

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



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

Sixty-Fifth Legislature.

SENATE.

No. 177.

STATE OF MAINE.

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

AN ACT to incorporate the Kennebago Improvement
Company.

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

SECTION 1. William W. Brown, James W. Parker,
2 Herbert J. Brown and Thomas Edwards, their associates
3 and successors, are hereby incorporated into a company
4 under the name of the Kennebago Improvement Company,
5 with all the rights, powers and privileges, and subject to
6 the liabilities of similar corporations.

SECT. 2. The capital stock of said corporation shall be
2 fifteen thousand dollars.

SECT. 3. Each owner of pine, spruce or cedar lands on
2 the Kennebago river and its branches, and so located that

3 the lumber therefrom would naturally be driven down said
4 river, may take an amount of stock in said company which
5 shall be in proportion to the number of acres of land
6 owned by him on said waters, and for which said river
7 would be the natural outlet for floating the lumber, and
8 share in the benefits of this charter equally and fairly with
9 other land owners upon said waters.

SECT. 4. Said corporation is hereby authorized to enter
2 upon said river at any place from the head waters thereof
3 to the south line of Section 29, in Township Four, Range
4 Three, and to construct and maintain dams, side dams,
5 booms, side booms, sluices, and all other improvements
6 which will facilitate the transportation of logs and lumber
7 down said river, including the blasting and removal of
8 logs, rocks, ledges and other obstacles to log driving upon
9 said waters; to build all necessary piers on said river or
10 upon any lake through which the same passes; and to
11 enter upon and take such land and material on the banks
12 of said river and ponds as may be necessary to make said
13 improvements; and to flow such lands in such manner as
14 may be necessary to accomplish the objects of this act.
15 Provided, however, that the lands on the shore of the
16 Kennebago lake, in Township Three, Range Three, shall
17 not be flowed to a greater height than they may be flowed
18 by the dam now existing on lot Number 147, in the south
19 part of Township Three, Range Four, at its present height.

SECT. 5. The term of three years from the first day of
2 August 1891, shall be allowed for the substantial beginning
3 of work upon said improvements.

SECT. 6. Said corporation shall pay to the owners for
2 any lands or materials so taken, such sums as the parties

3 may agree upon, and if they cannot agree, the damages
4 for such taking shall be assessed by the County Commis-
5 sioners of the county where the lands or materials taken
6 are, upon petition of either party, in the same manner and
7 with the same right of appeal and trial as is provided in
8 the case of laying out of highways. For all damage caused
9 through flowage by said corporation the owners of land
10 flowed shall have the same remedies as are provided in
11 chapter 92 of the Revised Statutes of the State of Maine
12 and amendments thereto.

SECT. 7. If said corporation shall enter upon the work
2 of improving said river under this charter, it shall take,
3 and authority is hereby given it to take, said dam now
4 existing on said lot number one hundred and forty-seven
5 in the south part of Township Number Three, Range
6 Four, and shall pay to the owners thereof the fair value
7 of said dam, and improvements such value to be ascer-
8 tained by deducting from the amount of the cost of said
9 dam, a fair allowance for such use as shall have been
10 made thereof by the owners, together with such sum as
11 shall be necessary to put said dam in a good state of re-
12 pair; and if the parties cannot agree as to the value of
13 said dam, such value shall be ascertained upon the basis
14 of ascertainment aforesaid, by three disinterested persons,
15 one to be chosen by each party, and the two thus chosen
16 shall designate the third; and if either party, after written
17 request, shall unreasonably delay to select an arbitrator,
18 then such arbitrator may be designated by any Justice of
19 the Supreme Judicial Court on request of the other party,
20 and when said Justice shall so designate said arbi-
21 trator, the two then selected shall designate the third, and

22 the expense of the arbitration shall be borne one-half by
23 each party.

