

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-THIRD LEGISLATURE  
OF THE  
STATE OF MAINE  
1907.

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Published by the Secretary of State, agreeably to Resolves of  
June 28, 1820, February 18, 1840, and March 16, 1842.

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1907

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

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**CHAP. 167**

Penalty for  
violation of  
this act.

Section 4. Whoever violates any of the provisions of this act shall be subject to a penalty of not less than ten nor more than thirty dollars for each offense and a further penalty of one dollar for each fish taken, caught, killed or had in possession in violation of the provisions of this act.

Proviso.

Section 5. Provided, further, that this act shall not take effect until the commissioners of inland fisheries and game, without expense to the state, have caused notices to be posted in conspicuous places at or near the waters herein described setting forth in substance the provisions of this act.

Approved March 6, 1907.

**Chapter 167.**

An Act to incorporate the Allagash Improvement Company.

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

Corporators.

Section 1. Charles A. Milliken, James W. Parker, Arthur W. Brown, Charles E. Oak, George C. Cutler, William H. Cunliff, George V. Cunliff, Clarence D. Farrar, and Daniel Longfellow, their associates, successors and assigns are hereby created a corporation by the name of the Allagash Improvement Company, with all the powers and privileges of similar corporations.

—corporate  
name.

May erect  
dams.

Section 2. Said company is hereby authorized to erect and maintain dams across the Allagash river at or near Long lake in township twelve, range thirteen, Round pond or, as sometimes called, Pataguongomis lake, in township thirteen, range twelve and at Allagash falls in township fifteen, range eleven;

—side dams,  
sluices, etc.

and also to erect and maintain side dams and piers, sluices, embankments and other similar improvements on said Allagash river in township twelve, range thirteen; township thirteen, range twelve; township thirteen, range thirteen; township fourteen, range twelve; township fourteen, range eleven; and township fifteen, range eleven, all in the county of Aroostook; to remove rocks, trees and other obstructions and to excavate ledges therefrom and to widen, deepen and otherwise improve the same for the purpose of raising a head of water for the sole purpose of facilitating the driving of logs and other lumber thereon and on the Saint John river. The right to maintain improvements as aforesaid at Allagash falls shall cease whenever the owners of the mill privileges at said falls shall desire to improve the same for power purposes.

—remove  
obstruc-  
tions, etc.

CHAP. 167

Section 3. Said company, for the above purposes, may take all necessary lands and materials for building said dams, side dams and piers and making the said improvements and may flow contiguous lands so far as necessary to raise suitable heads of water for said lumber driving purposes only, and if the parties cannot agree upon the damages, the corporation shall pay the proprietors for the land and materials so taken; such damages shall be ascertained and determined by the county commissioners of the county of Aroostook in the same manner and under the same conditions and limitations as are from time to time provided by law in the case of damage by laying out of highways; and for the damage occasioned by flowing lands, said company shall not be liable to an action at common law, but the person injured may have a remedy by complaint for flowage, in which case the same proceedings shall be had as when a complaint is made for flowing lands occasioned by raising a head of water for the working of mills. Said lands may be taken in the manner provided by chapter one hundred sixty-four of the public laws of nineteen hundred and five and as the same may be amended from time to time.

May take  
lands, etc.

—may flow  
lands.

—damages,  
how  
determined.

—damage for  
flowage.

Section 4. Said company may demand and receive tolls for the passage of all logs and lumber over their dams and improvements and for the passage of all logs and lumber between the said dams and improvements and the mouth of said Allagash river as follows: For all logs and lumber coming into said river between Allagash falls, so called, and the mouth of the Allagash river and driven thereon after June first of each year, ten cents per thousand feet; and for all logs and lumber passing over said Allagash falls, twenty cents per thousand feet. All the above tolls shall be reckoned on the number of feet, board measure, woods or stumpage scale. Said Allagash Improvement Company shall have a lien upon all logs and lumber which may so pass over its dams and improvements or down said Allagash river below its said dams and improvements until the full amount of toll is paid, but the logs of each particular mark shall only be holden to pay the toll on such mark. If said toll is not paid within thirty days after such logs or lumber, or the major part thereof, shall have arrived within the limits of the Madawaska Log Driving Company, the said Allagash Improvement Company may seize, hold and sell at public auction such part of said logs or lumber as shall be necessary to pay such tolls, with all incidental charges and costs thereon, after ten days' notice in writing of the time and place of said sale given to the owner of such logs or lumber. Said corporation may also proceed to collect its dues for toll by action at law or, if necessary, by suit in equity.

