
FORTY-SEVENTH LEGISLATURE.

HOUSE.

No. 103.

STATE OF MAINE.

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

AN ACT to incorporate the Pushaw Dam Company.

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

SECTION 1. Joseph S. Smith, O. W. Whitten, Joshua
2 Buck, Richard S. Porter and Samuel Stinson of Old-
3 town, James Webster, A. B. Sutton, A. G. Ring, N.
4 C. Chapman, W. M. Rollins, Eben Webster, Charles
5 Buffum, J. W. Atwell, P. D. Webster, J. S. Hamil-
6 ton, J. W. Mayo and Samuel White, of Orono, W. T.
7 Pearsons, George W. Pickering and S. B. Gilman, of
8 Bangor, their associates, successors and assigns, are
9 hereby created a body politic and corporate, under the
10 name of the Pushaw Dam Company, with all the
11 power and privileges, and subject to all the duties and

12 liabilities now prescribed by law in relation to corpo-
13 rations.

SECT. 2. Said corporation are authorized to erect
2 and maintain a dam across Pushaw stream in Oldtown
3 and Alton, or either of said towns below the mouth of
4 Dead stream and above Porter's mills, so called, and
5 raise and hold the water above said dam for the use of
6 the mills below on said stream, and on the Stillwater
7 branch of the Penobscot river, and may remove any
8 rocks, stones, earth or other obstructions in said Pu-
9 shaw stream above said Porter's mills; and to this end
10 they may purchase and hold, or take and hold any
11 real estate necessary for their erections, works or exca-
12 vations; but nothing herein shall authorize said cor-
13 porations to flow the wheels of any mill now in opera-
14 tion above Porter's mills aforesaid. In case said cor-
15 poration take any real estate as aforesaid, they shall
16 proceed in manner and form as railroads are now
17 authorized to proceed in taking land, and persons from
18 whom such land is taken shall have all the rights and
19 remedies now given to persons from whom land is
20 taken for railroads.

SECTION 3. Any person injured in his lands or prop-
2 erty by water flowed or raised by said corporation
3 shall have against said corporation all the rights and

4 remedies prescribed in chapter ninety-two of the re-
5 vised statutes, or any act now or hereafter passed
6 additional to or amending said chapter; and if said
7 corporation neglect to pay any final judgment rendered
8 against them for damages under this section thirty
9 days after the demand therefor, in addition to the rem-
10 edies authorized in said chapter or acts aforesaid, said
11 dam shall be taken and deemed to be a nuisance, and
12 may be proceeded against by any party injured ac-
13 cordingly.

SECT. 4. Said corporation shall keep and maintain
2 suitable locks, sluices and wasteways for the passage
3 of all boats, rafts or lumber, now capable of navigat-
4 ing said stream above said Porter's mills, and the
5 same shall be allowed at all times to pass said dam,
6 free of charge or toll.

SECT. 5. Said corporation shall at all times furnish
2 the mills on Pushaw stream as much water as they
3 now receive, if the same is held back by their dam;
4 and in case of any controversy between any mill own-
5 er on Pushaw stream and said corporation, as to the
6 quantity of water said mill owner is entitled to receive
7 in any given stage of water in Pushaw pond, on com-
8 plaint, in writing, by either party, to the county com-
9 missioners of Penobscot county; said commissioners

10 shall notify all parties interested in such manner as
11 they may order of the time and place of hearing, and
12 may hear the parties, and thereupon may award, fix
13 and determine in the premises what said corporation
14 shall do, if anything, and fix the terms and conditions,
15 size of gates and quantity of water, said corporation
16 shall furnish at any given stage of water, above said
17 dam ; and they may alter or change their award and
18 determination from time to time as they see fit ; and
19 the cost and expense of such hearing shall be paid by
20 the party said commissioners shall order. It being
21 the intent of this section that the present water power
22 on said stream shall not be diminished, but may be
23 extended and enlarged, so far as the use of the water
24 held in the reservoir hereby authorized and drawn for
25 the benefit of all the mills aforesaid, will extend and
26 enlarge the power aforesaid.

SECT. 6. The capital stock of said corporation shall
2 not exceed twenty thousand dollars, and may be
3 divided into such number of shares as said corporation
4 at their first meeting may determine. No share shall
5 be less than one hundred dollars. Said corporation
6 may determine the proportion of stock the owner of
7 any mill from Dead stream aforesaid to the Basin mills
8 in Orono may take, and such owner shall have the

9 right to take such stock, if he elects so to do, upon
10 payment thereof to the treasurer of said corporation.

SECT. 7. Within eight months after the passage of
2 this act, said corporation shall apply to the county
3 commissioners of the county of Penobscot to make a
4 preliminary examination of the works they propose to
5 erect, and all damages that any person is liable to
6 suffer in consequence of said works; and they shall
7 submit to said commissioners plans properly drawn of
8 said proposed works, and said commissioners, at the
9 cost and expense of said corporation, shall view and
10 examine said streams, Pushaw pond and its shores,
11 and the plan of said proposed works, and thereupon
12 shall submit to said corporation an estimate of the
13 probable cost of said works and the amount of such
14 damage; and no works or erections hereby authorized
15 shall be made until the stockholders of said corpora-
16 tion shall have paid into the treasury of said corpora-
17 tion, or secured to the satisfaction of said commission-
18 ers, for the use and benefit of all persons interested,
19 the full amount of said estimate.

SECT. 8. After the dam authorized by this act has
2 been erected, said corporation may from time to time
3 assess the owner or occupant of any water mill using
4 the water passing through or over the same, and situ-

5 ated on said stream or Stillwater branch, their just
6 proportion of the cost and expense of erecting, main-
7 taining and managing the same, with their proportion
8 of all damages paid for flowing. The treasurer of said
9 corporation shall give notice of said assessment by
10 publishing the same in some newspaper printed at
11 Bangor, which notice shall be published at least three
12 weeks, and any person agrieved by said assessment
13 within sixty days from the last publication, may file
14 with the county commissioners of the county of Penob-
15 scot, an application for an abatement of the whole or
16 any part of said assessment, stating therein the reasons
17 for such abatement; and said commissioners shall
18 thereupon proceed to hear the parties and determine
19 any and all questions raised by such application, and
20 they may abate any or all of such assessment, or ap-
21 prove the same or any part thereof, and their award,
22 order or determination shall conclude the parties, and
23 they may award cost of their expenses of hearing
24 against either party as they deem just and equitable.
25 If said assessment or any part thereof is approved by
26 said commissioners the amount thus approved may be
27 recovered of the person so assessed by said corporation,
28 in an action for money paid, laid out and expended;
29 and in case no application is made by a person assessed

30 as aforesaid, said corporation may recover such assess-
31 ment of the person assessed by an action as aforesaid
32 after demand therefor.

SECT. 9. The authority hereby granted to build and
2 erect said dam shall continue for the term of three
3 years from and after the passage of this act, and if the
4 same is not then completed this act shall be void; and
5 nothing herein contained shall be construed as prevent-
6 ing the legislature from amending or repealing this
7 act

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 15, 1868. }

Reported from the Committee on Interior Waters, by Mr.
HARTWELL of Oldtown, and ordered to be printed.

S. J. CHADBOURNE, *Clerk.*