And said dam after it shall be so taken by said corpora-
25 tion shall be subject to the agreement made in 1886, now
26 existing between the owners thereof and the Union Water
27 Power Company, a corporation organized under the laws
28 of this State and having its place of business at Lewiston
29 in the county of Androscoggin, by which said Water
30 Power Company, its successors and assigns, have the
31 right to raise the gate or gates of said dam or any dam
32 that may hereafter be erected in place thereof, and to use
33 the stored waters without compensation for its and their
34 own purposes, provided, however that such use shall not
35 interfere with the reasonable use of said dam for log
36 driving purposes.

SECT. 8. Said corporation may demand and receive for
2 the use of the improvements a toll of twenty-five cents
3 for each thousand feet, board measure, according to wood
4 scale, for all logs and lumber of every kind taken from
5 Township Three in Range Five in Franklin county, and
6 lands contiguous thereto, which shall be put into said
7 river north of the south line of Township Three, Range
8 Five, and floated down said river and its branches to
9 Cupsuptic lake; a toll of twenty cents for each thousand
10 feet, board measure, wood scale, for all logs and lumber
11 taken from Township Three, Range Four, and put
12 into said river north of Kennebago lake and floated down
13 said river and its branches to said Cupsuptic lake; a toll
14 of fifteen cents per thousand feet, board measure, woods
15 scale, for all logs and lumber put into Kennebago lake or
16 in the river below, north of the south line of section

17 twenty-nine, in Township Four, Range Three and floated
18 down said river to Cupsuptic lake ; in case logs or lumber
19 shall be driven down said river to some place on Kenne-
20 bago lake for the purpose of there manufacturing the same,
21 then the toll shall be fifteen cents for each thousand feet,
22 board measure, wood scale, of lumber cut upon or taken
23 from Township Three, Range Five ; and ten cents for each
24 thousand feet of lumber cut upon or taken from Township
25 Three, Range Four. But for lumber put into Kennebago
26 lake to be taken to a place of manufacture anywhere on
27 said lake, there shall be no toll.