May demand  
tolls.

—rates of  
toll.

—lien on  
logs.

—logs may  
be seized.

**CHAP. 167**

Account of  
cost shall be  
kept by  
company.

Section 5. An itemized account of the cost of such improvements shall be kept by the treasurer of the Allagash Improvement Company and also of its receipts for tolls and all operating expenses, which shall be open to inspection at all reasonable times to any owner of land in the water shed of said Allagash river above said Allagash falls.

When tolls  
shall be  
reduced.

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

Capital  
stock.

Section 7. The capital stock of said corporation may be fixed by it from time to time, but not to exceed fifty thousand dollars, to be divided into shares of such par value as it may determine. The corporation may, by its by-laws, provide for all their officers and for the management of its internal affairs in the same manner as corporations organized under the general laws of the state.

—election of  
officers.

Charter,  
how granted.

Section 8. This charter is granted upon the express condition that by its acceptance the said Allagash Improvement Company shall and will hold all its properties and franchises forever subject to the provisions of this section. Whenever at least a majority in interest of the owners of lands in the water shed of the Allagash river above Allagash falls so desire they may file a petition in the office of the clerk of the supreme judicial court for the county of Penobscot, in term time or in vacation, addressed to any justice of said court, setting forth their desire to acquire said properties and franchises as herein provided. After notice to said Allagash Improvement Company, and hearing, said court shall determine the actual cash net investment of said company in all the structures and improvements by it made under this charter, allowing interest on all payments and crediting all net tolls received with interest thereon, being the tolls received less operating expenses. The net balance so ascertained shall be deemed to be the value of the said properties and franchises. Jurisdiction is hereby conferred upon said court to make such decrees, as in equity, as will compel said corporation to convey to said petitioners all said properties and franchises free of debt, lien or encumbrances upon payment of said net balance with costs and expenses of said judicial proceedings as allowed by the court. Thereupon and thereafterwards said petitioners may use and enjoy said properties free from all obligations to perform the duties of this charter, or they may perform such duties, as they may elect. During the

—land own-  
ers may file  
petition.

—court shall  
determine  
net invest-  
ment of  
company.

—jurisdiction  
conferred  
upon court.

pendency of said proceedings any land owner in said water shed may be admitted as a party and under the direction of the court, such land owners may organize a corporation, following the procedure of chapter forty-seven of the revised statutes, to take title as aforesaid to such properties and the decrees aforesaid may be varied accordingly. All findings of law and fact by such single justice shall be final.

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

Failure to  
use dams,  
etc., for  
four years.

Section 10. This act shall take effect when approved.

Approved March 6, 1907.

## Chapter 168.

An Act to incorporate the Weld Water Company.

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

Section 1. C. G. Dummer, J. S. Houghton, R. E. Scamman, W. H. Woodward, R. G. Dummer, F. S. Schofield, A. D. Russell, and John A. Decker of Weld, with their associates and successors, be and are hereby made a corporation under the name of the Weld Water Company, for the purpose of supplying the inhabitants of the town of Weld with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires; and such corporation shall possess all the powers and privileges and be subject to all the liabilities and obligations imposed upon corporations by law, except as herein otherwise provided.

Corporators.

—corporate  
name.

—purposes.

Section 2. The place of business of said corporation shall be at Weld in the county of Franklin and state of Maine.

Location.

Section 3. For any of the purposes aforesaid the said corporation is hereby authorized to take and use water from any spring, pond, brook or other waters in the town of Weld, to conduct and distribute the same into and through the said town of Weld; and to survey for, locate, construct and maintain all suitable and convenient dams, reservoirs, sluices, hydrants, buildings, machinery, lines of pipe, aqueducts, structures and appurtenances.

May take  
water.

—maintain  
dams, etc.