

# MAINE STATE LEGISLATURE

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# SIXTY-FIRST LEGISLATURE.

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HOUSE.

No. 106.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-THREE.

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AN ACT to amend and make valid the organization  
of the Bodwell Water Power Company and for  
other purposes.

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

SECTION 1. The Bodwell Water Power Com-  
2 pany is hereby authorized to increase its capital  
3 stock not to exceed in the whole the sum of one  
4 million dollars, to be divided into shares of one  
5 hundred dollars each.

SECT. 2. Said corporation is hereby authorized  
2 to cut a canal from some point flowed by the  
3 Penobscot river, in the low state of water thereof,  
4 north of the location of the Bangor, Oldtown and  
5 Milford railroad bridge, thence southerly along the

(2)

6 easterly part of Marsh island in Oldtown to the  
7 present southerly line of the land now owned by  
8 said corporation, thence to Penobscot river; also a  
9 canal from some point flowed by the Penobscot  
10 river, in the low state of water thereof, at or near  
11 Johnson's island, thence southerly along the east  
12 bank of Penobscot river in Milford to the southerly  
13 line of the Cousins property so called, thence to  
14 Penobscot river; and by said canals to create a  
15 water power to use or sell or lease to other persons  
16 or corporations to use for manufacturing purposes,  
17 and for the purposes of constructing said canals  
18 may take, occupy and enclose any of the lands  
19 adjoining such canals which may be necessary for  
20 building or repairing the same and other necessary  
21 purposes on each side thereof, and may blow up  
22 and remove any rocks in said river, and dig any  
23 of the land near to said river through which it may  
24 be necessary to pass said canals.

SECT. 3. Any person who shall be damaged in  
2 his property by said corporation in cutting or  
3 making said canals through his lands, or by flowing  
4 the same, or in any other way in carrying into  
5 effect the powers hereby granted, unless said  
6 corporation shall within thirty days after request

7 in writing pay or tender to said person reasonable  
8 satisfaction therefor, shall have the same remedies  
9 as are provided by law in case of damages by rail-  
10 road corporations in the fifty-first chapter of the  
11 revised statutes.

SECT. 4. Said corporation is hereby authorized  
2 and empowered to take and use any way or high-  
3 way in said Oldtown and Milford for the purpose  
4 of constructing and maintaining said canals, *pro-*  
5 *vided*, that the inhabitants of said towns shall so  
6 vote at any legal town meeting.

SECT. 5. If there shall be occasion in the prose-  
2 cution of the powers and purposes aforesaid to  
3 make a canal across any public highway or way,  
4 or if highways or ways shall hereafter be laid out  
5 across said canals, it shall be the duty of said  
6 corporation to make sufficient bridges across said  
7 canals and to keep them in good repair.

SECT. 6. Said corporation is authorized and  
2 empowered to take water from Penobscot river  
3 sufficient for domestic, sanitary and municipal  
4 purposes in said Oldtown and Milford, including a  
5 sufficient quantity for extinguishing fires and the  
6 supply of hotels, livery stables and laundries within  
7 said towns.

SECT. 7. Said corporation is authorized for the  
2 purpose aforesaid to take and convey through said  
3 towns and to all parts thereof the water of Penob-  
4 scot river, by an aqueduct or pipe sunk to any depth  
5 desirable for the purpose; and may also take and  
6 hold by purchase or otherwise any land necessary  
7 for laying and maintaining pipes, aqueducts, locks,  
8 gates, dams, hydrants and reservoirs for taking,  
9 conducting, holding, discharging and distributing  
10 water; also to dig up and excavate any highway  
11 and fill the same under the direction of the munic-  
12 ipal officers of the town wherein such highway may  
13 be located.

SECT. 8. Whoever shall in any way wilfully  
2 pollute the water of said river within the limits of  
3 the towns of Oldtown or Milford, whether frozen  
4 or not, after said corporation shall have commenced  
5 taking the same, and whoever shall wilfully injure  
6 any of the works of said corporation shall be  
7 punished by imprisonment not over two years, or  
8 by fine not exceeding one thousand dollars, and  
9 shall be liable for an action for damages.

SECT. 9. All damages sustained by any persons  
2 in their property by taking any land for pipes,  
3 aqueducts, locks or other structures, shall be deter-

4 mined and assessed in the manner provided in  
5 section three of this act.

SECT. 10. Said corporation is authorized and  
2 empowered to manufacture in said Oldtown and  
3 Milford, steam for heating, sufficient for domestic  
4 purposes in said towns, including a sufficient quan-  
5 tity for the supply of hotels, shops, stores, factor-  
6 ies, stables, laundries, public buildings, within said  
7 towns, and may purchase and hold real and per-  
8 sonal estate necessary for the purposes of carrying  
9 out the provisions of this section, and may tax  
10 parties such reasonable sums for steam supplied  
11 by it as it may deem proper.