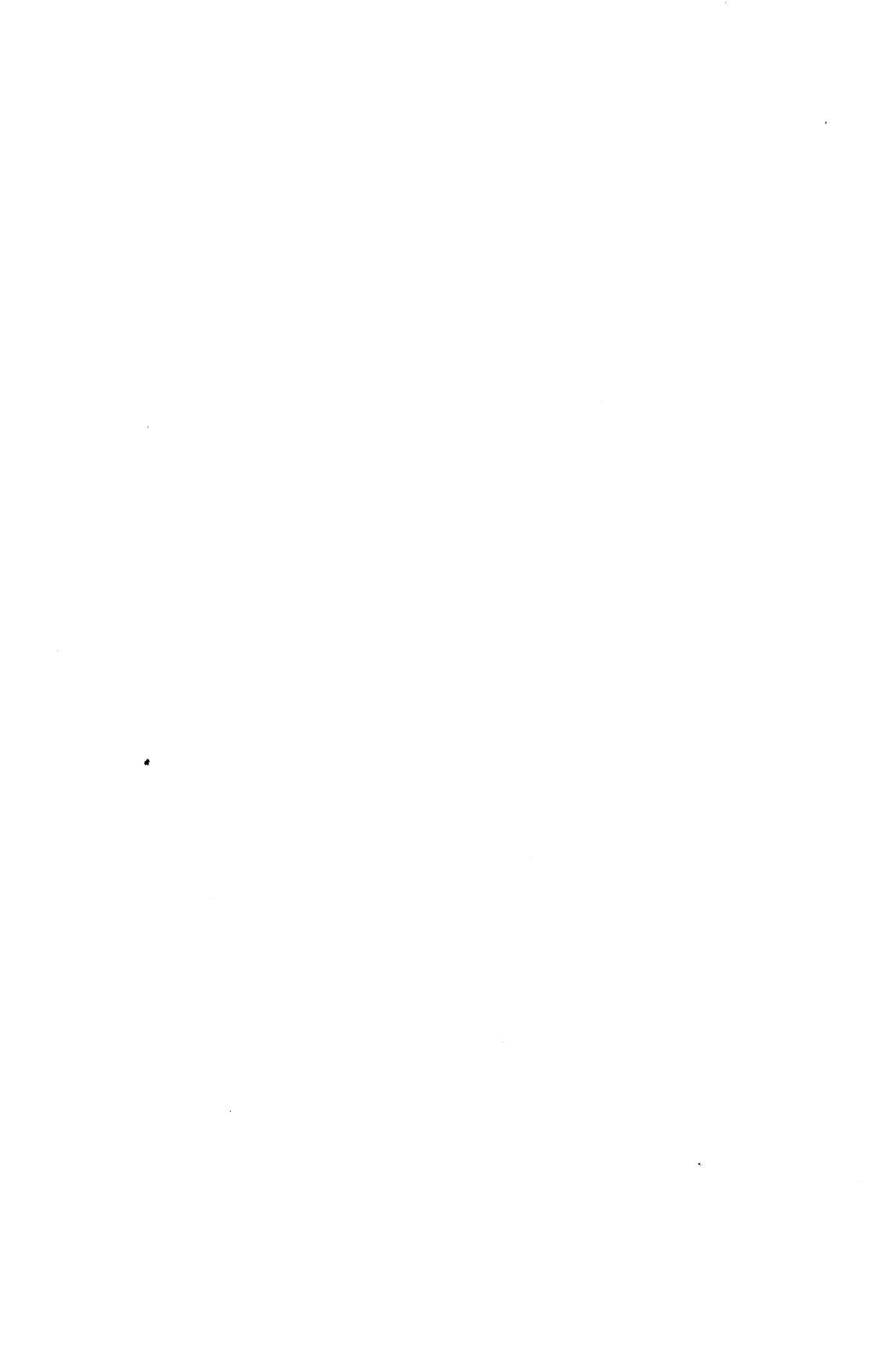
SECT. 9. Said corporation shall have a lien upon all
2 such logs and lumber for the payment of such tolls and
3 charges, but the logs of any particular mark shall be
4 holden only for the tolls upon logs bearing such mark ;
5 and if the tolls and charges on logs and lumber to be
6 driven to Cupsuptic lake shall not be paid within ten days
7 after said logs and lumber shall arrive at the mouth of
8 said Kennebago river, or if the tolls and charges on logs
9 and lumber to be driven to a place of manufacture on
10 Kennebago lake shall not be paid within thirty days after
11 such logs and lumber shall arrive at such place of manu-
12 facture, said corporation may seize wherever they can be
13 found, a sufficient quantity of such logs and lumber to
14 secure the tolls thereon and charges, and proceed to sell
15 the same at public auction as hereinafter provided. Notice
16 of the time and place of such sale shall be given by the
17 publication of the same for three weeks successively in
18 some newspaper printed in said Franklin county, and a
19 copy of such notice shall be mailed to the owners or agents
20 of the land from which the logs and lumber shall be taken,

21 by the secretary of said corporation, so far as said owners
22 or agents shall be known to him, fourteen days before the
23 time fixed for such sale, and the affidavit of the secretary
24 entered upon the records of said corporation shall be
25 prima facie evidence that he has given such notice. The
26 proceeds of such sale shall be applied first to the payment
27 of such tolls and incidental charges, including the expenses
28 of such sale, and any balance remaining shall be paid
29 on demand to the owner of the logs and lumber so sold.

SECT. 10. Said corporation shall keep a true and accu-
2 rate account of the cost of all improvements to be made
3 under the authority of this act which shall be open to
4 inspection at all times to stockholders, land owners, and
5 operators upon said river. When the tolls received by
6 said corporation shall have paid the cost of the improve-
7 ments with interest, and all reasonable charges, then the
8 toll upon logs and lumber shall be reduced to a sum suf-
9 ficient to keep the works in repair, and make other
10 additional necessary improvements.

SECT. 11. The first meeting of said corporation shall be
2 called by a written notice stating the time and place of such
3 meeting, to be signed by one of the corporators herein
4 named seven days at least before the time of such meeting.

SECT. 12. This act shall take effect when approved.



STATE OF MAINE.

IN SENATE, March 9, 1891.

Pending first reading, laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.