

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 277

STATE OF MAINE.

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

AN ACT to incorporate the Little Madawaska Improvement
Company.

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

Section 1. Charles A. Milliken, M. P. Milliken, Albert A.
2 Burleigh, M. J. Mitchell and Fred N. Vose, their associates,
3 successors and assigns are hereby created a corporation by
4 the name of the Little Madawaska Improvement Company,
5 with all the powers and privileges of similar corporations.

Sect. 2. Said company is hereby authorized to erect and
2 maintain dams, side dams and piers, sluices, embankments

3 and other similar improvements on the little Madawaska
4 River and its tributaries as follows :

On said river in the town of Caribou, near the mouth of
6 said river, in the town of New Sweden, in Connor Planta-
7 tion, in Stockholm Plantation, in Westmanland Plantation
8 near the outlet of Little Madawaska lake, and also on what
9 is known as the South Branch of said river emptying into
10 same near the outlet of Little Madawaska Lake ; and on its
11 tributaries as follows :—On Halfway Branch in Connor Plan-
12 tation and Stockholm Plantation, on Armstrong Branch in
13 said Stockholm Plantation, on Cary Branch leading into Lit-
14 tle Madawaska Lake in Township No. 16 in the fourth Range
15 and on McClusky Branch leading into said lake in Westman-
16 land Plantation and Township No. 16 in the fourth Range
17 in the county of Aroostook ; to remove rocks, trees and other
18 obstructions and to excavate therefrom, and to widen, deepen
19 and otherwise improve the same for the purpose of raising a
20 head of water and of making such river and its tributaries
21 flutable and of facilitating the driving of logs and lumber
22 upon the same.

Sect. 3. Said company, for the above purposes, may take
2 all necessary land and materials for building said dams and
3 piers and making improvements and may flow contiguous
4 lands, so far as necessary, to raise suitable heads of water,
5 and if the parties cannot agree upon damages, the corpora-
6 tion shall pay the proprietors for the land and materials so
7 taken ; such damages shall be ascertained and determined by

8 the county commissioners of the county of Aroostook, in the
9 same manner and under the same conditions and limitations
10 as provided by law in the case of damage by laying out of
11 highways; and for the damage occasioned by flowing lands,
12 said company shall not be liable to an action at common law,
13 but the person injured may have a remedy by complaint for
14 flowage, in which case the same proceedings shall be had as
15 when complaint is made under the statute of this state for
16 flowing lands occasioned by raising a head of water for the
17 working of mills.

Sect. 4. Said company may demand and receive tolls for
2 the passage of all logs and lumber over its dams and improve-
3 ments and to the mouth of said Little Madawaska River, as
4 follows: For all logs and lumber landed in said Little Mad-
5 awaska River below the dam near the inlet of Little Mada-
6 waska Lake, ten cents per thousand feet, and for all logs and
7 lumber landed in said river above said dam whether on the
8 South Branch, so called, or in Little Madawaska Lake or in
9 Cary Branch or McClusky Branch running into Little Mada-
10 waska Lake an additional ten cents per thousand feet.

All the above tolls to be reckoned at the regular stumpage
12 scale. Said Little Madawaska Improvement Company shall
13 have a lien upon all logs and lumber which may so pass over
14 any of its dams or improvements or down said Little Mada-
15 waska River below its said dams and improvements until the
16 full amount of toll is paid, but the logs of each particular
17 mark shall only be holden to pay the tolls on said mark. If

18 said toll is not paid within thirty days after such logs or lum-
19 ber, or the major part thereof, shall have arrived within the
20 waters of the Aroostook River the said Little Madawaska
21 Improvement Company may seize, hold and sell at public
22 auction such part of said logs or lumber as shall be necessary
23 to pay such tolls with all incidental charges and costs thereon,
24 after ten days' notice in writing of the time and place of said
25 sale given to the owner of such logs or lumber. Said corpo-
26 ration may also proceed to collect its dues for toll by action
27 at law, or, if necessary, by suit in equity.

Sect. 5. An account of the cost of such improvements shall
2 be kept by the treasurer of the Little Madawaska Improve-
3 ment Company, and also of its receipts for tolls, which shall
4 be open to inspection at all reasonable times to any person
5 interested in the same.

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 be reduced to a sum sufficient, in the opinion of the directors
6 of said company, to keep said dam, works and other improve-
7 ments in repair, for protection and preserving them and
8 paying such interest.

Sect. 7. So far as the consent of the state is essential
2 thereto all the acts and doings of Charles A. Milliken and
3 Carl E. Milliken in the acquisition of the properties and
4 franchises granted John P. Yerxa and others, their asso-

5 ciates, successors and assigns by Chapter 386 of the Private
6 and Special Laws of 1901 for the erection and maintenance
7 of dams, sluices, etc., in Stockholm Plantation, are hereby
8 ratified, confirmed and approved.

Sect. 8. The said Little Madawaska Improvement Com-
2 pany is hereby authorized and empowered to purchase and
3 acquire from the said Charles A. Milliken and Carl E. Milli-
4 ken all the property, rights and franchises acquired by them
5 from the said John P. Yerxa and others, as mentioned in
6 Section 7 of this act, and when so acquired the Little Mada-
7 waska Improvement Company shall succeed to and enjoy all
8 the rights, privileges and immunities specified in said Chapter
9 386 of the Private and Special Laws of 1901 subject to all
10 the appropriate conditions and limitations of such act.

Sect. 9. All the conditions and limitations of Chapter 386
2 of the Private and Special Laws of 1901 shall apply to any
3 dam which may be constructed across said Little Madawaska
4 River at or near Stockholm Village in the Plantation of
5 Stockholm. Any dam so constructed shall also be so pro-
6 vided with spillway and waste gates that, save in case of
7 unusual and extraordinary freshets the flowage occasioned
8 thereby shall not be higher than the lowest point of the road
9 at its present level within fifty feet of the north end of the
10 bridge at Stockholm Village.

Sect. 10. The Standard Veneer Company shall have the
2 right to build and maintain piers in said river at said Stock-
3 holm for the purpose of holding their logs; and if, for any

4 reason, the dam now erected at said Stockholm shall be
5 removed, said Standard Veneer Company shall have the right
6 to build and maintain a dam for said purpose, subject to the
7 conditions and limitations of said Chapter 386.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 22, 1907.

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

E. M. THOMPSON, *Clerk.*