

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

Chapter 428.

An Act to incorporate the Long Pond Improvement Company.

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

Corporators.	Section 1. Charles W. Coffin, Lucius A. Barbour, John G. Dunning, Thomas Gilbert, Hiram Moore, Nathaniel M. Jones, and their associates, successors and assigns, are hereby incorporated under the name of the Long Pond Improvement Company.
--corporate name.	
Authorized to erect dams.	Section 2. Said company, is authorized to erect and maintain dams, sluices and side dams on Long Pond stream, which connects Long Pond with Lake Onawa, to remove rocks therefrom, and to widen, deepen, and otherwise improve said stream for the purpose of facilitating the driving of logs and other lumber down the same, and to erect and maintain a dam, with suitable sluices therein, at the outlet of Lake Onawa, otherwise known as Ship pond, in the town of Willimantic, and, for the above purposes, said company may take necessary land and materials for building such dams and making such improvements, and may flow contiguous lands so far as necessary; and, if interested parties cannot agree upon the amount of damages to be paid by said company for the land and materials so taken, such damages shall be ascertained and determined by the county commissioners of Piscataquis county for the time being, in the same manner and under the same conditions and limitations as is provided by law in the case of damages occasioned by laying out of highways, and the amount of damages so determined shall be paid by said company; and, from the damages arising from the flowing of land, said company shall not be liable in an action at law, but the person injured shall have a remedy by complaint for flowage in which the same proceedings shall be had as when a complaint is made under chapter ninety-two of the revised statutes of Maine providing for the recovery of damages for flowing lands occasioned by a mill dam.
--improve the stream for driving of logs.	
--may take land.	
--damages, how ascertained in case of disagreement.	
--damages for flowage how determined.	
Tolls.	Section 3. Said company may demand and receive a toll upon all logs and other lumber which may pass over or through said dams and improvements, to be fixed by the directors of said company, but not exceeding the following prices per thousand feet, stumpage scale: between Long pond and Slue Gundy falls so called, a sum not exceeding forty cents; below Slue Gundy falls, a sum not exceeding fifteen cents; on all logs and other lumber which may pass over the dam at the outlet of Lake Onawa, a sum not exceeding twenty cents; and for all pulp wood passing over or through the dam at the outlet of Lake Onawa, a sum not exceeding five cents per cord; and said company shall
--lien on logs for payment of.	

have a lien upon all logs and other lumber which may pass over or through any of its dams or improvements until the full amount of toll is paid, to be enforced as herein provided, but the logs of each particular mark shall only be holden to pay the toll on such mark. Unless said toll is paid within twenty days after such logs and other lumber, or a major part thereof, shall have arrived at the place of destination, said company may seize and take possession of a sufficient quantity of any and all marks of logs and other lumber upon which the tolls have not been paid, and retain possession of the same until disposed of as herein provided, unless before such disposition the tolls, with all incidental costs and charges thereon have been paid. All marks of logs and other lumber upon which said tolls have not been paid, and which have been seized as aforesaid, said company shall cause to be advertised three weeks in succession, in some newspaper published in Dover, Maine, and in some newspaper published in Bangor, Maine, the first publications to be within at least thirty days of such seizure, such advertisement to state that unless the tolls due on such logs and other lumber, together with the costs and charges, are paid, the same will be sold at public auction, and, if within ten days after the last publication, such tolls, with the necessary costs and expenses incident to such seizure and publication, have not been paid, the company shall give notice of the sale at public auction of such logs and other lumber by posting in some conspicuous place in said Dover and Bangor, and at the place of destination of such logs and other lumber, notice of such sale, with a list of all the marks of said logs and other lumber and the amount of tolls due on each mark, ten days at least before the time fixed for such sale, and, if said charges and expenses are not paid before the time fixed for such sale, said company shall then cause to be sold to the highest bidder a sufficient quantity of such logs and other lumber of the different marks seized and taken as aforesaid, to pay the tolls and expenses of such notices and sale, selling each mark of logs separately; the place of sale shall be at the office of the company in Bangor, Maine; the lien hereby created shall have precedence of all other liens, but shall not deprive said company of any other legal remedy it may have to collect the tolls.

Section 4. The rights herein granted said company to build and maintain the dam at the outlet of Lake Onawa shall not be so exercised as to deprive the owners of land on which said dam is built and of the land immediately adjoining the same of the right at any time to use the falls at the outlet of said lake or on the stream below for the purpose of developing the water power, and using, selling, or leasing the same for manufacturing or

—how
enforced.

—marks shall
be advertised

—logs seized
shall be sold
at auction.

—place
of sale.

Shall not
deprive
owners of
land the
right to use
the falls.

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mechanical purposes; and in case the dam built by said company at the outlet of said lake is deemed insufficient by the owners of said land to raise and maintain a head of water for manufacturing or mechanical purposes, said owners are to have the right to build and maintain such dam, with sluices therein, as they deem necessary, and said owners shall then succeed to all the rights hereby granted to said Long Pond Improvement Company to said dam at the outlet of said lake, but not otherwise. And in case the owners of said land shall take said dam as herein provided, they shall pay to said Long Pond Improvement Company such sum, if any, as may be due to said company for building and maintaining said dam, and shall afterward have the right to collect the tolls herein provided for logs and other lumber passing over said dam, until they are reimbursed for the money paid to said improvement company, as herein provided, with annual interest thereon at six per cent. After they have been reimbursed as aforesaid, then said tolls over said dam to cease.

—owners may maintain dam and succeed to the rights of the company.

—shall pay company for dam.

—when tolls shall cease.

Company authorized to convey works, etc.

Section 5. The Long Pond Dam Company is hereby authorized and empowered to assign and convey by deed duly executed by its president, all its dams, works and improvements, and its franchise, to the Long Pond Improvement Company; which is hereby authorized to take and hold the same by virtue of such conveyance, and to take and hold any interest other parties may have in and to said dams, works and improvements when transferred and conveyed to it, and to exercise all the powers and privileges granted to the said Long Pond Dam Company, in accordance with acts relating thereto.

When tolls may be reduced.

Section 6. When said company shall have received from tolls its outlay on all dams, improvements and repairs made up to that time, including any amounts paid to said Long Pond Dam Company, and also including all damages paid for flowage or otherwise, and six per cent interest thereon, then the tolls herein provided shall be fixed at a sufficient sum to keep said dams and improvements in reasonable repair.

Capital stock.

Section 7. Said company may issue its capital stock to an amount not exceeding five thousand dollars, to be divided into shares of one hundred dollars each.

Dam shall not be higher than the present dam at outlet.

Section 8. This act shall not be construed to grant to said Long Pond Improvement Company, or other persons, the right to erect or maintain a dam at the outlet of Lake Onawa of greater height than the present dam at the outlet of said lake.

Section 9. This act shall take effect when approved.