

# 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)

---

---

# FIFTY-NINTH LEGISLATURE.

---

HOUSE.

No. 70.

---

---

## STATE OF MAINE.

---

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

---

---

AN ACT to incorporate the Black Brook and Swift  
River Improvement Company.

---

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

SECTION 1. John Houghton, E. T. Nutter, Edward  
2 Plummer, Henry Nutter, Daniel Hilton, W. B. Nut-  
3 ter, Moses T. Cross, E. S. Coe, David Hammons,  
4 David R. Hastings, their associates and succes-  
5 sors, are hereby incorporated into a company under  
6 the the name of the Black brook and Swift river  
7 improvement company, with all the rights, powers  
8 and privileges, and subject to the liabilities of sim-  
9 ilar corporations.

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

SECT. 3. Each owner of lands upon said streams,  
2 or in vicinity thereof, may take the amount of  
3 stock in said company in proportion to the number  
4 of acres of land owned by him there, and thereupon  
5 become a member of this corporation; it being hereby  
6 intended that the benefits of this charter shall  
7 apply equally and fairly to all said land owners  
8 upon said waters.

SECT. 4. Said corporation is hereby authorized  
2 to construct and maintain dams and side dams,  
3 booms and side booms, and sluices and all other  
4 improvements on said Black brook and Swift river  
5 and their branches, which facilitate the transporta-  
6 tion of logs and other lumber down said streams,  
7 to enter upon and take such land and material as  
8 may be necessary to make their said improvements,  
9 and to flow such land so far as it may be neces-  
10 sary to accomplish their object; *provided*, said  
11 corporation shall pay to the owners of said land  
12 and material, so taken, such sums as the parties  
13 may agree upon, or if they cannot agree, such  
14 damages as may be adjudged by the county com-  
15 missioners of Oxford county, in the same manner,  
16 and under the same conditions and liabilities, as  
17 are provided in the case of damage by the laying  
18 out of public highways, and for lands flowed by

19 said corporation, the owners shall be entitled to  
20 the same remedies as are now provided by law in  
21 cases of flowing lands for erection for dams for  
22 mills.

SECT. 5. Said corporation from and after they  
2 shall have constructed the dams, side dams, booms  
3 or side booms, sluices and other improvements  
4 contemplated by this act, may demand and receive  
5 a toll of twenty-five cents per thousand feet, board  
6 measure, for all logs and lumber of all kinds that  
7 shall pass over or by their dams and improvements  
8 on Swift river, and fifteen cents per thousand feet,  
9 board measure, that shall pass over or by their  
10 dams and improvements on Black brook. Said  
11 corporation shall have a lien on all such logs and  
12 lumber until the full amount of toll is paid, and if  
13 not paid within thirty days after the same shall  
14 arrive at their place of manufacture or destination,  
15 said corporation may sell at public auction, after  
16 twenty days' notice in some newspaper printed in  
17 the county where said logs lie, so much of said  
18 logs and lumber as may be necessary to pay said  
19 toll and all incidental charges.

SECT. 6. Said company shall keep a true and  
2 accurate account of the cost of such improvements  
3 as shall be made, which shall be open to inspection

4 at all times to land owners or operators; and when  
5 the toll received on either stream shall have paid  
6 the cost of improvements thereon and interest, then  
7 the toll thereon shall be reduced to a sum sufficient  
8 to keep the works in repair. The accounts for  
9 improvements and repairs on each stream shall be  
10 kept separate, and tolls collected separately.

SECT. 7. The Swift river and Black brook im-  
2 provement company, incorporated by act approved  
3 March eight, eighteen hundred sixty-four, and now  
4 represented by James Wood, may cause the pres-  
5 ent value of its improvements now on said waters  
6 to be made by the county commissioners of Oxford  
7 county, after due notice to this corporation hereby  
8 incorporated, and within sixty days after their re-  
9 port is made estimating the same aforesaid, the  
10 same shall be paid by this corporation, or its char-  
11 ter forfeited, and it is *further provided*, and this  
12 is a condition in the granting of this charter, that  
13 if the Swift river and Black brook improvement  
14 company, so as aforesaid represented by said  
15 James Wood, shall by or before September first  
16 next, make such improvements upon said streams  
17 (both Black brook and Swift river) as, in the  
18 judgment of said county commissioners, are suffi-  
19 cient for the purposes under which this charter is

20 granted, then and in that case this charter is null  
21 and of no effect.

---

---

Amendments to an Act to incorporate the Black Brook and Swift  
River Improvement Company, offered by Mr. Hutchinson  
of Lewiston.

---

1st. Amend Sect. 7th in the 5th line, by striking out the words  
“the County Commissioners of Oxford County,” and inserting in-  
stead thereof the words, “referees to be agreed upon by the Black  
Brook and Swift River Improvement Company, and the Swift River  
and Black Brook Improvement Company.”

2d. Amend the 12th line of the same section by striking out  
the word “September,” and inserting instead thereof the word  
“October.”

3d. Amend the 14th and 15th lines of the same section by  
striking out the word “County Commissioners,” and inserting  
instead thereof the words “referees selected as aforesaid.”

In HOUSE OF REPRESENTATIVES, }  
February 25, 1880. }

Reported by Mr. TWITCHELL, from Committee on Interior Waters, and ordered printed on motion of Mr. VERRILL, of Portland. Mr. HUTCHINSON, of Lewiston, presented several amendments marked 1st, 2d and 3d. On his motion the same are ordered printed in company with the bill.

ORAMANDAL SMITH, *Clerk.*