

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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1891.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

SECT. 12. Chapter one hundred eighty-five of the private and special laws of eighteen hundred and eighty-seven is hereby repealed.

CHAP. 227

Ch. 185, Private
Laws, 1887,
repealed.

SECT. 13. This act shall take effect when approved.

Approved March 13, 1891.

Chapter 227.

An Act to incorporate the Kennebago Improvement Company.

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

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

Corporators.

—corporate
name.

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

Capital stock.

SECT. 3. Each owner of pine, spruce or cedar lands on the Kennebago river and its branches, and so located that the lumber therefrom would naturally be driven down said river, may take an amount of stock in said company which shall be in proportion to the number of acres of land owned by him on said waters, and for which said river would be the natural outlet for floating the lumber, and share in the benefits of this charter equally and fairly with other land owners upon said waters.

Owners of land
on Kennebago,
may take stock.

SECT. 4. Said corporation is hereby authorized to enter upon said river at any place from the head waters thereof to the south line of section twenty-nine, in township four, range three, and to construct and maintain dams, side dams, booms, side booms, sluices, and all other improvements which will facilitate the transportation of logs and lumber down said river, including the blasting and removal of logs, rocks, ledges and other obstacles to log driving upon said waters; to build all necessary piers on said river or upon any lake through which the same passes; and to enter upon and take such land and material on the banks of said river and

Authorized to
build dams, etc.,
and remove
obstructions.—build piers,
take and flow
land.

CHAP. 227

-proviso.

ponds as may be necessary to make said improvements; and to flow such lands in such manner as may be necessary to accomplish the objects of this act. Provided, however, that the lands on the shore of the Kennebago lake, in township three, range three, shall not be flowed to a greater height than they may be flowed by the dam now existing on lot number one hundred and forty-seven, in the south part of township three, range four, at its present height.

Time in which improvements shall be begun.

SECT. 5. The term of three years from the first day of August, eighteen hundred and ninety-one, shall be allowed for the substantial beginning of work upon said improvements.

Damages, how assessed.

SECT. 6. Said corporation shall pay to the owners for any lands or materials so taken, such sums as the parties may agree upon, and if they cannot agree, the damages for such taking shall be assessed by the county commissioners of the county where the lands or materials taken are, upon petition of either party, in the same manner and with the same right of appeal and trial as is provided in the case of laying out of highways. For all damage caused through flowage by said corporation, the owners of land flowed shall have the same remedies as are provided in chapter ninety-two of the revised statutes of the state of Maine and amendments thereto.

Authorized to take dam now existing.

SECT. 7. If said corporation shall enter upon the work of improving said river under this charter, it shall take, and authority is hereby given it to take, said dam now existing on said lot number one hundred and forty-seven in the south part of township number three, range four, and shall pay to the owners thereof the fair value of said dam and improvements, such value to be ascertained by deducting from the amount of the cost of said dam, a fair allowance for such use as shall have been made thereof by the owners, together with such sum as shall be necessary to put said dam in a good state of repair; and if the parties cannot agree as to the value of said dam, such value shall be ascertained upon the basis of ascertainment aforesaid, by three disinterested persons, one to be chosen by each party, and the two thus chosen shall designate the third; and if either party, after written request, shall unreasonably delay to select an arbitrator, then such arbitrator may be designated by any justice of the supreme judicial court on request of the other party, and when said

-how value may be ascertained.

justice shall so designate said arbitrator, the two then selected shall designate the third, and the expense of the arbitration shall be borne one-half by each party. And said dam, after it shall be so taken by said corporation shall be subject to the agreement made in eighteen hundred and eighty-six, now existing between the owners thereof and the Union Water Power Company, a corporation organized under the laws of this state and having its place of business at Lewiston, in the county of Androscoggin, by which said water power company, its successors and assigns, have the right to raise the gate or gates of said dam or any dam that may hereafter be erected in place thereof, and to use the stored waters without compensation for its and their own purposes, provided, however, that such use shall not interfere with the reasonable use of said dam for log driving purposes.

—right of Union
Water Power
Company,
preserved.

