

MAINE STATE LEGISLATURE

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

Published by the Secretary of State, agreeably to Resolves of
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

days from the date when such award shall be rendered. The costs of said commission shall be borne equally by the said company and said town or village corporation.

Section 16. This act shall take effect when approved.

Approved March 6, 1907.

Chapter 169.

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. Burleigh, M. J. Mitchell and Fred N. Vose, their associates, successors and assigns are hereby created a corporation by the name of the Little Madawaska Improvement Company, with all the powers and privileges of similar corporations.

Corporators.

—corporate name.

Section 2. Said company is hereby authorized to erect and maintain dams, side dams and piers, sluices, embankments and other similar improvements on the Little Madawaska river and its tributaries as follows:

May maintain dams, etc.

On said river in the town of Caribou, near the mouth of said river, in the town of New Sweden, in Connor plantation, in Stockholm plantation, in Westmanland plantation near the outlet of Little Madawaska lake, and also on what is known as the south branch of said river emptying into same near the outlet of Little Madawaska lake; and on its tributaries as follows: On Halfway Branch in Connor plantation and Stockholm plantation, on Armstrong branch in said Stockholm plantation, on Cary branch leading into Little Madawaska lake in township number sixteen in the fourth range and on McClusky Branch leading into said lake in Westmanland plantation and township number sixteen in the fourth range in the county of Aroostook; to remove rocks, trees and other obstructions and to excavate therefrom, and to widen, deepen and otherwise improve the same for the purpose of raising a head of water and of making such river and its tributaries floatable and of facilitating the driving of logs and lumber upon the same.

—may remove obstructions.

Section 3. Said company, for the above purposes, may take all necessary land and materials for building said dams and piers and making improvements and may flow contiguous lands, so far as necessary, to raise suitable heads of water, and if the parties cannot agree upon 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

May take land.

—damages, how determined.

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the county of Aroostook, in the same manner and under the same conditions and limitations as 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 complaint is made under the statute of this state for flowing lands occasioned by raising a head of water for the working of mills.

May demand
tolls.

Section 4. Said company may demand and receive tolls for the passage of all logs and lumber over its dams and improvements and to the mouth of said Little Madawaska river, as follows: For all logs and lumber landed in said Little Madawaska river below the dam near the inlet of Little Madawaska lake, ten cents per thousand feet, and for all logs and lumber landed in said river above said dam whether on the South branch, so called, or in Little Madawaska lake or in Cary branch or McClusky branch running into Little Madawaska lake an additional ten cents per thousand feet.

—rates of
toll.

Scale.

All the above tolls to be reckoned at the regular stumpage scale. Said Little Madawaska Improvement Company shall have a lien upon all logs and lumber which may so pass over any of its dams or improvements or down said Little Madawaska 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 tolls on said 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 waters of the Aroostook river the said Little Madawaska 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.

—lien on logs
and lumber.

—enforce-
ment of lien.

Account of
cost of
improve-
ments, etc.,
to be kept.

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

Readjust-
ment of
tolls.

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 be reduced to a sum sufficient, in the opinion of the directors of said company,

to keep said dam, works and other improvements in repair, for protection and preserving them and paying such interest.

Section 7. So far as the consent of the state is essential thereto all the acts and doings of Charles A. Milliken and Carl E. Milliken in the acquisition of the properties and franchises granted John P. Yerxa and others, their associates, successors and assigns by chapter three hundred eighty-six of the private and special laws of nineteen hundred and one for the erection and maintenance of dams and sluices, in Stockholm plantation, are hereby ratified, confirmed and approved.

Acts of certain persons, ratified and approved.

Section 8. The said Little Madawaska Improvement Company is hereby authorized and empowered to purchase and acquire from the said Charles A. Milliken and Carl E. Milliken all the property, rights and franchises acquired by them from the said John P. Yerxa and others, as mentioned in section seven of this act, and when so required the Little Madawaska Improvement Company shall succeed to and enjoy all the rights, privileges and immunities specified in said chapter three hundred and eighty-six of the private and special laws of nineteen hundred and one subject to all the appropriate conditions and limitations of such act.

Company authorized to acquire certain rights and franchises.

Section 9. All the conditions and limitations of chapter three hundred eighty-six of the private and special laws of nineteen hundred and one shall apply to any dam which may be constructed across said Little Madawaska river at or near Stockholm village in the plantation of Stockholm. Any dam so constructed shall also be so provided with spillway and waste gates that, save in case of unusual and extraordinary freshets the flowage occasioned thereby shall not be higher than the lowest point of the road at its present level within fifty feet of the north end of the bridge at Stockholm village.

Limitations of chapter 386, private and special laws 1901, shall apply.

—dam shall have spillway.

Section 10. The Standard Veneer Company shall have the right to build and maintain piers in said river at said Stockholm for the purpose of holding their logs; and if, for any reason, the dam now erected at said Stockholm shall be removed, said Standard Veneer Company shall have the right to build and maintain a dam for said purpose, subject to the conditions and limitations of said chapter three hundred and eight-six.

Standard Veneer Co. may maintain piers.

Section 11. This act shall take effect when approved.

Approved March 6, 1907.