

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 272

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT to incorporate the Allagash Improvement Company.

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

Section 1. Charles A. Milliken, James W. Parker, Arthur
2 W. Brown, Charles E. Oak, George C. Cutler, William H.
3 Cunliffe, George V. Cunliffe, Clarence D. Farrar and Dan-
4 iel Longfellow, their associates, successors and assigns are
5 hereby created a corporation by the name of the Allagash
6 Improvement Company, with all the powers and privileges
7 of similar corporations.

Sect. 2. Said company is hereby authorized to erect and
2 maintain dams across the Allagash River at or near Long
3 Lake in Township 12, Range 13, Round Pond or, as some-

4 times called, Pataguongomis Lake, in Township 13, Range
5 12 and at Allagash Falls in Township 15, Range 11; and
6 also to erect and maintain side dams and piers, sluices,
7 embankments and other similar improvements on said Alla-
8 gash River in Township 12, Range 13; Township 13, Range
9 12; Township 13, Range 13; Township 14, Range 12; Town-
10 ship 14, Range 11; and Township 15, Range 11, all in the
11 county of Aroostook; to remove rocks, trees and other
12 obstructions and to excavate ledges therefrom and to widen,
13 deepen and otherwise improve the same for the purpose of
14 raising a head of water for the sole purpose of facilitating
15 the driving of logs and other lumber thereon and on the St.
16 John River. The right to maintain improvements as afore-
17 said at Allagash Falls shall cease whenever the owners of the
18 mill privileges at said Falls shall desire to improve the same
19 for power purposes.

Sect. 3. Said company, for the above purposes, may take
2 all necessary lands and materials for building said dams, side
3 dams and piers and making the said improvements and may
4 flow contiguous lands so far as necessary to raise suitable
5 heads of water for said lumber driving purposes only, and
6 if the parties cannot agree upon the damages, the corporation
7 shall pay the proprietors for the land and materials so taken;
8 such damages shall be ascertained and determined by the
9 county commissioners of the county of Aroostook in the
10 same manner and under the same conditions and limitations
11 as are from time to time provided by law in the case of dam-

12 age by laying out of highways; and for the damage occa-
13 sioned by flowing lands, said company shall not be liable to
14 an action at common law, but the person injured may have a
15 remedy by complaint for flowage, in which case the same
16 proceedings shall be had as when a complaint is made for
17 flowing lands occasioned by raising a head of water for the
18 working of mills. Said lands may be taken in the manner
19 provided by Chapter 164 of the Public Laws of 1905 and as
20 the same may be amended from time to time.

Sect. 4. Said company may demand and receive tolls for
2 the passage of all logs and lumber over their dams and
3 improvements and for the passage of all logs and lumber
4 between the said dams and improvements and the mouth of
5 said Allagash River as follows: For all logs and lumber
6 coming into said river between Allagash Falls, so called, and
7 the mouth of the Allagash River and driven thereon after
8 June first of each year, ten cents per thousand feet; and for
9 all logs and lumber passing over said Allagash Falls, twenty
10 cents per thousand feet. All the above tolls shall be reckoned
11 on the number of feet, board measure, woods or stumpage
12 scale. Said Allagash Improvement Company shall have a
13 lien upon all logs and lumber which may so pass over its
14 dams and improvements or down said Allagash River below
15 its said dams and improvements until the full amount of toll
16 is paid, but the logs of each particular mark shall only be
17 holden to pay the toll on such mark. If said toll is not paid
18 within thirty days after such logs or lumber, or the major

19 part thereof, shall have arrived within the limits of the
20 Madawaska Log Driving Company, the said Allagash
21 Improvement Company may seize, hold and sell at public
22 auction such part of said logs or lumber as shall be neces-
23 sary to pay such tolls, with all incidental charges and costs
24 thereon, after ten days' notice in writing of the time and
25 place of said sale given to the owner of such logs or lumber.
26 Said corporation may also proceed to collect its dues for toll
27 by action at law or, if necessary, by suit in equity.

Sect. 5. An itemized account of the cost of such improve-
2 ments shall be kept by the treasurer of the Allagash Improve-
3 ment Company and also of its receipts for tolls and all oper-
4 ating expenses, which shall be open to inspection at all rea-
5 sonable times to any owner of land in the water shed of said
6 Allagash River above said Allagash Falls.

Sect. 6. When said corporation shall, from tolls received
2 by it, be reimbursed for all costs, expenses and incidental
3 charges for erecting and maintaining its dams, improvements
4 and repairs with six per cent. interest thereon, the tolls shall
5 then be reduced to a sum reasonably sufficient to keep said
6 dams, works and other improvements in repair, for pro-
7 tecting and preserving them and paying interest on such
8 expenditure.

Sect. 7. The capital stock of said corporation may be fixed
2 by it from time to time, but not to exceed fifty thousand dol-
3 lars, to be divided into shares of such par value as it may
4 determine. The corporation may, by its by-laws, provide fo

5 all their officers and for the management of its internal
6 affairs in the same manner as corporations organized under
7 the general laws of the state.

Sect. 8. This charter is granted upon the express con-
2 dition that by its acceptance the said Allagash Improvement
3 Company shall and will hold all its properties and franchises
4 forever subject to the provisions of this section. When-
5 ever at least a majority in interest of the owners of lands
6 in the water shed of the Allagash River above Allagash Falls
7 so desire they may file a petition in the office of the clerk of
8 the supreme judicial court for the county of Penobscot, in
9 term time or in vacation, addressed to any justice of said
10 court, setting forth their desire to acquire said properties
11 and franchises as herein provided. After notice to said Alla-
12 gash Improvement Company, and hearing, said court shall
13 determine the actual cash net investment of said company
14 in all the structures and improvements by it made under
15 this charter, allowing interest on all payments and crediting
16 all net tolls received with interest thereon, being the tolls
17 received less operating expenses. The net balance so ascer-
18 tained shall be deemed to be the value of the said properties
19 and franchises. Jurisdiction is hereby conferred upon said
20 court to make such decrees, as in equity, as will compel said
21 corporation to convey to said petitioners all said properties
22 and franchises free of debt, lien or encumbrances upon pay-
23 ment of said net balance with costs and expenses of said
24 judicial proceedings as allowed by the court. Thereupon and

25 thereafterwards said petitioners may use and enjoy said
26 properties free from all obligations to perform the duties of
27 this charter, or they may perform such duties, as they may
28 elect. During the pendency of said proceedings any land
29 owner in said water shed may be admitted as a party and
30 under the direction of the court, such land owners may
31 organize a corporation, following the procedure of Chapter
32 47 of the Revised Statutes, to take title as aforesaid to such
33 properties and the decrees aforesaid may be varied accord-
34 ingly. All findings of law and fact by such single justice
35 shall be final.

Sect. 9. If the said Allagash Improvement Company shall
2 abandon or fail to use said dams or improvements, or any of
3 them for four consecutive years, all the title of said company
4 to said dams or improvements, so abandoned or not used,
5 shall thereupon terminate and revert to the owners of the
6 lands in which said dams and improvements lie, without
7 expense to said land owners.

Sect. 10. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 22, 1907.

Reported by Mr. PUTNAM from Committee on Interior Waters, and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*