

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-NINTH LEGISLATURE

OF THE

## STATE OF MAINE.

1860.

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Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26, 1840, and March 16, 1842.

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AUGUSTA:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1860.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1860.

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CHAP. 452. roads in this state, one or more machines for transportation by steam power of passengers and freight under the terms of this act.

SECT. 6. This act shall take effect from and after its approval by the governor.

[Approved March 17, 1860.]

### Chapter 452.

An act to incorporate the Mattawamkeag Lake Dam Company.

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

SECT. 1. Davis R. Stockwell, A. D. Manson, Isaac M. Bragg, A. R. Hallowell, Henry E. Prentiss, Samuel F. Hersey, Rufus Dwinel, Thomas W. Baldwin, Edmund Pearson and Arad Thompson, their associates and assigns, are hereby created a body politic by the name of the Mattawamkeag Lake Dam Company, with all the powers, rights and privileges of similar corporations.

Corporators.

Corporate name.

Authorized to erect dams, &c.

SECT. 2. Said corporation shall have the right to erect and maintain a dam across the west branch of the Mattawamkeag river at or near the foot of Mattawamkeag lake in township number four, range three, for the purpose of facilitating the passage of logs and lumber down said river ; and is authorized to enter upon and take such land, timber or other material as it may find necessary to build and maintain said dam, or to rebuild or repair the same ; and is empowered to flow lands, so far as may be necessary to accomplish said object ; *provided however*, that said corporation shall pay the proprietor or proprietors of land, property or material taken and used, such sum as may be agreed on, and if the parties cannot agree, such damages as shall be ascertained and determined by the county commissioners of the county of Aroostook, in the same manner, and under the same conditions and limitations as are by law provided in the case of damage in laying out public highways, and for lands flowed, the proprietor or proprietors may obtain damages therefor in the same mode and manuer, and to the same extent, and under the same conditions and limitations as are provided in chapter ninety-two of the revised statutes for damages where lands are flowed by the erection of mills. And said corporation shall have the right to demand and receive on all logs or lumber that pass over or through said dam from the owner or mortgagee thereof, a toll of one cent per thousand feet, board measure, woods' seale, for every one hundred dollars expended in building said dam, or in rebuilding it, if carried away wholly or in part, and including the money already expended on it, until said corporation shall have

Proviso.

Toll.

received back the entire cost of said dam as aforesaid, including any damages which may be paid by them for flowage, with twelve per cent. annual interest thereon; the annual cost of repairs and taking care of the dam and collecting the tolls, and all other expenses of the company, being first deducted annually from the gross receipts; and when said cost and interest are received as aforesaid, then said toll is to be reduced to five cents per thousand feet, which said corporation is to continue to receive so long as it keeps said dam in good repair and condition. If any logs passing said dam have not been scaled in the woods, it shall be the duty of the owner thereof, to file a written affidavit with the treasurer of the company before the logs arrive at the Penobscot boom of the number of thousand feet, board measure of said logs, and if he fails so to do the treasurer may estimate said amount and collect the toll accordingly; and said corporation shall have a lien on all logs or lumber which may pass their dam as aforesaid for the payment of toll; and all the logs of any particular mark shall be holden for the whole toll on that mark; and unless the toll is paid within ten days after the majority of the logs have arrived at the Penobscot boom, said company may sell at public auction after ten days public notice in some newspaper printed in the county of Penobscot, so much of said logs or lumber as may be sufficient to pay said toll and incidental charges.

Logs not scaled.  
—duty of owner.

—in case of failure.

—corporation shall have lien on logs, &c.

—if toll is not paid in ten days.

—company may sell.

SECT. 3. It shall be the duty of the treasurer of said company to keep an accurate account of all its receipts and expenditures in proper books, and to exhibit the same at all times, to any person interested in logs, passing said dam; and Jonathan Eddy and George K. Jewett of Bangor are hereby appointed commissioners to audit and allow the accounts of the expenditures of said company, till the cost of said dam is obtained as aforesaid.

Treasurer, duty of.

Commissioners appointed.

SECT. 4. Any person interested in timber lands, from which the logs will pass over this dam, or in the lumber business on such lands, shall be entitled to take stock in this company in proportion to the extent of his interest, the amount being determined by said commissioners.

Stock, who may take.

—amount.

SECT. 5. Any settler who has taken a certificate from the land agent under the "settlement law," and made a partial payment on any land flowed by said dam shall be considered the owner thereof for the purpose of obtaining damages as herein provided.

Any settler, &c., considered owner, &c.

SECT. 6. This act shall take effect on its approval by the governor.

[Approved March 17, 1860.]