SECT. 11. Said corporation is hereby authorized  
2 to lay down and through the public streets and  
3 highways of said towns, and to take up, replace  
4 and repair all such pipes and fixtures as may be  
5 necessary for the objects herein set forth, the con-  
6 sent of the municipal officers of said town in which  
7 the same are so laid having been first obtained,  
8 and under such regulations as they may prescribe,  
9 and shall be liable to pay all damages that shall be  
10 sustained by any person or corporation in their  
11 property by the taking of any land or by excavat-  
12 ing through any land for the purpose of laying  
13 down and repairing its pipes and fixtures; and if

14 any person or corporation sustaining damages as  
15 aforesaid shall not agree with this company in the  
16 adjustment thereof, such damages shall be deter-  
17 mined and assessed in the manner provided in  
18 section three of this act.

SECT. 12. Said corporation is hereby authorized  
2 and empowered to erect and maintain a dam at the  
3 Oldtown falls across Penobscot river between Old-  
4 town and Milford sufficient to level up said falls to  
5 the highest point of Johnson's rock in said falls,  
6 *provided*, that a sluice shall be constructed and  
7 maintained through said dam and falls at some  
8 place between Oldtown and Milford of sufficient  
9 capacity, and size to accommodate the running of  
10 logs and rafts over said falls by the public, said  
11 sluice is to be constructed and maintained to the  
12 satisfaction of a committee to be appointed by any  
13 justice of the supreme judicial court of this state  
14 who shall make report to said court, and said court  
15 may accept or reject or modify said report after  
16 notice and upon hearing of parties interested, and  
17 said court shall upon petition of any party inter-  
18 ested upon reasonable notice and hearing at any  
19 time determine what changes shall be made in said  
20 sluice or dam and have the right to determine all

21 questions of costs, and power is hereby specially  
22 conferred upon said court for this purpose. And  
23 said corporation shall also have the right to con-  
24 struct and maintain a dam across the Stillwater  
25 branch of Penobscot river and take and occupy  
26 land therefor, damages therefor to be assessed as  
27 provided in section three of this act, between the  
28 head of the island, below Pushaw bridge and the  
29 southerly end of Orono island, of a sufficient height  
30 to hold the reserve of water caused by the leveling  
31 up of the falls authorized in this act, and to prevent  
32 said reserve or excess from flowing down said  
33 Stillwater branch, but said dam shall not be con-  
34 structed any higher than sufficient to hold said re-  
35 serve, nor in any manner or degree to interfere  
36 with or prevent the natural flow of water down  
37 said Stillwater branch of Penobscot river, *provided,*  
38 said corporation shall construct and maintain a  
39 suitable sluice-way in said dam and on said Still-  
40 water branch for the passage of logs and lumber,  
41 *also provided,* that said corporation shall before  
42 constructing said dams ascertain under the super-  
43 vision and direction of some competent hydraulic  
44 engineer, to be appointed by the supreme judicial



45 court of Penobscot county, the exact amount of  
46 water passing down said Stillwater branch from  
47 the main Penobscot river at different stages of  
48 water during summer drouth, while both Oldtown  
49 falls and said Stillwater branch are in their natural  
50 flow and condition, and if the dam and sluice'so  
51 constructed do not accomplish the purpose of this  
52 act, then any justice of said court at any time or  
53 from time to time on the application of either party  
54 and a hearing of the parties interested shall regu-  
55 late the height of said dam, and the location and  
56 dimensions of said sluice, and his decision shall be  
57 final, with power to award and apportion the costs  
58 and expenses of said hearing in such manner as he  
59 may determine, and *provided further*, that all  
60 damages sustained by any person by reason of said  
61 dam on said Stillwater branch may be determined  
62 by any justice of said court upon petition of the  
63 party claiming damages after notice and hearing  
64 of the parties interested, said court having power  
65 to apportion and award costs as it may see fit, and  
66 power is hereby specially conferred upon said court  
67 for this purpose.

SECT. 13. The proceedings in the organization  
2 of said corporation are hereby confirmed and made

3 valid. The said corporation shall not draw water  
4 through its canal or canals, mills or dams, so that  
5 the natural flow of the water of the Penobscot  
6 river over Oldtown falls and below or through any  
7 sluice erected and maintained under this act, shall  
8 be interrupted, when said natural flow of said  
9 water over said falls may be necessary to float  
10 logs, rafts and lumber over said falls, or through  
11 said sluice, and below the same.

SECT. 14. For the purpose of carrying out the  
2 foregoing provisions or either of them, said corpo-  
3 ration is hereby authorized to issue its bonds in  
4 such form and on such time and manner as it may  
5 determine and secure the same by mortgage of its  
6 property and franchise.

SECT. 15. This act shall take effect when ap-  
2 proved.



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 19, 1883. }

Taken from table on motion of Mr. HAMLIN of Bangor, amended as per sheets A 1, B 2, C 3, D 4, E 5, and F 6, and bill ordered printed as amended.

F. L. PATTEN, *Clerk pro tem.*