

MAINE STATE LEGISLATURE

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DOCUMENTS

PUBLISHED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1866.



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1866.

FORTY-FIFTH LEGISLATURE.

HOUSE.

No. 34.

REMONSTRANCE

OF J. W. VEAZIE AGAINST THE PETITION OF THE PENOBSCOT MILL-DAM
COMPANY.

To the Honorable Senate and

House of Representatives in Legislature assembled:

Your petitioner, John W. Veazie of Bangor, remonstrating as hereinafter set forth, represents :

That by an act approved February 12, 1828, entitled "an act to incorporate the Penobscot Mill-dam Corporation," you authorized certain persons therein named to construct dams on the Penobscot river and erect mills thereon at a place, now the town of Veazie, in the county of Penobscot, and that said persons or their associates duly organized said corporation, and at great cost and expense constructed dams on and across said river and built extensive blocks of mills thereon. And afterwards said corporation became insolvent, and all their property and rights, so far as the same could be taken, were seized upon execution by the then sheriff of said county and were levied upon, to pay the just debts of said company, and afterwards all said property and rights were purchased by your petitioner and conveyed to him by deed duly recorded, and he now occupies, maintains and uses the rights and property aforesaid without hinderance or adverse claim from any person or corporation.

And your petitioner further represents, that all of said property

is in good repair and condition and is of great value, and that he ought not to be disturbed in the exercise of his legal and constitutional rights in holding, using and enjoying said property in the manner that he and those under whom he claims have used, occupied and enjoyed the same for thirty years last past. And he respectfully submits that the good faith of the State is pledged to protect him in the use and possession of said property, and all such rights and privileges belonging to said corporation as could or did pass to his grantors by the levy aforesaid.

And your petitioner remonstrating further represents, that certain persons to him unknown but claiming to be the corporation aforesaid, by Charles P. Stetson, Esq., assuming to act as their attorney, intending and devising to obtain his property and rights aforesaid or to injure and destroy the same under pretence of reviving said corporation and embarrassing him in his rights and remedies, have asked your honorable bodies for authority to construct a new dam below said works, with authority to flow the water of Penobscot river fifteen feet in height above the high water produced by the flow of the tide, and that said persons urge the prayer of their petition under the pretence, that such flow is necessary to improve the navigation of the river below the dam of your petitioner. And your petitioner submits that such pretence is untrue in fact and that the real motive of said petitioners is to create a water power below, on which to erect other saw mills and to enhance the value of certain lands lying near the city of Bangor owned by said petitioners. And your petitioner says, that such dam, as he will show to your honorable bodies, if constructed would not only utterly destroy all his mills and privileges aforesaid, but would actually flow the mills belonging to other persons at Orono some miles above; and in proof of this fact he respectfully shows, that certain surveys and plans have been heretofore made at the request of the former proprietors of his property aforesaid, showing by actual surveys the elevations from the head of the tide in Veazie to the Union Mills so called in Orono, one of which surveys and plans was made by L. Baldwin in 1835, and another by W. P. Parrott now a civil engineer residing in Boston, and both of which agree within a small fraction of a few tenths of a foot; that by said plans and surveys it appears that, taking the level of the water at the head of the tide in Veazie when the tide is full as a point for measurement, your petitioner's

aprons under his wheels at his mills aforesaid are above said tide waters	5 feet	.10
His cross dam above said aprons	6 "	.05
Ayer's falls in Orono above said cross dam	5 "	.01

Making the whole elevation from the tide water aforesaid, to Ayers' Falls in Orono, but seventeen feet and four tenths. And he further says there are in Orono extensive mills known as the Basin Mills, the wheels of which are some feet below said Ayers' Falls, all of which would be flowed out by the contemplated dam of said petitioners, and he is confirmed in this statement by the fact that some years since the proprietors of said Basin Mills brought an action in the court of the United States sitting in Portland against the grantor of your petitioner then owning his mills aforesaid in Veazie, charging him with flowing said Basin Mills with his dam at Veazie, now the dam of your petitioner, and after a full trial of said suit the jury found a verdict against the grantor of your petitioner for a sum exceeding ten thousand dollars, which said verdict was never set aside, although the suit was afterwards arranged by the parties, by which arrangement the grantor of your petitioner procured the right to maintain his dam at its present height.

It would therefore follow, that a dam which would flow the water fifteen feet above the level of the tide in Veazie, would entirely flow out the dams and mills of your petitioner in Veazie, would flow said Basin Mills in Orono, and would leave a level of but two feet and four tenths between its surface in Veazie and the level of the aprons of the Union Mills at Orono. What effect such flow might produce upon the extensive and valuable mills at Orono, your petitioner submits respectfully to your consideration, as the conservators of the public interest in that town; and your petitioner informs your honorable bodies, that the plans and surveys aforesaid were by him submitted to your Committee having the petition signed by said Stetson under consideration, and the accuracy and correctness of said plans and surveys were confirmed by a surveyor called as a witness by said Stetson.

And your petitioner, further remonstrating, says, that in order to test the good faith of these persons assuming to act by said Charles P. Stetson, Esq., in that they will make said proposed erections for a public use and further the general interests and prosperity of the citizens of Bangor by creating a larger and better

power than is now in operation upon the river, he has proposed and does now propose to release and abandon to them all his property and rights aforesaid, at such sum as the parties aforesaid may agree upon, and if unable so to agree, he is willing that the Governor may appoint a commission of three persons residing out of said county, who shall determine such value and the place where the public interest demands such erections should be located, and that whenever said persons shall satisfy such commission that at least one half of the whole proposed capital has been bona fide subscribed, to wit, the sum of \$250,000, and will be expended, he will accept such sum as said commission shall determine he ought to receive and release his title to said mills, dams and rights, and that said commission shall have full power to fix the terms and conditions upon which said new company may proceed and by which said petitioner shall act in releasing aforesaid.

And your petitioner further remonstrates against authorizing any works or erections to flow out his property aforesaid, until all damages are appraised by such commission and paid or *secured*, because he says that if such dam is built, the whole erection would not of itself be of sufficient value to pay the damages he might suffer, and without payment or security he would be without adequate remedy. And he further says, that the grant of the powers asked, if not used, would tend to depreciate the value of his property, so that he could not sell or dispose of the same if he desired so to do, and would operate as a continuing incumbrance upon it, and to avoid this difficulty, if your honorable bodies see fit to grant the power and authority asked in the petition signed by said Stetson, he prays that you would provide that such a commission may be created, and that they should at the cost and expense of said petitioners, proceed within such reasonable time as you may order, to examine and appraise his property aforesaid, and that they should fix the time and manner in which the amount to be paid should be secured and paid to him as aforesaid.

And your petitioner further says, that the prayer of said petitioners contemplates the absorption and use of all the unoccupied water power remaining on the Penobscot river below the town of Orono, in the manner and to the extent herein set forth; and he respectfully submits that in view of the prospective growth and prosperity of the city of Bangor the authority prayed for ought not to be granted to private persons, for as he believes private

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purposes, without being regulated in its exercise and the location of the works which may be erected by some proper commission within the control of the State, before whom all parties interested might appear and be heard, and who while guarding private rights, would seek the advancement of the public interest,—that he is largely interested in property situated within said city, and if said water power is taken, it should be used for the advancement of the business and wealth of the inhabitants of said city.

JOHN W. VEAZIE.

BANGOR, February 5, 1866.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 8, 1866. }

Laid on the table by Mr. FARRINGTON of Fryeburg, and on
his motion ordered to be printed.

F. M. DREW, *Clerk.*