

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1892.

NEW DRAFT.

Sixty-Fifth Legislature.

SENATE.

No. 98.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-ONE.

AN ACT to incorporate the Swift River Improvement
Company.

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

SECTION 1. Hugh J. Chisholm, E. S. Coe, Galen C.
2 Moses, W. W. Brown, John Houghton and C. A. Brown,
3 their associates and successors, are hereby incorporated
4 into a company under the name of the Swift River Improve-
5 ment Company, with all the rights, powers and privileges
6 and subject to the liabilities of similar corporations.

SECT. 2. The capital stock of said corporation shall not
2 exceed twenty thousand dollars.

SECT. 3. Each owner of pine or spruce lands situated upon Swift river or its branches, or so located that the timber thereon would naturally be driven down said waters, may take the amount of stock in said company in proportion to the number of acres of said land owned by him there, and thereupon become a member of this corporation; it being hereby intended that the benefits of this charter shall apply equally and fairly to all said land owners upon said waters.

SECT. 4. Said corporation is hereby authorized to construct and maintain dams and side dams, booms and side booms and sluices, and make any other improvements on the main Swift river in the counties of Oxford and Franklin which will facilitate the transportation of logs and other lumber down said stream, to enter upon and take such land and material as may be necessary to make such improvements, and to flow such land so far as it may be necessary to accomplish its object; provided, said corporation shall pay to the owners of said land and material so taken, such sums as the parties may agree upon, or, if they cannot agree, such damage may be adjudged by the county commissioners of the county where the land or material so taken is situated, in the same manner and under the same conditions and liabilities as provided in the case of damage by the laying out of public highways, and for lands flowed by said corporation the owners shall be entitled to the same remedies as are now provided by law in cases of flowing lands for erection of dams for mills.

SECT. 5. Said corporation, after it shall have constructed the dams, side dams, booms or side booms, sluices and other improvements contemplated by this act may demand

4 and receive a toll of twenty-five cents per thousand feet,
5 board measure, for logs and lumber of all kinds, and five
6 cents per cord for pulp wood in lengths not exceeding
7 eight feet, that shall be put into said waters above Coos
8 bridge, fifteen cents per thousand feet for logs and lumber
9 put in between Coos bridge and Roxbury line and ten
10 cents for same put in below Roxbury line and for all pulp
11 wood in the above lengths put in below Coos bridge the
12 toll shall be two cents per cord. No toll shall be demanded
13 on any lumber or pulp wood put in below Gammon falls.
14 The above shall be in full for all toll on all logs, lumber
15 and pulp wood that shall pass over or by their dams or
16 improvements on said river. Said corporation shall have
17 a lien on all such logs, lumber and pulp wood until the full
18 amount of toll is paid and if not paid within thirty days after
19 the same shall arrive at their place of manufacture or
20 destination, said corporation may sell at public auction,
21 after twenty days' notice in some newspaper printed in
22 the county where said logs lie, so much of said logs,
23 lumber and pulp wood as may be necessary to pay said
24 toll and all incidental charges.

SECT. 6. By reason of the fact that James Irish and
2 George B. Staples have been operating upon said river
3 and have made certain improvements for driving pur-
4 poses and are now operating thereon, by themselves or
5 assigns, it is herein provided that the value of said
6 improvements already made, and such as shall hereafter
7 be made by said Irish and Staples or their assigns, gran-
8 tees or successors on the main river for said purposes
9 before reasonable improvements are made by this corpo-
10 ration, the said Staples and Irish or their assigns, grantees

11 or successors shall be paid a fair value for all such
12 improvements on said main river as shall facilitate the
13 driving of lumber of all kinds out of said river by the
14 corporation organized under this act. In case the said
15 value cannot be agreed upon by the parties, the same
16 shall be determined by a committee of three suitable
17 persons to be appointed by the supreme judicial court
18 for Oxford county on application of either party, whose
19 report shall be final, and the expense attending said
20 commission shall be paid jointly by said parties.

SECT. 7. Said Irish and Staples or their assigns, gran-
2 tees or successors, shall be exempt for all tolls on lumber
3 cut on letter D under the present written permit which
4 expires in 1893, granted them by the Berlin Mills Com-
5 pany, and also on all poplar pulp wood run down said
6 river or its tributaries prior to December 1, 1895.

SECT. 8. It is also provided that the value and payments
2 for the improvements of the said Irish and Staples, or their
3 assigns, grantees or successors hereinbefore specified, shall
4 be determined and paid on or before March 1, 1893, or all
5 rights under this charter shall be forfeited. In case pay-
6 ment is made for the improvements above specified, then,
7 and not otherwise, upon a further payment of two hun-
8 dred dollars, the said Staples and Irish and their assignees
9 shall execute to this corporation a full and complete
10 assignment of the charter approved March 11, 1880, and
11 known as the Black Brook and Swift River Improvement
12 Company, and the same assigned to said Staples and
13 Irish and the Oxford Land Company by David R. Has-
14 tings et als., and thereupon this corporation shall succeed
15 to all the rights and privileges contemplated by said act.

SECT. 9. Said company shall keep a true and accurate
2 account of the cost of such improvements as shall be made
3 which shall be open to inspection at all times to land owners
4 or operators; and when the toll received on said river shall
5 have paid the cost of improvements thereon and interest,
6 then the toll thereon shall be reduced to a sum sufficient
7 to keep the works in repair and make necessary improve-
8 ments.

SECT. 10. Any two corporators may call the first meet-
2 ing by delivering in hand or mailing to the last known post
3 office address of their associates herein named a written or
4 printed notice signed by them, stating the time, place and
5 object of said meeting, seven days at least before said time
6 and a majority present may accept this charter.

SECT. 11. This act shall take effect when approved.



STATE OF MAINE.

IN SENATE, February 18, 1891.

Reported by Mr. THATCHER, from Committee on Interior Waters, and
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.