SECT. 8. Said corporation may demand and receive for the use of the improvements a toll of twenty-five cents for each thousand feet, board measure according to wood scale, for all logs and lumber of every kind taken from township three in range five in Franklin county, and lands contiguous thereto, which shall be put into said river north of the south line of township three, range five and floated down said river and its branches to Cupsuptic lake; a toll of twenty cents for each thousand feet board measure, wood scale, for all logs and lumber taken from township three, range four, and put into said river north of Kennebago lake and floated down said river and its branches to said Cupsuptic lake; a toll of fifteen cents per thousand feet board measure, wood scale, for all logs and lumber put into Kennebago lake or in the river below north of the south line of section twenty-nine in township four, range three, and floated down said river to Cupsuptic lake; in case logs or lumber shall be driven down said river to some place on Kennebago lake for the purpose of their manufacturing the same, then the toll shall be fifteen cents for each thousand feet board measure, wood scale, of lumber cut upon or taken from township three, range five; and ten cents for each thousand feet of lumber cut upon or taken from township three, range four. But for lumber put into Kennebago lake to be taken to a place of manufacture anywhere on said lake, there shall be no toll.

Tolls granted.

CHAP. 227

Lien on logs.

SECT. 9. Said corporation shall have a lien upon all such logs and lumber for the payment of such tolls and charges, but the logs of any particular mark shall be holden only for the tolls upon logs bearing such mark; and if the tolls and charges on logs and lumber to be driven to Cupsuptic lake shall not be paid within ten days after said logs and lumber shall arrive at the mouth of said Kennebago river, or if the tolls and charges on logs and lumber to be driven to a place of manufacture on Kennebago lake shall not be paid within thirty days after such logs and lumber shall arrive at such place of manufacture, said corporation may seize wherever they can be found, a sufficient quantity of such logs and lumber to secure the tolls thereon and charges, and proceed to sell the same at public auction as hereinafter provided. Notice of the time and place of such sale shall be given by the publication of the same for three weeks successively in some newspaper printed in said Franklin county, and a copy of such notice shall be mailed to the owners or agents of the land from which the logs and lumber shall be taken, by the secretary of said corporation, so far as said owners or agents shall be known to him, fourteen days before the time fixed for such sale, and the affidavit of the secretary entered upon the records of said corporation shall be prima facie evidence that he has given such notice. The proceeds of such sale shall be applied first to the payment of such tolls and incidental charges, including the expenses of such sale, and any balance remaining shall be paid on demand to the owner of the logs and lumber so sold.

—how enforced.

When tolls shall be reduced.

SECT. 10. Said corporation shall keep a true and accurate account of the cost of all improvements to be made under the authority of this act which shall be open to inspection at all times to stockholders, land owners, and operators upon said river. When the tolls received by said corporation shall have paid the cost of the improvements with interest, and all reasonable charges, then the toll upon logs and lumber shall be reduced to a sum sufficient to keep the works in repair, and make other additional necessary improvements.

First meeting, how called.

SECT. 11. The first meeting of said corporation shall be called by a written notice stating the time and place of such meeting, to be signed by one of the corporators herein named, given in hand or sent by mail to each of the other corporators

herein named, seven days at least before the time of such meeting.

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

Approved March 13, 1891.

Chapter 228.

An Act to incorporate the Maine Investment and Guarantee Company.

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

SECT. 1. Timothy Shaw, Junior, Frank H. Littlefield, Henry C. Lord, Carlos Heard and J. G. Shaw, or such of them as may by vote accept this charter, with their associates, successors and assigns, are hereby created a corporation by the name of Maine Investment and Guarantee Company, and as such shall be possessed of all the powers, privileges and immunities, and subject to all the duties and obligations conferred on corporations by law, except as otherwise provided herein.

Corporators.

—corporate name.

SECT. 2. Said corporation shall be located at Biddeford, in the county of York, and may establish agencies in any part this state.

Location.

SECT. 3. Said corporation shall have power to invest and deal in real and personal property, improve and lease the same ; erect and maintain on its property, buildings, streets, roads, sewers and other improvements, and do such other acts and things as may be necessary in the prosecution of its business.

May invest and deal in real estate.

SECT. 4. Said corporation may also make loans and advances ; take and hold mortgages and other forms of security on real and personal property ; and hold and deal in the stocks and securities of other corporations, firms or persons in the same manner as an individual may lawfully do.

May make loans, etc.

SECT. 5. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same from time to time to any amount not exceeding five hundred thousand dollars, and the same shall be divided into shares of the par value of one hundred dollars each.

Capital stock.

SECT. 6. Said corporation may issue its bonds to an amount not exceeding its capital stock, on such terms and

May issue bonds and mortgage property.