

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1885.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1885.

Chapter 442.

An Act to make valid the acts of the inhabitants of Dallas Plantation, in annual plantation meeting in the year eighteen hundred and eighty-four.

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

All acts of the inhabitants of Dallas Plantation in their annual plantation meeting in the year eighteen hundred and eighty-four are hereby made legal and valid.

Acts of Dallas
plantation made
legal.

Approved February 24, 1885.

Chapter 443.

An Act to amend an act entitled "An Act to incorporate the Shirley Dam Company," approved March six, eighteen hundred and eighty-three.

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

SECT. 1. Section two of chapter three hundred and fourteen of the private laws of eighteen hundred and eighty-three is hereby amended by striking out the words "towns of Shirley and Blanchard in the county of Piscataquis" in the fourth line thereof and substituting therefor the words 'counties of Piscataquis and Somerset, to the east line of the town of Blanchard, and the right to erect side dams, and to remove rocks and improve the bed of the main channel of the Piscataquis river from said east line of Blanchard to the town bridge crossing said river in the town of Milo;' by inserting after the word "Piscataquis" in the thirteenth line thereof, the words 'and by the county commissioners for the county of Somerset;' and by adding after the word "mills" in the last line thereof, the words 'and said corporation may shut down their dams from the first of March to the first of July, and the mill owners on said Piscataquis river and its branches and tributaries, either one or all, may hoist the gates of said dams of said corporation at any time, excepting as aforesaid, at their own pleasure and expense; and if said mill owners desire to shut down said dam or dams between the first day of July and the first day of March, they shall before so doing, properly gravel the same, to protect and make them safe.' So that said section as amended, shall read as follows :

Sec. 2, ch. 314,
private laws of
1883, amended.

CHAP. 443

Authorized to
build dams, etc.

—may take lands.

Land damages,
how ascertained.

Damages for flow-
age, remedy for.

Sec. 3 amended.

'SECT. 2. The said corporation is authorized to build dams, side-dams, remove rocks and make other improvements in so much of Piscataquis river, its branches and tributaries, as are in the counties of Piscataquis and Somerset, to the east line of the town of Blanchard, and the right to erect side-dams and to remove rocks and improve the bed of the main channel of the Piscataquis river from said east line of Blanchard to the town bridge crossing said river in the town of Milo, to facilitate the driving of logs and lumber down the same, and for this purpose the said corporation may take land and materials necessary to build such dams and make such improvements, and may flow contiguous lands so far as necessary to raise suitable heads of water; and if the parties cannot agree upon the damages, the corporation shall pay the proprietors of the lands and materials so taken, such damages as shall be ascertained and determined by the county commissioners for the county of Piscataquis, and by the county commissioners for the county of Somerset, in the same manner and under the same conditions and limitations as are by law provided in the case of damage by laying out public highways; and for the damage occasioned by flowing land, the said corporation shall not be liable to an action at common law; but the person injured may have a remedy by a complaint for flowing, in which the same proceedings shall be had as when a complaint is made under a statute for flowing lands occasioned by raising a head of water for the working of mills. And said corporation may shut down their dams from the first of March to the first of July; and the mill owners on said Piscataquis river and its branches and tributaries, either one or all, may hoist the gates of said dams of said corporation at any time, excepting as aforesaid, at their own pleasure and expense; and if said mill owners desire to shut down said dam or dams between the first day of July and first day of March, they shall, before so doing, properly gravel the same, to protect and make them safe.'

SECT. 2. Section three of said act is hereby amended by adding after the word "cease" in the last line of said section, the words, 'but the above tolls shall in no case apply to any lumber put into Shirley mill stream and manufactured at Blanchard mills, nor to any lumber put in below Blanchard mills

and stopped and manufactured at Abbot, Foxcroft and East Dover,' so that said section as amended, shall read as follows :

'SECT. 3. The said corporation may demand and receive a toll for the passage of logs over their said dams and improvements, of twenty-five cents for each thousand feet, board measure, woods scale, except for the logs put into said waters below the south line of Shirley, the toll on which shall be fifteen cents for each thousand feet, board measure, woods scale, nor shall any toll be levied or collected on any logs or lumber put into the Piscataquis below Foxcroft; and said corporation shall have a lien upon all logs which may pass over any of its said dams and improvements for the payment of said tolls, but the logs of each particular mark shall be holden only for the tolls of such mark, and unless such toll is paid within twenty days after such logs, or a major part of them, shall arrive at the Penobscot boom, or place of manufacture, said corporation may seize such logs and sell at public auction so many thereof as shall be necessary to pay such toll and costs and charges, notice of the time and place of such sale being first given in some newspaper printed in Bangor; and when said corporation shall, from tolls, be reimbursed for its expenditures and six per cent interest thereon, the tolls shall cease. But the above tolls, shall in no case apply to any lumber put into Shirley mill stream and manufactured at Blanchard mills, nor to any lumber put in below Blanchard mills and stopped and manufactured at Abbot, Guilford, Foxcroft and East Dover, nor on logs and lumber driven down the Kingsbury branch and intersecting the main river at Abbot village.'

SECT. 3. Any dams or improvements already made by said corporation outside of the original charter limits but within the limits established by this act, are hereby approved and shall be covered by this act.

SECT. 4. This act shall take effect when approved.

Approved February 24, 1885.

Tolls fixed.

—lien for payment of.

—how enforced.

Cost of damage how paid.

Tolls not to apply to certain streams

Dams, etc., already built, approved.