

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)

SEVENTY-THIRD LEGISLATURE

SENATE.

No. 212

STATE OF MAINE.

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

AN ACT to incorporate the Upper St. John River Improve-
ment Company.

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

Section 1. Charles A. Milliken, Albert A. Burleigh, Wil-
2 liam H. Cunliffe, James W. Parker, John Costigan, Arthur
3 W. Brown, George V. Cunliffe, Charles E. Oak, R. W. Con-
4 ger, George A. Murchie, Allan E. Hammond, Stephen Long-
5 fellow, Clarence D. Farrar, Thomas J. Cochran, James
6 Crawford, Walter B. Parker, Redfield Proctor, and Peter
7 C. Keegan, their associates, successors and assigns, are
8 hereby created a body politic and corporate by the name of
9 the Upper St. John River Improvement Company.

Sect. 2. The capital stock of said company shall be fixed
2 by said company and shall not be less than fifty thousand
3 dollars, and may be increased from time to time by a vote of
4 a majority of the stock issued at any meeting of the share-
5 holders held after proper notice has been given therefor to
6 any amount not exceeding one million dollars.

Sect. 3. When this charter shall have been accepted by
2 the corporators, and said company shall have been organized
3 and subscriptions to the capital stock thereof to an amount
4 at least of ten thousand dollars shall have been subscribed,
5 and there shall have been paid in cash, into the treasury of
6 said company, said sum of ten thousand dollars, said com-
7 pany shall be and hereby is authorized to commence busi-
8 ness under and by virtue of this charter.

Sect. 4. Said corporation is hereby authorized to build
2 dams, side dams and piers and to maintain the same on the
3 river St. John and its tributaries from the mouth of the
4 Allegash to the head waters of said river and its tributaries.
5 To remove rocks and trees and to excavate ledges there-
6 from, and to widen, deepen and otherwise improve the same
7 for the purpose of raising a head of water and of making
8 said river and its tributaries floatable and of facilitating
9 the driving of logs and lumber upon the same.

Sect. 5. Said corporation for the above purposes may
2 take all necessary land and materials for building said dams
3 and piers and making improvements and may flow contigu-
4 ous lands so far as necessary to raise suitable heads of

5 water; and if the parties cannot agree upon the damages,
6 the corporation shall pay the proprietors for the land and
7 materials so taken, such damages shall be ascertained and
8 determined by the county commissioners of the counties of
9 Aroostook and Somerset in the same manner and under the
10 same conditions and limitations as provided by law in the
11 case of damages by laying out of highways; and for the
12 damage occasioned by flowing land, said corporation shall
13 not be liable to an action at common law, but the person
14 injured may have a remedy by complaint for flowage, in
15 which case the same proceedings shall be had as when a
16 complaint is made under the statutes of this state for flow-
17 ing lands occasioned by raising a head of water for the work-
18 ing of mills.

Sect. 6. Said corporation may demand and receive a toll
2 for the passage of logs and lumber over their said dams and
3 improvements of a maximum sum of not more than fifteen
4 cents per thousand from any point in their limits and said
5 maximum rate per thousand to be reduced on the various
6 branches and streams from which logs are driven by an
7 amount directly in ratio to the amount of money spent by
8 this corporation on such branches and streams to the whole
9 amount spent on all the waters in its charter. It being under-
10 stood that the profits of this corporation shall consist of not
11 more than 6 per cent interest on the amount of capital actu-
12 ally paid in and spent in improvements—6 per cent annu-
13 ally for sinking fund, and an amount not to exceed 6 per

14 cent for the administration and up-keep of the plant. Said
15 corporation shall have a lien on all logs and lumber which
16 may pass over their said dams and improvements for the
17 payment of said toll with all costs and charges, but the logs
18 of each particular mark shall be holden only for the toll of
19 such mark, and unless said toll is paid within twenty days
20 after said logs or lumber or the major part thereof, shall
21 have arrived at the main waters of the river St. John, said
22 corporation may seize and sell at public auction so much
23 of said logs or lumber as may be necessary to pay such toll
24 and costs and charges. Notice of the time and place of said
25 sale shall be given at least ten days before the date of said
26 sale by publication in some newspaper printed in part or in
27 whole in said county of Aroostook.

Sect. 7. When said corporation shall have received from
2 tolls its outlay already made and to be made on said river
3 and its tributaries for all dams, side dams, sluices, booms
4 and other improvements and for the repairs made upon the
5 same up to that time, and six per cent interest thereon then
6 the tolls herein provided shall be fixed at a sufficient amount
7 to keep said dams and other improvements in repair.

Sect. 8. An itemized account of the cost of such improve-
2 ments shall be kept by said corporation and also of its
3 receipts for tolls and all operating expenses, which shall be
4 open to inspection at all reasonable times to any log-owner
5 having logs driven or to be driven in the limits of this
6 corporation.

Sect. 9. The first meeting of said corporation shall be
2 called at Van Buren in the county of Aroostook by a notice
3 signed by any two of the corporators named in section one,
4 setting forth the time, place and purposes of said meeting,
5 and such notice shall be mailed to each of the corporators,
6 postage paid, seven days at least before the day of such
7 meeting. Any corporator intending to become a member of
8 the corporation may be represented at said first meeting by
9 proxy.

STATE OF MAINE.

IN SENATE, March 8, 1907.

Reported by Mr. HASTINGS from Committee on Judiciary and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.