Rufus Dwinel and associates, or others, shall be authorized and receive a charter during the present session of the legislature to provide and establish an ample and sufficient passage way for the transit of lumber between said lake Telos and Webster pond ; and said Rufus Dwinel and associates, or others, if authorized as aforesaid shall accept their authority and charter aforesaid and organize and act under the same so that said company shall provide an ample passageway for the transit of lumber between said lake Telos and Webster pond on or before the first day of October next ; then and in such case all the powers granted by this act shall cease and terminate.

Proviso.

SECT. 8. The legislature reserves to itself the right to alter, amend or repeal this charter at pleasure.

[Approved August 7, 1846.]

Chapter 388.

An Act to incorporate the Grand Lake Dam Company.

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

SECTION 1. John Goddard, James Jenkins, Rufus Dwinel and E. S. Coe, and their associates and assigns are hereby created into a body politic by the name of the Grand Lake Dam Company, with all the powers and privileges of similar corporations.

Corporators.

Corporate name.

SECT. 2. Said corporation is hereby authorized to construct and maintain a dam on township number six, in the eighth range, so as to flow the Grand lake in order to facilitate the transportation of logs and lumber across the same and down the Penobscot river ; and said corporation are empowered to flow the contiguous lands as far as may be necessary to accomplish their object, paying the owners damage therefor ; and if the parties cannot agree upon the amount of damage, the said corporation shall not be liable to any

Authorized to construct and maintain a dam.

Location.

Empowered to flow contiguous lands.

Damages, how paid.