

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

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**Chapter 316.**

An Act to incorporate the Duck Lake Dam Company.

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

Section 1. Charles L. Hathaway, Charles D. Whittier and George W. Banton, their associates, successors and assigns are hereby created a corporation by the name of the Duck Lake Dam Company, with all the powers and privileges of similar corporations.

Corporators.  
—corporate name.

Section 2. The said corporation may for the purposes of driving logs, raising a head of water therefor and facilitating the business thereof erect and maintain a dam or dams on Duck lake at or near its outlet in township numbered four, north division, in the county of Hancock, and said corporation may, at its election, erect, construct and maintain piers, sluices, embankments, dam or dams, abutments, side dams and other improvements at or near the foot of said Duck lake, and also on Duck brook running from said Duck lake through a part of said township numbered four and a part of township numbered three, north division, in said county of Hancock, into Nicatous lake; and remove rocks and other obstructions in said Duck lake and Duck brook and otherwise improve the passageway therein for driving logs.

Powers.

Section 3. The said corporation is authorized to enter upon and take such land, property or material upon said townships, or either of them, as said corporation may find necessary to construct its works, dams and other improvements and locate the same, and also flow contiguous lands, provided said corporation shall pay to the proprietor or proprietors of the land, property or material so taken such damages, unless the parties agree, as shall be ascertained and determined by the county commissioners of said county of Hancock, in the same manner and under the same conditions and limitations as are by law provided in case of damage by laying out of public highways, with the same right to have a jury to determine the damages; and for the damage occasioned by flowing land the said corporation shall not be liable to an action at common law, but the party injured may have a remedy by a complaint for flowage, in which the same proceedings shall be had as when a complaint is made under a statute of this state for flowing lands occasioned by raising a head of water for the working of mills; and said corporation may hold by purchase or otherwise other property real and personal necessary or convenient for its purposes.

May take lands.

—may flow contiguous lands.

—damages, how determined.

Section 4. Said corporation may demand and receive as toll for each and every thousand feet board measure of all logs and

Tolls.

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lumber which either may be put into waters above its dam at or near the foot of said Duck lake and pass over its said dam or which may pass down said Duck brook, to be ascertained by the woods scale or boom scale at the option of said corporation, the following sums, namely: From below the mouth of Spencer brook ten cents per thousand; between the mouth of Spencer brook and Duck lake, twenty-five cents per thousand; and from above the dam at or near the foot of said Duck lake, forty cents per thousand; and said corporation shall have a lien upon all logs and lumber which either may pass over its said dam at or near the foot of said Duck lake or which may pass down said Duck brook until the full amount of toll of all the logs and lumber which may pass over its said dam or down said Duck brook, is fully paid, but the logs or lumber of each particular mark shall only be holden to pay the toll of such mark, and if said toll is not paid within thirty days after said logs and lumber shall arrive at the place of destination for sale or manufacture said corporation may sell at public auction in Bangor, after ten days notice in some newspaper printed in said Bangor, so much of said logs and lumber as may be sufficient to pay said toll and incidental charges. Said corporation may also proceed to collect its dues for tolls by action at law or, if necessary, by suit in equity.

Reduction  
of tolls.

Section 5. When said corporation shall, from tolls received by it, be reimbursed for all costs, expenses and incidental charges for erecting and maintaining its dam or dams, sites, works and other improvements, with interest at nine per centum per annum, there shall then be a reduction of tolls to a sum sufficient in the opinion of the directors of said company to keep said dam or dams, sites, works and the other improvements, if any, in repair for protecting and preserving them and paying said interest charge.

Section 6. This act shall take effect when approved.

Approved March 26, 1903.