

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1848.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1849.

TWENTY-EIGHTH LEGISLATURE.

No. 27.

HOUSE.

STATE OF MAINE.

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

AN ACT to promote the improvement of the navigation
of the Piscataquis River.

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

SECTION 1. Joseph Chase, E. S. Clark and P. P.
2 Furber, their associates and assigns, are hereby au-
3 thorized to improve the navigation of the Piscataquis
4 river and its tributaries, and for this purpose are au-
5 thorized to deepen the channel thereof—to cut down
6 and remove any gravel or ledge bars, rocks or other
7 obstructions in the bed thereof—to erect in the bed,
8 upon the shore or banks of said river and its tributa-
9 ries, suitable dams, locks and canals, with booms,
10 piers, breakwaters and abutments, to protect the

11 same—to use any dams already erected and to raise
12 such dams higher than they now are, making due
13 compensation therefor to the owners thereof, to be
14 agreed upon with said owners, or settled for as here-
15 inafter provided ; *provided, however*, that no mill site
16 now occupied shall be taken or flowed out by them
17 without the consent of the owner thereof.

SEC. 2. They are also authorized to take and hold
2 so much land along the bank of said river and its
3 tributaries, or in the bed thereof, as may be necessary
4 for the location, construction and repair of the afore-
5 said improvements—and the damages for the real
6 estate so taken, when not agreed upon by the parties,
7 shall be ascertained and determined by the county
8 commissioners of the county in which said land so
9 taken lies, under the same limitations and restrictions
10 as are by law provided in case of damage in laying
11 out highways ; and all damage for flowage caused by
12 any dam or dams which shall be erected by virtue of
13 this act, shall be ascertained and determined in the
14 same manner as is provided in the one hundred and
15 twenty-sixth chapter of the revised statutes, for flow-
16 age created by mill dams : *provided*, that no claim for

17 damage shall be sustained unless made and prosecuted
18 within two years from the time of the alleged injury.

SEC. 3. The above powers are granted upon the
2 condition that the said grantees, their associates and
3 assigns shall, within three years from the date hereof,
4 so far improve the navigation of said river as to run
5 a steamboat up said Piscataquis river to the town of
6 Maxfield.

SEC. 4. If the grantees aforesaid, their associates
2 and assigns, shall perform the conditions of this grant,
3 as provided in the last preceding section, the sole
4 right of navigating said Piscataquis river and its
5 tributaries by boats propelled by steam, from the
6 mouth of said Piscataquis river as far up the same
7 and its tributaries as they shall render the same navi-
8 gable, is hereby granted to them for the term of ten
9 years from and after the completion of the improve-
10 ments as provided in the third section of this act.

SEC. 5. If the said grantees, their associates and
2 assigns, shall, within six years from the passage of this
3 act, so far improve said Piscataquis river and the
4 Pleasant river, as to run a steamboat to Dover on the
5 Piscataquis river, or to Brownville on the Pleasant

6 river, the sole right to navigate said rivers, or either
7 of them, to the point to which their improvements
8 shall extend, is hereby granted to them for the period
9 of twenty years from and after the completion of the
10 improvements as herein provided.

SEC. 6. All rafts of lumber now usually floated
2 to market down said rivers, shall be permitted to pass
3 the locks, erected by virtue of this act, free of tolls ;
4 *provided*, said rafts are not loaded with any products
5 or freight other than lumber.

SEC. 7. All boats not propelled by steam shall be
2 permitted to pass any lock or other improvement
3 erected under and by virtue of this act, by paying
4 reasonable rates of toll therefor to be hereafter fixed
5 by the legislature.

SEC. 8. The grantees aforesaid, their associates,
2 successors and assigns, are hereby created a body
3 corporate, by the name of the Piscataquis River
4 Navigation Company, with a capital stock of fifty
5 thousand dollars, and with the powers incident to
6 corporations as described and defined in the seventy-
7 sixth chapter of the revised statutes and at common
8 law ; *provided*, that they shall, at any time during the

NAVIGATION OF THE PISCATAQUIS RIVER. 5

9 continuance of this grant, so elect by the vote of a
10 majority in interest, and proceed to organize under
11 and according to the provisions of said chapter of
12 the revised statutes.

SEC. 9. Nothing within this grant shall be construed
2 to authorize the running of any steamboat into or
3 upon the waters of the Penobscot river above Old
4 Town, or in any ways interfere with the rights granted
5 to the Penobscot River Navigation Company.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, July 22, 1848.

ORDERED, That 350 copies of the foregoing Bill, (reported by Mr. Adams of Harrington, from the committee on interior waters,) be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*