

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE.

1865.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1865.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1865.

Chapter 496.

An act to incorporate Reeds Pond Dam Company.

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

Corporators.

SECT. 1. Nathan Hopkins, Stephen B. Osgood, Benjamin F. Keliher, Thomas N. Egery, David Fuller and Benjamin B. Farnsworth, their associates and assigns, are hereby incorporated a body politic, by the name of Reeds Pond Dam Company, with all the powers, rights and privileges of similar corporations.

Corporate name.

Rights granted.

SECT. 2. Said corporation shall have the power and right to erect and maintain a dam for the purpose of raising a head of water to drive logs from Reeds Pond in Ellsworth, into Union river, at the foot or outlet of said Reeds pond, on a site not less than fifteen rods above the upper dam, now erected, at or near, the said outlet of said pond; and no machinery for the manufacture of lumber shall be erected on said dam, and the dam so erected, shall be used for the purpose of raising a head of water to facilitate the driving of logs and lumber from said Reeds pond, into the Union river, and for no other purpose whatever; with suitable gates and sluicings; and the gates of said dam are at all times to be kept open, so far as may be necessary for working of the mills below it on the stream flowing from said pond into said Union river; and the corporation are authorized to enter and take such land and property and materials as they may find necessary to make the said dam, and upon which, locate it and such as may be necessary for the use and accommodation of persons employed in driving lumber over and through said dam; *provided however*, that said corporation shall pay the proprietor, or proprietors of the land, property, or materials so taken, such price as they and said proprietor or proprietors may agree. And in case said parties shall not otherwise agree, then the said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county of Hancock, in the same manner and under the same conditions and limitations, as are, by law, provided in the case of damage by the laying out of public highways, with the same rights of either party aggrieved by the doings of said commissioners in estimating damages, to have a jury to determine that matter and then petition, unless said party shall agree with the other party in interest, to have the same determined by a committee, late appointed under the direction of the commissioners. And said corporation is authorized to flow the contiguous land that may be necessary to accomplish their object, by raising a head of water to facilitate the driving of logs and lumber, paying the owners damage therefor; and if the parties cannot agree upon the amount of damages, the corporation shall not be liable to an action at common law for the

Damages, how estimated.

same, but any person aggrieved may have a remedy by a complaint for flowing, in which the same proceedings shall be had as where complaint is made under the statutes of the state for flowing lands occasioned by the raising of a head of water for the working of mills. And the said corporation shall have the right to demand and receive, as a toll, the sum of ten cents, for each and every thousand feet of logs and lumber, board measure, woods scale, which may pass over or through the said dam, except the logs and lumber owned by the proprietors of mills, or designed to be sawed in said mills, situate on the stream between the said outlet of Reeds pond and Union river. And said corporation shall have a lien upon all such logs and lumber which shall pass over or through said dam, until the full amount of toll due upon all the logs of the owner of any particular mark is paid. And if said toll is not paid within twenty days after such logs or lumber may pass over or through said dam, said corporation may sell at public auction, after ten days public notice in some newspaper printed in the county of Hancock, so much of said logs, as may be sufficient to pay said toll and incidental charges; and said corporation shall keep an accurate account of the expense of erecting said dam, and all damages paid, and shall file the same with said county commissioners, who shall audit and allow the same, and shall also keep an accurate account of all tolls received by them and file the same seasonably with the said commissioners; and when the corporation shall have been by said tolls reimbursed for all the costs and expenses of said dam, and repairs of the same, and damages paid and uncollected expenses, with seven per cent. interest on the same, the said dam shall be free without the payment of toll.

Toll authorized.

Lien upon lumber for toll.

Sale at auction, when and how authorized.

SECT. 3. And before said corporation shall proceed to erect said dam, they shall make, execute, and file, or cause to be made, executed, and filed with the county commissioners for the county of Hancock, for the use of the proprietor or proprietors of the mill and dam near the outlet of said Reeds pond, a good and sufficient bond, with good and sufficient sureties, to be approved by said commissioners, in the penal sum of two thousand dollars, conditioned that said corporation shall pay on demand all damages, direct or incidental, which may happen or be caused to said proprietors, or their mill or dam, through the erection of said dam by the corporation.

Bond to be executed.

SECT. 4. This act shall take effect from the date of its approval by the governor.